

BCC Mtg. Date: February 7, 2017

# **Orange County Government**

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



## **Final BCC Meeting Minutes**

**Tuesday, December 20, 2016**

**2:00 PM**

**County Commission Chambers**

**Board of County Commissioners**

**Call to Order**

Vice Mayor Nelson called the meeting to order at 2:03 p.m.

**Present:** 6 - Commissioner Bryan Nelson, Commissioner Jennifer Thompson, Commissioner Pete Clarke, Commissioner Betsy VanderLey, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

**Absent:** 1 - Mayor Teresa Jacobs

Others Present:

Chief Deputy Comptroller Margaret A. McGarrity  
County Administrator Ajit Lalchandani  
County Attorney Jeffrey J. Newton  
Senior Minutes Coordinator Jennifer Lara-Klimentz  
Minutes Coordinator Lakela Christian

**Invocation**

Reverend Marc Elie Adolphe, First Haitian Free Church of Nazarene by Faith

**Pledge of Allegiance****Public Comment**

The following persons addressed the Board for public comment:

- Dwight Saathoff
- Maria Bolton-Joubert
- Orlando Evora

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

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

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

**A. COUNTY COMPTROLLER**

1. [16-436](#) Approval of the minutes of the October 4, October 18, and November 1, 2016 meetings of the Board of County Commissioners. (Clerk's Office)
2. [16-437](#) Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Period as follows: December 09, 2016, to

December 15, 2016; total of \$21,313,272.84. (Finance/Accounting)

## **B. COUNTY ADMINISTRATOR**

1.     [16-438](#)     Confirmation of Commissioner Clarke's reappointment of David M. Harding to the Lake Anderson Advisory Board with a term expiring December 31, 2018. (Agenda Development Office)
2.     [16-439](#)     Confirmation of Commissioner Clarke's reappointment of Michael Powell and appointment of Dana L. Kruetzfeldt and Caroline St. Clair to the Lake Holden Advisory Board with terms expiring December 31, 2018. (Agenda Development Office)
3.     [16-440](#)     Confirmation of Commissioner Clarke's reappointment of Judy I. Martin and Carolyn Accola to the Lake Jessamine Water Advisory Board with terms expiring December 31, 2018. (Agenda Development Office)
4.     [16-441](#)     Confirmation of Commissioner Clarke's reappointment of Edwin Johnson, Nancy Crowell, and Russ E. Tatum to the Lake Mary MSTU Advisory Board with terms expiring December 31, 2018. (Agenda Development Office)
5.     [16-442](#)     Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
6.     [16-443](#)     Confirmation of the reappointment to the Board of Zoning Adjustment of Charles Norman as the Mayor's representative with a term expiring December 31, 2018. (Agenda Development Office)
7.     [16-444](#)     Confirmation of the reappointment to the Membership and Mission Review Board of Picton Warlow as the Mayor's representative with a term expiring December 31, 2018. (Agenda Development Office)
8.     [16-445](#)     Confirmation of the reappointment to the Orange County Citizen Corps Council of Stephan DeLucca and Jaime Halscott as Mayor's representatives with terms expiring December 31, 2018.  
          -and-  
          Confirmation of the appointment of Lt. James Kelley as the District 1 representative on the Orange County Citizen Corps Council with a term effective immediately and expiring December 31, 2018. (Agenda Development Office)
9.     [16-446](#)     Confirmation of the reappointment to the Planning and Zoning Commission of Paul L. Wean as the Mayor's representative with a term expiring December 31, 2018.  
          -and-  
          Confirmation of the appointment of J. Gordon Spears as the District 5

representative on the Planning and Zoning Commission with a term effective immediately and expiring December 31, 2018. (Agenda Development Office)

