

Orange County Government

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



Draft Meeting Minutes

Tuesday, January 8, 2019

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Demings called the meeting to order at 9:05 a.m.

Present: 7 - Mayor Jerry L. Demings, Commissioner Betsy VanderLey, Commissioner Christine Moore, Commissioner Mayra Uribe, Commissioner Maribel Gomez Cordero, 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
Deputy Clerk Katie Smith
Senior Minutes Coordinator Lakela Louis
Senior Minutes Coordinator Jennifer Lara-Klimetz

Invocation - District 2

Pastor Kevin Goza, Trinity Baptist Church

Pledge of Allegiance**Public Comment**

The following persons addressed the Board for public comment:

- Michael Hill
- Harry Gregg
- Kimberly Buchheit
- Eric Rollings
- Bob Stein
- Nicole Wilson
- Jeff Benavides
- Marty Sullivan
- Mary Dipboye
- Gabrielle Milch
- Chuck O'Neal
- Megan Sorbo
- John Fauth
- Ken Novick
- Dino D'Errico
- Jan D'Errico
- Dieter Heilmann
- Sharyn Little

- Tom Clements
- Valerie Andersen
- Wayne Harrod
- John Miklos
- Frank Arnall
- Michael Garvey
- Charles Lee
- Maria Bolton-Joubert
- Jacqueline Mason
- Suzanne Arnold
- Marj Holt
- Mary Wilson
- Richard Grace
- Doug Coward
- Mike Dugre
- Deborah Gilmore

The following materials were presented to the Board during public comment:

- Exhibit 1, from Kimberly Buchheit
- Exhibit 2, from Marty Sullivan
- Exhibit 3, from Wayne Harrod
- Exhibit 4, from John Miklos
- Exhibit 5, from Suzanne Arnold
- Exhibit 6, from Marj Holt
- Exhibit 7, from Mary Wilson

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

- Submittal 1, from Kimberly Buchheit
- Submittal 2, from Bob Stein
- Submittal 3, from Wayne Harrod
- Submittal 4, from Charles Lee

I. CONSENT AGENDA

Approval of the Consent Agenda

The Mayor deferred action on Community, Environmental and Development Services Department Item 2; and further, a motion was made by Commissioner VanderLey, seconded by Commissioner Siplin, to approve the balance of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

A. COUNTY COMPTROLLER

1. [19-050](#) Approval of the minutes of the December 4, 2018 meeting of the Board of County Commissioners. (Clerk's Office)

2. [19-051](#) 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:
 - December 14, 2018, to December 20, 2018; \$64,973,464.65
 - December 21, 2018, to December 27, 2018; \$14,897,137.93
 - December 28, 2018, to January 3, 2019; \$94,896,943.79

(Finance/Accounting)

3. [19-052](#) Disposition of Tangible Personal Property as follows. (Property Accounting)
 - a. Donate assets to Bay County.
 - b. Scrap assets.
 - c. Demolish assets.

B. COUNTY ADMINISTRATOR

1. [19-053](#) Confirmation of the appointment of Eduardo Fernandez to the Planning and Zoning Commission as the District 3 representative with a term expiring December 31, 2020. (Agenda Development Office)

2. [19-054](#) Confirmation of Commissioner VanderLey's appointment of Christopher J. Scott and Victor Jaworski to the Big Sand Lake Advisory Board with terms expiring December 31, 2020. (Agenda Development Office)

3. [19-055](#) Approval to pay the second quarter billing for the Orange County Property Appraiser in the amount of \$3,223,541.69. (Office of Management and Budget)

4. [19-056](#) Approval for the Orange County Sheriff's Office to spend \$2,000 from the Law Enforcement Trust Fund to provide an eligible contribution to The Rotary Club of Lake Nona Lunch. (Office of Management and Budget)

5. [19-057](#) Approval of budget amendment #19-04. (Office of Management and Budget)

