

BCC Mtg. Date: Aug. 1, 2017

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Final BCC Meeting Minutes

Tuesday, June 20, 2017

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Jacobs called the meeting to order at 9:06 a.m.

Present: 7 - Mayor Teresa Jacobs, Commissioner Bryan Nelson, Commissioner Jennifer Thompson, Commissioner Pete Clarke, Commissioner Betsy VanderLey, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

Others Present:

County Comptroller Phil Diamond as Clerk
County Administrator Ajit Lalchandani
County Attorney Jeffrey J. Newton
Deputy County Attorney Joel Prinsell
Deputy Clerk Katie Smith
Senior Minutes Coordinator Noelia Perez
Senior Minutes Coordinator Jennifer Lara-Klimetz

Invocation

Rev. Dr. Nancy Graham Ogne, Hope Presbyterian Church

Pledge of Allegiance**Announcement**

County Mayor Jacobs announced the passing of Former Orange County Commissioner Vera Carter.

Public Comment

The following person addressed the Board: David Bottomley.

I. CONSENT AGENDA**Approval of the Consent Agenda**

The Mayor deferred action on Administrative Services Department Items 13, 20, 21; further, deleted Health Services Department Item 2; and further, a motion was made by Commissioner VanderLey, seconded by Commissioner Clarke, to approve the balance of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

A. COUNTY COMPTROLLER

1. [17-774](#) Approval of the minutes of the May 23, 2017 meeting of the Board of County Commissioners. (Clerk's Office)

2. [17-775](#) Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:

- June 02, 2017, to June 08, 2017; total of \$40,273,020.03
- June 9, 2017, to June 15, 2017; total of \$20,847,049.13.

(Finance/Accounting)

B. COUNTY ADMINISTRATOR

1. [17-776](#) Confirmation of the County Mayor's staff reappointments for the third quarter, April through June FY 2016-2017. (Human Resources Division)

Anne M. Kulikowski, Director, Administrative Services

Reed A. Knowlton, Manager, Fiscal & Operational Support, Administrative Services

Carrie Woodell, Manager, Procurement, Administrative Services

Mitchell L. Glasser, Manager, Housing & Community Development, Community, Environmental and Development Services

Renzo A. Nastasi, Manager, Transportation Planning, Community, Environmental and Development Services

William R. Powell, Manager, In-Custody Support Services, Corrections

Joel D. Prinsell, Deputy County Attorney, County Attorney's Office

Kurt Petersen, Manager, Office of Management and Budget, Office of Accountability

Yolanda S. Brown, Manager, Fiscal and Operational Support, Family Services

Anthony Rios, Division Chief, Infrastructure & Asset Management, Fire Rescue

Dil D. Luther, Manager, Animal Services, Health Services

Joshua D. Stephany, Medical Examiner, Health Services

Deodat Budhu, Manager, Roads and Drainage, Public Works

Julie R. Naditz, Manager, Highway Construction, Public Works

Joseph C. Kunkel, Deputy Director, Public Works

Jacqueline W. Torbert, Manager, Water, Utilities

James W. Becker, Manager, Solid Waste, Utilities

Teresa Remudo-Fries, Deputy Director, Utilities

Todd P. Swingle, Deputy Director, Utilities

2. [17-777](#) Approval and execution of Resolution 2017-M-18 of the Orange County Board of County Commissioners regarding AA Metals, Inc. Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)

3. [17-778](#) Approval of budget amendments #17-43 and #17-44. (Office of Management and Budget)

C. COUNTY ATTORNEY

1. [17-779](#) Approval of proposed revisions to Administrative Regulation 5.02.01, titled "Newsletters, Public Information And/Or Public Relations Publications."

D. ADMINISTRATIVE SERVICES DEPARTMENT

1. [17-780](#) Approval to award Invitation for Bids Y17-1065-DG, Right-of-Way Mowing - Taft Area, Section I, to the low responsive and responsible bidder, Lawnwalker Services, Inc. The estimated annual contract award amount is \$476,050. ([Public Works Department Roads and Drainage Division] Procurement Division)
2. [17-781](#) Approval to award Invitation for Bids Y17-1073-RM, Operation, Maintenance & Monitoring of the Landfill Gas, Leachate and Stormwater Management System at the Orange County Landfill to the low responsive and responsible bidder, Carlson Environmental Consultants, PC. The estimated annual contract award amount is \$2,178,317. ([Utilities Department Solid Waste Division] Procurement Division)
3. [17-782](#) Approval to award Invitation for Bids Y17-1092-PD, Automated Bear Resistant Carts, to the low responsive and responsible bidder, Northland Products, Inc. The total contract award amount is \$367,425. ([Utilities Department Solid Waste Division] Procurement Division)
4. [17-783](#) Approval to award Invitation for Bids Y17-745-RM, Bithlo Park New Playground & Shadow Bay Park Playground Improvements, to the low responsive and responsible bidder, CORE Engineering & Construction, Inc. The total contract award amount is \$755,478. ([Administrative Services Department Capital Projects Division] Procurement Division)
5. [17-784](#) Approval to award Invitation for Bids Y17-750-RM, Orange County Fire Station 67, to the low responsive and responsible bidder, R.D. Michaels, Inc. The total contract award amount is \$3,368,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. [17-785](#) Ratification of Purchase Order M84931, Annual Site Subscription for Jury Management Software, with Courthouse Technologies LTD in the amount of \$110,700. ([Administrative Services Court Administration] Procurement Division)
7. [17-786](#) Approval of Amendment No. 3, Contract Y3-1021, Transfer, Processing and Marketing of Recyclables with Waste Management, Inc. of Florida in the amount of \$250,000. ([Utilities Department Solid Waste Division] Procurement Division)

