

# **Orange County Government**

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



## **Final BCC Meeting Minutes**

**Tuesday, November 14, 2017**

**9:00 AM**

**County Commission Chambers**

**Board of County Commissioners**

**Call to Order**

County Mayor Jacobs called the meeting to order at 9:08 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  
Assistant County Administrator Chris Testerman  
County Attorney Jeffrey J. Newton  
Deputy County Attorney Joel Prinsell  
Senior Minutes Coordinator Jennifer Lara Klimetz  
Senior Minutes Coordinator Noelia Perez

**Invocation - District 1**

Pastor Robert P. Hines, Jr., Oakland Presbyterian Church

**Pledge of Allegiance****Presentation**

Holiday Heroes Toy Drive

**Presentation**

Proclamation designating November 18, 2017 as Orange County Recycles Day

**Public Comment**

The following persons addressed the Board for public comment:

- Former Orange County Commissioner Fred Brummer
- Catherine Hanson
- Philip J. Unser
- Michael Jones
- Phyllis Hall
- James Hitt
- Jay Exum
- Charles Lee
- Natalie Harris
- Clifford Turk
- Barbara Nehr

- Gwendolyn Elder
- Tanya Webb
- Pam DeMarzia

The following materials were received by the Clerk during public comment. The materials referenced by the speakers were not presented to the Board:

- Submittal 1, from Jay Exum
- Submittal 2, from Charles Lee

The exhibit referenced by the speaker to the Board was not submitted to the Clerk: Pam DeMarzia.

## **I. CONSENT AGENDA**

### **Approval of the Consent Agenda**

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to approve 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. [17-1482](#) Approval of the minutes of the October 17, 2017 meeting of the Board of County Commissioners. (Clerk's Office)
2. [17-1483](#) 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:
  - October 27, 2017, to November 2, 2017; \$57,047,656.18.
  - November 3, 2017, to November 9, 2017; \$40,207,434.22.(Finance/Accounting)
3. [17-1484](#) Disposition of Tangible Personal Property as follows: (Property Accounting)
  - a. Return leased equipment to vendor.
  - b. Scrap assets.
  - c. Cannibalize asset.
  - d. Offer assets to non-profit organizations and scrap remaining assets.
  - e. Remove stolen asset from inventory.
  - f. Trade-in assets toward the purchase of new equipment.

### **B. COUNTY SHERIFF**

1. [17-1485](#) Approval and execution of President-Elect Security Assistance Reimbursement Grant Program subgrant in the total amount of \$15,850 for the period of November 9, 2016 through November 30, 2017. No matching funds are required.

### C. COUNTY ADMINISTRATOR

1. [17-1486](#) Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments: (Agenda Development Office)
  - A. Commission on Aging: Appointment of Randiesa Spires to succeed Corey L. Douglas in the health care representative category with a term expiring June 30, 2019.
  - B. Community Development Advisory Board: Appointment of James R. Cowan to succeed Pastor Scott A. Brown in the District 4 representative category with a term expiring June 30, 2018.
  - C. Development Advisory Board: Appointment of Dallas Austin to succeed Elizabeth Badillo in the primary group representative category (developer) with a term expiring June 30, 2019.
  - D. Disability Advisory Board: Appointment of Karolyn C. Campbell to succeed Eric D. Shelton in the at large representative category with a term expiring June 30, 2018.
  - E. Parks and Recreation Advisory Board: Appointment of Joey Kratt to succeed Jake White in the District 4 representative category with a term expiring June 30, 2019.
2. [17-1487](#) Approval and execution of Resolution 2017-B-06 of the Orange County Board of County Commissioners regarding a Resolution pertaining to financing; authorizing transfer of surplus funds in the County Water and Wastewater Utility Reserve Fund to the County's General Fund; specifically revising and superseding any Resolution in conflict with this Resolution; and providing an effective date. (Office of Management and Budget)
3. [17-1488](#) Approval of budget amendment #18-02. (Office of Management and Budget)
4. [17-1489](#) Approval of budget transfers #17-1540, #17-1581, #17-1583, and #18C-0023. (Office of Management and Budget)
5. [17-1490](#) Approval of CIP amendment #18C-0023. (Office of Management and Budget)
6. [17-1491](#) Ratification of policy to reimburse individuals up to \$5,000 for restoration expenses not covered by their homeowner's insurance policy. (Risk Management Division)
7. [17-1492](#) Approval to pay quarterly assessments to the Florida Department of

Financial Services for self-insurer assessments in an amount not to exceed \$270,176.63. These payments will satisfy the County's obligations to the state of Florida pursuant to Sections 440.49(9) and 440.51, Florida Statutes. (Risk Management Division)

#### **D. COUNTY ATTORNEY**

1. [17-1493](#) Approval and execution of Resolution 2017-M-46 of the Orange County Board of County Commissioners regarding Establishing Fees for the Non-Motorized Vehicles-For-Hire Ordinance.
2. [17-1494](#) Approval and execution of Mediation Settlement Agreement in the total amount of \$44,500 to be paid to Orange County by Rebah Fabrication, Inc. and United Fire & Casualty Company and authorization for the County Attorney's Office to execute all documents which effectuate the Mediation Settlement Agreement.

#### **E. ADMINISTRATIVE SERVICES DEPARTMENT**

1. [17-1495](#) Approval of Change Order No. 3, Contract No. Y14-805, with SGM Engineering Inc in the amount of \$52,333.43, for the Orange County Courthouse Complex Mechanical and Fire Protection Upgrades. The revised lump sum contract amount is \$701,378.16. (Capital Projects Division)
2. [17-1496](#) Approval to award Invitation for Bids Y17-1119-RM, Stormwater Pipe Videoing, Cleaning, Sealing and Related Services, to the low responsive and responsible bidder, Flotech Environmental, LLC. The estimated annual contract award amount is \$1,353,102. ([Public Works Department Roads and Drainage Division] Procurement Division)
3. [17-1497](#) Approval to award Invitation for Bids Y18-105-LC, Aluminum Sign Blanks, to the low responsive and responsible bidder, Universal Signs & Accessories a division of McCain Sales of Florida, Inc. The estimated contract award amount is \$236,690 for a 1-year term. ([Public Works Department Traffic Engineering Division] Procurement Division)
4. [17-1498](#) Approval to award Invitation for Bids Y17-601-PD, Sand Skink Mitigation Credits, to the low responsive and responsible bidder, Southern States Land & Timber, LLC. The total contract award amount is \$416,150. ([Utilities Department Engineering Division] Procurement Division)
5. [17-1499](#) Approval to award Invitation for Bids Y17-789-PH, Pump Stations 3250 Sweetwater 2, 3260 Wekiva Meadows, 3356 Sweetwater 3, and 3509 425 Industrial Park Package 12, to the low responsive and responsible bidder, Prime Construction Group, Inc. The total contract award amount is \$1,482,669. ([Utilities Department Engineering Division] Procurement Division)

Division)

6. [17-1500](#) Approval of Purchase Order M87209, Orange County Convention Center Exterior Electrical, Water, and Parking Upgrades-Transformers, to Orlando Utilities Commission (OUC) in the amount of \$135,800. ([Convention Center Capital Planning Division] Procurement Division)
7. [17-1501](#) Ratification of Purchase Order M87038, Additional Yard and Bulky Waste Collection Service, to Republic Services of Florida, LLP in the estimated not to exceed amount of \$403,200. ([Utilities Department Solid Waste Division] Procurement Division)
8. [17-1502](#) Approval of Amendment No. 8, Contract Y15-2052, Central Receiving Center, with Aspire Health Partners, Inc., for an additional \$750,000, for a revised total annual contract amount of \$6,640,702.35. ([Health Services Department Mental Health and Homeless Division] Procurement Division)
9. [17-1503](#) Approval to award Invitation for Bids Y18-109-OW, Temporary Labor-Traffic and Parking-Orange County Convention Center, to the low responsive and responsible bidders, CareerUSA, Inc., in the estimated annual contract award amount of \$465,050 and Lanier Parking Solutions, in the estimated annual contract award amount of \$497,900. ([Convention Center Fiscal and Operations Support Division] Procurement Division)
10. [17-1504](#) Approval and execution of Lease Agreement between Orange County and Orlando Federal Credit Union and delegation of authority to the Real Estate Management Division to exercise renewal option, if necessary for Orlando Federal Credit Union, Orange County Sheriff's Central Complex, 2510 West Colonial Drive, Orlando, Florida. District 6. (Real Estate Management Division)
11. [17-1505](#) Approval and execution of License Agreement between Orange County, Florida and Aspire Health Partners, Inc. and delegation of authority to the Real Estate Management Division to exercise renewal option, send notices of termination, and approve space modifications, if necessary for License Agreement under Contract No. Y17-1088-LC, Juvenile Assessment Center, 823 West Central Boulevard, Orlando, Florida, 32805, Lease File # 5091. District 6. (Real Estate Management Division)
12. [17-1506](#) Approval and execution of License Agreement between Orange County and Iniciativa Accion Puertorriquena, Inc. and delegation of authority to the Real Estate Management Division to exercise renewal options and send notices of termination, if necessary for Hurricane Maria Relief Warehouse, 1602 North Goldenrod Road, Orlando, Florida, 32807, Lease File #8003. District 3. (Real Estate Management Division)
13. [17-1507](#) Approval and execution of Resolution and County Deed from Orange County

to the State of Florida Department of Transportation and authorization to record instrument for FDOT - S.R. 400 (I-4) from N. of Kennedy Blvd to Seminole County Line (F.P. No. 242484 6). District 5. (Real Estate Management Division)