6. [19-058](#) Approval of the sufficiency of the public officials' bonds provided by Travelers Casualty and Surety Company and Liberty Mutual Insurance Company for all public officials currently holding office in Orange County, Florida. (Risk Management Division)

7. [19-059](#) Ratification of payment of Intergovernmental claims of November 1, 2018,

November 15, 2018, November 29, 2018, and December 13, 2018, totaling \$1,596,826.57. (Risk Management Division)

8. [19-060](#) Approval to pay quarterly assessments to the Florida Department of Financial Services for self-insurer assessments in an amount not to exceed \$221,406.38. 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)

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. [19-061](#) Approval to award Invitation for Bids Y19-124-RM, Hot In-Place Asphalt Recycling with Asphalt Resurfacing, to the sole responsive and responsible bidder, Cutler Repaving, Inc. The estimated contract award amount is \$3,904,025 for the base year. ([Public Works Department Roads and Drainage Division] Procurement Division)
2. [19-062](#) Approval to award Invitation for Bids Y19-153-MV, Staff Augmentation - Food Service for Great Oaks Village, to the sole responsive and responsible bidder, AUE Staffing, Inc. The estimated contract award amount is \$322,287.12 for a 3-year term. ([Family Services Department Youth and Family Services Division] Procurement Division)
3. [19-063](#) Approval to award Invitation for Bids Y19-172-AV, Leachate Hauling, to the low responsive and responsible bidder, Brownies Septic & Plumbing LLC. The estimated contract award amount is \$132,160 for a 1-year term. ([Utilities Department Solid Waste Division] Procurement Division)
4. [19-064](#) Ratification of Purchase Order M93663, Renewal of Software Support and Licensing for DOC1, CODE1 and Mailstream Software, with Pitney Bowes Software Inc. in the total amount of \$102,099.79. ([Office of Accountability Information Systems and Services Division] Procurement Division)
5. [19-065](#) Ratification of Purchase Order M93670, Maintenance and Support of the 911 Digital Voice Logging System, with Replay Systems, Inc. in the amount of \$145,347.81 for a 1-year term ([Office of Accountability Information Systems and Services Division] Procurement Division)
6. [19-066](#) Ratification of Purchase Order M93753, Renewal of Software Support and Licensing for GIS Software, with Environmental Systems Research Institute, Inc. in the total amount of \$131,036.34. ([Community, Environmental and Development Services Department Fiscal and Operational Support Division] Procurement Division)
7. [19-067](#) Approval to award Agreement No. Y19-178, Antiterrorism and Emergency Assistance Program, to St. Petersburg College Center for Public Safety Innovation in the total contract amount of \$244,532. ([Health Services

Department Mental Health and Homeless Issues Division] Procurement Division)

- 8. [19-068](#) Approval and execution of Termination of Ground Lease Agreement by and between Journey Christian Church, Inc. and Orange County for Journey Church Neighborhood Park 1965 South Orange Blossom Trail, Apopka, Florida 32703 Lease File #8001. District 2. (Real Estate Management Division)
- 9. [19-069](#) Approval of Utility Easement from Westgate Lakes, LLC to Orange County and authorization to record instrument for Westgate Lakes Bldg. 60/70 Site Work Permit: B15904179 OCU File #: 83386. District 1. (Real Estate Management Division)
- 10. [19-070](#) Approval of Utility Easement from Alta Grande Apartments, L.P. to Orange County and Subordination of Encumbrances to Property Rights to Orange County from TD Bank, N.A. and authorization to record instruments for Grande Lakes Multi Family Site Work Permit #B16904493 OCU File #89286. District 4. (Real Estate Management Division)
- 11. [19-071](#) Approval of Utility Easement from Vineland Express, LLC to Orange County and authorization to record instrument for Village F Parcels N-1 and N-17 Ph 1 Permit #16-S-038 OCU File # 86366. District 1. (Real Estate Management Division)

D. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

- 1. [19-072](#) 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 18-0776	LC 19-0010	LC 19-0025	LC 18-0894	LC 18-0977
LC 18-0946	LC 19-0048	LC 19-0102	LC 18-0898	LC 18-0978
LC 18-0989	LC 19-0051	LC 18-0817	LC 18-0911	LC 18-0979
LC 18-1001	LC 18-0931	LC 18-0967	LC 18-0951	LC 18-0985
LC 18-0899	LC 18-1006	LC 18-0970	LC 18-0952	LC 18-0986
LC 18-0900	LC 18-1011	LC 19-0042	LC 18-0954	LC 18-0993
LC 18-0903	LC 18-1013	LC 19-0019	LC 18-0955	LC 18-0995
LC 18-0904	LC 19-0001	LC 19-0057	LC 18-0975	LC 18-1004

- 2. [19-073](#) Approval and execution of First Amendment to Adequate Public Facilities Agreement for Horizon West - Village I - West Neighborhood Spring Grove - Jaffers PD by and between Spring Grove, LLC, M/I Homes of Orlando, LLC, and Orange County. District 1. (Planning Division)

(This item was deferred.)

3. [19-074](#) Approval and execution of Satisfaction and Release by and between CR535 Lakeside Village Properties, LLC and Orange County. District 1. (Road Agreement Committee)

E. FAMILY SERVICES DEPARTMENT

1. [19-075](#) Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Bithlo Head Start. This application is only executed by Orange County. (Head Start Division)
2. [19-076](#) Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Pine Hills Head Start. This application is only executed by Orange County. (Head Start Division)

F. HEALTH SERVICES DEPARTMENT

1. [19-077](#) Approval and execution of the renewal Certificate of Public Convenience and Necessity for Maitland Fire Rescue Department to provide Advanced Life Support Transport Service. The term of this certificate is from February 1, 2019 through February 1, 2021. There is no cost to the County. (EMS Office of the Medical Director)
2. [19-078](#) Approval and execution of the renewal Certificate of Public Convenience and Necessity for Reedy Creek Emergency Services to provide Advanced Life Support Transport Service. The term of this certificate is from January 31, 2019 through January 31, 2021. There is no cost to the County. (EMS Office of the Medical Director)

G. PUBLIC WORKS DEPARTMENT

1. [19-079](#) Approval of Application for Facility Installation between Florida Central Railroad and Orange County for the installation of a drainage culvert under Florida Central Railroad tracks. District 1. (Roads & Drainage Division)
2. [19-080](#) Approval to construct speed humps on Stoneywyck Street. District 4. (Traffic Engineering Division)
3. [19-081](#) Authorization to record the plat of Waterleigh Parcels 10 and 11, Phase 1. District 1. (Development Engineering Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTRROLLER

1. [19-082](#) Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Ocoee Ordinance No. 2018-038 with Exhibit A (Legal Description), and Exhibit B (Location Map). Ordinance 2018-038 (Annexation Ordinance for Alli Property - 735 Center Street), Tax Parcel ID #s: 17-22-28-0000-00-130; Case No. AX-06-17-61: Alli Annexation. An Ordinance of the City of Ocoee, Florida, annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately 0.68 acres located on the south side of Center Street; 450 feet east of Orange Avenue; pursuant to the application submitted by the property owner; finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area Agreement; providing for and authorizing the updating of official City Maps; providing direction to the City Clerk; providing for severability; repealing inconsistent ordinances; providing for an effective date.
 - b. City of Ocoee Ordinance No. 2018-040 with Exhibit A, and Exhibit B (Location Map). Ordinance 2018-040 (Annexation Ordinance for 815 Clarcona Ocoee Road AKA North Lakewood Avenue), Tax Parcel ID #s: 08-22-28-0000-00-028; Case No. AX-07-18-73: VMG Estates Ocoee Annexation. An Ordinance of the City of Ocoee, Florida, annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately 3.89 acres located on the east side of North Lakewood Avenue; 103 feet north of Burnt Tree Court; pursuant to the application submitted by the property owner; finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area Agreement; providing for and authorizing the updating of official City Maps; providing direction to the City Clerk; providing for severability; repealing inconsistent ordinances; providing for an effective date.
 - c. City of Ocoee Ordinance No. 2018-043 with Exhibit A, and Exhibit B (Location Map). Ordinance 2018-043 (Annexation Ordinance for City of Ocoee Center Street Pond Property - 715 Center Street), Tax Parcel ID #: 17-22-28-0000-00-102; Case No. AX-09-18-78: City of Ocoee Center Street Pond Annexation. An Ordinance of the City of Ocoee, Florida, annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately 3.58 acres located on the south side of Center Street; 525 feet east of Orange Avenue; pursuant to the application submitted by the property owner; finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area Agreement; providing for and authorizing the updating of official City Maps; providing direction to the City Clerk; providing for

