

BCC Mtg. Date: March 6, 2018

Orange County Government

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



Final BCC Meeting Minutes

Tuesday, February 6, 2018

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 Jennifer Lara-Klimetz
Senior Minutes Coordinator Lakela Louis

Invocation-Mayor

Pastor James T. Morris, Carter Tabernacle C.M.E. Church

Pledge of Allegiance**Presentation**

Proclamation recognizing February as Black History Month

Presentation

Art in the Chambers

Public Comment

The following person addressed the Board for public comment: David Bottomley.

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

The Mayor deferred action on County Administrator Item 2.B; further, deferred action on Community, Environmental and Development Services Department Item 2; and further, a motion was made by Commissioner VanderLey, seconded by Commissioner Thompson, 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. [18-140](#) Approval of the minutes of the January 9, 2018 meeting of the Board of County Commissioners. (Clerk's Office)
2. [18-141](#) 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:

-January 19, 2018, to January 25, 2018; total of \$33,692,774.71
-January 26, 2018 to February 01, 2018; total of \$63,307,549.33.

(Finance/Accounting)
3. [18-142](#) Disposition of Tangible Personal Property as follows. (Property Accounting)
 - a. Scrap assets.
 - b. Dispose of asset totaled by our Third Party Administrator for its salvage value.
 - c. Trade-in assets toward the purchase of new equipment.

B. COUNTY ADMINISTRATOR

1. [18-143](#) Appointment of Kevin Kennedy to the Tourist Development Tax Sports Incentive Committee in the International Drive Resort Area Chamber of Commerce representative category with a term expiring December 31, 2019. (Agenda Development Office)
3. [18-145](#) Approval for the Orange County Sheriff's Office to spend \$11,000 from the FY 2018 Law Enforcement Trust Fund to provide eligible contributions to the National Latino Peace Officers Association, Central Florida Chapter (\$1,000), and the Orange County Police Athletic League (PAL) (\$10,000). (Office of Management and Budget)
4. [18-146](#) Approval of budget amendments #18-21, #18-22, #18-23, and #18-24. (Office of Management and Budget)

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. [18-147](#) Approval of Change Order No. 1, Contract No.Y16-806, with Architects Design Group Inc. in the amount of \$57,249.88, for the fire station prototype. The revised lump sum contract amount is \$285,480.88. All Districts. (Capital Projects Division)
2. [18-148](#) Approval of Change Order No. 5, Contract No.Y15-7014, with Marbek Construction Company in the amount of \$39,343.66, for the Health Services

- EMS HVAC & Interior Renovation. The revised lump sum contract amount is \$1,350,789.02. District 3. (Capital Projects Division)
3. [18-149](#) Approval of Amendment No. 10, Contract Y12-1041-GJ, Janitorial Services at the Orange County Convention Center, with A.C.A. Industries, Inc. dba American Maintenance, for an extension of 90 days in the estimated amount of \$368,000, for a revised total estimated contract amount of \$5,544,360.32. ([Convention Center Facility Operations Division] Procurement Division)
4. [18-150](#) Ratification of Amendment No. 6, Contract Y15-151B-JS, Temporary Labor - Manual, with Ace Staffing, Inc., in the estimated amount of \$40,000, for a revised total estimated contract amount of \$500,688. ([Utilities Department Water Reclamation Division] Procurement Division)
5. [18-151](#) Approval of Contract Y18-186-KF, Ryan White Part A Planning Council Support, with Heart of Florida United Way, in the annual contract award amount of \$285,000. ([Health Services Department Fiscal and Operational Division] Procurement Division)
6. [18-152](#) Approval and execution of Lease Agreement between Pyramid Properties II, LLP and Orange County and delegation of authority to the Real Estate Management Division Manager to furnish Notices and execute Tenant Estoppel Certificates required or allowed by the Lease Agreement, if needed for Parkway Center - ISS Expansion (4780 N. Orange Blossom Trl.), 4790 North Orange Blossom Trail, Orlando, Florida, 32810, Lease File #1017B. District 2. (Real Estate Management Division)
7. [18-153](#) Approval and execution of Subordination of Utility Interests from Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, d/b/a Progress Energy Florida, Inc., to Orange County and authorization to disburse funds to pay recording fees and record instrument for Econlockhatchee Trail RCA (Lake Underhill Rd to S.R. 50). District 3. (Real Estate Management Division)
8. [18-154](#) Approval and execution of Encroachment Agreement between Florida Gas Transmission Company, LLC and Orange County and authorization to record instrument for Central Florida Parkway FM Easement. District 4. (Real Estate Management Division)
9. [18-155](#) Approval of Purchase Agreement and Utility Easement between William R. Hixson and Anna M. Hixson and Orange County and Subordination of Encumbrance to Property Rights to Orange County from Justin Gilbert and Julia M. Fisher and authorization to disburse funds to pay purchase price and recording fees and record instrument for Pump Station No. 3191 (Puritan Road). District 3. (Real Estate Management Division)
10. [18-156](#) Approval of Utility Easement with Joinder and Consent to Utility Easement

