

Orange County Government

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



Draft Meeting Minutes

Tuesday, October 12, 2021

1:30 PM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Jerry L. Demings called the meeting to order at 1:33 p.m.

Present: 7 - Mayor Jerry L. Demings, Commissioner Nicole Wilson, 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 Byron Brooks
Deputy County Administrator Chris Testerman
Deputy County Administrator Danny Banks
County Attorney Jeffrey J. Newton
Deputy County Attorney Joel Prinsell
Senior Minutes Coordinator Jennifer Lara-Klimetz

Invocation - District 4

Father Hoover Cajicá, Renacer en Vida Nueva

Pledge of Allegiance**Presentation**

2021 Achievement of Excellence in Procurement Award

Presentation

Proclamation recognizing the week of October 23 through October 31, 2021 as Red Ribbon Week

Public Comment

The following persons addressed the Board for public comment:

- Jennifer Lane
- Laurie Ingram
- Angela Emerson
- John Bagdon
- Lou Golbe
- Kevin Stillwagon
- Sadie Espenoff
- Justin Harvey
- William Sours

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

A motion was made by Commissioner Uribe, seconded by Commissioner Siplin, to approve the Consent Agenda. The motion carried by the following vote:

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

A. COUNTY MAYOR

1. **21-1204** Approval and execution of First Amended and Restated Cosponsorship Agreement for the National Entrepreneur Center Between Orange County, Florida and Disney Worldwide Services, Inc. and University of Central Florida Board of Trustees Joined for limited purposes by University of Central Florida Research Foundation, Inc. (Office of Economic, Trade and Tourism Development)

B. COUNTY COMPTROLLER

1. **21-1205** Approval of the minutes of the September 9 and September 14, 2021 meetings of the Board of County Commissioners. (Clerk's Office)
2. **21-1206** 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:
 - September 24, 2021, to September 30, 2021; \$92,972,358.20
 - October 01, 2021, to October 07, 2021; \$97,092,696.11(Finance/Accounting)
3. **21-1207** Disposition of Tangible Personal Property as follows. (Property Accounting)
 - a. Scrap assets.
 - b. Donate EMS assets purchased with grant funds to multiple agencies.
 - c. Sell assets through online auction.
 - d. Offer assets to non-profits.
 - e. Scrap remaining assets.

C. COUNTY ADMINISTRATOR

1. **21-1208** Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments. (Agenda Development Office)

A. Environmental Protection Commission: Appointment of Peter J. Fleck to succeed Perry S. Bamasi in the regulated business or municipality representative category with a term expiring December 31, 2023.

B. Health Council of East Central Florida: Reappointment of Jason Lovern in the health care provider representative category, Anthony J. Hutton in the health care consumer representative category, and Donovan Pyle in the health care purchaser representative category with terms expiring September 30, 2023.

C. Tourist Development Council: Appointment of Michael Stewart to succeed Frederick G. Pullum in the non-owner not subject to the tax representative category with a term expiring April 30, 2025.

2. **21-1209** Appointment of Anees A. Tanoli to the Pine Hills Local Government Neighborhood Improvement District Advisory Council in the District 6 representative category with a term expiring June 30, 2023. (Agenda Development Office)
3. **21-1210** Approval to designate Taunya Harris as the 911 Coordinator for Orange County in accordance with the State E911 Plan, F.A.C. Rule 60FF-6.004(3) (a) and F.S. 365.171(10). (Information Systems and Services Division)
4. **21-1211** Approval of budget amendments #21-66, #22-01, #22-02, and #22-03. (Office of Management and Budget)
5. **21-1212** Approval of budget transfers #22C-0001, #22C-0002, #22C-0003, #22C-0004, #22C-0006, #22C-0007, #22C-0008, and #22C-0009. (Office of Management and Budget)
6. **21-1213** Approval of CIP amendments #22C-0001, #22C-0002, #22C-0003, #22C-0004, #22C-0006, #22C-0007, #22C-0008, and #22C-0009. (Office of Management and Budget)
7. **21-1214** Ratification of payment of Intergovernmental claims of July 29, 2021, August 5, 2021, August 19, 2021, September 2, 2021, and September 16, 2021, totaling \$2,239,238.25. (Risk Management Division)

D. COUNTY ATTORNEY

1. **21-1215** Approval of the Negotiated Settlement Agreement in the case Orange County v. Valencia Trace of Orlando, Ltd, et al., Case No. 2018-CA-001262-O, Parcel 1002, Project: Econlockhatchee Trail and authorization for the County Attorney's Office to execute the proposed Stipulated Final Judgment as to Parcel 1002 on behalf of Orange County.