14. [17-1508](#) Approval and execution of Resolution and authorization to initiate condemnation proceedings for Boggy Creek Rd (Osceola Cnty line to 600' N. of Central Fl Greenway SR 417). District 4. (Real Estate Management Division)
15. [17-1509](#) Approval and execution of Resolution and authorization to initiate condemnation proceedings for Boggy Creek Rd (Osceola Cnty Line to 600' N. of Central Fl Greenway SR 417). District 4. (Real Estate Management Division)
16. [17-1510](#) Approval of Contract for Sale and Purchase and Warranty Deed from 183 Center, Inc. to Orange County, and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Pump Station No. 3291 (International Cove). District 6. (Real Estate Management Division)
17. [17-1511](#) Approval of Purchase Agreement and Temporary Construction Easement between Embarq Florida, Inc. and Orange County and authorization to disburse funds to pay purchase price and all recording fees and record instrument for East-West Road (S.R. 436 to Dean Road) n/k/a Richard Crotty Parkway. District 5. (Real Estate Management Division)
18. [17-1512](#) Approval of Purchase Agreement and Temporary Construction Easement between Ornn Properties, LLC and Orange County and authorization to disburse funds to pay purchase price and recording fees and record instrument for East-West Road (S.R. 436 to Dean Road) n/k/a Richard Crotty Parkway. District 5. Real Estate Management Division)
19. [17-1513](#) Approval of Donation Agreement and Sidewalk Easement between Bradford Cove Master Association, Inc., a Florida not for profit corporation, successor by merger to Bradford Cove Community Association, Inc., a Florida not for profit corporation, and Orange County and authorization to disburse funds to pay all recording fees and record instrument for SW #1498-Lake Mirage Blvd (from Whistlewing Ct to University Blvd). District 5. (Real Estate Management Division)
20. [17-1514](#) Approval of Recreational Trail Easement from Universal City Property Management III, LLC to Orange County and authorization to disburse funds to pay all recording fees and record instrument for Shingle Creek Multi Use Trail. District 6. (Real Estate Management Division)
21. [17-1515](#) Approval of Purchase Agreement and Utility Easement between Lennar

Homes, LLC and Orange County and authorization to disburse funds to pay recording fees and record instrument for Innovation Place Project (a.k.a. Storey Park Utilities). District 4. (Real Estate Management Division)

22. [17-1516](#) Approval of Utility Easement from Hamlin Retail Partners, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Valley National Bank and authorization to record instruments for Publix at Hamlin Groves Permit: B15903320 OCU File #: 82806. District 1. (Real Estate Management Division)
23. [17-1517](#) Approval of Utility Easement from 2017 Goldenrod Orlando LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Whitney Bank, doing business as Hancock Bank, and authorization to record instrument for Walgreens - Orlando Permit: B17900754 OCU File #: 90968. District 3. (Real Estate Management Division)
24. [17-1518](#) Approval of Utility Easement from lafrate Rockwood LLC to Orange County and authorization to record instrument for Muskogee Industrial Park sitework only Permit: B13903842 OCU File #: 49385. District 5. (Real Estate Management Division)
25. [17-1519](#) Approval of Conservation and Access Easement from Calatlantic Group, Inc. to Orange County and authorization to record instrument for Econ Trails Townhomes Project # CAI-16-04-015. District 3. (Real Estate Management Division)

#### F. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [17-1520](#) 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 17-0799	LC 17-0894	LC 17-0907	LC 17-0787	LC 17-0942
LC 17-0840	LC 17-1050	LC 17-0738	LC 17-0853	LC 17-0944
LC 17-0912	LC 17-0886	LC 17-0739	LC 17-0865	LC 17-0946
LC 17-0926	LC 17-0956	LC 17-0745	LC 17-0922	LC 17-0947
LC 17-0933	LC 17-0818	LC 17-0748	LC 17-0923	LC 17-0948
LC 17-0951	LC 17-0826	LC 17-0750	LC 17-0932	LC 17-0950
LC 17-0830	LC 17-0872	LC 17-0756	LC 17-0934	LC 17-0955
LC 17-0871	LC 17-0896	LC 17-0758	LC 17-0939	LC 17-0982

2. [17-1521](#) Approval and execution of Resolutions of the Orange County Board of County Commissioners regarding Claim of Special Assessment Liens Pursuant to Section 9-278 of the Orange County Code and approval to file



Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. Districts 1, 2, 3, and 6. (Code Enforcement Division)

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 15-0184	1	BROWN HAZEL ESTATE	\$6,459.05
A 16-0026	2	PETERSON ALVINESS WARDELL	\$5,532.12
A 15-0216	3	VARGAS LUIS E	\$15,655.04
A 15-0457	3	CRINER ROBERT W II	\$23,843.78
A 14-0054	6	MINCEY HENRIETTA; MINCEY EDWARD JR	\$22,636.58
A 15-0441	6	TRUST NO 2428 48-C	\$9,745.45
A 15-0444	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SECTION THREE INC	\$9,745.45
A 15-0445	6	SWEENEY ROSALINA	\$9,745.45
A 16-0083	6	LAJQI UKE	\$8,722.99
A 16-0084	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC ONE INC	\$8,623.00
A 16-0085	6	KAISER NEVILLE LIFE ESTATE; REM: KISNER SAMUEL	\$8,623.00
A 16-0086	6	WALLER RODNEY E	\$8,623.00
A 16-0088	6	SCHOONOVER STEVEN DALE TRUSTEE 25% INT; EADS PEGGY LEE TRUSTEE 25% INT; FABBIAN MARK A; FABBIAN BRIDGET 50% INT	\$8,623.00
A 16-0089	6	TAN MING SHENG; TAN MING ZHUANG; TAN MING MEI	\$8,623.00
A 16-0090	6	KAISER NEVILLE	\$8,623.00
A 16-0091	6	TYMBER SKAN ON THE LAKE MASTER HOMEOWNERS ASSN INC; TYMBER SKAN ON THE LAKE HOMEOWNERS ASSN INC	\$8,824.78
A 16-0092	6	MCCALL LAFATH	\$8,724.79
A 16-0093	6	LEE JOHN JR; LEE MACHIKO	\$8,724.79
A 16-0094	6	WALSH DANIEL J	\$8,724.79
A 16-0095	6	TYMBER SKAN ON THE LAKE OWNERS ASSOCIATION SECTION ONE	\$8,724.79

3. [17-1522](#) Approval and execution of Proportionate Share Agreement for Windermere Village LLC Winter Garden-Vineland Road: from Ficquette Road to Lake Butler Boulevard by and between Windermere Village LLC and Orange County for a proportionate share payment in the amount of \$481,880. District 1. (Roadway Agreement Committee)
4. [17-1523](#) Approval and execution of First Amendment to Amended and Restated Road Impact Fee Agreement Vineland Pointe Planned Development (Vineland Avenue) by and among Vineland Pointe Owner LLC, Pride Homes of Vineland, LLC, and Orange County to amend the terms of the Amended and Restated Road Impact Fee Agreement approved by the Board of County Commissioners on December 13, 2016. District 1. (Roadway

## Agreement Committee)

**G. FAMILY SERVICES DEPARTMENT**

1. [17-1524](#) Approval and execution of License Agreement between Orange County, Florida and Harbor House of Central Florida regarding the use of Orange County's Community Centers for the Holden Heights Community Center. District 6. (Community Action Division)

**H. FIRE RESCUE DEPARTMENT**

1. [17-1525](#) Approval and execution of Federally-Funded Subaward and Grant Agreement Contract Number: 18-DS-X1-06-58-01- between the State of Florida, Division of Emergency Management and Orange County and Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion for the State Homeland Security Grant Program (SHSGP), in the amount of \$14,102 for Fiscal Year 2018-2019. No match is required. (Office of Emergency Management)