by Storey Park Community Development District from Lennar Homes, LLC to Orange County and Utility Easement from Storey Park Club, LLC to Orange County and authorization to record instruments for Storey Park Parcel L Ph 1 Permit: 17-U-012 OCU File #: 90366. District 4. (Real Estate Management Division)

D. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [18-157](#) 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. All Districts. (Code Enforcement Division)

LC 18-0028 LC 18-0012 LC 17-0978 LC 18-0021 LC 18-0045
LC 17-0970 LC 18-0005 LC 17-1021 LC 18-0022 LC 18-0049
LC 18-0010 LC 17-1076 LC 17-1029 LC 18-0023 LC 18-0052
LC 18-0009 LC 17-0975 LC 18-0002 LC 18-0035 LC 18-0070

3. [18-159](#) Approval and execution of Termination of Agreement between Orange County, Florida and Orlando-Orange County Expressway Authority regarding New Independence Parkway Extension to terminate the original agreement approved on December 6, 2011 since all terms have been met. District 1. (Roadway Agreement Committee)
4. [18-160](#) Approval and execution of Resolution 2018-M-04 of the Orange County Board of County Commissioners regarding the State Housing Initiatives Partnership Program (SHIP) and the Orange County Local Housing Assistance Plan (LHAP) for State Fiscal Years 2015-2016, 2016-2017 and 2017-2018 and Certification to Florida Housing Finance Corporation; and approval of State Housing Initiatives Partnership Local Housing Assistance Plan Amendment 2015-2016, 2016-2017, 2017-2018. All Districts. (Housing and Community Development Division)

E. FAMILY SERVICES DEPARTMENT

1. [18-161](#) Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at East Orange Head Start. This application is only executed by Orange County. (Head Start Division)
2. [18-162](#) Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Lila Mitchell Head Start. This application is only executed by Orange County. (Head Start Division)

F. HEALTH SERVICES DEPARTMENT

1. [18-163](#) Approval to accept the Federal Health Resources and Services Administration Grant Award for Ryan White Part A funding in the estimated amount of \$10,190,328 for the period of March 1, 2018 through February 28, 2019 and approval for the County Mayor or designee to approve any increases or decreases in the award amount. (Health Services Department)

