

CLOSED SESSION - ORANGE COUNTY V. CITY OF OCOEE, CASE NO. CI93-245, PERTAINING TO CERTAIN ANNEXATION AND REZONING ORDINANCES PASSED BY THE CITY OF OCOEE IN 1993

A privileged discussion occurred pursuant to Section 286.011(8), Florida Statutes. A transcript of the discussion shall be filed in the Comptroller Clerk's Office within 30 days of the conclusion of the action.

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 18, 1994. County Chairman Linda Chapin, Commissioners Bob Freeman, Mary Johnson, Fran Pignone, Bill Donegan, and Mable Butler were present. Commissioner Staley entered where indicated. Also present were County Administrator Jean Bennett, Assistant County Attorney John Gehrig, County Comptroller as Clerk Martha Haynie, and Assistant Deputy Clerk Thomas Stark. There being a quorum, the County Chairman called the meeting to order at 9:50 a.m.

DISCUSSION AGENDA

Chairman's Report

1. Appointments to the Planning and Zoning Commission in the "At-Large" category (2).

Staff Report

County Chairman Chapin announced the Board would take up Planning and Zoning Commission appointments to fill two "at-large" positions which expire December 31, 1995.

Discussion

The Board members made nominations for two vacancies on the Planning and Zoning Commission in the "at-large" category as follows:

Commissioner Johnson	- Mickey Sheffield
County Chairman Chapin	- Richard Spears

Motion

Upon a motion by County Chairman Chapin, seconded by

Commissioner Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board appointed Richard Spears and Mickey Sheffield to serve in the "at-large" category on the Planning and Zoning Commission, for terms expiring December 31, 1995.

2. Discussion of Commissioners' appointments to advisory boards.

County Chairman Chapin deferred discussion of this item.

Fiscal and Human Resource Division

1. Selection of one proposer for consulting services to revise all Orange County job descriptions, RFP Y4-126-SS: Cody & Associates, Inc.; Ernst & Young; David M. Griffith & Associates, Ltd., ([Human Resource Department] Procurement Committee).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested the Board select one proposer for consulting services to revise all Orange County job descriptions to ensure compliance with the Americans with Disabilities Act (ADA) from the following alphabetical shortlist:

- Cody & Associates, Inc.
- Ernst & Young
- David M. Griffith & Associates, Ltd.

Commissioner Staley joined the meeting.

Discussion

The Board discussed the contract and the qualifications of the proposers.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board selected David M. Griffith & Associates, Ltd., for contract award for consulting services to revise all Orange County job descriptions to ensure compliance with the Americans with Disabilities Act (ADA), RFP Y4-126-SS.

Planning and Development Division

1. Adoption of resolution in support of merger of Lynx-commuter rail merger/funding proposal.

Staff Report

Planning and Development Division Director Bruce McClendon reviewed the chronology of events concerning the merger of LYNX and the Central Florida Regional Transportation Authority (CFRTA) and previous Board actions involving LYNX funding. Mr. McClendon stated that all parties to the initial LYNX Interlocal Agreement, with the exception of Orange County, have executed resolutions authorizing the proposed merger and transfer of assets to CFRTA. He concluded that staff recommends pursuing a merger.

Discussion

The Board discussed the issues, including funding commitments from other entities, and staff responded to questions.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Pignone, and Donegan voting AYE by voice vote; Commissioners Butler and Staley voting NO by voice vote; the Board adopted a resolution authorizing LYNX to transfer its assets, liabilities, management, operations, and related property to the Central Florida Regional Transportation Authority.

(Resolution #94-M-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(Note: See January 25, 1994, for Notice to Rescind and February 1, 1994, for further discussion.)

COUNTY CONSENT AGENDA**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the County Consent Agenda items as follows:

Comptroller

1. Approval to pay LYNX invoice in the amount of \$823,463.41.
2. Approval of the December 28, 1993, minutes of the Board of County Commissioners meeting.
3. Warrants and vouchers, having been certified that same had not been drawn on overexpended accounts:

Regular Board - Total: \$14,292,745.84

Regular Board - Total: \$ 6,291,408.38

Community Services and Housing Division

1. Authorization for the Chairman to execute the Confidentiality Agreement for Split Oak Forest Mitigation Park, District 4.

(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Fiscal and Human Resource Division

1. Approval to authorize an additional Equipment Operator III position for the Waste Tire Program staff of the Resource Recovery Department at a yearly cost of approximately \$25,211.