2. **21-1216** Approval of proposed New Administrative Regulation 2.12.12, titled "Firefighter: Death Benefits."

E. ADMINISTRATIVE SERVICES DEPARTMENT

1. **21-1217** Approval to award Invitation for Bids Y21-7024-FH, Clarcona Park Lift Station and Electrical Upgrades, to the low responsive and responsible bidder, Felix Associates of Florida, Inc. The total contract award amount is \$859,889. ([Administrative Services Department Capital Projects Division] Procurement Division)
2. **21-1218** Approval to award Invitation for Bids Y21-7028-FH, Capehart Park Roof Replacement, to the low responsive and responsible bidder, Alpha Roofing and Sheet Metal, LLC. The total contract award amount is \$190,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
3. **21-1219** Approval of Amendment No. 11, Contract Y9-820, Professional Engineering Design Services for Taft-Vineland Road (Orange Blossom Trail to Orange Avenue), with HNTB Corporation, in the amount of \$425,077.05, for a revised total contract amount of \$3,334,725.47. ([Public Works Department Engineering Division] Procurement Division)
4. **21-1220** Approval of Amendment No. 5, Contract Y15-1050-LC, COBRA, Retiree and Flexible Spending Accounts Administrative Services, with Chard, Snyder & Associates, Inc., in the amount of \$100,000, for a revised total contract amount of \$225,000. ([Administrative and Fiscal Services Human Resources Division] Procurement Division)
5. **21-1221** Approval of Amendment No. 1, Contract Y20-1092, Prenatal Care Services, with the Department of Health, Orange County, in the amount of \$250,000, for a revised contract amount of \$630,000. ([Health Services Department Fiscal and Operational Support Division] Procurement Division)
6. **21-1222** Approval and execution of new parking agreement by and between R & R Palmetto Avenue, Ltd. and Orange County, Florida, and authorization for the Real Estate Management Division to exercise renewal options, to increase the number of parking spaces up to a specified maximum of 300, and furnish notices, required or allowed by the agreement, as needed for Palmetto Parking Garage (R&R) 305 Palmetto Avenue, Orlando, Florida 32801 Lease File #3010. District 5. (Real Estate Management Division)
7. **21-1223** Approval and execution of First Amendment to Lease Agreement by and between 701 E South, LLC and Orange County, Florida and authorization for the Real Estate Management Division to exercise renewal options and furnish notices, required or allowed by the agreement, as needed for

Housing and Community Development, 701 East South Street, Orlando, Florida 32801 Lease File #2046. District 5. (Real Estate Management Division)

8. **21-1224** Approval and execution of Non-Exclusive Permanent Utility Easement Agreement by and between Flamingo Crossings, LLC and Orange County, Non-Exclusive Permanent Utility Easement Agreement by and between Speedway LLC, successor in interest by that certain Certificate of Merger with Hess Retail Stores LLC and Orange County and authorization to record instruments for Flamingo Crossings LLC, RCID, Speedway Non-Excl UE's OCU File #98030. District 1. (Real Estate Management Division)
9. **21-1225** Approval and execution of First Amendment to Declaration of Restrictive Covenants from Orange County, Florida to Department of Environmental Protection and authorization to disburse funds to pay recording fees and record instrument for Orange County Historic Little Econ. District 5. (Real Estate Management Division)
10. **21-1226** Approval of Warranty Deed from D.R. Horton, Inc. to Orange County and Partial Release of Master Declaration of Covenants, Conditions, Easements, and Restrictions for Waterleigh Development to Orange County from D.R. Horton, Inc. and authorization to record instruments for Waterleigh Parcels 10 and 11 Ph 2 DP 18-04-112/CDR-20-03-071 B16904099. District 1. (Real Estate Management Division)
11. **21-1227** Approval of Special Warranty Deed from RaceTrac Petroleum, Inc. to Orange County, Florida and authorization to disburse funds to pay all recording fees and to record the instrument for Taft-Vineland Road (Orange Blossom Trail to Orange Avenue). District 4. (Real Estate Management Division)

F. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **21-1228** Approval and execution of 1) Florida Department of Health Child Care Food Program Budget Authorization #734; 2) Management Plan; and 3) Delegation of Signatory Authority for the Child Care Food Program; and approval of 1) Projected Earnings Worksheet for Current Affiliated Sponsors (S-A-H) - FY 2021-2022; and 2) Florida Department of Health Child Care Food Program Claim Data Summary FY 2022 which will allow reimbursement to Orange County up to an estimated amount of \$1,474,552 for nutritional meals served to eligible children in the Head Start Program from October 1, 2021 through September 30, 2022. (Head Start Division)

G. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **21-1229** Approval of Second Amendment to the 2019-2020 One-Year Action Plan Budget and authorization for the County Administrator to execute

Subrecipient Agreements consistent with the Second Amendment to the 2019-2020 One-Year Action Plan Budget. All Districts. (Housing and Community Development Division)

2. **21-1230** Approval and execution of Amended and Restated Proportionate Share Agreement for Woodspring Suites Colonial Drive and Woodbury Road by and between DI Development, LLC and Orange County for a proportionate share payment in the amount of \$111,362. District 4. (Roadway Agreement Committee)
3. **21-1231** Approval and execution of First Amendment to Proportionate Share Agreement for Restaurant at Hamlin NEC Avalon Road/CR 545 by and among Hamlin Retail Partners East NEC, LLC and Orange County to update the Parcel Identification number, replace two exhibits and apply the funds paid from the prior Parcel Identification Number to the revised Parcel Identification Number. District 1. (Roadway Agreement Committee)
4. **21-1232** Approval and execution of Proportionate Share Agreement for Kiddie Academy Narcoossee Road by and between Florida Retail Partnership LLC and Orange County for a proportionate share payment in the amount of \$203,744. District 4. (Roadway Agreement Committee)
5. **21-1233** Approval and execution of Resolution 2021-M-49 of the Orange County Board of County Commissioners regarding declaring October 15, 2021 as "Blind Americans Equality Day" in Orange County, Florida. All Districts. (Transportation Planning Division)

H. PUBLIC WORKS DEPARTMENT

1. **21-1234** Approval to record the Right-of-Way Declaration and Maintenance Map for Simpson Road. District 4. (Roads and Drainage Division)
2. **21-1235** Approval of "No Parking" signs installation on Oliver Twist Way. District 1. (Traffic Engineering Division)
3. **21-1236** Approval of "No Parking, Stopping, Standing" signs installation on Narcoossee Road. District 4. (Traffic Engineering Division)
4. **21-1237** Approval and execution of Memorandum of Agreement for Construction, Engineering, Cost Sharing & Oversight for Belco Drive Improvements (From Silver Star Road to Pine Hills Road) between Orange County and the Central Florida Regional Transportation Authority. District 2. (Highway Construction Division)

I. UTILITIES DEPARTMENT

1. **21-1238** Approval and execution of Cost-Share Agreement between the St. Johns

River Water Management District and Orange County a political subdivision of the State of Florida, Contract # 36907 for construction of a central sanitary sewer system in the total not-to-exceed amount of \$1,721,784 and authorization for the County Administrator to approve scheduling or other administrative changes and execute minor amendments or other modifications to the agreement which do not affect the total aggregate amount of the budget or intent of the project. District 2. (Engineering Division)

2. **21-1239** Approval of commercial refuse license for Weaver & Sons Enterprise, LLC dba Central Florida Dumpsters to provide solid waste hauling services to commercial generators in Orange County. All Districts. (Solid Waste Division)

3. **21-1240** Approval and execution of Cost Share Agreement between the St. Johns River Water Management District and Orange County, a political subdivision of the State of Florida Contract 37151 for the Water Wise Neighbor Program in the amount of \$62,800 for 2021/2022. All Districts. (Water Division)

II. **INFORMATIONAL ITEMS****

A. **COUNTY COMPTROLLER**

1. **21-1241** Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Ocoee Notice of Annexations Ordinances, with Exhibit A (Legal Descriptions) and Exhibit B (Location Maps) as follows:
 - Ordinance 2021-024. (Annexation Ordinance for 499 2nd Street - Ocoee Rental Trust Properties) Tax Parcel ID: 17-22-28-0000-00-056. Case NO. AX-04-21-07: 499 2nd Street - Ocoee Rentals Trust Properties 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 +/-0.26 acres located on the east side of 2nd Street, approximately 670 feet south of Center Street and southeast of the intersection of Nay Street and 2nd Street, pursuant to the application submitted by the property owner; finding said annexation to be consistent with the Ocoee Comprehensive Plan and the Ocoee city code; providing for and authorizing the updating of official city maps; providing direction to the City Clerk; providing direction to the City Clerk; providing for severability; repealing inconsistent ordinances providing for an effective date.