**I. HEALTH SERVICES DEPARTMENT**

1. [17-1526](#) Approval and execution of the renewal Paratransit Services License for Lifefleet Southeast Inc. d/b/a American Medical Response to provide wheelchair/stretchers service. The term of this license is from November 30, 2017 through November 30, 2019. There is no cost to the County. (EMS Office of the Medical Director)
2. [17-1527](#) Approval and execution of the renewal Paratransit Services License for Champion Transport Services LLC to provide wheelchair/stretchers service. The term of this license is from November 30, 2017 through November 30, 2019. There is no cost to the County. (EMS Office of the Medical Director)
3. [17-1528](#) Approval and execution of the renewal Paratransit Services License for Dorsar Patient Transport LLC to provide wheelchair/stretchers service. The term of this license is from November 30, 2017 through November 30, 2019. There is no cost to the County. (EMS Office of the Medical Director)
4. [17-1529](#) Approval and execution of Florida Department of Agriculture and Consumer Services Division of Administration State Financial Assistance Recipient Agreement FDACS Contract # 024758 by and between the Florida Department of Agriculture and Consumer Services and Orange County Arthropod Control in the estimated amount of \$43,009 from October 1, 2017 through September 30, 2018 and approval for the County Mayor or designee to sign future amendments to this Agreement. No county match is required. (Mosquito Control Division)
5. [17-1530](#) Approval and execution of EMS County Grant Application Florida

Department of Health Bureau of Emergency Medical Services for 2017-2018 in the amount of \$210,538 and Request for Grant Fund Distribution. There is no county match required for this grant. (EMS Office of the Medical Director)

#### **J. OFFICE OF REGIONAL MOBILITY**

1. [17-1531](#) Approval and execution of Interlocal Agreement Regarding Cost Sharing to Obtain Consultant Services by and between Orange County, Osceola County, Seminole County, and the City of Orlando. All Districts.

#### **K. PUBLIC WORKS DEPARTMENT**

1. [17-1532](#) Approval and execution of (1) Resolution 2017-M-47 of the Orange County Board of County Commissioners regarding the Joint Participation Agreement with the State of Florida Department of Transportation concerning the project described as "Construction of Highway Lighting along State Road 535 (Kissimmee Vineland Road) at the Meadow Creek Intersection" and (2) Joint Participation Agreement between the State of Florida Department of Transportation and Orange County Financial Management No.: 441612-1-58-01. District 1. (Engineering Division)
2. [17-1533](#) Approval of Traffic Control Device installations in Storey Grove Phase 1B-1. District 1. (Traffic Engineering Division)
3. [17-1534](#) Approval of Traffic Control Device and "No Parking" sign installations in Vineyards of Horizons West Phase 2B. District 1. (Traffic Engineering Division)
4. [17-1535](#) Approval of Traffic Control Device and "No Parking" sign installations in Oaks at Moss Park Phase 3. District 4. (Traffic Engineering Division)
5. [17-1536](#) Approval of Traffic Control Device and "No Parking" sign installations in Reserve at Sawgrass - Phase 4C. District 4. (Traffic Engineering Division)
6. [17-1537](#) Approval of Traffic Control Device and "No Parking" sign installations in Reserve at Sawgrass - Phase 4B. District 4. (Traffic Engineering Division)
7. [17-1538](#) Approval of "No Parking" sign installations in Andover Lakes Phases 3A and 3B. District 4. (Traffic Engineering Division)

#### **L. UTILITIES DEPARTMENT**

1. [17-1539](#) Approval and execution of Second Amendment to City of Apopka/Orange County Amended and Restated Water, Wastewater and Reclaimed Water Territorial Agreement by and between City of Apopka and Orange County. District 2. (Engineering Division)

2. [17-1540](#) Approval of Exhibit B Utility Addendum (County Initiated Utility Project) CSX674448001 by and between CSX Transportation, Inc. and Orange County for the Presidents Drive (Sand Lake Road to Pump Station #3177) Wastewater System Improvements Project, with a permit fee in the amount of \$19,200. District 6. (Engineering Division)

## **II. INFORMATIONAL ITEMS\*\***

### **A. COUNTY COMPTROLLER**

1. [17-1541](#) Receipt of the following items to file for the record: (Clerk's Office)
- a. Minutes of the October 16, 2017 Meeting in the Sunshine. Commissioners Betsy VanderLey and Jennifer Thompson met with business owners from the construction and building industry to discuss Hurricane Best Practices.
  - b. Minutes of the October 18, 2017 Meeting in the Sunshine. County Mayor Teresa Jacobs, Commissioners Bryan Nelson, and Victoria Siplin hosted a Pine Hills Town Hall Meeting to provide community updates in Districts 2 and 6 on Orange County Neighborhood Preservation initiatives.
  - c. City of Orlando Ordinance with Exhibit A (Legal Description Form), Exhibits B, C, and D (Zoning Maps), Fiscal Impact Statement, and Orlando Sentinel Notice of Proposed Enactment for Ordinance No. 2017-52 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 Hoffner Avenue, east of Conway Road and west of Kempston Drive and comprised of 0.713 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Office Low Intensity on the City's official Future Land Use Maps; designating the property as the O-1 Low Intensity Office-Residential District along with the Aircraft Noise and Conway Road Special Plan Overlay Districts, on the City's official Zoning Maps; providing for amendment of the City's official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, permit disclaimer, and an effective date.
  - d. Florida Public Service Commission Consummating Order. In re: Petition for approval of a new depreciation class and rate for energy storage equipment, by Florida Power & Light Company.
  - e. Florida Public Service Commission. Notice of Administrative Appeal. In re: Citizens of the State of Florida, through the Florida Office of Public

Counsel vs. Florida Public Service Commission PSC Docket No. 20160101-WS.

- f. Orange County Industrial Development Authority Oath of Office for Casey Barnes, as Secretary of the Orange County Industrial Development Authority.
- g. Orange County Industrial Development Authority Oath of Office for Paul Michelotti as member to the Orange County Industrial Development Authority.
- h. Orange County Industrial Development Authority Oath of Office for Justin Vermuth, as Chairman of the Orange County Industrial Development Authority.
- i. Orange County Industrial Development Authority Oath of Office for Joel A. Knopp as member to the Orange County Industrial Development Authority.
- j. Orange County Industrial Development Authority Oath of Office for Paul Michelotti, as Vice Chairman of the Orange County Industrial Development Authority.
- k. Florida Public Service Commission Consummating Order. In re: Joint Application for authority to transfer assets and Certification No. 623-W in Orange and Lake Counties from Oak Springs, LLC to Oak Springs MHC, LLC.
- l. Florida Public Service Commission Notice of Proposed Agency Action Order approving amended territorial agreement. In re: Joint petition for approval of amended territorial agreement in Orange and Osceola Counties, by Duke Energy Florida, LLC and Reedy Creek Improvement District.

This item was received and filed.

### III. DISCUSSION AGENDA

#### A. COUNTY ADMINISTRATOR

1. [17-1542](#) Appointment of either Dr. Elizabeth Klonoff, Dr. Debra Reinhart, or William F. Merck II as the University of Central Florida representative on the Orange County Research and Development Authority with a term expiring August 24, 2021. (Agenda Development Office)

Commissioner Thompson nominated Dr. Elizabeth Klonoff.

AYE votes cast by voice vote for Dr. Elizabeth Klonoff as follows: Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin.

Dr. Elizabeth Klonoff received a majority to be appointed as the University of Central Florida representative on the Orange County Research and Development Authority with a term expiring August 24, 2021; no further votes were cast.

## **B. ADMINISTRATIVE SERVICES DEPARTMENT**

1. [17-1543](#) Selection of three firms and two ranked alternates to provide General Liability/Tort Legal Counsel Services, Request for Proposals Y17-1130-LC, from the following seven firms, listed alphabetically:

- Dean, Ringers, Morgan & Lawton, P.A.
- Garganese, Weiss & D'Agresta, P.A.
- Hilyard, Bogan & Palmer, P.A.
- McEwan, Martinez, Dukes & Hall, P.A.
- O'Connor & O'Connor, LLC
- Rissman, Barrett, Hurt, Donahue, McLain & Mangan P.A.
- Walton, Lantaff Schroeder & Carson LLP

([Office of Accountability Risk Management Division] Procurement Division)

A motion was made by Commissioner Nelson, seconded by Commissioner Siplin, to appoint Dean, Ringers, Morgan & Lawton, P.A., 450 points, O'Connor & O'Connor, LLC, 412.5 points, and Hilyard, Bogan & Palmer, P.A., 370 points, as the selected firms; and further, appoint Rissman, Barrett, Hurt, Donahue, McLain & Mangan P.A., 340 points, and Walton, Lantaff Schroeder & Carson LLP, 301 points, as the selected ranked alternates. The motion carried by the following vote:

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

2. [17-1544](#) Selection of one firm and two ranked alternates to provide Continuing Professional Building Envelope Services, Request for Proposals Y17-906-CC, from the following three firms, listed alphabetically:

- A/R/C Associates, Incorporated
- Jay Ammon Architect, Inc.
- Terracon Consultants, Inc.