2. Approval of Budget Transfers #94-124 and #94-125.

(Budget Transfers #94-124 and #94-125 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval of term contract for toxicology laboratory analytical services with Smithkline Beecham Clinical Laboratories, \$77,000 estimated annual cost ([Medical Examiner] Purchasing and Contracts).
4. Approval of Task Authorization 14, Contract Y1-902, for continuing traffic engineering services with Transportation Consulting Group, \$50,637.69 ([Public Works Engineering Department] Procurement Committee).

5. Approval of Amendment 3 to Task Authorization 21, Contract Y1-904 for additional court related services of Piedmont Wekiva Springs Road Parcels with GAI Consultants, \$28,500 ([Highway Construction Department] Procurement Committee).

(Contracts are on file in the Purchasing and Contracts Department.)

Health and Human Services Division

1. Approval and execution of Consent Order for Phillips & Jordan, Inc., 4935 Southfork Drive, Lakeland, Florida (Environmental Protection), District 4.

Public Utilities Division

1. Approval and execution by the Chairman of the Joint Funding Agreement with U.S.G.S. (U.S. Department of the Interior Geological Survey); Water Conserv II Project, District 1.

(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Fran Pignone, Bill Donegan, and Mable Butler present. Also present were Assistant County Administrator Howard Tipton, Deputy County Attorney John Gehrig, Chief Deputy Comptroller as Clerk Jim Moye, and Assistant Deputy Clerk Thomas Stark. The Board paused for an invocation by Reverend John Long, Associate Pastor of the First Baptist Church of Pine Castle, followed by the Pledge of Allegiance to the Flag.

PUBLIC DISCUSSION

1. Presentation of proclamation to Sergeant Gordon Cockerline and Sergeant Craig Markel in appreciation for services rendered during the "Hurricane Orlando" recovery exercise.

Assistant County Administrator Howard Tipton summarized his

involvement in "Hurricane Orlando," an exercise which simulated a hurricane striking the Orlando area. He explained that participants were those who would actually be involved in rescue operations were such an emergency situation to actually occur.

County Chairman Chapin presented a proclamation to Sergeant Gordon Cockerline and Sergeant Craig Markel in appreciation for services rendered during the "Hurricane Orlando" recovery exercise.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF JANUARY 6, 1994

Zoning Manager Melvin Pittman presented the recommendations of the Orange County Board of Zoning Adjustment under the date of January 6, 1994.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the recommendations of the Orange County Board of Zoning Adjustment under the date of January 6, 1994, subject to the usual right of appeal by any aggrieved parties.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: RALPH D. SINGLETON; PETITION TO VACATE #93-39, A 20-FOOT BY 200-FOOT PORTION OF A 20-FOOT DRAINAGE EASEMENT; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 20-foot by 200-foot portion of a 20-foot drainage easement described as follows:

Commence at the northeast corner of Tract D, Lakeside Woods, as recorded in Plat Book 16, Pages 43-44, Public Records of Orange County, Florida; thence run S15°36'39"E, along the easterly line of said Tract D, a distance of 20.76 feet for a point of beginning; thence continue S15°36'39"E, a distance of 144.24 feet; thence S53°36'41"E, a distance of 36.90 feet to a point on the northerly right-of-way line of Lakeside Woods Drive, said point also being on a curve, concave southeasterly, having a central angle of 06°33'45" and a radius of 175.00 feet; thence from a tangent bearing of S36°23'19"W, run southwesterly along

the arc of said curve and said northerly right-of-way line, a distance of 20.04 feet; thence departing said curve and said right-of-way line, run S53°36'41"W, a distance of 44.94 feet; thence S15°36'39"W, a distance of 156.68 feet; thence N89°53'58"E, a distance of 20.76 feet to the point of beginning. Containing 3,824 square feet more or less.

Staff Report

Public Works Division Director George Cole reviewed the request and the recommendation for approval of the Petition to Vacate as submitted. Mr. Cole noted that the district number for Petition to Vacate #93-39 is District 2, not District 1, as carried in his staff report.

Appearances

No one appeared in favor of or in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted a resolution vacating that certain 20-foot by 200-foot portion of a 20-foot drainage easement as described above, subject to the Petition to Vacate not being recorded until the following conditions are met:

1. The vacation will not be recorded until the plat is recorded.
2. Prior to recording the alternate easement, the easement will be cleared.
3. Concerns with grading in the retention pond will be resolved.