8. [17-787](#) Approval of Amendment No. 7, Contract Y12-173-B, Security Guards Services Lot 2 at Corrections with G4S Secure Solutions, USA, Inc. for an extension of 120 days in the estimated amount of \$213,336.05, for a revised total estimated contract amount of \$1,097,570.05. ([Corrections Department Fiscal and Operational Support Division] Procurement Division)
9. [17-788](#) Approval of Amendment No. 8, Contract Y12-173-C, Security Guards Services Lot 3 at Corrections, with AlliedBarton Security Services LLC, for an extension of 120 days in the estimated amount of \$155,853.43, for a revised total estimated contract amount of \$811,421.49. ([Corrections Department Fiscal and Operational Support Division] Procurement Division)
10. [17-789](#) Approval of Amendment No. 2, Contract Y15-1142E, Fire Rescue & HazMat Supplies and Equipment, with Municipal Equipment Company, LLC in the estimated amount of \$52,000, for revised total estimated contract amount of \$224,000. ([Fire Rescue Department Infrastructure and Support Division] Procurement Division)
11. [17-790](#) Approval of Contract Y17-1118, Basic Construction Education Program for Inmates, with Valencia College for a 1-year term in the total contract award amount of \$200,800. ([Corrections Department Community Corrections Division] Procurement Division)
12. [17-791](#) Approval of Contract Y17-1075-PD, Vector Trucks Repair and Service, with Environmental Products of Florida, in the estimated annual contract award amount of \$400,000. ([Administrative Services Department Fleet Management Division] Procurement Division)
14. [17-793](#) Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Leslie Anthony Lewis and Georgia Elaine Adams Lewis, approval and execution of County Deed from Orange County to Leslie Anthony Lewis and Georgia Elaine Adams Lewis and authorization to perform all actions necessary and incidental to closing for NSP Resale - 6204 Royal Tern St., Orlando, FL 32810 (NCST). District 2. (Real Estate Management Division)
15. [17-794](#) Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Ruth Esther Lopez Jimenez and Raul Rafael Tejeda Garcia, approval and execution of County Deed from Orange County to Ruth Esther Lopez Jimenez and Raul Rafael Tejeda Garcia and authorization to perform all actions necessary and incidental to closing for NSP Resale - 10544 Huntridge Road, Orlando, FL 32825 (NCST). District 4. (Real Estate Management Division)
16. [17-795](#) Approval of As Is Residential Contract for Sale and Purchase with

Addendum to Contract for Residential Sale and Purchase and Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Jean Claude Edme and Lucette Lamour Edme, approval and execution of County Deed from Orange County to Jean Claude Edme and Lucette Lamour Edme and authorization to perform all actions necessary and incidental to closing for NSP Resale - 6451 Powers Pointe Circle, Orlando, FL 32818 (NCST). District 2. (Real Estate Management Division)

17. [17-796](#) Approval of General Warranty Deed, Temporary Slope Easement, Temporary Construction Easement and Drainage Easement from Crockett Development Property, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Boggy Creek Road (Boggy Creek Bridge North) (RAC). District 4. (Real Estate Management Division)
18. [17-797](#) Approval of Drainage Easement from Meritage Homes of Florida, Inc. and Lake Preserve Homeowners' Association, Inc. to Orange County and authorization to record instrument for Lake Preserve Phase 1. District 4. (Real Estate Management Division)
19. [17-798](#) Approval of Utility Easement from North Pine Hills Road, LLC to Orange County, Subordination of Encumbrances to Property Rights to Orange County from Patriot Bank and authorization to record instruments for Advanced Disposal NC - Building and Site Permit: B16901446 OCU File #: 86726. District 2. (Real Estate Management Division)
22. [17-801](#) Approval of Non-Exclusive Drainage Easement from Ocoee Business Park, L.L.C. to Orange County with Mortgagee Joinder and Consent to Non-Exclusive Drainage Easement from JTB Investments, LLC and authorization to disburse funds to pay all recording fees and record instrument for Dunbar Avenue Drainage Easement Acquisition. District 1. (Real Estate Management Division)

E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [17-802](#) Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 2, 3, 4, 5, and 6. (Code Enforcement Division)

LC 17-0299 LC 17-0522 LC 17-0479 LC 17-0459 LC 17-0501
LC 17-0377 LC 17-0424 LC 17-0482 LC 17-0469 LC 17-0502
LC 17-0421 LC 17-0435 LC 17-0483 LC 17-0472 LC 17-0503
LC 17-0458 LC 17-0442 LC 17-0149 LC 17-0480 LC 17-0505
LC 17-0481 LC 17-0465 LC 17-0397 LC 17-0485 LC 17-0507

LC 17-0513 LC 17-0470 LC 17-0429 LC 17-0487 LC 17-0508
LC 17-0518 LC 17-0402 LC 17-0445 LC 17-0493 LC 17-0509
LC 17-0519 LC 17-0474 LC 17-0450 LC 17-0496 LC 17-0541

2. [17-803](#) Approval and execution of DEP Agreement No. NS007 State of Florida Department of Environmental Protection Division of Water Restoration Assistance Grant Agreement Pursuant to Line Item 1600A of the FY16-17 General Appropriations Act Pursuant to Line Item 1641 of the FY15-16 General Appropriations Act between the State of Florida Department of Environmental Protection and Orange County for Lake Lawne Stormwater Irrigation Facility at Barnett Park. District 6. (Environmental Protection Division)
3. [17-804](#) Approval and execution of First Amendment to Project Administration Agreement (#2016-15-06) between Orange County, Florida and Homeless Services Network of Central Florida, Inc. Regarding the Emergency Solutions Grant Program FY 2016-2017 to modify the budget line items in the agreement. All Districts. (Housing and Community Development Division)
4. [17-805](#) Approval and execution of First Amendment to Interlocal Agreement between The School Board of Orange County, Florida and Orange County, Florida to use a meeting room and associated facilities at Bithlo Community Park for a suspension center for an additional one-year term. District 5. (Parks and Recreation Division)

F. FAMILY SERVICES DEPARTMENT

1. [17-806](#) Approval of Orange County Head Start Program Application for Federal Assistance (Continuation - Year 3) FY 2017-18 between Orange County and Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the estimated amount of \$12,860,452 for the continued operation of the Head Start Program; and approval and execution of (1) Certification of Filing and Payment of Federal Taxes and (2) Employee Compensation Cap Compliance Assurance. The total required non-federal match in the amount of \$3,215,112 is derived from parent volunteerism, donation of goods and services, lease agreements, and Orange County support. (Head Start Division)
2. [17-807](#) Approval of Orange County Head Start Program Application for Federal Assistance Related to Cost-of-Living Adjustment (1%) FY 2017 between Orange County and Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the estimated amount of \$126,114 to offset higher operational costs of the Head Start Program; and approval and execution of (1) Certification of Filing and Payment of Federal Taxes and (2) Employee Compensation Cap Compliance Assurance. (Head Start Division)