([Administrative Services Department Capital Projects Division] Procurement Division)

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to appoint Jay Ammon Architect, Inc., 422 points, as the selected firm; and further, appoint A/R/C Associates, Incorporated, 403 points, and Terracon Consultants, Inc., 345 points, as the selected

ranked alternates. The motion carried by the following vote:

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

#### **C. COUNTY MAYOR**

1. [17-1545](#) Open Discussion on issues of interest to the Board.

Commissioner Nelson would like to discuss the Wekiva Parkway Entrance and Exit Ramps. (District 2)

Commissioner Siplin would like to discuss the maintenance of Orange County Park's Pavilions. (District 6)

The Board took no action.

### **IV. WORK SESSION AGENDA**

#### **A. UTILITIES DEPARTMENT**

1. [17-1546](#) Water Conservation Update. All Districts. (Water Division)

The Board took no action.

2. [17-1547](#) Wedgefield Water. District 5. (Administration)

The following persons addressed the Board:

- Jeff Prather
- Nathan Hess

The Board took no action.

Further discussion of this topic will be presented in a separate work session, tentatively scheduled for November 28, 2017.

#### **B. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT**

1. [17-1548](#) Code Enforcement Liens and Property Maintenance. All Districts. (Code Enforcement Division)

This item was not considered.

### **V. RECOMMENDATIONS**

1. [17-1549](#) October 19, 2017 Planning and Zoning Commission Recommendations

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

approve the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

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

## VI. PUBLIC HEARINGS

### 1. [17-1376](#) Ordinance/Comprehensive Plan

Amending Orange County Code, adopting 2017-2 Regular Cycle and Small-Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP), and where applicable, concurrent rezoning requests

and

Adoption of Ordinances

Regular Cycle Privately-Initiated Map Amendment

Amendment 2017-2-A-1-1

Tyrone K. Smith, AICP, for Orange County Public Schools

**Consideration:** Activity Center Mixed Use (ACMU) to Educational (EDU)

**Location:** Generally located on the east side of International Drive South, south of Lake Forest Dr., and north of Lake Bryan Beach Blvd.; Parcel ID#s: 23-24-28-0000-00-004 and 26-24-28-5844-00-100; 19.97 gross ac.

The following person addressed the Board: Tyrone Smith.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2 and Policies FLU1.1.4(A), FLU8.1.1(a), FLU8.7.5, FLU8.7.9, and FLU8.2.1, and Public Schools Facilities Element Policy PS2.2.5); further, determine that the proposed amendment is in compliance; and further, adopt Map Amendment 2017-2-A-1-1, Activity Center Mixed Use (ACMU) to Educational (EDU). 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

### 1. [17-1377](#) Concurrent Rezoning Request

Tyrone K. Smith for Orange County Public Schools  
Rezoning LUP-17-08-238

**Consideration:** R-CE (Country Estate District) and A-2 (Farmland Rural District) to PD (Planned Development District) (International Drive Area Elementary School Site #20-E-SW-4 PD) to allow



an 830-student elementary school and Special Exception use of a freestanding administrative and support office building up to forty-five (45) feet in height. Also requested is a waiver from Section 38-1754(1) of the Orange County Code to allow for an elementary school to be located on an arterial roadway, in lieu of a local or collector street.

**Location:** Generally located on the east side of International Drive South, south of Lake Forest Dr., and north of Lake Bryan Beach Blvd.; Parcel ID#s: 23-24-28-0000-00-004 and 26-24-28-5844-00-100; 19.97 gross ac.

County staff noted a modification to Condition of Approval #16, which has been renumbered as Condition of Approval #13 to read as follows:

A special exception use may be requested for a freestanding administrative and support office building of up to 50,000 square feet and up to forty-five (45) feet in height.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request LUP-17-08-238 from R-CE (County Estate District) and A-2 (Farmland Rural District) to PD (Planned Development) (International Drive Area Elementary School Site #20-E-SW-4 PD) subject to the thirteen (13) conditions listed in the Staff Report; and further, modify condition of approval #13. The motion carried by the following vote:

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

1. [17-1378](#) Regular Cycle Privately-Initiated Map Amendment

Amendment 2017-2-A-3-1

John McCutcheon, CASCO, Inc., for International Paper

**Consideration:** Commercial (C) to Industrial (IND)

**Location:** 711 E. Lancaster Rd.; Generally located north of E. Lancaster Rd., east of Anno Ave., south of E. Oak Ridge Rd., and west of S. Orange Ave.; Parcel ID#: 24-23-29-8680-31-000; 25.52 gross ac.

The following person addressed the Board: John McCutcheon.

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU1.4 and Policies FLU1.4.16, FLU1.4.18, FLU1.4.21, FLU1.4.24, FLU1.4.25, FLU8.2.1, and FLU8.2.11); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-A-3-1, Commercial (C) to Industrial (IND). 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

1. [17-1379](#) Concurrent Rezoning Request

John McCutcheon, CASCO, Inc., for International Paper  
Rezoning LUP-17-06-012

**Consideration:** C-3 (Wholesale Commercial District) to I-1/I-5 (Light Industrial District)

**Location:** 711 E. Lancaster Rd.; Generally located north of E. Lancaster Rd., east of Anno Ave., south of E. Oak Ridge Rd., and west of S. Orange Ave.; Parcel ID#: 24-23-29-8680-31-000; 25.52 gross ac.

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; and further, approve the rezoning request RZ-17-06-012 from C-3 (Wholesale Commercial District) to I-1/I-5 (Light Industrial District), subject to the four (4) restrictions 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

1. [17-1380](#) Regular Cycle Privately-Initiated Map Amendment

Amendment 2017-2-A-5-1 (fka 2017-1-A-5-1)  
Thomas Sullivan, Gray Robinson P.A., 151 Col, Inc.

**Consideration:** Rural (R) to Planned Development-Commercial/Conservation (PD-C/CONS) and Urban Service Area (USA) Expansion

**Location:** 15169 E. Colonial Dr., Generally located north of E. Colonial Dr., west of Townsend Oaks Cir., and east of Sandy Creek Ln.; Parcel ID#: 19-22-32-7976-00-020; 12.10 gross ac.

The following person addressed the Board: Tom Sullivan.

A motion was made by Commissioner Bonilla, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1, FLU2.2, and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-A-5-1, Rural (R) to Planned Development – Commercial (PD-C) and Urban Service Area (USA) Expansion. 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

1. [17-1381](#) Concurrent Rezoning Request

Thomas Sullivan, Gray Robinson P.A., 151 Col, Inc.  
Rezoning LUP-17-06-196

**Consideration:** R-T (Mobile Home Park District) to PD (Planned Development District) (151 Col

PD)

**Location:** 15169 E. Colonial Dr., Generally located north of E. Colonial Dr., west of Townsend Oaks Cir., and east of Sandy Creek Ln.; Parcel ID#: 19-22-32-7976-00-020; 12.10 gross ac.

A motion was made by Commissioner Bonilla, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan and approve the rezoning request LUP-17-06-196, from R-T (Mobile Home Park District) to PD (Planned Development District) (151 Col PD), subject to the fifteen (15) conditions 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

1. [17-1382](#) Regular Cycle Staff-Initiated Text Amendment and Future Land Use Map Amendment

Amendment 2017-2-B-FLUE-2

Text amendment to the Future Land Use Element establishing the maximum floor area ratio intensities for the Commercial (C) and Office (O) Future Land use designations.

A motion was made by Commissioner Clarke, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-B-FLUE-2. The motion carried by the following vote:

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

1. [17-1383](#) Regular Cycle Staff-Initiated Text Amendment and Future Land Use Map Amendment

Amendment 2017-2-B-FLUE-4

Text amendment to Future Land Use Element Policies FLU1.1.2 B and F and FLU8.1.1 to add a new residential Future Land Use designation, Medium-High Density Residential (MHDR) and update the land use correlation table.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-B-FLUE-4. The motion carried by the following vote:

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

1. [17-1384](#) Regular Cycle Staff-Initiated Text Amendment and Future Land Use Map Amendment

Amendment 2017-2-B-FLUE-5

Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County.