 - Ordinance No. 2021-026. (Annexation Ordinance for 437 2nd Street Ocoee Rentals Trust Properties). Tax Parcel ID: 17-22-28-0000-00-140. Case No. AX-04-21-08: 437 2nd Street - Ocoee Rentals Trust Properties 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 +/- 0.25 acres located on the east side of 2nd Street, approximately 745 feet south of Center Street and about 87 feet southeast from the intersection of Nay Street and 2nd Street, pursuant to the application submitted by the property owner; finding said annexation to be consistent with the Ocoee Comprehensive Plan and the Ocoee city code; providing for and authorizing the updating of official city maps; providing direction to the City Clerk; providing for severability; repealing inconsistent Ordinances; and providing for an effective date.

b. The Florida Public Service Commission Consummating Order. In re: Petition for establishment of an approved AFUDC rate, by Utilities, Inc. of Florida.

c. Greater Orlando Aviation Authority Orlando International Airport & Orlando Executive Airport Adopted Budgets Fiscal Year 2021-2022.

These items were received and filed.

III. DISCUSSION AGENDA

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. **21-1242** Selection of one firm and two ranked alternates to provide Design Services for Clerk of Courts Winter Park Courthouse at Metric Drive, Request for Proposals Y21-812-FH, from the following three firms, listed alphabetically:

- DLR Group Inc.
- Rhodes + Brito Architects, Inc.
- Silling Associates, Inc.

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

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to appoint Silling Associates, Inc., 487 points, as the selected firm; and further, appoint DLR Group Inc., 485 points, and Rhodes + Brito Architects, Inc., 337 points as the selected ranked alternates. The motion carried by the following vote:

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

2. **21-1243** Selection of one firm and an alternate to provide Design Services for the Public Works Administration Building Window Replacement, Request for Proposals Y21-813-R2, from the following two firms, listed alphabetically:

- A/R/C Associates, Incorporated

-KZF Design, LLC, d.b.a. KMF Architects

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

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to appoint KZF Design, LLC, d.b.a. KMF Architects, 404 points as the selected firm; and further, appoint A/R/C Associates, Incorporated, 310 points as the alternate. The motion carried by the following vote:

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

3. **21-1244** Selection of one firm and two alternates to provide Continuing Professional Engineering Design Services for Federally Funded Construction Projects, Request for Proposals Y21-902-CH, from the following seven firms, listed alphabetically:

-AVCON, Inc.
-Dewberry Engineers, Inc.
-DRMP, Inc.
-Exp U.S. Services, Inc.
-Inwood Consulting Engineers, Inc.
-Pegasus Engineering, LLC
-Vanasse Hangen Brustlin, Inc.

([Public Works Department Engineering Division] Procurement Division)

A motion was made by Commissioner Moore, seconded by Commissioner Siplin, to appoint Dewberry Engineers, Inc., 432.50 points, as the selected firm; and further, appoint Pegasus Engineering, LLC, 427.50 points, and Inwood Consulting Engineers, Inc., 402.50 points as the selected ranked alternates. The motion carried by the following vote:

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

B. COUNTY ADMINISTRATOR

1. **21-1245** COVID-19 Update.

The Board took no action.

IV. RECOMMENDATIONS

1. **21-1246** September 16, 2021 Planning and Zoning Commission Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner Siplin, to approve the recommendations, with the exception of Case # RZ-21-08-049, Shadik Abdool Omar Kayam,

(Board Called), which was 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 Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

V. PUBLIC HEARINGS

A. Shoreline Alteration Dredge and Fill

1. **21-1044** Case # SADF-21-03-010

David Nguyen, Lake Holden Point, permit; District 3

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 21-03-010 to install rip rap waterward of an existing seawall along the shoreline of Lake Holden; pursuant to Orange County Code, Chapter 15, Article VI, Pumping and Dredging Control

Location: District 3; on property located adjacent to Lake Holden, located at 908 W. Lake Holden Point, Orlando, FL 32805; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following person addressed the Board: David Nguyen.