3. [17-812](#) Receipt and filing of Head Start Policy Council Program Information and Updates May 2017 and Head Start Policy Council Meeting Minutes April 20, 2017 for the official county record. (Head Start Division)
4. [17-813](#) Approval of the May 2017 Business Assistance for Neighborhood Corridors Program Grant for The Play Palace (\$5,000). District 2. (Neighborhood Preservation and Revitalization Division)

G. FIRE RESCUE DEPARTMENT

1. [17-814](#) Approval and execution of Interlocal Agreement by and between Seminole County and Orange County for the use of WebEOC® Software. (Office of Emergency Management)

H. HEALTH SERVICES DEPARTMENT

1. [17-818](#) Approval to pay Orange County's Medicaid share of cost in accordance with Florida Statute 409.915 for state fiscal year 2017-18 in the amount of \$19,373,018.61.
2. [17-823](#) Approval to transfer computer equipment purchased with Ryan White grant funds to service providers and remove it from the Ryan White inventory.

(This item was deleted).

I. PUBLIC WORKS DEPARTMENT

1. [17-825](#) Authorization to record the plat of Lake Buena Vista Hotels. District 1. (Development Engineering Division)
2. [17-827](#) Approval of Traffic Control Devices and "No Parking" sign installations in Latham Park South. District 1. (Traffic Engineering Division)
3. [17-828](#) Approval of Traffic Control Devices and "No Parking" sign installations in Wyndham Lakes Estates Phase 5N A Replat. District 4. (Traffic Engineering Division)
4. [17-829](#) Approval of Amendment No. 3 to the Road Network Agreement with SLF IV/BOYD HORIZON WEST JV, LLC for the Northerly Extension of Hamlin Groves Trail from New Independence Parkway to Tiny Road in the amount of \$329,293.86 for a revised total contract amount of \$973,203.86. District 1. (Engineering Division)

J. UTILITIES DEPARTMENT

1. [17-830](#) Approval and execution of Utility Line Construction Reimbursement Agreement for Innovation Way Segment 3B by and between Orange County,

Florida and Lennar Homes, LLC in the amount of \$110,000. District 4.
(Engineering Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. [17-831](#) Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Orlando Voluntary Annexation Request - Lake Baldwin 5 - ANX2017-00002 Notice of Proposed Enactment. Proposed Ordinance 2017-26, entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located east of Lake Baldwin Lane, south of Rixey Street, west of Jamajo Boulevard and north of Hargrave Street; and comprised of 0.57 acres, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity on the City's Official Future Land Use Maps; providing for amendment of the City's Official Future Land Use Maps; providing findings, amendment of the City's Boundary Description, and for amendment of the City's Official Maps; providing for severability, correction of scrivener's errors, and an effective date. A public hearing on this Ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.
 - b. Boggy Creek Improvement District Proposed FY 2018 Operations & Maintenance Budget.
 - c. Myrtle Creek Improvement District Proposed FY 2018 Operations & Maintenance Budget.
 - d. Greeneway Improvement District Proposed FY 2018 Operations & Maintenance Budget.
 - e. City of Winter Garden Notice of Annexation Ordinance, Attachment A (Legal Description) and Attachment B (Location Map). Ordinance 17-10, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.88 ± acres located at 14131 Tilden Road on the north side of Tilden Road, west of Grove View Drive and south of Stoneybrook West Parkway into the city Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
 - f. City of Orlando Ordinance with Exhibit A (Legal Description Form), Exhibit B (Zoning Map), and Orlando Sentinel Notice of Proposed

Enactment for Ordinance No. 2017-14 entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located south of Oglesby Avenue, west of Clay Street, east of Formosa Avenue and north of Crandon Avenue, and comprised of 0.242 acres of land, more or less; providing findings, amendment of the City's boundary description, and for amendment of the City's official maps; providing for severability, correction of scrivener's errors, and an effective date.

g. Orange County, Florida Citizens Annual Financial Report For The Year Ended September 30, 2016.

This item was received and filed.

III. DISCUSSION AGENDA

A. CONVENTION CENTER

1. [17-837](#) Convention Center Campus Master Plan Update. (Strategic Planning and Development Division)

The following persons addressed the Board:

Bill Carteaux
Jennifer Hoff
Buffy Levy
Keegan Hooks
Lori Jenks
Mark Reicher (phonetic)

The Board took no action.

B. ADMINISTRATIVE SERVICES DEPARTMENT

1. [17-838](#) Selection of five firms and two ranked alternates to provide Continuing Utilities Consulting Engineering Services, Request for Proposals Y17-901-PH, from the following 16 firms, listed alphabetically:

- Atkins North America, Inc.
- Barnes, Ferland and Associates, Inc.
- Black & Veatch Corporation
- CDM Smith, Inc.
- CPH, Inc.
- Dewberry Engineers, Inc.
- Hazen and Sawyer
- Inwood Consulting Engineers, Inc.
- Jacobs Engineering Group, Inc.
- Kimley-Horn and Associates, Inc.

- Neel-Schaffer, Inc.
- Poulos & Bennett, LLC
- Reiss Engineering, Inc.
- Tetra Tech, Inc.
- Woolpert, Inc.
- Wright-Pierce

((Utilities Department Engineering Division] Procurement Division)

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to appoint Atkins North America, Inc., 474 points, Tetra Tech, Inc., 472 points, Barnes, Ferland and Associates, Inc., 457 points, Woolpert, Inc., 450 points, Reiss Engineering, Inc., 445 points, as the selected firms; and further, appoint #1 Black & Veatch Corporation, 437 points, and #2 CPH, Inc., 433 points, as the selected ranked alternates. The motion carried by the following vote:

Aye: 6 - Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Jacobs

2. [17-839](#) Selection of three firms and an alternate to provide Engineering Services for Continuing Utilities Geotechnical and Materials Testing for Utilities, Request for Proposals Y17-903-PH, from the following four firms, listed alphabetically:

- Ardaman & Associates, Inc.
- Professional Service Industries, Inc.
- Terracon Consultants, Inc.
- Universal Engineering Sciences, Inc.