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-B-FLUE-5. The motion carried by the following vote:

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

1. [17-1385](#) Regular Cycle Staff-Initiated Text Amendment and Future Land Use Map Amendment

Amendment 2017-2-B-FLUE-6

Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA).

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-B-FLUE-6. The motion carried by the following vote:

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

1. [17-1386](#) Regular Cycle Staff-Initiated Text Amendment and Future Land Use Map Amendment

Amendment 2017-2-B-CP-1

Text amendments to the Future Land Use, Public School Facilities, Capital Improvements, Intergovernmental Coordination, Potable Water, Wastewater and Reclaimed Water Elements pertaining to school siting policies.

A motion was made by Commissioner Siplin, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-B-CP-1. The motion carried by the following vote:

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

1. [17-1387](#) Regular Cycle Staff-Initiated Text Amendment and Future Land Use Map Amendment

Amendment 2017-2-B-CIE-1

Text amendment to the Capital Improvements Element to allow the annual CIE update to be accomplished solely through the adoption of a local

ordinance.

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-B-CIE-1. The motion carried by the following vote:

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

1. [17-1388](#) Regular Cycle State-Expedited Review Comprehensive Plan Amendments Ordinance

Amending Orange County Code, adopting 2017-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Sections 163.3184 and 163.3187, F.S.

**Consideration:** AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2017 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING EFFECTIVE DATES.

A motion was made by Commissioner VanderLey, seconded by Commissioner Clarke, make a finding of consistency with the Comprehensive Plan; further, determine that the amendments are in compliance; and further, adopt Ordinance 2017-19, consistent with today's actions, approving the proposed Future Land Use Map and Text Amendments. The motion carried by the following vote:

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

1. [17-1389](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-1-1  
Scott Seward for 8550 OWG Partners, LLC

**Consideration:** Low Density Residential (LDR) to Commercial (C)

**Location:** 8550 Old Winter Garden Rd., Generally located south of Old Winter Garden Rd., east of Mileham Dr. and west of Lake Rose Dr.; Parcel ID#: 27-22-28-7660-00-010; 8.59 gross ac.

The following person addressed the Board: Nicholas Zandt (phonetic).

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-1-1, Low Density Residential (LDR) to Commercial (C). 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

1. [17-1390](#) Concurrent Rezoning Request

Scott Seward for 8550 OWG Partners, LLC  
Rezoning RZ-17-10-020

**Consideration:** C-3 (Wholesale Commercial District) to C-2 (General Commercial District)

**Location:** 8550 Old Winter Garden Rd., Generally located south of Old Winter Garden Rd., east of Mileham Dr. and west of Lake Rose Dr.; Parcel ID#: 27-22-28-7660-00-010; 8.59 gross ac.

County staff indicated there are six (6) restrictions listed in the staff report as opposed to the five (5) restrictions previously mentioned.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan and approval the rezoning request RZ-17-10-020 from C-3 (Wholesale Commercial District) to C-2 (General Commercial District), subject to the six (6) restrictions 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

1. [17-1391](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-1-4  
Glen Pawlowski for Geraldine and Raymond Aldridge / Ergin Emercan

**Consideration:** Low Density Residential (LDR) to Planned Development-Commercial (PD-C)

**Location:** 7685 and 7753 Conroy Windermere Rd.; Generally located north of Conroy Windermere Rd., south of San Remo Pl., west of S. Hiawasse Rd., and east of Winderlakes Dr.; Parcel ID#s: 11-23-28-0000-00-041/044; 5.42 gross ac.

The following persons addressed the Board:

- Mike Hale
- Eric Rustin
- Jeff Rustin
- Tara Rustin
- Donn Levine

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to continue the public hearing until the next Comprehensive Plan Amendment cycle. The motion carried by the following vote:

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

1. [17-1392](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-1-5 (fka 2017-1-S-1-2)  
Parviz Farzaneh

**Consideration:** Office (O) to Commercial (C)

Location: 5930 Turkey Lake Rd.; Generally located west of Turkey Lake Rd., south of Westmar Dr., and north of Woodgreen Dr.; Parcel ID#: 23-23-28-0000-00-001; 1.41 gross ac.

The following persons addressed the Board:

- Parviz Farzaneh
- Heather Himes

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU1.4.6, and FLU8.2.1; and Neighborhood Element Objective N1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-1-5 (fka 2017-1-S-1-2), Office (O) to Commercial (C). 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

1. [17-1393](#) Concurrent Rezoning Request

Parviz Farzaneh  
Rezoning RZ-17-04-004

**Consideration:** P-O (Professional Office District) to C-1 (Retail Commercial District)

**Location:** 5930 Turkey Lake Rd.; Generally located west of Turkey Lake Rd., south of Westmar Dr., and north of Woodgreen Dr.; Parcel ID#: 23-23-28-0000-00-001; 1.41 gross ac.

Modification of Restriction #2:

2. A Type "C" buffer shall be used to separate neighborhood commercial (C-1) uses from all residential areas, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The Type "C" buffer shall utilize a PVC fence or masonry wall along the west property line, in addition to a berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years. ~~The Type "C" buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent~~



~~opaque at planting and be capable of attaining full height and opacity within three (3) years.~~

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request RZ-17-04-004 from P-O (Professional Office District) to C-1 (Retail Commercial District), subject to the five (5) restrictions listed in the staff report; and further, modify Restriction #2. The motion carried by the following vote:

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

1. [17-1394](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-2-1

Carla Robledo for Reynas Realty Investments, Inc.

**Consideration:** Industrial (IND) to Low Density Residential (LDR)

**Location:** 1116 Apopka Blvd.; Generally located south of S. Apopka Blvd., north of E. 13th St., west of Lambing Ln., and east of S. Christiana Ave.; Parcel ID#: 15-21-28-0000-00-118; 1.46 gross ac.

A motion was made by Commissioner Nelson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan (Future Land Use Element Policies FLU1.1.1, FLU1.4.1, FLU1.4.16, FLU8.2.2, FLU8.2.11; Housing Element Goal H1, and Objective H1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-2-1, Industrial (IND) to Low Density Residential (LDR). 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**

1. [17-1395](#) Concurrent Rezoning Request

Carla Robledo for Reynas Realty Investments, Inc.

Rezoning RZ-17-10-025

**Consideration:** R-T-2 (Combination Mobile Home and Single Family Dwelling District) to R-2 (Residential District)

**Location:** 1116 Apopka Blvd.; Generally located south of S. Apopka Blvd., north of E. 13th St., west of Lambing Ln., and east of S. Christiana Ave.; Parcel ID#: 15-21-28-0000-00-118; 1.46 gross ac.

A motion was made by Commissioner Nelson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; and further, approve the rezoning request RZ-17-10-025 from R-T-2 (Combination Mobile Home and Single Family Dwelling District) to R-2 (Residential District). The motion carried by the following vote:



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

1. [17-1396](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-2-3

Amy Walker for Vincent G. Robinson, Jr.

**Consideration:** Low Density Residential (LDR) to Commercial (C)

**Location:** 5167 Journal Ave.; 4537 and 4545 Clarcona Ocoee Rd.; Generally located south of Clarcona Ocoee Rd., north of N. Orange Blossom Tl., and west of Pope Rd.; Parcel ID#s: 32-21-29-6080-00-160/180/410; 0.84 gross ac.

The following persons addressed the Board:

- Amy Robinson
- Vincent Robinson

A motion was made by Commissioner Nelson, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU2.1; Policies FLU1.4.21, FLU8.2.1., FLU8.2.10, FLU8.2.11; and Neighborhood Element Objective N1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-2-3 Low Density Residential (LDR) to Commercial (C). 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**

1. [17-1397](#) Concurrent Rezoning Request

Amy Walker for Vincent G. Robinson, Jr.

Rezoning RZ-17-10-022

**Consideration:** R-1 (Single-Family Dwelling District) to C-2 (General Commercial District)

**Location:** 5167 Journal Ave.; 4537 and 4545 Clarcona Ocoee Rd.; Generally located south of Clarcona Ocoee Rd., north of N. Orange Blossom Tl., and west of Pope Rd.; Parcel ID#s: 32-21-29-6080-00-160/180/410; 0.84 gross ac.

County staff modified Restriction #1; bullet point #2 as follows:

1. Allowed uses shall be restricted to:

- C-1 (Retail Commercial District) uses
- The bulk sales will only be a part of the Open Air Market (Special Exception in C-2) along with the truck and equipment.
- All other C-2 uses shall be prohibited.