G. PUBLIC WORKS DEPARTMENT

1. [18-164](#) Approval to install a "No Parking" zone on the north and south sides of Hackney Prairie Road approximately 200 feet from Prairie Lake Elementary bus entrance extending west 700 feet to County Line. District 2. (Traffic Engineering Division)
2. [18-165](#) Approval to install "No Parking" zone on Ortega Street from 100 feet west of Wedgefield K-8 School bus entrance extending 1000 feet east on the south side and from the private driveway of 20191 Ortega Street extending 1200 feet east on the north side. District 5. (Traffic Engineering Division)
3. [18-166](#) Approval to construct speed humps on Dreyfushire Boulevard. District 3. (Traffic Engineering Division)
4. [18-167](#) Approval to construct speed humps on Dumont Street. District 3. (Traffic Engineering Division)
5. [18-168](#) Approval of Traffic Signal installation at Old Winter Garden Road and SR 408 Exit Ramp. District 6. (Traffic Engineering Division)
6. [18-169](#) Approval of Traffic Signal installation at East Wetherbee Road and Sawgrass Plantation Boulevard. District 4. (Traffic Engineering Division)
7. [18-170](#) Approval and execution of Resolution 2018-M-05 of the Orange County Board of County Commissioners regarding establishing a No Parking Zone and Tow Away Zone for commercial motor vehicles in the vicinity of Avalon Park Boulevard, and repealing Resolution No. 2015-M-41. District 4. (Traffic Engineering Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. [18-171](#) Receipt of the following items to file for the record: (Clerk's Office)
 - a. Orange County Industrial Development Authority Oath of Office of Irma Stenman, as Assistant Secretary of the Orange County Industrial Development Authority.

b. City of Apopka Notice of Annexation Ordinances, and Maps as follows:

-Ordinance 2594, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Curtis and Karen Pumphrey located at 251 West Lester Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.

-Ordinance 2595, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by A.D. Raulerson and A.D. Raulerson, jr. located at 213 West Lester Road and 2122 Rock Springs Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.

-Ordinance 2603, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described public right-of-way known as Irmalee Lane situated and being in Orange County, Florida, located generally east of State Road 429 and north of McCormick Road, and comprised of approximately 6.5 acres; owned by Orange County Board of County Commissioners; providing for directions to the City Clerk, severability, conflicts, and an effective date.

-Ordinance 2613, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Iglesia el Getsemani Inc. located at 2575 West Orange Blossom Trail; providing for directions to the City Clerk, severability, conflicts, and an effective date.

-Ordinance 2614, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described public right- of-way known as east Sandpiper Street situated and being in Orange County, Florida, located generally west of North Park Avenue and east of Thompson Road, and comprised of approximately 8.4 acres; owned by Orange County Board of County Commissioners; providing for directions to the City Clerk, severability, conflicts, and an effective date.

-Ordinance 2615, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described public right-of-way known as Johns Road situated and being in Orange County, Florida, located generally west of South Binion Road and east of Johns Road, and comprised of approximately 1.05 acres;

owned by Orange County Board of County Commissioners; providing for directions to the City Clerk, severability, conflicts, and an effective date.

-Ordinance 2616, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described public right-of-way known as General Electric Road and Parcel I.D. Number 06-21-28-7172-02-401 situated and being in Orange County, Florida, located generally west of Hermit Smith Road and east of West Orange Avenue, and comprised of approximately 2.3 acres; owned by Orange County Board of County Commissioners and the City of Apopka; providing for directions to the City Clerk, severability, conflicts, and an effective date.

c. Florida Public Service Commission Final Order approving Expenditures and True-Up amounts for Fuel Adjustment Factors; GPIF targets, ranges, and rewards; and projected Expenditures and True-Up amounts for capacity cost recovery factor. In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

d. City of Winter Garden Notice of Annexation Ordinance, Attachment A (Legal Description) and Attachment B (Location Map). Ordinance 17-60, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.40 ± acres located at 8 Broad Street including Parcel ID # 23-22-27-7824-00-580 and Parcel ID # 23-22-27-7824-00-581, south side of Broad Street, East of Vineland Road and west of Cross Street into the City of Winter Garden, Florida; redefining the City boundaries to give the City jurisdiction over said property; providing for severability; providing for an effective date.

This item was received and filed.

I. CONSENT AGENDA (Deferred)

B. COUNTY ADMINISTRATOR

2. [18-144](#) Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments. (Agenda Development Office)

A. Affordable Housing Advisory Board: Appointment of Zoe Colon to succeed Luis F. Hernandez in the Orange County resident representative category with a term expiring June 30, 2018.