((Utilities Department Engineering Division] Procurement Division)

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to appoint Terracon Consultants, Inc., 453 points, Ardaman & Associates, Inc., 447 points, and Professional Service Industries, Inc., 365 points, as the selected firms; and further, appoint Universal Engineering Sciences, Inc., 351 points, as the alternate. The motion carried by the following vote:

Aye: 6 - Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Jacobs

C. UTILITIES DEPARTMENT

1. [17-840](#) Approval to establish the haulers compensation rates as listed and set the MSBU at \$220 for Program Year 2018 and authorization to include the Tentative Mandatory Refuse Collection Rate of \$220 on the 2017 Notice of Proposed Taxes. All Districts. (Solid Waste Division)

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to

approve the tentative Municipal Service Benefit Unit (MSBU) rate at \$220 per household for calendar year 2018; and further, approve the hauler compensation rates set at: Zone 1 - \$139.17, Zone 2 - \$172.14, Zone 3 - \$149.88, Zone 4 - \$121.56, and Zone 5 - \$123.71. The motion carried by the following vote:

Aye: 6 - Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Jacobs

NON AGENDA

Comptroller Diamond addressed the Board in regards to Citizens Annual Financial Report For The Year Ended September 30, 2016, listed in the Informational Items.

IV. WORK SESSION AGENDA

A. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [17-841](#) Florida-Friendly Development Strategies.

The Board took no action.

Presentation

Employee Service Awards to:

Janine Marie Campbell (20), Parks & Recreation, Rosa Elaine Parker (25), Community, Environmental and Development Services; Stephen Dwayne Grice (20), Steve Jusino (20), In-Custody Support Services, Teresa Marie Skelton (25) Security Operations, Corrections; Jamie Harrold (25), Polly J. Boulter (30), Head Start, Family Services; Sarah Louise Price (25), Traffic Engineering, Public Works; Robert A. Sutherland (30), Water, Utilities

V. RECOMMENDATIONS

1. [17-842](#) June 1, 2017 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Thompson, seconded by Commissioner Clarke, to approve the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, and Commissioner Siplin

Absent: 1 - Commissioner Bonilla

Announcement

County Administrator Lalchandani officially announced a Brownfield Notice, this meeting will be

held at 6:00 p.m., or soon thereafter on June 28, 2017, at Lancaster Elementary School. Florida Statutes requires this meeting be advertised and posted as well as the County making an announcement of the first of two public hearings taking place. The purpose of the meeting is to designate certain parcels in the Pine Castle Urban Center located on Orange Avenue between Gem Street and Sand Lake Road in unincorporated Orange County as a Brownfield Area.

VI. PUBLIC HEARINGS

1. [17-654](#) Petition to Vacate

Angel Muriel, Petition to Vacate # 16-10-026, vacate a portion of a utility easement; District 4

Consideration: Resolution granting Petition to Vacate # 16-10-026, vacating a portion of a 6 ft wide utility easement, containing approximately 174 square feet.

Location: District 4; The parcel address is 732 Maloney Lane; S29/T22/R31; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to approve the request. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, and Commissioner Siplin

Absent: 1 - Commissioner Bonilla

2. [17-655](#) Petition to Vacate

Daniel B. Bellows on behalf of Benjamin Partners, Ltd., Petition to Vacate # 17-04-020, vacate a portion of a drainage easement; District 5

Consideration: Resolution granting Petition to Vacate # 17-04-020, vacating a 50 ft wide drainage easement containing approximately 0.524 acres.

Location: District 5; Two parcel addresses are 1150 Bennett Avenue and 1441 Kindel Avenue. The other two parcels are unaddressed; S01/T22/R29; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to approve the request. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, and Commissioner Siplin

Absent: 1 - Commissioner Bonilla

3. [17-664](#) Petition to Vacate

Nadav Korem and Patricia Winans-Korem, Petition to Vacate # 17-03-015, vacate a portion of right-of-way; District 1

Consideration: Resolution granting Petition to Vacate # 17-03-015, vacating a portion of a 16

foot wide right-of-way, containing approximately 0.075 acres.

Location: District 1; One parcel address is 14206 Siplin Road. The other parcel is unaddressed; S34/T22/R27; Orange County, Florida (legal property description on file)

County staff announced approval of the request is subject to the dedication of a drainage easement over the portion of the right-of-way to be vacated.

The following persons addressed the Board:

Wilfred Minus

Nadav Korem

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to approve the request subject to the dedication of a drainage easement over the portion of right-of-way to be vacated. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

4. [17-715](#) Petition to Vacate

Jon D. Walls, of NAI Realvest, Petition to Vacate # 15-12-024, vacate portions of three open and improved rights-of-way; District 5

Consideration: Resolution granting Petition to Vacate # 15-12-024, vacating portions of three open and improved rights-of-way known as Euston Road (0.135 acres), Salisbury Boulevard (0.042 acres) and Roxbury Road (0.134 acres), containing a total of approximately 0.311 acres.

Location: District 5; the parcel addresses are 2401 and 2405 Euston Road, 2330 Salisbury Boulevard, 115 and 139 Killarney Drive, 2321 and 2336 Roxbury Road; S02/T22/R29; Orange County, Florida (legal property description on file)

County staff announced approval of this request is subject to the completion and acceptance for maintenance of the new sidewalk along Roxbury Road prior to recordation of the vacation.

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to approve the request subject to the completion and acceptance for maintenance of the new portions of sidewalk along Roxbury Road. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

5. [17-717](#) Petition to Vacate

Bryan F. Borland, on behalf of Alta Grande Apartments, L.P., Petition to Vacate # 14-02-006, vacate a drainage easement; District 4

Consideration: Resolution granting Petition to Vacate # 14-02-006, vacating a drainage easement containing approximately 1.049 acres.