A motion was made by Commissioner Nelson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request RZ-17-10-022 from R-1 (Single-Family Residential District) to C-2 (General Commercial District), subject to the four (4) restrictions in the staff report; and further, modify Restriction #1; bullet point #2. The motion carried by the following vote:

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

Reconsidered motion for 2017-2-S-2-3 and Concurrent Rezoning RZ-17-10-022

A motion was made by Commissioner Nelson, seconded by Commissioner Clarke, to reconsider the previous vote for Amendment 2017-2-S-2-3; and Concurrent Rezoning Request RZ-17-10-022. The motion carried by the following vote:

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

County staff announced the Small-Scale Development Privately-Initiated Amendment 2017-2-S-2-3; and Concurrent Rezoning Request RZ-17-10-022 will be reconsidered later today.

1. [17-1398](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-2-4

Ed Avellaneda, Civil Engineering Group, Inc., for Jesus Pagan, Jr. and Emma Soledad Garcia

**Consideration:** Low Density Residential (LDR) to Medium Density Residential (MDR)

**Location:** 5248 and 5236 Goddard Ave.; Generally located west of Goddard Ave., south of Van Ness St. and north of Lee Rd.; Parcel ID#s: 03-22-29-2628-16-040/070; 0.89 gross ac.

The following persons addressed the Board:

- Ed Avellaneda
- Jesus Pagan Jr.

A motion was made by Commissioner Nelson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-2-4, Low Density Residential (LDR) to Medium Density Residential (MDR). The motion carried by the following vote:

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

1. [17-1399](#) Small-Scale Development Privately-Initiated Amendment

## Amendment 2017-2-S-2-5

Susan Lorentz for Warren Dennis and Kelly Louis, Phoenix Properties of Lockhart, Inc.

**Consideration:** Commercial (C) and Low-Medium Density Residential (LMDR) to Commercial (C)

**Location:** Generally located south of the intersection of N. John Young Pkwy. and Edgewater Dr.; Parcel ID#s: 04-22-29-0000-00-028/029, 04-22-29-8764-02-060 (portion of) and 04-22-29-8764-03-010/030/050/060; 2.61 gross ac.

A motion was made by Commissioner Nelson, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan (Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU1.4.6, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-2-5, Low-Medium Density Residential (LMDR) and Commercial (C) to Commercial (C). 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

and

1. [17-1400](#) Concurrent Rezoning Request

Susan Lorentz for Warren Dennis and Kelly Louis, Phoenix Properties of Lockhart, Inc.  
Rezoning RZ-17-10-028

**Consideration:** R-2 (Residential District), C-1 (Retail Commercial District), and C-2 (General Commercial District) to C-1 (Retail Commercial District)

**Location:** Generally located south of the intersection of N. John Young Pkwy. and Edgewater Dr.; Parcel ID#s: 04-22-29-0000-00-028/029, 04-22-29-8764-02-060 (portion of) and 04-22-29-8764-03-010/030/050/060; 2.61 gross ac.

A motion was made by Commissioner Nelson, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; and further, approve the requested rezoning RZ-17-10-028 from R-2 (Residential District), C-1 (Retail Commercial District), and C-2 (General Commercial District) to C-1 (Retail Commercial District) zoning, subject to the four (4) restrictions listed 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

1. [17-1401](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-2-6

Kevin L. Moyer

**Consideration:** Low Density Residential (LDR) to Commercial (C)

**Location:** 6867, 6901, and 6945 Clarcona Ocoee Rd.; Generally located on the northeast corner of the N. Hiawasse Rd. and Clarcona Ocoee Rd. intersection; Parcel ID#s: 36-21-28-0000-00-004/036/098; 2.07 gross ac.

The following persons addressed the Board:

- Kevin Moyer
- James W. Touchton
- Harry Hopkins II

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

- Exhibit 1, from Harry Hopkins II
- Exhibit 2, from Harry Hopkins II

A motion was made by Commissioner Nelson, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Policies FLU1.1.5, FLU1.4.3, FLU1.4.4, FLU2.2.1, and FLU8.2.10); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-2-6, Low Density Residential (LDR) to Commercial (C). The motion carried by the following vote:

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

**Nay:** 2 - Commissioner Bonilla, and Commissioner Siplin

**and**

1. [17-1402](#) Concurrent Rezoning Request

Kevin L. Moyer  
Rezoning RZ-17-10-029

**Consideration:** A-1 (Citrus Rural District) to C-1 (Retail Commercial District)

**Location:** 6867, 6901, and 6945 Clarcona Ocoee Rd.; Generally located on the northeast corner of the N. Hiawasse Rd. and Clarcona Ocoee Rd. intersection; Parcel ID#s: 36-21-28-0000-00-004/036/098; 2.07 gross ac.

New Restriction #4:

4. No gasoline sales on site.

A motion was made by Commissioner Nelson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request RZ-17-10-029 from A-1 (Citrus Rural District) to C-1 (Retail Commercial District), subject to the three (3) restrictions listed in the staff report; and further, approve new Restriction #4. The motion

carried by the following vote:

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

**Nay:** 1 - Commissioner Siplin

1. [17-1403](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-3-1

Daniel Kennerly for 2207 Michigan Street Condo Association, Inc.

**Consideration:** Low-Medium Density Residential (LMDR) to Commercial (C)

**Location:** 2615 Homeland St.; Generally located on the east side of Homeland St.; north of E. Michigan St.; west of Gowen St., and south of E. Jersey Ave.; Parcel ID#: 06-23-30-1424-06-050; 0.17 gross ac.

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1 and FLU8.2.10); determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-3-1, Low-Medium Density Residential (LMDR) to Commercial (C). 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

1. [17-1404](#) Concurrent Rezoning Request

Daniel Kennerly for 2207 Michigan Street Condo Association, Inc.  
Rezoning RZ-17-10-027

**Consideration:** R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District)

**Location:** 2615 Homeland St.; Generally located on the east side of Homeland St.; north of E. Michigan St.; west of Gowen St., and south of E. Jersey Ave.; Parcel ID#: 06-23-30-1424-06-050; 0.17 gross ac.

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; and further approve rezoning request RZ-17-10-027 from R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District), subject to the three (3) restrictions 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

1. [17-1405](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-3-2

Jim Hall, VHB, for Whites Red Hill Groves, Inc.

**Consideration:** Low Density Residential (LDR) to Commercial (C)

**Location:** 3725 Conroy Rd.; Generally located on the east side of Conway Rd., north of Gatlin Ave., south of Anderson Rd., and west of Dixie Belle Dr.; Parcel ID#: 08-23-30-0000-00-070; 0.74 gross ac.

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to continue the public hearing until January 23, 2018, at 2 p.m. 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

1. [17-1406](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-4-1

Ed Avellaneda for Di Development, LLC

**Consideration:** Commercial (C) and Medium Density Residential (MDR) to Commercial (C)

**Location:** 12800 E. Colonial Dr.; Generally located south of Bonneville Dr., east of SR 408, and east of Bridgeway Blvd., Parcel ID# 23-22-31-0000-00-046 (portion of); 6.50 gross ac.

The following person addresssed the Board: Ed Avellaneda.

A motion was made by Commissioner Thompson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Policies FLU1.1.5, FLU1.4.3, FLU1.4.4, and FLU8.2.1); determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-4-1, Commercial (C) and Medium Density Residential (MDR) to Commercial (C). 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

1. [17-1407](#) Concurrent Rezoning Request

Ed Avellaneda for Di Development, LLC

Rezoning RZ-17-10-035

**Consideration:** C-1 (Retail Commercial District) and C-2 (General Commercial District) to C-1 (Retail Commercial District)

**Location:** 12800 E. Colonial Dr.; Generally located south of Bonneville Dr., east of SR 408, and east of Bridgeway Blvd., Parcel ID# 23-22-31-0000-00-046 (portion of); 6.50 gross ac.

A motion was made by Commissioner Thompson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; and further approve rezoning request RZ-17-10-035 from C-1 (Retail Commercial District) and C-2 (General Commercial District) to C-1 (Retail Commercial District), subject to the three (3) restrictions 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

1. [17-1408](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-4-2

Keith A. Graham for David S. Rogers

**Consideration:** Low Density Residential (LDR) and Commercial (C) to Rural Settlement 1/1 (RS 1/1)

**Location:** 13048 and 13054 S. Lake Mary Jane Rd.; Generally located west of Lake Mary Jane Rd. and east of Lake Mary Jane; Parcel ID#s: 25-24-31-3872-00-041/042; 3.36 gross ac.

The following person addressed the Board: Keith Graham.