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-21-03-010) subject to the twenty six (26) conditions of approval listed in the Staff Report dated September 19, 2021. The motion carried by the following vote:

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

2. **21-1119** Case # SADF-21-03-009

Kimberly Ann Sterling and Brian Stehli, Lake Conway, permit; District 3

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 21-03-009 to construct a new seawall with riprap and backfill along the shoreline of Lake Conway; pursuant to Orange County Code, Chapter 33, Article II, Lake Conway Water and Navigation Control District

Location: District 3; on property located adjacent to Lake Conway, located at 2816 Montmart Drive, Orlando, FL 32812; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-21-03-009) subject to the twenty seven (27) conditions of approval listed in the Staff Report dated September 20, 2021. The motion carried by the following vote:

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

B. Substantial Change

3. 21-1123 Case # CDR-21-02-038

Nicole Stalder, Dewberry, Village F Master Planned Development /
Magnolia Estates Preliminary Subdivision Plan, amend plan; District 1

Consideration: A substantial change request to adjust lot lines for 14 lots and allow for boat docks; Lots 294-296 (Phase 3B) and 340-350 (Phase 3C); pursuant to Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89

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

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

A motion was made by Commissioner Wilson, seconded by Commissioner Gomez Cordero, to continue the public hearing until November 9, 2021, at 2 p.m. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Uribe

4. 21-1120 Case # CDR-21-06-193

James G. Willard; Shutts & Bowen, LLP, Silverleaf Planned Development /
Regulating Plan (PD / RP), amend plan; District 1

Consideration: A PD substantial change to amend the Regulating Plan to provide for alternative cross sections, realign Horizon Boulevard / Porter Road extension, modify local road network, modify open space and storm water management areas in T-4 and T-5 districts, and provide text edits to clarify single family detached and parking standards; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located North of Schofield Road / East of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jim Willard.

A motion was made by Commissioner Wilson, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the nine (9) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated September 30, 2021. The motion carried by the following vote:

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

C. Preliminary Subdivision

5. 21-1118 Case # PSP-21-06-192

Scott Gentry, Kelly, Collins & Gentry, Inc., Silverleaf Planned Development - Regulating Plan / Silverleaf South Infrastructure Preliminary Subdivision Plan / Mass Grading Development Plan; District 1

Consideration: Silverleaf Planned Development - Regulating Plan / Silverleaf South Infrastructure Preliminary Subdivision Plan / Mass Grading Development Plan, Case # PSP-21-06-192, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This request is to subdivide 217.71 acres in order to construct the master infrastructure, 3 lots and 1 Future Development Tract.

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

The following person addressed the Board: Jim Willard.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the twenty seven (27) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated September 30, 2021. The motion carried by the following vote:

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

6. 21-1117 Case # PSP-21-03-079

Carlos Alberto Rivero, Yucatan Gardens Preliminary Subdivision Plan; District 3

Consideration: Yucatan Gardens Preliminary Subdivision Plan, Case # PSP-21-03-079, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide 13.72 gross acres in order to construct 52 single-family residential dwelling units. In addition, the following waiver from Orange County Code is being requested: A waiver from Orange County Code Section 34-152(c) is requested to allow access to Tracts C & D via the external street known as Eady Road in lieu of access to an internal paved street.

Location: District 3; property generally located North of Yucatan Drive / West of Forsyth Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

-Carlos Rivero
-Roberta Siconic
-Allan Whitmore
-Jacqueline Whitmore

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to continue the public hearing until November 9, 2021, at 2 p.m. The motion carried by the following vote:

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

D. Comprehensive Plan - Transmittal of Regular Cycle Amendment

7. 21-1039 Transmittal of Regular Cycle Future Land Use Map Amendment

a. Amendment 2021-2-A-2-1

Thomas R. Sullivan, GrayRobinson, P.A., for ECP Grassmere, LLC. Rural Settlement 1/1 (RS 1/1) to Rural Settlement Low Density (RSLD 2/1); District 2 (Continued from September 14, 2021)

a. Amendment 2021-2-A-2-1

Consideration: Rural Settlement 1/1 (RS 1/1) to Rural Settlement Low Density (RSLD 2/1)

Location: 2523 Junction Rd., Generally located north of N. Orange Blossom Trl., east of Junction Rd., south of W. Ponkan Rd., and west of Cayman Cir.; Parcel ID#: 26-20-27-0000-00-020 (portion of); 124.08 gross ac.