Location: District 4, The parcel is unaddressed; S09/T24/R29; Orange County, Florida (legal

property description on file)

County staff announced approval of this request is subject to the drainage easement within the petitioner's property.

The following person addressed the Board: Celeste Thacker.

A motion was made by Commissioner Thompson, seconded by Commissioner Clarke, to approve the request; further, approve Drainage Easement from Alta Grande Apartments, L.P. to Orange County, Subordination of Encumbrances to Property Rights to Orange County from TD Bank, N.A. and authorization to record instruments for Petition to Vacate #14-02-006 (Grand Lakes Boulevard); and further, approve Drainage Easement from BR Carroll Arium Grande Lakes Owner, LLC to Orange County with Joinder and Consent of Association from Grande Lakes Stormwater Management Association, Inc. and Joinder and Consent from Walker & Dunlop GP, LLC As Attorney-in Fact for Fannie Mae and authorization to record instrument for Grande Lakes Drainage Easement. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

and

I. CONSENT AGENDA (Deferred)

D. ADMINISTRATIVE SERVICES DEPARTMENT

20. [17-799](#) Approval of Drainage Easement from Alta Grande Apartments, L.P. to Orange County, Subordination of Encumbrances to Property Rights to Orange County from TD Bank, N.A. and authorization to record instruments for Petition to Vacate #14-02-006 (Grand Lakes Boulevard). District 4. (Real Estate Management Division)

This item was approved.

and

ADMINISTRATIVE SERVICES DEPARTMENT

21. [17-800](#) Approval of Drainage Easement from BR Carroll Arium Grande Lakes Owner, LLC to Orange County with Joinder and Consent of Association from Grande Lakes Stormwater Management Association, Inc. and Joinder and Consent from Walker & Dunlop GP, LLC As Attorney-in Fact for Fannie Mae and authorization to record instrument for Grande Lakes Drainage Easement. District 4. (Real Estate Management Division)

This item was approved.

PUBLIC HEARINGS**6. [17-571](#) Board of Zoning Adjustment Appeal**

Ariel Malagon, Case # VA-17-04-022, April 6, 2017; District 3

Case No.: Board of Zoning Adjustment Case # VA-17-04-022; April 6, 2017

Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for a variance to allow a cumulative amount of 5,169 sq. ft. of accessory use floor area in lieu of 2,000 sq. ft.

Location: District 3; property generally located at the west side of S. Chickasaw Trail, approximately 1,000 ft. south of El Prado, and approximately .8 mi. north of Curry Ford Rd; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

Tushaar Desai
Mike Hill

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to deny the request; and further, uphold the Board of Zoning Adjustment Recommendation of April 6, 2017, subject to the nine conditions in the staff report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

7. [17-658](#) Conservation Area Impact

Taylor Morrison of Florida, Inc., permit (CAI-16-04-018); District 1

Consideration: Request for a Conservation Area Impact Permit

Location: District 1; on Lake Hancock, located on John Hancock Drive, Winter Garden, FL 34787; Section 28, Township 23 South, Range 27; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following person addressed the Board:

Jim McNeil
Patrick McDonald
Carolyn Warren
Monica Kozak
Frank Tarantino
Lois Farlow

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Jim McNeil

- Exhibit 2, from Frank Tarantino

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to approve the Conservation Area Impact Permit (CAI-16-04-018) subject to the conditions of approval listed in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

and

8. [17-659](#) Boat Ramp

Taylor Morrison of Florida, Inc., Lake Hancock, permit (BR-16-04-000);
District 1

Consideration: Request for Permit (BR-16-04-000) to construct a semi-private boat ramp facility, pursuant to Orange County Code, Chapter 15, Article XV, Section 15-605(d)(2).

Location: District 1; on Lake Hancock, located on John Hancock Drive, Winter Garden, FL 34787; Section 28, Township 23 South, Range 27; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to approve the Semi-Private Boat Ramp Facility Permit (BR-16-04-000), with the approval of the three (3) variance requests, subject to the conditions of approval listed in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

and

I. CONSENT AGENDA (Deferred)

D. ADMINISTRATIVE SERVICES DEPARTMENT

13. [17-792](#) Approval and execution of Developer's Agreement for Construction of a Semi-Private Boat Ramp Facility between Orange County, The Overlook At Hamlin Homeowners Association, Inc. and Taylor Morrison of Florida, Inc. and authorization to record instrument for Overlook Neighborhood Semi-Private Boat Ramp. District 1. (Real Estate Management Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Clarke, to approve and execute the Developer's Agreement for Construction of a Semi-Private Boat Ramp Facility between Orange County, The Overlook At Hamlin Homeowners Association, Inc. and Taylor Morrison of Florida, Inc. and authorization to record instrument for Overlook Neighborhood Semi-Private Boat Ramp. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke,

Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

PUBLIC HEARINGS

9. [17-151](#) Preliminary Subdivision Plan

Marc Stehli, Poulos & Bennett, LLC, Hickory Nut Estates Planned Development / Hickory Nut Estates Preliminary Subdivision Plan, Case # PSP-16-06-222; District 1 (Continued from March 21, 2017 and June 20, 2017)

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to continue the public hearing until August 1, 2017, at 2 p.m. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Thompson

10. [17-621](#) Preliminary Subdivision Plan

Momtaz Barq, Terra-Max Engineering, Inc., Royal Estates PD/ Parcel 1 Preliminary Subdivision Plan (PSP), Case # PSP-16-09-337; District 1

Consideration: Royal Estates PD / Parcel 1 Preliminary Subdivision Plan, Case # PSP-16-09-337, submitted in accordance with Sections 34-69 and 30-89 Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide 6.55 acres in order to construct 35 single family attached residential dwelling units.

Location: District 1, property generally located North of Reams Road / West of Taborfield Avenue; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Momtaz Barq.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

11. [17-663](#) Preliminary Subdivision Plan

John J. Herbert, American Civil Engineering Company, Heaven IV Preliminary Subdivision Plan (PSP), Case # PSP-16-06-199; District 6

Consideration: Heaven IV Preliminary Subdivision Plan, Case # PSP-16-06-199, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide 4.24 acres into three (3) commercial lots.