A motion was made by Commissioner Thompson, seconded by Commissioner Bonilla, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU1.1.4(H), Policies FLU1.4.4, FLU6.2.7, FLU6.2.8, and FLU8.2.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-4-2, Low Density Residential (LDR) and Commercial (C) to Rural Settlement 1/1 (RS1/1). 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

1. [17-1409](#) Concurrent Rezoning Request

Keith A. Graham for David S. Rogers  
Rezoning RZ-17-10-019

**Consideration:** A-2 (Farmland Rural District) and C-1 (Retail Commercial District) to R-CE (Country Estate District)

**Location:** 13048 and 13054 S. Lake Mary Jane Rd.; Generally located west of Lake Mary Jane Rd. and east of Lake Mary Jane; Parcel ID#s: 25-24-31-3872-00-041/042; 3.36 gross ac.

A motion was made by Commissioner Thompson, seconded by Commissioner Bonilla, to make a finding of consistency with the Comprehensive Plan; and further; approve rezoning request RZ-17-10-019 from A-2 (Farmland Rural District) and C-1 (Retail Commercial) to R-CE (Country Estate District). The motion carried by the following vote:



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

1. [17-1410](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-4-3

James Kelley, P.E., Bohler Engineering, for Chuck Hollow Inc., Joseph Dibartolo, Thomas F. Cooke, Barbara Cooke, Rosemary Raganella, William F. Raganella, Michelle J. Barrios, Danielle D Siliato, Lisa Marie Raganella Gray, and Carol Ann Kostulias

**Consideration:** Medium Density Residential (MDR) to Commercial (C)

**Location:** 12400 and 12464 E. Colonial Dr.; Generally located south of E. Colonial Dr., north of Waterford Wood Cr., west of SR 408, and east of Woodbury Rd.; Parcel ID#s: 23-22-31-0000-00-012/013; 4.69 gross ac.

The following person addressed the Board: Gregory Roth.

A motion was made by Commissioner Thompson, seconded by Commissioner Bonilla, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives OBJ FLU1.4, OBJ FLU2.1 and OBJ 8.2, and Policies, FLU1.1.1, FLU1.1.5, FLU1.4.2, FLU1.4.3, FLU1.4.4, FLU2.3.6, FLU8.2.10, FLU8.2.11; and Neighborhood Element Objective OBJ N1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-4-3, Medium Density Residential (MDR) to Commercial (C). 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**

1. [17-1411](#) Concurrent Rezoning Request

James Kelley, P.E., Bohler Engineering, for Chuck Hollow Inc., Joseph Dibartolo, Thomas F. Cooke, Barbara Cooke, Rosemary Raganella, William F. Raganella, Michelle J. Barrios, Danielle D Siliato, Lisa Marie Raganella Gray, and Carol Ann Kostulias  
Rezoning RZ-17-10-031

**Consideration:** C-1 (Retail Commercial District) and R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District)

**Location:** 12400 and 12464 E. Colonial Dr.; Generally located south of E. Colonial Dr., north of Waterford Wood Cr., west of SR 408, and east of Woodbury Rd.; Parcel ID#s: 23-22-31-0000-00-012/013; 4.69 gross ac.

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; and further, approve rezoning request RZ-17-10-031 from C-1 (Retail Commercial District) & R-3 (Multiple Family Dwelling



District) to C-1 (Retail Commercial District), subject to the three (3) restrictions 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

1. [17-1412](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-5-1  
Kelly McLinden Mathiasmeier

**Consideration:** Low Density Residential (LDR) to Commercial (C)

**Location:** 2709 Greenleaf Dr.; Generally located north of Greenleaf Dr., east of Forest City Rd., south of Calloway Dr., and west of Doncaster Rd.; Parcel ID#: 28-21-29-9264-02-171; 0.22 gross ac.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to continue the Small-Scale Development Privately-Initiated Amendment 2017-2-S-5-1 and Concurrent Rezoning Request RZ-17-10-023 public hearings until January 23, 2018, 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

**and**

1. [17-1413](#) Concurrent Rezoning Request

Kelly McLinden Mathiasmeier  
Rezoning RZ-17-10-023

**Consideration:** R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District)

**Location:** 2709 Greenleaf Dr.; Generally located north of Greenleaf Dr., east of Forest City Rd., south of Calloway Dr., and west of Doncaster Rd.; Parcel ID#: 28-21-29-9264-02-171; 0.22 gross ac.

This public hearing was continued.

1. [17-1414](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-5-2  
Mark Brewer for Grace Journey Community Church, Inc.

**Consideration:** Low-Medium Density Residential (LMDR) to Commercial (C)

**Location:** 10301 E. Colonial Dr., Generally located on the north side of E. Colonial Dr., west of Culver Rd., south of Union Park Dr., and east of N. Dean Rd.; Parcel ID#: 17-22-31-0000-00-031; 2.39 gross ac.

A motion was made by Commissioner Bonilla, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, and FLU8.2.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-5-2, Low-Medium Density Residential (LMDR) to Commercial (C). 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**

1. [17-1415](#) Concurrent Rezoning Request

Mark Brewer for Grace Journey Community Church, Inc.  
Rezoning RZ-17-10-018

**Consideration:** A-2 (Farmland Rural District) to C-1 (Retail Commercial District)

**Location:** 10301 E. Colonial Dr., Generally located on the north side of E. Colonial Dr., west of Culver Rd., south of Union Park Dr., and east of N. Dean Rd.; Parcel ID#: 17-22-31-0000-00-031; 2.39 gross ac.

A motion was made by Commissioner Bonilla, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; and further approve the rezoning request RZ-17-10-018 from A-2 (Farmland Rural District) to C-1 (Retail Commercial District), subject to the three (3) restrictions 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

1. [17-1416](#) Small-Scale Development Privately-Initiated Amendment

Amendment 2017-2-S-5-3  
Sam Sebaali, P.E., President, Florida Engineering Group, Inc., for Chau Family Holdings II, LLC, Truc T. Nguyen, Manager

**Consideration:** Office (O) to Planned Development-Office/Commercial (PD-O/C) (Assisted Living Facility)

**Location:** 1287 N. Semoran Blvd.; 1312 and 1314 Myrtle Ave., Generally located east of Semoran Blvd., north of Old Cheney Hwy., west of Commerce Blvd., and south of Cornelia Ave.; Parcel ID#'s: 21-22-30-4084-03-101/112/140; 1.68 gross ac.

The following person addressed the Board:

Sam Sebaali  
Bill Wilton

A motion was made by Commissioner Bonilla, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective

FLU2.1 and Policies FLU1.1.4(B), FLU1.4.2, FLU1.4.13, FLU1.4.21, FLU2.4.2, FLU2.4.3, FLU8.1.4, FLU8.2.1, and FLU8.2.10, and Neighborhood Element Policy N1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-5-3 from Office (O) to Planned Development Office/Commercial (Assisted Living Facility) (PD-O/C (ALF)). 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

and

1. [17-1417](#) Concurrent Rezoning Request

Sam Sebaali, P.E., President, Florida Engineering Group, Inc., for Chau Family Holdings II, LLC, Truc T. Nguyen, Manager  
Rezoning LUP-17-07-222

**Consideration:** P-O (Professional Office District) to PD (Planned Development District) (Chau PD). Also requested is a waiver from Section 38-1272(a)(3) of the Orange County Code to allow a ten (10) foot PD perimeter setback in lieu of the required twenty-five (25) foot PD perimeter setback along the north property line.

**Location:** 1287 N. Semoran Blvd.; 1312 and 1314 Myrtle Ave., Generally located east of Semoran Blvd., north of Old Cheney Hwy., west of Commerce Blvd., and south of Cornelia Ave.; Parcel ID#'s: 21-22-30-4084-03-101/112/140; 1.68 gross ac.

County staff indicated the rezoning request is to change from from P-O (Professional Office District) to Chau Planned Development/Land Use Plan (PD/LUP).

New Condition of Approval #19:

A six foot high PVC fence along Myrtle Avenue should be provided in addition to the required landscaping.

A motion was made by Commissioner Bonilla, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request LUP-17-07-222, from P-O (Professional Office District) to Chau PD/LUP (Planned Development/Land Use Plan), subject to the eighteen (18) conditions listed in the staff report; and further, approve new condition #19. 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

1. [17-1418](#) Small-Scale Development Privately-Initiated Amendment

## Amendment 2017-2-S-6-1

Bob Ziegenfuss for Heartwood 21, LLC

**Consideration:** Institutional (INST) to Industrial (IND)**Location:** 4330 S. John Young Pkwy.; Generally located at the corner of S. John Young Pkwy. and Cathy St.; Parcel ID#: 09-23-29-9454-06-100; 0.63 gross ac.