A motion was made by Commissioner Moore, seconded by Commissioner Gomez Cordero, to continue the public hearing until January 11, 2022, at 2 p.m. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Uribe

E. Ordinance/Comprehensive Plan - Adoption of Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment and Ordinance

8. 21-1187 Adoption of Out-of-Cycle Regular Cycle Staff-Initiated Comprehensive Plan Text Amendment 2021-1-C-OS-1 and Ordinance

a. Amendment 2021-1-C-OS-1

Consideration: Text Amendment to Open Space Element Policy OS1.3.6 deleting the open space requirements for residential land uses in Rural Settlement expansions within the Wekiva Study Area, consistent with Future Land Use Element Policy FLU6.2.1, and amending the open

space requirements for residential land uses in Growth Centers within the Wekiva Study Area; Countywide

And

b. Ordinance for Proposed Amendment

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 an amendment pursuant to section 163.3184(3), Florida Statutes; for the 2021 calendar year (first cycle); and providing an effective date.

A motion was made by Commissioner Siplin, seconded by Commissioner Uribe, to continue the public hearing until November 30, 2021, at 2 p.m. The motion carried by the following vote:

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

F. Agreement

9. **21-1185** First Amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Mount Dora; District 2

Consideration: First Amendment to the Joint Planning Area Interlocal Agreement between Orange County and the City of Mount Dora.

A motion was made by Commissioner Siplin, seconded by Commissioner Uribe, to continue the public hearing until November 30, 2021, at 2 p.m. The motion carried by the following vote:

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

G. Ordinance/Comprehensive Plan – Adoption of Regular Cycle Amendments, Ordinance, and Concurrent Rezoning Request

10. **21-1188** Adoption of Regular Cycle Future Land Use Map Amendment 2021-1-A-2-1 Timothy W. Green, Green Consulting Group, Inc., for Timothy J. Bailey, FLU8.1.4 Text Amendment 2021-1-B-FLUE-3, Ordinance, and Concurrent Rezoning Request LUP-21-04-119

a. Amendment 2021-1-A-2-1

Consideration: Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR)

Location: District 2; property located at 6989 N. Orange Blossom Trl.; Generally located on the east side of N. Orange Blossom Trl., north of Stoneybrook Hills Pkwy., south of Robie Ave., and west of Ansley Wy.; Parcel ID#: 04-20-27-0000-00-001; 63.51 gross ac.

And

b. Amendment 2021-1-B-FLUE-3

Consideration: Text Amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2021-1-A-2-1

And

c. Ordinance for Proposed Amendments

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 2021 calendar year (first cycle); and providing effective dates .

And

d. Rezoning LUP-21-04-119

Consideration: A-1 (Citrus Rural District) to PD (Planned Development District) (Parks of Mt. Dora PD)

Location: District 2; property located at 6989 N. Orange Blossom Trl.; Generally located on the east side of N. Orange Blossom Trl., north of Stoneybrook Hills Pkwy., south of Robie Ave., and west of Ansley Wy.; Parcel ID#: 04-20-27-0000-00-001; 63.51 gross ac.

The following person addressed the Board: Tim Green.

Board discussion ensued.

The Board decided to reconsider Public Hearing E. 8. a. Amendment 2021-1-C-OS-1, Public Hearing E. 8. b. Ordinance for proposed Amendment, and Public Hearing F. 9. First Amendment to the Joint Planning Area Interlocal Agreement between Orange County and the City of Mount Dora.

E. Ordinance/Comprehensive Plan - Adoption of Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment and Ordinance (Reconsidered)

8. 21-1187 Adoption of Out-of-Cycle Regular Cycle Staff-Initiated Comprehensive Plan Text Amendment 2021-1-C-OS-1 and Ordinance

a. Amendment 2021-1-C-OS-1

Consideration: Text Amendment to Open Space Element Policy OS1.3.6 deleting the open space requirements for residential land uses in Rural Settlement expansions within the Wekiva

Study Area, consistent with Future Land Use Element Policy FLU6.2.1, and amending the open space requirements for residential land uses in Growth Centers within the Wekiva Study Area; Countywide

And

b. Ordinance for Proposed Amendment

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 an amendment pursuant to section 163.3184(3), Florida Statutes; for the 2021 calendar year (first cycle); and providing an effective date .