B. Agricultural Advisory Board: Appointment of Ryan C. Beck to succeed Larry B. Bean in the citrus industry representative category and Anne Nelson to succeed Jennifer Parrish in the foliage industry representative category

with terms expiring December 31, 2019.

C. Animal Services Classification Committee: Reappointment of Vicky Otero in the obedience trainer/handler representative category with a term expiring December 31, 2019.

D. Development Advisory Board: Appointment of Jim Hall to succeed Eliza Harris in the primary group representative category (certified urban planner) with a term expiring June 30, 2019.

E. Disability Advisory Board: Appointment of Theresa A. Smith to succeed Jose A. Fernandez and Daisy Morales to succeed Tiffany Namey in the at large representative category with terms expiring June 30, 2018.

F. Environmental Protection Commission: Appointment of Perry S. Bamasi to succeed Sally Atwell in the regulated business or municipal representative category with a term expiring December 31, 2019.

G. Nuisance Abatement Board: Appointment of Ali Kurnaz to succeed Steven Alexander in the at large representative category with a term expiring January 1, 2020.

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to approve County Administrator Consent Item 2.B: Agricultural Advisory Board: Appointment of Ryan C. Beck to succeed Larry B. Bean in the citrus industry representative category and Anne Nelson to succeed Jennifer Parrish in the foliage industry representative category with terms expiring December 31, 2019. The motion carried by the following vote:

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

Recuse 1 - Commissioner Nelson
d:

III. DISCUSSION AGENDA

A. COUNTY ADMINISTRATOR

1. [18-172](#) Appointments to the Tourist Development Tax Sports Incentive Committee. (Agenda Development Office)

Commissioner VanderLey nominated Lena Combs for the certified public accountant category.

AYE votes cast by voice vote for Lena Combs as follows: County Mayor Jacobs; Commissioners VanderLey, Nelson, Clarke, Thompson, Bonilla, and Siplin.

Lena Combs received a majority to be appointed as the certified public accountant to the Tourist Development Tax Sports Incentive Committee with a term expiring December 31, 2020; no further

votes were cast.

Commissioner Thompson nominated Tara Carbia Early for the citizen representative category.

Commissioner Bonilla nominated Alex Barrio for the citizen representative category.

AYE votes cast by voice vote for Tara Carbia Early as follows: County Mayor Jacobs; Commissioners VanderLey, Nelson, Clarke, Thompson, and Siplin.

NAY votes cast by voice vote for Tara Carbia Early as follows: Commissioner Bonilla.

Tara Carbia Early received a majority to be appointed as the citizen representative to the Tourist Development Tax Sports Incentive Committee with a term expiring December 31, 2019; no further votes were cast.

B. ADMINISTRATIVE SERVICES DEPARTMENT

1. [18-173](#) Selection of one firm and an alternate to provide Professional Engineering Services for the Final Design for UCF/Alafaya Trail Pedestrian Study, Request for Proposals Y18-800-CH, from the following two firms, listed alphabetically:

-AVCON, Inc.
-DRMP, Inc.

([Public Works Department Engineering Division] Procurement Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to appoint AVCON, Inc., 432 points, as the selected firm; and further, appoint DRMP, Inc., 405.3 points, as the alternate. The motion carried by the following vote:

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

Recuse 1 - Commissioner VanderLey
d:

C. FAMILY SERVICES DEPARTMENT

1. [18-174](#) Neighborhood Preservation and Revitalization Office Update.
(Neighborhood Preservation and Revitalization Office)

The Board took no action.

D. COUNTY MAYOR

1. [18-175](#) Open discussion on issues of interest to the Board.

Commissioner Clarke wished to discuss the Harrod Property. (District 3)

Commissioner Thompson wished to discuss Residential Parking. (District 4)

Commissioner Thompson wished to discuss the roads within Central Florida Research Park.
(District 4)

Commissioner Bonilla wished to discuss the roads around Central Florida Research Park.
(District 5)

The following person addressed the Board: Joe Wallace.

The Board took no action.

IV. WORK SESSION AGENDA

A. PUBLIC WORKS DEPARTMENT

1. [18-176](#) Roadway Lighting Program. All Districts. (Engineering Division)

The Board took no action.