severability; repealing inconsistent ordinances; providing for an effective date.

These items were received and filed.

III. DISCUSSION AGENDA

A. COUNTY ADMINISTRATOR

1. [19-083](#) Reappointment of Richard Maladecki as an Orange County representative on the Library Board of Trustees with a term effective January 8, 2019 and expiring December 31, 2022 or appointment of an individual to succeed him. (Agenda Development Office)

A motion was made by Commissioner VanderLey, seconded by Commissioner Bonilla, to reappoint Richard Maladecki as an Orange County representative on the Library Board of Trustees with a term effective January 8, 2019 and expiring December 31, 2022. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

2. [19-084](#) ***By consensus, the Board adjourned as the Orange County Board of County Commissioners and convened as the Orange County Library District Governing Board***
Appointment of an Orange County representative to the Library Board of Trustees with a term effective January 8, 2019 and expiring December 31, 2022;
-and-
Appointment of Andrea A. Otero to the Library Board of Trustees as a City of Orlando representative with a term effective January 8, 2019 and expiring December 31, 2021;
-and-
Approval of the February 20, July 16, September 10, and September 18, 2018 meeting minutes of the Library District Governing Board. (Agenda Development Office)
By consensus, the Board adjourned as the Orange County Library District Governing Board and reconvened as the Orange County Board of County Commissioners

The Orange County Board of County Commissioners took no action. Refer to the Orange County Library District Governing Board Minutes appended to Legislative File 19-084, for action taken by the Orange County Library District Governing Board.

3. [19-085](#) Reappointment of Phillip C. Hollis and Maurice L. Pearson to the Code Enforcement Board with terms expiring December 31, 2021 or nomination and appointment of individual(s) to succeed them. (Agenda Development Office)

Board members made nominations as follows:

Commissioner VanderLey nominated Tina Blake Boyer.
Commissioner Gomez Cordero nominated Phillip C. Hollis.

AYE votes cast by voice vote for Tina Blake Boyer as follows: Commissioners VanderLey and Moore.

AYE votes cast by voice vote for Phillip C. Hollis as follows: Mayor Demings, Commissioners VanderLey, Moore, Uribe, Gomez Cordero, Bonilla, and Siplin

Phillip C. Hollis received a majority to be reappointed to the Code Enforcement Board with a term expiring December 31, 2021; no further votes were cast.

Commissioner VanderLey nominated Maurice L. Pearson.
Commissioner Siplin nominated Lynn Mims.

AYE votes cast by voice vote for Maurice L. Pearson as follows: Commissioners VanderLey, Uribe, Gomez Cordero, and Bonilla

Maurice L. Pearson received a majority to be reappointed to the Code Enforcement Board with a term expiring December 31, 2021; no further votes were cast.