10. [16-447](#) Confirmation of Commissioner VanderLey's reappointment to the Big Sand Lake Advisory Board of John Jennings, Alan C. Charron, David A. Winslow, and Brett M. Kingstone with terms expiring December 31, 2018. (Agenda Development Office)
11. [16-448](#) Acceptance of the Audit Report on agreed-upon procedures performed for the Public Service Tax Collection process of the Office of the Comptroller. (Office of Management and Budget)
12. [16-449](#) Approval of budget amendment #17-12. (Office of Management and Budget)
13. [16-450](#) Approval of budget transfer #17C-00000054. (Office of Management and Budget)
14. [16-451](#) Approval of CIP amendment #17C-054. (Office of Management and Budget)
15. [16-452](#) Approval of Ratification of payment of Intergovernmental claims of October 13, 2016 and October 20, 2016 totaling \$835,901.55. (Risk Management Division)

#### **C. ADMINISTRATIVE SERVICES DEPARTMENT**

1. [16-453](#) Approval of Change Order No. 5, Contract No. Y15-770-CC with Pipeline Mechanical, Inc. in the amount of \$20,660 for the Regional History Center HVAC Replacement Project. The revised lump sum contract amount is \$786,618. District 6. (Capital Projects Division)
2. [16-454](#) Approval of Change Order No. 2, Contract No. Y16-704-CC with Axios Construction Services LLC in the amount of \$55,510.37, for the Corrections D, E, F Inmate Safety Rails Project. The revised lump sum contract amount is \$745,695.38. District 6. (Capital Projects Division)
3. [16-455](#) Approval to award Invitation for Bids Y17-121-MV, Motor Oils and Lubricants, Lot 1 to the low responsive and responsible bidder, Lynch Oil Company, Inc. The estimated contract award amount is \$193,640.15 for a 1-year term. ([Administrative Services Department Fleet Management Division] Procurement Division)
4. [16-456](#) Approval to award Invitation for Bids Y17-128-TA, HVAC Maintenance and Repairs for Utility Building Operations, to the low responsive and responsible bidder, Air Mechanical & Service Corporation for a 1-year term. The total estimated contract award amount is \$452,916.64. ([Utilities Department Fiscal and Operational Support Division] Procurement Division)

5. [16-457](#) Approval to award Invitation for Bids Y17-146-PD, EMS Medication, to the low responsive and responsible bidders, Bound Tree Medical, LLC for line items 1-4, 6- 7, 12, 17, 19, 20, 22, 26, 36 and 38 for a 1-year term in the total estimated contract award amount of \$161,676.50. and Taylors Pharmacy for line items 5, 8-11, 13-16, 18, 21, 23, 25-33 and 35 for a 1-year term in the total estimated contract award amount of \$274,635. ([Fire Rescue Department] Procurement Division)
6. [16-458](#) Approval to award Invitation for Bids Y17-707-CC, Juvenile Assessment Center HVAC & Roof Replacement, to the low responsive and responsible bidder, Mulligan Constructors, Inc. The total contract award amount is \$1,544,700. ([Administrative Services Department Capital Projects Division] Procurement Division)
7. [16-459](#) Approval to award Invitation for Bids Y17-708-RM, Orange County Convention Center Dynamic Message Signage Upgrade, to the sole responsive and responsible bidder, American Systems Corporation. The total contract award amount is \$248,782. ([Convention Center Capital Planning Division] Procurement Division)
8. [16-460](#) Approval to award Invitation for Bids Y17-714-CC, Seawall Repair at Kelly Park, to the low responsive and responsible bidder, Construct Co. Inc. The total contract award amount is \$138,138. ([Administrative Services Department Capital Projects Division] Procurement Division)
9. [16-461](#) Approval of Purchase Order M81871 to Implement a Fully Managed Digital Network Infrastructure to serve each of the County's 10 Public Safety Answering Points, with AT&T, in the amount of \$396,841.89 for the period of September 1, 2017 through August 31, 2022. ([Office of Accountability Information Systems and Services Division] Procurement Division)
10. [16-462](#) Approval of Purchase Order M82049, Line Items 2 and 3, Purchase of Caterpillar Hydraulic Excavator Premier Warranty and Total Maintenance and Repair Service Contract, with Ring Power Corporation, in the total amount of \$108,022. ([Utilities Department Solid Waste Division] Procurement Division)
11. [16-463](#) Approval of Purchase Order M82095, Line Items 2, 3 and 4, Purchase of Caterpillar Premier Warranty, Total Maintenance and Repair Service Contract and Trimble GPS System, with Ring Power Corporation, in the total amount of \$171,897.80. ([Utilities Department Solid Waste Division] Procurement Division)
12. [16-464](#) Approval of Purchase Order M82105, Line Items 2 and 3, Purchase of Caterpillar Bulldozer Canopy Tractor Premier Warranty and Total Maintenance and Repair Service Contract, with Ring Power Corporation, in