V. RECOMMENDATIONS

1. [18-177](#) January 18, 2018 Planning and Zoning Commission Recommendations

A motion was made by Commissioner VanderLey, 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: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

VI. PUBLIC HEARINGS

1. [18-027](#) Shoreline Alteration/Dredge and Fill

Ron Tegeler, Lake Butler, permit; District 1

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to replace an existing seawall, pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1; on property located adjacent to Lake Butler, located at 636 Butler Street; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Clarke, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-17-11-016) 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

2. [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, March 7, 2017, June 20, 2017, September 19, 2017 and December 19, 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)

This public hearing was canceled.

3. [18-005](#) Rezoning

Ian McCook, Nvision Development Management Services, River Run at Valencia Planned Development (PD), Case # LUP-17-05-172; District 3 (Continued from January 9, 2018)

Consideration: Request to rezone 12.3 gross acres from R-CE to PD, in order to construct a 456 bed / 114 unit student housing project. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1259(b) Student Housing to allow for reduced distance from single-family residential along the northern border of 150 feet in lieu of 400 feet for the 4-story student housing buildings and 25 feet in lieu of 400 feet for the single-story clubhouse; along the southern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings; and along the eastern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings.
2. A waiver from Section 38-1259(h)(b) to allow a maximum building height of four (4) stories and sixty (60) feet in lieu of three (3) stories and forty (40) feet.
3. A waiver from Section 38-1258(f) to eliminate the 6' high masonry, brick or block wall where the conservation area is located along the northernmost border. Location of the conservation area will be shown on the development plan.
4. A waiver from Section 38-1259 Student Housing, Subsection (G) to align with density calculation in the Comprehensive Plan, Policy FLU1.1.2, Subsection (F) whereas student housing density is calculated as four bedrooms equal one multi-family unit, in lieu of one bedroom counting as one-half dwelling unit; pursuant to Orange County Code, Chapter 30.

Location: District 3; property located at 113 S. Econlockhatchee Trail; or generally north of State Road 417 and east of N. Econlockhatchee Trail; Orange County, Florida (legal property description on file)

The following person addressed the Board: Ian McCook.

A motion was made by Commissioner Clarke, 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 Planning and Zoning Commission 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

4. [18-013](#) Ordinance

Amending Orange County Code Chapter 38 Zoning regulations, regarding the sale of alcoholic beverages and relating to distances between places selling alcoholic beverages and religious institutions, schools, and adult entertainment establishments (Continued from January 9, 2018)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, REGARDING THE SALE OF ALCOHOLIC BEVERAGES; AMENDING SECTION 38-1414 OF THE ORANGE COUNTY CODE RELATING TO PROHIBITED AREAS FOR THE SALE OF ALCOHOLIC BEVERAGES; AMENDING SECTION 38-1415 OF THE ORANGE COUNTY CODE RELATING TO DISTANCES BETWEEN PLACES SELLING ALCOHOLIC BEVERAGES AND RELIGIOUS INSTITUTIONS, SCHOOLS AND ADULT ENTERTAINMENT ESTABLISHMENTS; AND PROVIDING AN EFFECTIVE DATE.

County staff presented to the Board three potential motion items as follows:

-Amending Section 38-1415: Measure the distance from a package sale vendor's location to a school from the main entrance of proposed package store to "any entrance to the school property that is used by students"

-Amending Section 38-1414: Reduce the 5,000 ft. separation requirement to 3,500 ft. between package stores in unincorporated area.

-Amending Section 38-1414: Reduce the 5,000 ft. separation requirement to 750 ft. from a package store in the unincorporated area to a package store in a municipality.

Board discussion ensued.