4. [19-086](#) Reappointment of Bob Miles to the Visit Orlando Board of Directors with a term expiring December 31, 2020 or appointment of an individual to succeed him.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to reappoint Bob Miles to the Visit Orlando Board of Directors with a term expiring December 31, 2020. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

B. ADMINISTRATIVE SERVICES DEPARTMENT

1. [19-087](#) Selection of one firm and an alternate to provide Residential Substance Abuse Treatment Program, Request for Proposals Y18-1016-KB, from the following two firms, listed alphabetically:

-Specialized Treatment Education and Prevention Services, Inc.
-The Transition House

([Corrections Department Community Corrections Division] Procurement Division)

A motion was made by Mayor Demings, seconded by Commissioner VanderLey, to appoint

Specialized Treatment Education and Prevention Services, Inc., 460 points, as the selected firm; and further, appoint The Transition House, 352 points, as the selected ranked alternate. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

C. COUNTY MAYOR

1. [19-088](#) Open discussion on issues of interest to the Board.

District 1 Commissioner VanderLey discussed an Ordinance allowing golf cart use on Residential Roads in Unincorporated Orange County. Board discussion ensued.

District 2 Commissioner Moore discussed scheduling a retreat to discuss rules and procedures. Board discussion ensued.

District 5 Commissioner Bonilla discussed funding for the Solar and Energy Loan Fund (SELF) Program, the Wayne Harrod's property purchase, and the Split Oak Forest Resolution. Board discussion ensued.

The Board took no action.

IV. RECOMMENDATIONS

1. [19-089](#) December 6, 2018 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to approve the recommendations, with the exception of Case # SE-18-12-172, Michael Harding (appeal filed); Case # VA-18-12-158, Steven Labret (Board called), which were pulled from the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

V. PUBLIC HEARINGS

1. [19-012](#) Petition to Vacate

Jay A. Klima, on behalf of Outdoor Living Products, Inc., Petition to Vacate 18-07-021; vacate a portion of right-of-way; District 2

Consideration: Resolution granting Petition to Vacate # 18-07-021, vacating a portion of a 30 foot wide unopened, unimproved right-of-way known as Morrison Boulevard, containing approximately 0.62 acres.

Location: District 2; The parcel is unaddressed; S24/T21/R28; Orange County, Florida (legal

property description on file)

The following persons addressed the Board:

- Jay Klima
- Jose Ramos
- Paul Watson
- Craig Keneipp
- Dale Keneipp

Board discussion ensued.

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

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

2. [19-013](#) Petition to Vacate

Thu Pham, on behalf of Tesry Properties Inc., Petition to Vacate 18-08-023; vacate a portion of right-of-way; District 5

Consideration: Resolution granting Petition to Vacate # 18-08-023, vacating a portion of a 30 foot wide unopened and unimproved right-of-way known as Lavoisier Avenue containing approximately 3,000 square feet.

Location: District 5; property located at 12192 Solon Drive; S10/T22/R31; Orange County, Florida (legal property description on file-see map on reverse side)

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

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

3. [19-014](#) Petition to Vacate

Matthew and Rebecca Wallace, Petition to Vacate 18-03-007; vacate portion of drainage easement; District 3

Consideration: Resolution granting Petition to Vacate # 18-03-007, vacating a portion of a variable width drainage easement, containing approximately 1,275 square feet.

Location: District 3; property generally located at 4090 Summerwood Avenue; S17/T23/R30; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the request. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

4. [19-015](#) Shoreline Alteration/Dredge and Fill

Robert and Kay Page, Lake Tibet, permit, SADF # 18-10-027; District 1

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 18-10-027 to construct a replacement seawall on Lake Tibet with rip rap, 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 Tibet, located at 9167 Bay Point Drive, Orlando, FL 32819; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-18-10-027) subject to the conditions of approval listed in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

5. [19-001](#) Board of Zoning Adjustment Appeal

Charles March, Case # VA-18-11-137, November 1, 2018; District 3

Case No.: Board of Zoning Adjustment, Case # VA-18-11-137; November 1, 2018

Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant 1) To allow an existing accessory structure with a 4 ft. rear setback in lieu of 5 ft.; 2) To allow an existing accessory structure with a 2.6 ft. side setback in lieu of 5 ft.