the total amount of \$145,968.40. ([Utilities Department Solid Waste Division] Procurement Division)

13. [16-465](#) Approval and execution of Six-Month Lease Agreement between the District Board of Trustees of the Tallahassee Community College and Orange County and delegation of authority to the Real Estate Management Division to execute Tenant Estoppel Certificates, if needed for TCC Capitol Center - Communal Office, 300 West Pensacola Street, Suite R, Tallahassee, Florida. Leon County. (Real Estate Management Division)
14. [16-466](#) Approval and execution of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Deputy Jonathan "Scott" Pine Community Park. District 1. (Real Estate Management Division)
15. [16-467](#) Approval of Contract for Sale and Purchase and Warranty Deed between IRA Services Trust Company CFBO: Rami A. Fakhoury IRA Account #429090, Tax ID #26-267205 and Orange County and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Cypress Grove Park Addition (Invest). District 3. (Real Estate Management Division)
16. [16-468](#) Approval of Temporary Drainage Easement between DRP FL 1, LLC and Orange County and authorization to record instrument for Hilltop Reserve Ph 2 - Marden Rd PSP/DP Case # 5028441. District 2. (Real Estate Management Division)
17. [16-469](#) Approval of Sidewalk Easement between MG3 Orlando School, LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Advantage Academy of Hillsborough, Inc., Subordination of Encumbrances to Property Rights to Orange County from EB-5 Charter School Florida, LP and authorization to record instruments for MG3 Orlando School LLC NC B15902347. District 5. (Real Estate Management Division)

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

1. [16-470](#) 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 16-1060	LC 16-0907	LC 16-1157	LC 17-0053	LC 16-1115
LC 16-1134	LC 16-0909	LC 16-1216	LC 17-0057	LC 16-1122
LC 16-1150	LC 16-1054	LC 16-1203	LC 16-1195	LC 16-1124
LC 17-0015	LC 16-1055	LC 16-1204	LC 16-1193	LC 16-1126

LC 17-0016	LC 16-1064	LC 16-1208	LC 17-0058	LC 16-1129
LC 17-0026	LC 16-1068	LC 16-1231	LC 16-0970	LC 16-1130
LC 17-0079	LC 16-1070	LC 17-0001	LC 16-1056	LC 16-1143
LC 16-0901	LC 16-1147	LC 17-0048	LC 16-1080	LC 16-1156

2. [16-471](#) Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Claim of Special Assessment Lien Pursuant to Section 9-278 of the Orange County Code, Property Maintenance, and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. District 6. (Code Enforcement Division)

Case No.	Dist. #	Property Owner	Amount*
A 15-0325	6	TAX LIEN SERVICE GROUP; PRO TAX FINANCIAL LLC	\$ 10,099.70
A 15-0352	6	UNITED BRETHREN BUSINESS DEVELOPMENT CORP INC	\$ 10,564.25
A 15-0386	6	WALCOTT RICARDO; PINKSTON ELIZABETH	\$ 10,760.06
A 15-0607	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC THREE INC	\$ 11,005.05

3. [16-472](#) Approval and execution of Agreement to Offer Donation of Real Property by and between Orange County, Florida and OCE West Orange, LLC, in accordance with Solid Waste Management Facility Permit No. 04-F13-1560 for the West Orange Environmental Resources - Construction and Demolition Debris Disposal Facility. District 1. (Environmental Protection Division)
4. [16-473](#) Approval and execution of Hold Harmless and Indemnification Agreement Parcel ID 12-23-29-4530-04-010 by and between Evan Landis and Susan Landis and Orange County to construct a porch at 436 Jennie Jewel Drive, Orlando, Florida. District 3. (Zoning Division)