A motion was made by Commissioner Bonilla, seconded by Commissioner Clarke, to amend Section 38-1415, to measure the distance from a package sale vendor's location to a school from the main entrance of a proposed package store to a public right-of-way entrance to the property that is used by students, with "property" being defined as the property owned or leased by the school. 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 motion was made by Commissioner Bonilla, seconded by Commissioner Clarke, to keep the separation requirement between package stores in unincorporated areas at 5,000 ft. 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 motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to amend Section 38-1414, to reduce the 5,000 ft. separation requirement to 750 ft. from a package store in the unincorporated area to a package store in a municipality. 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 motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to adopt Ordinance 2018-05 affecting the use of land in Orange County, Florida, regarding the sale of alcoholic beverages; further, amending Section 38-1414 of the Orange County Code relating to prohibited areas for the sale of alcoholic beverages; further, amending Section 38-1415 of the Orange County Code relating to distances between places selling alcoholic beverages and religious institutions, schools and adult entertainment establishments; and further, incorporate additional minor amendments into the ordinance as advertised, including an effective date of February 19, 2018. 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. [18-077](#) Ordinance

Amending Orange County Code, Chapter 18, Fire Prevention and Protection, to provide for burn ban establishment, activation, deactivation, enforcement and penalties (Continued from February 6, 2018)

Consideration: AN ORDINANCE AFFECTING FIRE PREVENTION AND PROTECTION IN ORANGE COUNTY; AMENDING CHAPTER 18, ORANGE COUNTY CODE BY CREATING SECTION 18-4 ESTABLISHING A BURN BAN; PROVIDING FOR BURN BAN ACTIVATION, DEACTIVATION, APPLICABILITY, ENFORCEMENT, AND PENALTIES; AMENDING SECTION 18-32 ("FLORIDA FIRE PREVENTION CODE") BY REMOVING LOCAL AMENDMENTS; AMENDING SECTION 18-34 ("BOARD OF ADJUSTMENTS AND APPEALS") BY REMOVING THE REFERENCE TO THE ADVISORY BOARD ORDINANCE FROM THE BOARD OF ADJUSTMENTS AND APPEALS ELIGIBILITY REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner VanderLey, seconded by Commissioner Thompson, to continue the public hearing until February 20, 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

I. CONSENT AGENDA (Deferred)

D. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

2. [18-158](#) Approval and execution of Interlocal Agreement regarding Flamingo Crossings Property among Orange County, Florida and Reedy Creek Improvement District related to a deannexation of property and the processing of a Comprehensive Plan amendment application and concurrent Planned Development District rezoning request. District 1. (Planning Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Thompson, to approve and execute an Interlocal Agreement regarding Flamingo Crossings Property among Orange County, Florida and Reedy Creek Improvement District related to a deannexation of property and the processing of a Comprehensive Plan amendment application and concurrent Planned Development District rezoning request. 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

VI. PUBLIC HEARINGS

6. [18-016](#) Ordinance/Comprehensive Plan

Amending Orange County Code, adopting 2017-2 Continued Regular Cycle and 2017-2 Continued Small-Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP), and where applicable, concurrent Rezoning requests (Continued from January 23, 2018)

and

Adoption of Ordinance

Regular Cycle Privately-Initiated Large Scale Future Land Use Map Amendment and Concurrent Rezoning Request

Amendment 2017-2-A-1-2

Kathy Hattaway, Poulos & Bennett, LLC, and John Classe, Reedy Creek Improvement District, for Flamingo Crossings, LLC and Reedy Creek Improvement District

Consideration: East Portion: Reedy Creek Improvement District (RCID)-Mixed Use; West Portion: Reedy Creek Improvement District (RCID)-Mixed Use/Conservation to East Portion: Growth Center-Planned Development-Commercial/High Density Residential (Temporary Employee Housing) (GC-PD-C/HDR [Temporary Employee Housing]); West Portion: Growth Center-Planned Development-Commercial/High Density Residential (Temporary Employee Housing)/ Conservation (GC-PD-C/HDR [Temporary Employee Housing]/CONS)

Location: 12831, 12840, and 13325 Flamingo Crossings Blvd.; Generally located east and west of Flamingo Crossings Blvd., west of SR429, South of Western Way; Parcel ID#'s: 21-24-27-0000-00-003 (portion of), 21-24-27-0000-00-005 (portion of), and 28-24-27-0000-00-001/021; 154.35 gross ac.