Location: District 3; property generally located South side of Buckshaw Dr., south of Bates Rd., east of Goldenrod Rd.; Orange County, Florida (legal property description on file in Zoning Division)

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to remand the entire case back to the Board of Zoning Adjustment at no cost to the applicant with directions that the Board of Zoning Adjustment review all the variance requests for the two accessory structures at its next meeting in February; and further, staff refund the appeal fee that the applicant has paid if he does not end up appealing the Board of Zoning Adjustment's February recommendation to the Board. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

6. [19-020](#) Preliminary Subdivision Plan

Jeff A. Sedloff, June Engineering Consultants, Inc., Orange Lake Country Club Planned Development / Orange Lake Country Club Village NW2 Preliminary Subdivision Plan, Case # PSP-17-08-256; District 1

Consideration: Orange Lake Country Club Planned Development (PD) / Orange Lake Country Club Village NW2 Preliminary Subdivision Plan, Case # PSP-17-08-256, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request proposes to subdivide 88.01 acres in order to construct 240 single-family detached residential dwelling units and a 2.75 acres commercial tract on Tract-O.

Location: District 1; property generally located North of Hartzog Road / East of C.R. 545; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Greg Lee
- Todd Norman

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Greg Lee.

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

Based upon input from the applicant and agreed upon by County staff, Condition of Approval #6 was modified as follows:

6. New Hartzog Road, as contemplated by and depicted in Exhibit "H" to that certain Hartzog Road Right-of-Way Agreement recorded at O.R. Book 9712, Page 4850, in the Public Records of Orange County, Florida and as designed and engineered by Owner/Developer and reviewed by Orange County (Permit No. 12-E-001) as may be amended or revised, shall be fully constructed and completed in its entirety from the Existing Hartzog Road at Flamingo Crossings to its terminus at CR 545, as evidenced by issuance of a Certificate of Completion from Orange County, within sixteen (16) months following commencement of construction (as long as all necessary right-of-way and/or easements have been conveyed to Owner/Developer). In the event construction of New Hartzog Road has not commenced within twelve (12) months after approval of this preliminary subdivision plan, this preliminary subdivision plan shall expire. Owner/Developer may commence construction of New Hartzog Road prior to obtaining all right-of-way and/or easements for New Hartzog Road. Prior to issuance of a Certificate of Completion for Phase 1 of this preliminary subdivision plan, that portion of New Hartzog Road that provides safe and adequate access to said Phase 1 shall be completed, including the access point as depicted in this preliminary subdivision plan, and open to traffic. Notwithstanding the fact that a Certificate of Completion for Phase 1 of this preliminary subdivision plan may be issued, Owner/Developer shall still have the continuing obligation to complete New Hartzog Road in its entirety pursuant to this Condition No. 6.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a

finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, approve modified Condition of Approval #6. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

7. [19-004](#) Rezoning

Thomas Daly, Daly Design Group, Inc., Tyson Ranch Planned Development / Land Use Plan Amendment (PD/LUPA), Case # LUP-18-02-056; District 4

Consideration: Request to rezone 75.29 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms. This request also includes a Master Sign Plan. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-79(20)(j) to allow 40' rear to rear townhome building separations within Parcel 4, in lieu of a 60' rear to rear separation for townhome buildings;
2. A waiver from Section 38-79(20)(f) to allow a maximum 50% of buildings to be (4) four units within Parcel 4, in lieu of a maximum 25% of building to be (4) four units;
3. A waiver from Section 38-1258(d) to allow 3-story (45' height) multi-family buildings within parcel 3, in lieu of 3-story and 40' in height;
4. A waiver from Section 38-1258(a) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to single story in height;
5. A waiver from Section 38-1258(b) to allow 100% of the multi-family buildings to be 3 story (45' height) to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height;
6. A waiver from Section 38-1258(c) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (40 feet) in height, except as provided in (d) below;
7. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family

development on parcel 3 to be located ten (10) feet from the east property line adjacent to single-family zoned property line. A (10)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code;