#### E. FAMILY SERVICES DEPARTMENT

1. [16-474](#) Approval of the November 2016 Business Assistance for Neighborhood Corridors Program Grants for Sai Mini Mart (Andy's Corner) (\$2,582) and House of Plastics Unlimited, Inc. (\$5,000). Districts 2 and 6. (Neighborhood Preservation and Revitalization Division)

#### F. PUBLIC WORKS DEPARTMENT

1. [16-475](#) Authorization to record the plat of University Storage. District 5. (Development Engineering Division)
2. [16-476](#) Approval and execution of Hold Harmless and Indemnification Agreement for

home addition at Richard Fender and Xi Lu residence, 500 29th Street Orlando, FL 32805 Parcel ID No. 03-23-29-0183-21-001 by and between Orange County and Richard ("Rick") Austin Fender and Xi Lu and acceptance of a Drainage Easement from Richard Austin Fender and Xi Lu to Orange County. District 3.

## II. INFORMATIONAL ITEMS\*\*

### A. COUNTY COMPTROLLER

1. [16-477](#) Receipt of the following items to file for the record: (Clerk's Office)
  - a. City of Orlando Ordinance with Exhibit A (Legal Description Form), Exhibits B, C & D (Future Land Use Maps and Zoning Maps), Fiscal Impact Statements and Orlando Sentinel Notice of Proposed Enactment for Ordinance No. 2016-71 entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located to the north of W. Colonial Dr., east and south of Fairvilla Rd., and west of Mercy Dr., and comprised of 1.33 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Industrial on the City's Official Future Land Use Maps; designating the property as the Industrial-General District along with the Wekiva Overlay District on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, permit disclaimer, and an effective date.
  - b. Audit Report No. 459 - Audit of Orange County Graffiti Abatement

This item was received and filed.

## III. DISCUSSION AGENDA

### A. COUNTY ADMINISTRATOR

1. [16-478](#) Election of Vice Mayor for 2017.

Commissioner Clarke nominated Commissioner Siplin as Vice-Mayor.

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to appoint Commissioner Siplin as Vice Mayor for the 2017 calendar year; no further votes were cast. The motion carried by the following vote:

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

## V. RECOMMENDATIONS



1. [16-479](#) December 1, 2016 Board of Zoning Adjustment Recommendations

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

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

## VI. PUBLIC HEARINGS

1. [16-306](#) Petition to Vacate

Scott T. Boyd, on behalf of SLF IV/Horizon West JV, LLC, Petition to Vacate # 16-08-022, vacate a portion of a utility easement; District 1

**Consideration:** Resolution granting Petition to Vacate # 16-08-022, vacating a portion of a 20 ft wide utility easement, containing approximately 1.46 acres.

**Location:** District 1; The parcel is unaddressed; S17/T23/R27; Orange County, Florida (legal property description on file)

The following person addressed the Board: Juli James.

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

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

2. [16-247](#) Board of Zoning Adjustment Board Called

Khaldoun Mamlouk, Case # VA-16-10-128, October 6, 2016; District 5

**Consideration:** This is a zoning variance request to allow the applicant to keep his 8 ft. high fence along the front property line in lieu of a maximum height of 4 ft. and to allow the applicant to keep his 10 ft. high fences along the side and rear property lines in lieu of a maximum height of 8 ft.

**Location:** District 5; property generally located North side of Madison Ave., approximately 1,100 ft east of N. Sixth St.; Orange County, Florida (legal property description on file in Zoning Division)

The following person addressed the Board: Khaldoun Mamlouk.

County staff stated that Variance # 3 is not necessary as the property is not vacant.