The following persons addressed the Board:

-Kathy Hattaway

-Sandra Carris MacDonnall

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (see Housing Element Objective H1.1, Future Land Use Element Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU1.4.4, FLU1.4.7, FLU7.4.1, FLU7.4.4, FLU7.4.6, and FLU8.2.1; and Conservation Element Objective C1.4 and Policy C1.4.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2017-2-A-1-2, Reedy Creek Improvement District (RCID)-Mixed Use (east portion) and Reedy Creek Improvement District (RCID)-Mixed Use/Conservation (west portion) to Growth Center-Planned Development-Commercial/High Density Residential (Temporary Employee Housing) (GC-PD-C/HDR [Temporary Employee Housing]) (east portion) and Growth Center-Planned Development-Commercial/High Density Residential (Temporary Employee Housing/Conservation (GC-PD-C/HDR [Temporary Employee Housing]/CONS) (west portion). 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

6. [18-017](#) Concurrent Rezoning Request

Kathy Hattaway, Poulos & Bennett, LLC, and John Classe, Reedy Creek Improvement District, for Flamingo Crossings, LLC and Reedy Creek Improvement District
Rezoning LUP-16-04-147

Consideration: RCID (Reedy Creek Improvement District) to PD (Planned Development District) (Flamingo Crossings PD) Also requested are seven (7) waivers from Orange County Code:

- 1) A waiver from Section 38-1230(a) to allow vehicle parking areas to be located within seven hundred fifty (750) feet of the uses they serve, in lieu of one hundred fifty (150) feet;
- 2) A waiver from Section 38-1254(1) to maintain a minimum PD perimeter building setback of twenty-five (25) feet for all structures, in lieu of an increased setback for structures in excess of two (2) stories;
- 3) A waiver from Section 38-1254(2)(d) to allow a minimum expressway setback of thirty (30)

feet, in lieu of seventy-five (75) feet;

- 4) A waiver from Section 38-1258(d) to allow a maximum building height for multi-family residential structures of five (5) stories / sixty (60) feet, in lieu of three (3) stories / forty (40) feet;
- 5) A waiver from Section 38-1258(j) to allow for a minimum building separation of twenty (20) feet, in lieu of the required increased separation based on building stories;
- 6) A waiver from Section 24-4(a)(2)a-b to allow a 0-foot paving setback between internal lot lines within the development, in lieu of providing a landscape buffer a minimum of seven (7) feet in width; and,
- 7) A waiver from Section 24-5(a)(3) to allow a Type C, opaque buffer to be a minimum of three (3) feet in height and a minimum of five (5) feet wide, in lieu of a height of at least six (6) feet and a minimum of fifteen (15) feet wide.

Location: 12831, 12840, and 13325 Flamingo Crossings Blvd.; Generally located east and west of Flamingo Crossings Blvd., west of SR429, South of Western Way; Parcel ID#'s: 21-24-27-0000-00-003 (portion of), 21-24-27-0000-00-005 (portion of), and 28-24-27-0000-00-001/021; 154.35 gross ac.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request LUP-16-04-147 from RCID (Reedy Creek Improvement District) to PD (Planned Development District) (Flamingo Crossings PD), subject to the twenty-four (24) conditions and seven (7) waivers 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

6. [18-018](#) Regular Cycle Staff-Initiated Large Scale Text and Future Land Use Map Amendment

Amendment 2017-2-B-FLUE-7

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 VanderLey, 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-7. The motion carried by the following vote:

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

6. [18-019](#) Regular Cycle Large Scale 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 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 Nelson, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendments are in compliance; and further, adopt Ordinance 2018-06, 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

✓ **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: 3:29 p.m.

ATTEST:



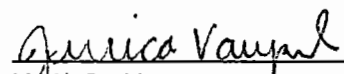
County Mayor Teresa Jacobs

Date: MAR 06 2018



ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk



for 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.