Location: District 6; property generally located North of Sand Lake Road / West of Presidents Drive; Orange County, Florida (legal property description on file in Planning Division)

County staff announced the request is to subdivide 4.24 acres into three (3) non-residential lots.

The following person addressed the Board: John Herbert.

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

12. [17-713](#) Preliminary Subdivision Plan

Orange County Public Schools (Tyrone K. Smith), Hubbard Construction
PD/Pine Hills Transportation Facility PSP/DP, Case # PSP-16-11-395;
District 2

Consideration: Hubbard Construction Planned Development (PD) / Pine Hills Transportation Facility Preliminary Subdivision Plan (PSP) / Development Plan (DP), Case # PSP-16-11-395, submitted in accordance with Sections 34-69 and 30-89 Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide and expand the existing transportation facility and parking, to include a community learning center / administration building, a bus fleet maintenance building, a bus wash, and a driver's lounge. The requested improvements result in an additional 29,280 square feet of commercial buildings and an additional 45,870 square feet of industrial buildings on 75.71 acres.

Location: District 2; property generally located West of Pine Hills Road, South of Clarcona-Ocoee Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

Tyrone Smith
Richard Hosier

A motion was made by Commissioner Nelson, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

13. [17-719](#) Preliminary Subdivision Plan

Kathy Hattaway, Poulos & Bennett, LLC, Northeast Resort Parcel Planned

Development (PD) / NERP Phase 5 Preliminary Subdivision Plan (PSP),
Case # PSP-16-12-423; District 1

Consideration: Northeast Resort Parcel Planned Development (PD) / NERP Phase 5 Preliminary Subdivision Plan, Case # PSP-16-12-423, submitted in accordance with Sections 34-69 and 30-89 Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct sixty (60) detached single-family residential dwelling units on Parcels I and K. The request also includes the following waiver from Orange County Code: A waiver for Phase 5 (Parcels I and K) is requested from Section 34-267(h) to allow a stormwater collection system to connect to the retention outfall system in lieu of separation between both systems.

Location: District 1; property generally located North of Vista Boulevard / East of Disney's Fort Wilderness; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Kathy Hattaway.

A motion was made by Commissioner VanderLey, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Commissioner Nelson, Commissioner Thompson, Commissioner Clarke,
Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Jacobs

14. [17-618](#) Substantial Change

Michael Dipaola, United Sign Systems, Universal Boulevard Planned
Development / Land Use Plan (PD / LUP), Case # CDR-17-03-066,
amend plan; District 6

Consideration: A PD Substantial change request to amend the existing Master Sign Plan and grant the following waivers from Orange County Code for PD Parcel 5A only: 1. A waiver from Section 31.5-163(a)(2) to allow 1,042 square feet of wall signage, in lieu of 200 square feet. 2. A waiver from Section 31.5-168(b) to allow two (2) wall signs per building face for a single tenant, in lieu of one (1) wall sign. 3. A waiver from Section 31.5-163(a)(2) to allow a maximum copy area of 369 square feet for wall signs, in lieu of sixty (60) square feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 6, property generally located South of Sand Lake Road, east of Universal Boulevard; Orange County, Florida (legal property description on file)

New Condition of Approval # 6d:

6d. Any change to copy on the signs shown on this Land Use Plan will be a substantial change due to the extent and size of the waivers being granted.

The following person addressed the Board: Michael Dipaola.

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the staff report; and further, approve new condition of approval # 6d. The motion carried by the following vote:

Aye: 5 - Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Jacobs

Abstain: 1 - Commissioner Nelson

15. [17-619](#) Substantial Change

Abdul Alkadry, Harris Civil Engineers, LLC, Vineland Pointe Planned Development / Land Use Plan (PD / LUP), Case # CDR-17-03-082, amend plan; District 1

Consideration: A PD substantial change request to consolidate the previous BCC Conditions of Approval. No changes to the existing development program or standards are proposed; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located North of Lake Street, south of Lake Wills Drive, and east of Interstate 4; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

Abdul Alkadry
Sun Wah Cheng
Jerry Aldrich

Modified Condition of Approval # 11q:

11q: There shall be no access for Parcels 2 & 3 to Lake Willis Drive. The project shall be limited to 12 non-motorized water craft and one (1) safety boat powered by a maximum 25 HP engine for Phase 1.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, approve modified condition of approval # 11q. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

16. [17-620](#) Substantial Change

Jay R. Jackson, P.E., Kimley-Horn & Associates, Inc., Tinwood PD /
Regency Village Preliminary Subdivision Plan, Case # CDR-16-11-385,
amend plan; District 1

Consideration: This Preliminary Subdivision Plan (PSP), substantial change is a request to split Lot 1 into four (4) lots numbered Lot 1A through Lot 1D. The request also includes the following waivers from Orange County Code: A waiver from Orange County Code Section 34-152(c) is requested to allow Lots 1B, 1C, and 1D access through a twenty-five (25) foot minimum wide private access easement in lieu of a twenty (20) foot dedicated public street; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 1, property generally located North of International Drive South / East of Vineland Ave; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jay Jackson.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, and Commissioner Siplin

Absent: 1 - Commissioner Bonilla

17. [17-656](#) Substantial Change

Christina Baxter, Poulos and Bennett, LLC, Yates Planned Development /
Land Use Plan (PD / LUP), Case # CDR-17-04-104, amend plan; District 4

Consideration: A PD substantial change request to reduce the rear yard building setback for townhouse patio structures only from 20 feet to 10 and 12 feet, and to reduce the side-street building setback or for such structures from 15 to 10 feet. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-79(20)(p) for Phase 1D-3, Lots 1-10, 14-30 and 103-120 only of the associated Preliminary Subdivision Plan only, to allow for a minimum rear yard building setback of 10 feet for townhouse patio structures, in lieu of a minimum rear yard building setback of 20 feet.

2. A waiver from Section 38-79(20)(p) for Phase 1D-3, Lots 96 and 97 only of the associated Preliminary Subdivision Plan, to allow for a minimum rear yard building setback of 12 feet for townhouse patio structures, in lieu of a minimum rear yard building setback of 20 feet.