A motion was made by Commissioner Bonilla, seconded by Commissioner Thompson, to approve the requests consistent with the BZA recommendation of October 6, 2016. The motion carried by the following vote:

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

3. [16-302](#) Substantial Change

Marco Manzie, IDrive Orlando Hotel, LLC, Avanti Resort Expansion Planned Development (PD), Case # CDR-16-11-378, amend plan; District 6

**Consideration:** A PD substantial change request to amend the following Condition of Approval (and Code waiver) dated May 24, 2016, as shown: 1. A waiver from Section 38-1272(a)(3) to allow a ten foot (10') building setback along the south PD perimeter ~~for the proposed parking garage~~, in lieu of the requirement for a twenty-five foot (25') building setback along the perimeter of the PD. In addition, the following new waiver from Orange County Code has been requested: 2. A waiver from Section 38-1272(a)(3)(b) to allow a twenty (20) foot building setback along the International Drive front setback, in lieu of the requirement for a forty (40) foot building setback; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

**Location:** District 6; property located at 8738 International Drive; or generally between International Drive and Interstate-4, south of Austrian Court; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jason Mahoney.

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan (CP); and further, approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

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

4. [16-304](#) Substantial Change

Heather Himes, Esq., Akerman, LLP, Village F Master Planned Development (PD), Case # CDR-16-06-202, amend plan; District 1

**Consideration:** A PD substantial change request to the Village F Master PD for consideration of the following waiver from Orange County Code: 1. A waiver from Section 38-1384(f)(2)(c) for PD Parcel S-27 (Estate District) only to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk; 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 Seidel Road, east of the Western Beltway (SR 429); Orange County, Florida (legal property description on file)

The following person addressed the Board: Heather Himes.

A motion was made by Commissioner VanderLey, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (CP); and further, approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

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

5. [16-307](#) Substantial Change

Ashton Residential Orlando, LLC, Sweetwater Golf and Country Club  
Planned Development (PD), Case # CDR-15-11-333, amend plan; District 2

**Consideration:** A PD substantial change to reconfigure golf villas (single-family attached) and golf clubhouse / ancillary use areas within the PD, and remove an existing condition of approval dated March 9, 2010 that requires the applicant to process a Future Land Use Map (FLUM) amendment to change the southern portion of the golf course from Low Density Residential (LDR) to Park / Open Space / Golf Course (P-OS / Golf Course) prior to platting. Finally, as listed below, eleven (11) waivers from Orange County Code have been requested.

1. The following waivers from Orange County Code are granted for the PD Parcel designated as Golf Villas (Townhomes):

a. A waiver from Sections 38-79(20)(D), 38-79(20)(P), 38-1405(g) and 38-1501 to allow the following site and building requirements:

1. A minimum front yard of 15 feet, in lieu of the required 20 feet [38-79(20)(P)] as long as the face of the building is set back at least 20 feet from the back edge of the sidewalk;

2. A minimum rear yard of 20 feet adjacent to the project perimeter, in lieu of requiring R-3 setbacks along the project perimeter of 30 feet for buildings containing 3 or more units [38-79(20)(D) & 38-1501];

3. A minimum side yard of 0 feet in all locations as long as the building is at least 10 feet from the back of curb of the adjacent private street in lieu of requiring R-3 setbacks along the project perimeter of 10 feet [38-79(20)(D) & 38-1501], in lieu of the required 15 feet adjacent to a side street [38-1405(g)].

b. A waiver from Section 38-79(20)(J) to allow minimum rear to rear building separation between single-family attached townhome buildings of 40 feet, in lieu of 60 feet.

2. The following waivers from Orange County Code are granted for the PD Parcel designated as Golf Clubhouse and Ancillary Uses (Including Multi-Family):

a. A waiver from Sections 24-5(a)(3) and 38-1258(f) to allow the following modifications to the required separation between the clubhouse / multi-family uses and the adjacent Golf Villas (Townhomes) parcel:

1. Allow a landscaped buffer with a five-foot (5') minimum width adjacent to the Golf Villas (Townhomes) parcel, in lieu of the required Type C buffer with a fifteen-foot (15') minimum width [24-5(a)(3)];