A motion was made by Commissioner Siplin, seconded by Commissioner Moore, to reconsider Public Hearing E. 8. a. Amendment 2021-1-C-OS-1 and Public Hearing E. 8. b. Ordinance for proposed Amendment. The motion carried by the following vote:

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

County staff withdrew the following language from consideration:

Proposed Amendment OS1.3.6

~~Residential land uses in Rural Settlements expansions.~~

~~For any Rural Settlement expansions in the Wekiva Study Area, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:~~

- ~~i. development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres - open space shall be 60% or greater;~~
- ~~ii. development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres - open space shall be 70% or greater;~~
- ~~iii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size less than or equal to 100 acres - open space shall be 70% or greater;~~
- ~~iv. development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres - open space shall be 80% or greater.~~

Residential land uses in the Aviation Growth Centers.

Within the Aviation Growth Centers in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows.

- v. development with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres - open space shall be 40% or greater;
- vi. development with densities of less than or equal to one unit per acre (1du/ac) in a development

with an overall size greater than 100 acres - open space shall be 50% or greater;

vii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres - open space shall be 60% or greater.

viii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres - open space shall be 70% or greater. (Amended 6/10, Ord. 10-07)

County staff stated the following language would be considered for approval:

Proposed Amendment OS1.3.6

Residential land uses in the Urban Service Area and Northwest Growth Center (Not in a Rural Settlement).

Within the Urban Service Area and Northwest Growth Center in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows:

i. development with an overall size less than or equal to 100 acres - open space shall be 35% or greater;

ii. development with an overall size greater than 100 acres - open space shall be 50% or greater.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, recommend adoption of Amendment 2021-1-C-OS-1. The motion carried by the following vote:

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

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendment is in compliance; further, adopt Ordinance 2021-39 approving the proposed text amendment, consistent with today's action; further, remove language pertaining to Residential land uses in Rural Settlements expansions; and further, remove language pertaining to Residential land uses in the Aviation Growth Centers. The motion carried by the following vote:

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

F. Agreement (Reconsidered)

9. **21-1185** First Amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Mount Dora; District 2

Consideration: First Amendment to the Joint Planning Area Interlocal Agreement between Orange County and the City of Mount Dora.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to reconsider Public Hearing F. 9. First Amendment to the Joint Planning Area Interlocal Agreement between Orange County and the City of Mount Dora. The motion carried by the following vote:

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

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further determine that the amendment is in compliance; and further, approve the First Amendment to the Joint Planning Area Interlocal Agreement between Orange County and the City of Mount Dora. The motion carried by the following vote:

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

G. Ordinance/Comprehensive Plan – Adoption of Regular Cycle Amendments, Ordinance, and Concurrent Rezoning Request (Continued)

10. **21-1188** Adoption of Regular Cycle Future Land Use Map Amendment 2021-1-A-2-1 Timothy W. Green, Green Consulting Group, Inc., for Timothy J. Bailey, FLU8.1.4 Text Amendment 2021-1-B-FLUE-3, Ordinance, and Concurrent Rezoning Request LUP-21-04-119

a. Amendment 2021-1-A-2-1

Consideration: Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR)

Location: District 2; property located at 6989 N. Orange Blossom Trl.; Generally located on the east side of N. Orange Blossom Trl., north of Stoneybrook Hills Pkwy., south of Robie Ave., and west of Ansley Wy.; Parcel ID#: 04-20-27-0000-00-001; 63.51 gross ac.

And

b. Amendment 2021-1-B-FLUE-3

Consideration: Text Amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2021-1-A-2-1

And

c. Ordinance for Proposed Amendments

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 2021 calendar year (first cycle); and providing effective dates.

And

d. Rezoning LUP-21-04-119

Consideration: A-1 (Citrus Rural District) to PD (Planned Development District) (Parks of Mt. Dora PD)

Location: District 2; property located at 6989 N. Orange Blossom Trl.; Generally located on the east side of N. Orange Blossom Trl., north of Stoneybrook Hills Pkwy., south of Robie Ave., and west of Ansley Wy.; Parcel ID#: 04-20-27-0000-00-001; 63.51 gross ac.