3. A waiver from Section 38-1405(g) for Phase 1D-3, Lots 31, 78, and 92 only of the associated Preliminary Subdivision Plan, to allow for a minimum side-street building setback of 10 feet for townhouse patio structures, in lieu of a minimum side-street building setback of 15 feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located Southeast of Sawgrass Plantation Boulevard,

approximately 2,500 feet south of East Wetherbee Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Christina Baxter.

A motion was made by Commissioner Thompson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 5 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, and Commissioner Siplin

Absent: 2 - Commissioner VanderLey, and Commissioner Bonilla

18. [17-657](#) Substantial Change

Deborah L. Martohue, Martohue Land Use Law P.A., Hunter's Creek
Planned Development / Land Use Plan (PD / LUP), Case #
CDR-16-09-332, amend plan; District 1

Consideration: A PD substantial change request to amend the Hunter's Creek PD/LUP to allow for a 134-foot high camouflaged "monocross" communication tower and equipment compound on a 3,600 square-foot leased tract within an 8.29-acre parcel; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property located at 13502 Town Loop Boulevard; or generally at the southwest corner of Central Florida Greenway and Town Loop Boulevard; Orange County, Florida (legal property description on file)

The following person addressed the Board: Deborah Martohue.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

19. [17-662](#) Substantial Change

Alexis Crespo, Waldrop Engineering, AIPO Planned Development / Land
Use Plan (PD / LUP), Case # CDR-17-03-067, amend plan; District 4
(Continued from June 20, and July 11, 2017)

Consideration: A PD substantial change request to: 1) Convert 115 single-family attached residential dwelling units (townhomes) into single-family detached residential dwelling units; 2) Eliminate the maximum number of permitted 50-foot wide detached single-family residential lots (450 lots); 3) Eliminate the minimum number of required 60 and 70-foot wide detached

single-family residential lots; and 4) Reduce the minimum lot widths for single-family detached residential lots from 50 feet to 40 feet, necessitating the following waiver from Orange County Code: a) A waiver from Section 38-1501 to allow 40-foot minimum lot widths for single-family detached residential lots within the designated single-family detached residential portions of the PD only; in lieu of minimum 50-foot lot widths; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property located at 3001 & 4055 East Wetherbee Road; or generally north of East Wetherbee Road, approximately one mile west of Boggy Creek Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Alexis Crespo.

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to continue the public hearing until July 11, 2017, at 2 p.m. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

20. [17-666](#) Substantial Change

Robby Moon, KPM Franklin, Inc., Cassis Planned Development / Land Use Plan (PD / LUP), Case # CDR-17-02-051, amend plan; District 1

Consideration: A PD substantial change request to convert 300 timeshare units into 500 hotel units with PD Parcel C only, and establish / depict alternative setback, buffer, and access standards. More specifically, the applicant has requested alternative setback and buffer criteria for side and rear property lines, interior to the PD; a reduced buffer area along Bali boulevard; and access to interior PD lots via an easement in lieu of a dedicated public street. These changes would also necessitate the following waiver from Orange County Code:

- 1) A waiver from Section 38-1287(2) to allow a zero foot (0') minimum side setback (from interior property lines) for buildings and pavement, in lieu of a minimum side property line setback of 30 feet;
- 2) A waiver from Section 38-1287(3) to allow a zero foot (0') minimum rear setback (from interior property lines) for buildings and pavement, in lieu of a minimum rear property line setback of 20 feet;
- 3) A waiver from Section 38-1287(4) to reduce the paving setback intended to create a buffer between paved areas and property lines along the side lot lines (interior to the PD) to zero feet (0'), in lieu of minimum 7.5-foot paving setback from side lot lines;
- 4) A waiver from Section 38-1287(4) to reduce the paving setback intended to create a buffer between paved areas and property lines along Bali Boulevard (an arterial roadway) to 10 feet, in lieu of the required 25-foot paving setback from arterial roadways; and
- 5) A waiver from Section 34-152(c) to allow access to interior PD lots via an easement, in lieu of the requirement that interior lots have access to a dedicated public street; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property located at 17509 Bali Boulevard; or generally north of Bali Blvd and approximately 250 feet west of Avalon Road; Orange County, Florida (legal property description

on file)

The following person addressed the Board: Robby Moon.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

21. [17-714](#) Substantial Change

Adam Smith, VHB, Inc., Zanzibar Property Planned Development (PD) /
Zanzibar Property Phase 1 Preliminary Subdivision Plan (PSP) & Park Tract
P-2 Development Plan (DP), Case # CDR-17-01-009, amend plan; District
1

Consideration: This Preliminary Subdivision Plan (PSP), substantial change is a request to include development plan for Tract P-2; update boundary for developer owned land; modify Old YMCA road section; and add hardscape details. The request also includes the following waiver from Orange County Code: A waiver from Orange County Code Section 38-1253 (c) is requested to allow on street parking in lieu of off-street for Tract P-1; pursuant to Sections 34-69, 30-89, and Section 38-1207 Orange County Code.

Location: District 1; property generally located North Old YMCA Road / West of CR 545; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Clarke Sprinkel.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

22. [17-716](#) Substantial Change

Daniel T. O'Keefe, Shutts & Bowen, LLP, North of Albert's Planned
Development (PD) - Westside Village Home District Preliminary Subdivision
Plan (PSP) / Development Plan (DP), Case # CDR-17-05-138, amend plan;
District 1

Consideration: Substantial change request is to revise the October 6, 2015, BCC condition of approval #17 to allow for platting and vertical building permits prior to completion of the park / recreation area; pursuant to Section 34-69 Orange County Code (Subdivision Regulations); and Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter

38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located North of Lakeside Village Lane / West of Winter Garden Vineland Road; Orange County, Florida (legal property description on file in Planning Division)

Modified Condition of Approval # 17:

17. Construction of the park/recreation area shall commence prior to recording of the associated plat. No more than thirty (30) building permits (not including model home permits) may be issued prior to completion of construction of the park/recreation area, provided that no certificates of occupancy (temporary or final) may be issued unless and until the County has issued a certificate of completion for the park/recreation area.