2. Allow a minimum setback and landscaped buffer width of five feet (5') between the parking and paved areas serving the clubhouse / multi-family building and the Golf Villas (Townhomes) parcel, in lieu of providing the minimum required twenty-five-foot (25') setback and landscape buffer consistent with a Type C buffer [38-1258(e)]; and

3. Eliminate the required screen wall separating the clubhouse / multi-family building and the Golf

Villas (Townhomes) parcel, in lieu of providing the required six-foot high masonry, brick or block wall [38-1258(f)].

b. A waiver from Sections 38-1258(a), 38-1258(b) and 38-1272(a)(5) to allow construction of a 2-story clubhouse / multi-family building with a maximum building height (not including basement) of forty-five feet (45') with a minimum setback of fifty feet (50') to the Golf Villas (Townhomes) parcel to the north and a minimum setback of one-hundred feet (100') to the single-family parcel to the southwest, in lieu of the required:

1. Single-story within one-hundred feet (100') of single-family zoned property [38-1258(a)];  
2. Three (3) stories, not to exceed forty feet (40') in height, for up to fifty percent (50%) of the buildings between one-hundred plus feet (100+') and one-hundred fifty feet (150') of single-family zoned property, with the remaining buildings being one (1) story or two (2) stories in height [38-1258(b)];

3. Thirty-five feet (35') within one-hundred feet (100') of any residential [38-1272(a)(5)].

c. A waiver from Section 38-1258(g) to allow access to the clubhouse / multi-family building to extend through the residential parcels designated Golf Villas (Single-Family) and Golf Villas (Townhomes), in lieu of providing independent access; 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 generally located South of Wekiva Springs Road and west of the Orange / Seminole County boundary; Orange County, Florida (legal property description on file)

Modification of Condition of Approval # 13:

13. The landscaping shall be installed and inspected ~~in compliance~~ substantially compliant with the landscape plans prepared by Scott Moore dated October 31, 2016 and November 1, 2016.

Modification of Condition of Approval # 14:

~~14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 9, 2010, shall apply, with the exception of 5.d which has been deleted.~~

The following persons addressed the Board:

- Vivien Monaco
- Jerry Phillips
- Beaudon Spaulding
- Walter Judge

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

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 Vivien Monaco.

Based upon input from the applicant, and agreed upon by the District Commissioner, Condition of Approval # 13 was modified to read as follows:

13. The landscaping shall be installed and inspected ~~in compliance~~ substantially consistent with the landscape plans prepared by Scott Moore dated October 31, 2016 and November 1, 2016.

A motion was made by Commissioner Nelson, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan (CP); and further, approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report along with modifications to Conditions of Approval #13 and #14. The motion carried by the following vote:

**Aye:** 4 - Commissioner Nelson, Commissioner Clarke, Commissioner VanderLey, and Commissioner Siplin

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

6. [16-308](#) Substantial Change

Lance Bennett, Poulos and Bennett, LLC, University Planned Development (PD), Case # CDR-16-02-070, amend plan; District 5

**Consideration:** A PD substantial change request to amend the PD/LUP by splitting PD Tract B into Tracts B1 and B2, and modifying its assigned development entitlements for 165 assisted living facility (ALF) residential dwelling units, into 80 age-restricted multi-family residential dwelling units or 120 ALF residential dwelling units within PD Tract B1; and into 30 age-restricted multi-family residential dwelling units or 45 ALF residential dwelling units within PD Tract B2; 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 5; property generally located South of University Boulevard, east of Dean Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jamie Poulos.

A motion was made by Commissioner Bonilla, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (CP); and further, approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

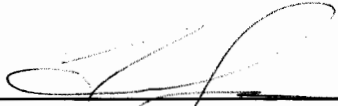
**Aye:** 6 - Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

✓ 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: 2:55 p.m.

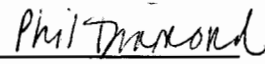
ATTEST:


  
County Mayor Teresa Jacobs

Date: FEB 07 2017



ATTEST SIGNATURE:

~~Martha Q. Haynie~~   
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.