A motion was made by Commissioner Siplin, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2; Policies FLU1.1.5, FLU1.4.21, FLU1.4.24, FLU1.4.25, FLU8.2.1, and FLU8.2.11); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-6-1, Institutional (INST) to Industrial (IND). The motion carried by the following vote:

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

**Absent:** 2 - Commissioner Thompson, and Commissioner Bonilla

1. [17-1419](#) Small-Scale Staff-Initiated Text Amendment

## Amendment 2017-2-S-FLUE-1

Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County.

A motion was made by Commissioner Clarke, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-S-FLUE-1. The motion carried by the following vote:

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

**Absent:** 2 - Commissioner Thompson, and Commissioner Bonilla

**Small-Scale Development Privately-Initiated Amendment (Deferred)**

1. [17-1396](#) Small-Scale Development Privately-Initiated Amendment

## Amendment 2017-2-S-2-3

Amy Walker for Vincent G. Robinson, Jr.

**Consideration:** Low Density Residential (LDR) to Commercial (C)

**Location:** 5167 Journal Ave.; 4537 and 4545 Clarcona Ocoee Rd.; Generally located south of Clarcona Ocoee Rd., north of N. Orange Blossom Trl., and west of Pope Rd.; Parcel ID#s: 32-21-29-6080-00-160/180/410; 0.84 gross ac.

A motion was made by Commissioner Nelson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU2.1; Policies FLU1.4.21, FLU8.2.1., FLU8.2.10, FLU8.2.11; and Neighborhood Element Objective N1.1); further, determine that the proposed amendment is in compliance; and further,

adopt Amendment 2017-2-S-2-3 Low Density Residential (LDR) to Commercial (C). The motion carried by the following vote:

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

**Absent:** 2 - Commissioner Thompson, and Commissioner Bonilla

and

### Concurrent Rezoning Request (Deferred)

1. [17-1397](#) Concurrent Rezoning Request

Amy Walker for Vincent G. Robinson, Jr.  
Rezoning RZ-17-10-022

**Consideration:** R-1 (Single-Family Dwelling District) to C-2 (General Commercial District)

**Location:** 5167 Journal Ave.; 4537 and 4545 Clarcona Ocoee Rd.; Generally located south of Clarcona Ocoee Rd., north of N. Orange Blossom Trl., and west of Pope Rd.; Parcel ID#s: 32-21-29-6080-00-160/180/410; 0.84 gross ac.

County staff modified Restriction #1 to read as follows:

1. Allowed uses shall be restricted to:

- C-1 (Retail Commercial District) uses, Open Air Market (subject to BZA/BCC approval of the special exception and including outdoor storage of mulch and a front end loader), and open air sales of agriculture and/or farm products.

-All other C-2 uses shall be prohibited.

A motion was made by Commissioner Nelson, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request RZ-17-10-022 from R-1 (Single-Family Residential District) to C-2 (General Commercial District), subject to the four (4) restrictions in the staff report; and further, modify Restriction #1. The motion carried by the following vote:

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

**Absent:** 2 - Commissioner Thompson, and Commissioner Bonilla

1. [17-1420](#) Small-Scale Development Ordinance

Amending Orange County Code, adopting Second Cycle 2017-2 Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184 and 163.3187 F.S.

**Consideration:** AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN

ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING SMALL SCALE DEVELOPMENT AMENDMENTS AND RELATED TEXT AMENDMENTS PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING EFFECTIVE DATES

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, make a finding of consistency with the Comprehensive Plan; further, determine that the amendments are in compliance; and further, adopt Ordinance 2017-20, consistent with today's actions, approving the proposed Future Land Use Map and Text Amendments. 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.**     [17-1289](#)     Ordinance

Amending Orange County Code, Chapter 38, proposing Land Use Regulations for Medical Marijuana Treatment Centers, including a Ban on Dispensing Facilities - 2nd hearing (1st hearing on October 31, 2017)

The following persons addressed the Board:

- Erica O'Connor
- Patricia Freitag
- Maria Hurley
- William Phillips
- Stephanie D'Ercole
- Jesse Doshier
- Steve Edmonds
- Mark Schmidter
- Lauren Christie
- Morgan Haas
- Michael Hill
- Hector Maldonado
- Holly Parker
- Scott Zabrek
- Derek Ryan
- Tara Tedrow
- Juan Perez
- Robert Roundtree
- Kirk Root
- Anisia Jackson
- Chris Williams
- Amy Tacner
- Deborah Gilmore

- Daphne Simmons
- Michael Thompson
- Gary Stein

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

- Exhibit 1, from Erica O'Connor
- Exhibit 2, from Mark Schmitter

The Board took no action on this public hearing due to the Board adopting the Ordinance allowing for the dispensaries of medical marijuana.

**and**

**3.     [17-1294](#)     Ordinance**

Amending Orange County Code, Chapter 38, proposing Land Use Regulations for Medical Marijuana Treatment Centers - 2nd hearing (1st hearing on October 31, 2017)

County staff announced the following changes to the Ordinance:

Line 117:

Sec. 38-77. Use Table:

I-1, 1-5, 179 P  
I-2, I-3 179 P  
1-4, 179 P  
U-V (see 29) 179 P  
NC, 179 P  
NAC, 179 P  
Conditions \*

- Lines 332-334
- Other activities; prohibition  
...devices in the waiting area of such facility. Any dispensing ~~facility not licensed by the State of~~  
marijuana for other than medical uses (for example, recreational use) is hereby prohibited within  
unincorporated Orange County.

- Line 532:
- Effective Date

This ordinance shall become effective ~~pursuant to general law~~ on January 1, 2018.

County staff referenced the following changes to the Ordinance presented at the October 31, 2017 BCC public hearing:

ALLOW- Valid License

- Delete Lines 135 -139, 209 -213, and 287 -291

~~Inspections by the appropriate County or law enforcement officials may be made as necessary to determine compliance with state law. At least seventy two (72) hours before a cultivating/processing/dispensing facility terminates operation, the owner must notify the Orange County Sheriff's Office.~~

- Add at lines 140, 214, and 292:

Any cultivation/processing/dispensing facility not licensed by the State is hereby prohibited within unincorporated Orange County.

- Security

- Lines 175 -181, 249 -255, and 429 -435 delete as follows:

~~...government permits. The security plan approved by the Florida Department of Health for the cultivation/processing/dispensing facility must be filed with the Orange County Sheriff's Office before the cultivation/processing/dispensing facility opens and any changes to the security plan must be filed with the Orange County Sheriff's Office within seven (7) days of approval by the Florida Department of Health.~~

- Inspections

- Lines 187 -197, 261 -271, and 441 -451 modify as follows:

~~With the permission of the applicable property owner or tenant or with a warrant obtained in accordance with Chapter 933, Florida Statutes, a~~ Any law enforcement officer deputy sheriff employed by the Orange County Sheriff's Office may make searches of persons, places, and conveyances of any kind whatsoever associated with the cultivation/processing/dispensing facility in accordance with all applicable laws.~~, a~~ Any code enforcement officer, or any other person authorized to enforce county ordinances may enter the cultivation/processing/dispensing facility premises and conduct an inspection to determine compliance with this ~~article~~ section at any time the cultivation/processing/dispensing facility is open or occupied. Refusal to ~~allow entry to the premises~~ provide proof of a valid license and cultivation/processing/dispensing authority from the state shall be considered a violation of this code.

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; further, allow staff to correct any non-substantial grammatical or scrivener's errors; and further, adopt Ordinance 2017-21, including changes presented at the October 31, 2017, and November 14, 2017, public hearings, affecting the use of land in Orange County, Florida, relating to the cultivating, processing, and dispensing of marijuana for medical use; amending Section 38-1 (Zoning Definitions); amending Section 38-77 (Zoning Use Table); amending Section 38-79 (Conditions for Permitted Uses and Special Exceptions); repealing Section 38-80 ("Moratorium Regarding Medical Cannabis Activities within Unincorporated Areas of Orange County"); and providing an effective date. The motion carried by the following vote:

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




✓ 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: 6:49 p.m.

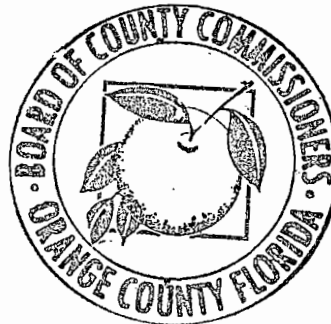
ATTEST:

  
County Mayor Teresa Jacobs

Date: DEC 19 2017

ATTEST SIGNATURE:

Phil Diamond  
County Comptroller as Clerk



for Julie Vaupel  
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.