The following person addressed the Board: Tim Green.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan (See Future Land Use Element Objectives FLU7.4 and FLU8.2, Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.4(F), FLU1.4.1, FLU1.4.2, FLU7.4.3, FLU7.4.4, FLU7.4.6, FLU8.2.1 and FLU8.2.11; Housing Element Goal H1, Objective H.1.1; Open Space Element Policies OS1.3.2, OS1.3.4 and OS1.3.6); further, determine that the proposed amendment is in compliance; further, adopt amendment 2021-1-A-2-1, Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) and A-1 (Citrus Rural District) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) and PD (Planned Development District), for up to 188 single-family detached dwelling units; further, make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; further, adopt amendment 2021-1-B-FLUE-3; further, make a finding of consistency with the Comprehensive Plan; further, determine that the amendment is in compliance; further, adopt Ordinance 2021-40 approving the proposed Future Land Use Map and Text Amendments, consistent with today's action; and further, approve rezoning LUP-21-04-119 request from A-1 (Citrus Rural District) to PD (Planned Development District) (Parks of Mt. Dora PD) zoning on the subject property, subject to the seventeen (17) conditions listed in the Staff Report dated October 12, 2021. The motion carried by the following vote:

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

H. Comprehensive Plan – Transmittal of Regular Cycle Amendments

11. 21-1189 Transmittal of Regular Cycle Future Land Use Map Amendment
2021-2-A-4-1 (fka 2021-1-A-4-3) and FLU8.1.4 Text Amendment
2021-2-B-FLUE-1

a. Amendment 2021-2-A-4-1 (fka 2021-1-A-4-3)

Consideration: Planned Development-Office/Commercial/ Institutional/Industrial/Conservation

(PD-O/C/INST/IND/CONS) and Industrial (IND) to Planned Development-Commercial/Office/High Density Residential/Parks and Recreation/Open Space/Conservation (PD-C/O/HDR/PR/OS/CONS)

Location: Generally located north and south of Lake Underhill Rd., south of SR 408, west of Fieldstream North Blvd. and Fieldstream West Blvd., and east of N. Dean Rd. and S. Dean Rd.; Parcel ID#s: 29-22-31-0000-00-032/050 and 32-22-31-0000-00-034; 65.76 gross ac.

And

b. Amendment 2021-2-B-FLUE-1

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

The following persons addressed the Board:

- David Brim
- Mike Wright
- Jose Marciano
- Joe Kilsheimer
- Bray Lindsey
- Vic Lovell
- Betty Rodriguez
- Angel de la Portilla

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

The following materials were received by the Clerk prior to the close of the public hearing. The materials referenced by the speaker were not presented to the Board:

- Submittal 1, from Vic Lovell
- Submittal 2, from Jose Marciano

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Siplin, to make a finding that the information contained in the application for the proposed amendment is sufficiently complete; and further, transmit amendment 2021-2-A-4-1 and amendment 2021-2-B-FLUE-1 to the reviewing agencies. The motion carried by the following vote:

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

12. 21-1190 Transmittal of Regular Cycle Future Land Use Map Amendment 2021-1-A-4-1 and FLU8.1.4 Text Amendment 2021-1-B-FLUE-4 and FLU1.2.4 Text Amendment 2021-1-B-FLUE-5

a. Amendment 2021-1-A-4-1

Consideration: Planned Rural/Agricultural (R) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR) and Urban Service Area (USA) Expansion

Location: 14727 and 14831 Boggy Creek Rd.; Generally located on the east side of Boggy Creek Rd., south of Whispering Pines Rd., north of Simpson Rd., and west of Happy Ln.; Parcel ID#s: 34-24-30-6368-00-560/561/571; 14727 and 14831 Boggy Creek Rd.; 22.66 gross ac.

And

b. Amendment 2021-1-B-FLUE-4

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

And

c. Amendment 2021-1-B-FLUE-5

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

The following persons addressed the Board:

- Jim Willard
- Sherly Bennet
- Tracy Olesh
- Russell Bourland
- Jeff Szukalski
- Merk Trump
- Shelly Crapp

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding that the information contained in the application for the proposed amendment is sufficiently complete; and further, transmit amendments 2021-1-A-4-1, 2021-1-B-FLUE-4, 2021-1-B-FLUE-5 to the state reviewing agencies. The motion carried by the following vote:

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

III. DISCUSSION AGENDA (Continued)

C. HEALTH SERVICES DEPARTMENT

1. **21-1247** Chapter 20, Article III, Orange County Code Emergency and Nonemergency Medical Care and Transportation Certificate of Public Convenience and Necessity (COPCN). (EMS Office of the Medical Director)

The Board took no action.

D. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **21-1248** Micromobility Devices. (Transportation Planning Division)

The Board took no action.

√ **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: 7:10 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.