8. A waiver from Section 38-1258(f) to allow a 6' high aluminum fence on the east and west property line of Parcel 3, in lieu of a six-foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property;

9. A waiver from Section 38-1254(1) to allow a 3 story (45' height) multi-family building to be located 85' on the east side of Parcel 3, 65' from the west side of Parcel 3 abutting the Ward PD Parcel 14, and 105' from internal Parcel 4, in lieu of structures in excess of two (2) stories should increase this setback to reflect the additional structural height;

10. A waiver from Section 38-1272(5) to allow a 6 story (75' height) hotel within Parcel 1 north of Pond 10, in lieu of a maximum commercial building height of 50' and 35' within 100' of any residential property;

11. A waiver from Section 38-1603 to allow a 60' non-residential building setback from the center line of Boggy Creek Rd (minor arterial urban) and 40' from the property line whichever is greater, in lieu of a 120' non-residential building setback from the center line of Boggy Creek Rd (minor arterial rural); and

12. A waiver from Section 24-5(3) to allow a 10' landscape buffer on the north and west side of Parcel 2, in lieu of a 15' Type "C" landscape buffer; pursuant to Orange County Code, Chapter 30.

Location: District 4; property generally located South of State Road 417, North of Simpson Road, and West of Boggy Creek Road; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to continue the public hearing until February 26, 2019, at 2 p.m. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

8. [19-006](#) Land Use Plan Amendment

Kathy Hattaway, Poulos & Bennett, LLC, Spring Grove - Jaffers Planned Development / Land Use Plan (PD/LUP) Land Use Plan Amendment- Case # LUPA-17-10-302; District 1

Consideration: A Land Use Plan Amendment (LUPA) to incorporate 4.99 acres of A-1 (Citrus Rural District) property into the existing Spring Grove - Jaffers PD; increase the net developable area of the PD by 7.11 acres; and add an additional 44 single family residential dwelling units to the overall PD entitlements. This request also includes the following waivers from Orange County Code: 1. A waiver from Orange County Code Section 34-152(c) to allow lots to front a mews, park, open space, etc. in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street; 2. A waiver from Orange County Code

Section 38-1382(h)(4) to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement; 3. A waiver from Orange County Code Section 38-1384(g)(1) to allow garage access to be setback from an alley tract in lieu of an easement; 4. A waiver from Orange County Code Section 38-1384(g)(2) to allow the reference to pertain to an alley tract in lieu of an easement; and 5. A waiver from Orange County Code Section 38-1384(i)(2) is requested to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 1; property located at 17600 and 17776 Flemings Road; or generally located south of Flemings Road, west of Avalon Road, and east of the Lake County Line; Orange County, Florida (legal property description on file in Planning Division)

County staff announced New Condition of Approval #13:

13. Unless covered by Capacity Encumbrance Letter #16-07-049, Preliminary Subdivision Plans within this PD shall not be considered by the Board of County Commissioners until a Road Network Agreement, consistent with the Horizon West Village I Term Sheet, is approved by the Board of County Commissioners.

New Condition of Approval #13 will renumber existing Condition of Approval #13 to Condition of Approval #14.

County staff amended the accompanying Adequate Public Facilities Agreement to update a WHEREAS Clause on page one of the agreement as follows:

B. WHEREAS, on or about January 7, 2019, M/I Homes acquired a portion of the PD Property as more particularly described in that certain Special Warranty Deed recorded on January 7, 2019, as Document # 20190013381, in the Public Records of Orange County, Florida.