The following person addressed the Board: Dan O'Keefe.

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Dan O'Keefe.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendations in the Staff Report; and further, approve modified condition of approval # 17. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

23. [16-077](#) Rezoning

Jim Hall, Kurtyka PD/LUP, Case # LUP-14-03-069; District 3 (Continued from July 12, 2016, July 19, 2016, November 15, 2016 and March 7, 2017)

Consideration: Request to rezone one (1) parcel containing 17.59 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) with a development program consisting of 43 conventional single-family detached residential dwelling units. No waivers from the Orange County Code have been requested; pursuant to Orange County Code, Chapter 30.

Location: District 3; property located at 2004 Gregory Road; or generally located on the west side of Gregory Road, approximately 1,300 feet south of Berry Dease Road; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Clarke, seconded by Commissioner Nelson, to continue the public hearing until September 19, 2017, at 2 p.m. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

24. [17-720](#) Ordinance

Amending Orange County Code, Chapter 15, Article XVII, pertaining to

Fertilizer Management

Consideration: AN ORDINANCE AMENDING THE "FERTILIZER MANAGEMENT ORDINANCE" REGULATING THE APPLICATION OF FERTILIZER ON LAND IN ORANGE COUNTY; CREATING SECTION 15-800, FINDINGS AND PURPOSE; AMENDING SECTION 15-801, DEFINITIONS; AMENDING SECTION 15-803, WEATHER AND SEASONAL RESTRICTIONS; AMENDING SECTION 15-804, FERTILIZER CONTENT; APPLICATION RATE; AMENDING SECTION 15-805, FERTILIZER-FREE ZONES; AMENDING SECTION 15-808, EXEMPTIONS; EXCEPTIONS; AMENDING SECTION 15-809, COMMERCIAL TRAINING REQUIREMENTS; PROOF OF COMPLIANCE; AMENDING SECTION 15-810, COMMERCIAL APPLICATORS; BUSINESS TAX CERTIFICATE; AND PROVIDING AN EFFECTIVE DATE.

The following persons addressed the Board:

Eric Rollings
David Bottomley
Scott Morgan
Matthew Choy
Caroline Chomanics
Steve Webster
Joe Welch
Laurie Trenholm
Kevin Campbell
Shirlene Stuckey
David Espey
Adam Jones
Mac Carraway
Will Harrell
Barry Troutman
Ian Rodriguez
Eric Brown
Michael Jones
Mary Sphar
Steven Lum
Steve Marini
Jane Durocher
Maria Bolton-Joubert
Josephine Balzac
Todd Josko
Marge Holt
Cris Costello
Mary Slater Linn
Merrillee Jipson
Katherine Andrews
Jim Tatum
Amanda Martin

Bobby Beagles
Duncan Stewart-Orris

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Eric Brown
- Exhibit 2, from Cris Costello
- Exhibit 3, from Merrilllee Jipson

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was not presented to the Board: Submittal 1, from Marge Holt

Based upon input from the Board of County Commissioners. County staff presented the following revisions to read as follows:

Page 1, Section 15-800. Findings and Purpose

As a result of impairment to Orange County's surface waters, groundwater, and springs caused by excessive nutrients, Orange County has determined that the improper use of fertilizers on land creates a risk of contributing to adverse effects on surface and groundwater. This ordinance regulates the proper use and application of fertilizer, training requirements, and restricted application periods in Orange County.

Orange County's Environmental Protection Division will provide to the Board of County Commissioners a summary of data collected and current research related to excessive nutrients for evaluation and consideration of ordinance revisions on or before December 31, 2019.

Page 3, Section 15-802, Applicability

Consistent with Section 704 of the Orange County Charter, this ordinance shall be applicable throughout all of Orange County, except in municipalities that have minimum standards for the regulation of fertilizer application that are no less strict than those in this article.

Any business that sells fertilizer shall post a notice provided by the County stating that the use of lawn and landscape fertilizers in Orange County is restricted in accordance with this chapter.

Page 5, Section 15-804 (c): No fertilizer containing nitrogen shall be applied to turf unless at least fifty (50) percent of its nitrogen content is slow release as indicated on the Guaranteed Analysis label, with no more than one (1) pound total nitrogen per one thousand (1,000) square feet of area per application. This requirement shall change to at least sixty-five (65) percent slow release if the product is readily available on the local commercial market by July 1, 2020.

Page 8, Section 15-809 Commercial Training requirements; proof of compliance.

Section 15-809: (e) Certified applicators must show proof of training on all vehicles used during

applications.

Page 10, Section 15-812, Enforcement and penalty, Lines 338-342

(1) First violation: Written Notice

(2) Second Violation: Fine of fifty dollars (\$50.00), except for commercial applicators it shall be five hundred dollars (\$500.00).

(3) Third and subsequent violations: Fine of one hundred dollars (\$100.00), except for commercial applicators it shall be seven hundred fifty dollars (\$750.00).

(4) Fourth and subsequent violations: Fine of one hundred dollars (100.00)

Page 10, Section 15-812 (b) In addition to the enforcement provisions provided, the county may avail itself of any other legal or equitable remedy available to it including, without limitation, injunctive relief, in the enforcement of any provision of this article or any provision of any resolution enacted pursuant to the authority of this article. Any person violating this article shall be held liable for all costs incurred by the county in connection with enforcing this article, or any resolution enacted pursuant to the authority of this article including, but not limited to, attorney's fees with the exception for the requirement that the retail operation post signage as listed in Section 15-802.

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to adopt Ordinance 2017-14 amending Orange County Code, Chapter 15, Article XVII, pertaining to Fertilizer Management; with the recommended changes consistent with today's actions. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

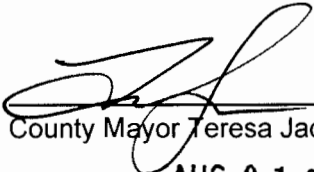
Absent: 1 - Commissioner Nelson

✓ **The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.**

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

ADJOURNMENT: 6:33 p.m.

ATTEST:




County Mayor Teresa Jacobs
Date: AUG 01 2017



ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk



Katie Smith
Deputy Clerk

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.