The following person addressed the Board: Chris Roper.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; further, approve new condition of approval #13; further, approve and execute the First Amendment to Adequate Public Facilities Agreement for Horizon West - Village I - West Neighborhood Spring Grove - Jaffers PD by and between Spring Grove, LLC, M/I Homes of Orlando, LLC, and Orange County; and further, approve the modification to page one of the agreement. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

and

I. CONSENT AGENDA (Deferred)

D. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

2. [19-073](#) Approval and execution of First Amendment to Adequate Public Facilities Agreement for Horizon West - Village I - West Neighborhood Spring Grove - Jaffers PD by and between Spring Grove, LLC, M/I Homes of Orlando, LLC, and Orange County. District 1. (Planning Division)

This item was approved as amended.

V. PUBLIC HEARINGS

9. [19-005](#) Land Use Plan Amendment

Julie C. Salvo, Orange County Public Schools, Timber Creek Relief High School Planned Development / Land Use Plan (PD/LUPA), Case # LUPA-18-09-287; District 5

Consideration: To rezone one (1) parcel containing 15.69 acres from A-2 (Farmland Rural District) to PD (Planned Development District), incorporate the property into the Timber Creek Relief High School PD, and develop athletic practice fields on the subject property. No waivers are associated with this request; pursuant to Orange County Code, Chapter 30

Location: District 5; property generally located south of E. Colonial Drive, west of Story Partin Road, and north of Hamilton Drive; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Julie Salvo.

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

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

10. [19-009](#) Substantial Change

Julie C. Salvo, Orange County Public Schools, Summerlake Planned Development / Land Use Plan (PD / LUP), Case # CDR-18-07-222, amend plan; District 1

Consideration: A PD Substantial change to amend the Land Use Plan (LUP) to add a secondary full access point for a bus loop on the south side of the elementary school parcel, north of the intersection of Wood Sage Drive and Red Stopper Lane; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located on the south side of Porter Road, 150 feet west of

Bluejack Oak Drive; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Julie Salvo.

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

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

11. [19-007](#) Substantial Change

Jonathan Martin, Kimley-Horn & Associates, Inc., Secret Lake Crossings (fka Cracker Boys) Planned Development / Land Use Plan (PD / LUP), Case # CDR-18-07-233, amend plan; District 1

Consideration: A PD Substantial change request to revise the name of the PD from Cracker Boys to Secret Lake Crossings, to add a trip equivalency matrix that includes commercial, general office, medical office, mini-warehouse, and freestanding drive-thru restaurant uses, as well as to remove BCC Condition of Approval #6 from January 5, 2010. Additionally, the following waivers from Orange County Code are being requested: 1. A waiver from Section 38-1287(4), is requested to allow paving setbacks reduced to zero (0) feet, in lieu of 7.5 feet between internal parcels; and 2. A waiver from Section 38-1287(2), is requested to allow building setbacks reduced to zero (0) feet, in lieu of a 30' building setback between internal parcels; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located north of West Irlo Bronson Memorial Highway, and south and west of Lighthouse Key Parkway; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jay Jackson.

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

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

12. [19-008](#) Substantial Change

Thomas Sullivan, Gray Robinson, P.A., Grassmere Reserve Planned Development / Land Use Plan (PD / LUP), Case # CDR-18-07-240, amend

plan; District 2

Consideration: A PD Substantial change request to reduce the minimum lot size from 95'X150' to 70'X120' in order to allow for compliance with Wekiva open space requirements. No net change in the number of units is proposed. In addition, the applicant is requesting the following waivers from Orange County Code: 1. A waiver from Section 38-556(a) to allow a minimum lot size of 70' by 120' lot size (8,400 square feet lot area), in lieu of code required minimum lot width of 100' and 1/3 acre (14,520 square feet lot area) for lots with central water service. 2. A waiver from Section 38-556(b) to allow for a front setback of 25 feet, in lieu of 30 feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 2; property located at 2523 Junction Road; or generally located east of Junction Road, north of N. Orange Blossom Trail, and south of W. Ponkan Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Tom Sullivan
- Charlotte Huenergardt

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

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, 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: 2:56 p.m.

ATTEST:

County Mayor Jerry L. Demings

Date: _____

ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk

Katie Smith
Deputy Clerk

* * *

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

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

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

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

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