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PETITION TO VACATE PUBLIC HEARING - APPLICANT: RANDAL L. REX; PETITION TO VACATE #93-38, A 15-FOOT BY 528-FOOT PORTION OF A 15-FOOT DRAINAGE EASEMENT; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 15-foot

by 528-foot portion of a 15-foot drainage easement described as follows:

A 15-foot wide drainage easement under and upon the N 1/2 of the SW 1/4 of the NE 1/4 of Section 26, Township 21 South, Range 29 East, Orange County, Florida, lying within 7.50 feet left and 7.50 feet right of the following described center line: Begin 2,184 ft. N 00°00'00" E of the southwest corner of the NW 1/4 of the SE 1/4 of said Section 26, run thence north 88°58'40" east for 408.60 feet; thence south 58°27'00" east for 120.00 feet to a point in Lake Love. This easement and right-of-way is recorded in O.R. Bk. 1256, Pg. 30.

Staff Report

Public Works Director George Cole reviewed the request and the recommendation for approval of the Petition to Vacate as submitted.

Mr. Cole noted the district number for Petition to Vacate #93-38; is District 5, not District 1, as carried in his staff report.

Appearances

No one appeared in favor of or in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted a resolution vacating that certain 15-foot by 528-foot portion of a 15-foot drainage easement as described above, subject to the the Petition to Vacate not being recorded until the following conditions are met:

1. The existing drainage system being relocated.
2. The alternate easement being dedicated.

(Note: See February 15, 1994, for a rehearing of Petition to Vacate #93-38 - Notice of Public Hearing deemed legally insufficient.)

PETITION TO VACATE PUBLIC HEARING - APPLICANT: ZACH CREWS AND CATHERINE MOON;
PETITION TO VACATE #93-37, A 14-FOOT BY 127-FOOT PORTION OF A 14-FOOT ALLEY;
DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 14-foot by 127-foot portion of a 14-foot alley described as follows:

A 14-foot platted alley lying between Lots 2, 13, 14, and 15, Block G, Tier 4, Spahler's Addition to Taft, as recorded in Plat Book D, Page 114, and Lots 3, 4, 5, 11, and 12, Block G, Tier 4, of the resubdivision of part of Spahler's Addition to Taft, as recorded in Plat Book F, Page 127, of the Public Records of Orange County, Florida. Being more particularly described as follows: Commence at the northeasterly corner of Lot 16, Block G, Tier 4, Spahler's Addition to Taft, as recorded in Plat Book D, Page 114 of the Public Records of Orange County Florida; thence S 89°36'38" W, a distance of 52.40 feet to the westerly right-of-way line of State Road 527, and the point of beginning; thence departing the said westerly right-of-way line, continue S89°36'38"W, a distance of 124.83 feet to the easterly right-of-way line of Atlantic Coastline Railroad; thence N 15°14'56" E, along the said easterly right-of-way line, a distance of 14.54 feet; thence departing the said easterly right-of-way line, N 89°36'38" E, a distance of 130.32 feet to the westerly right-of-way line of State Road 527; thence S33°30'07" W, along the said westerly right-of-way line, a distance of 16.87 feet to the point of beginning.

Staff Report

Public Works Division Director George Cole reviewed the request and the recommendation for approval of the Petition to Vacate as submitted. Mr. Cole noted that the district number for Petition to Vacate #93-37 is District 4, not District 1, as carried in his staff report.

Appearances

No one appeared in favor of or in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Pignone, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted a resolution vacating that certain 14-foot by 127-foot portion of a 14-foot alley, as described above.

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PETITION TO VACATE PUBLIC HEARING - APPLICANT: ELLSWORTH GALLIMORE AND OLIMPIO AND MARISTELA ALENCAR; PETITION TO VACATE #93-04, A PORTION OF A 10-FOOT SIDE-LOT UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain portion of a 10-foot side-lot utility easement described as follows:

Part of existing utility easement to be vacated, lying both sides of the dividing lot line between Lots 38 and 39, Brentwood Club Phase 1 as recorded in Plat Book 25, Pages 150 & 151, of the Public Records of Orange County, Florida, described as follows: Commence at the southeast corner of said Lot 38; run thence S 85°33'43"W for 50.47 feet to the point of beginning; thence N 88°45'09"W for 83.00 feet; thence N 52°07'45"E for 4.28 feet; thence N 01°03'57"W for 6.65 feet; thence S 82°05'06"E for 80.49 feet to the point of beginning.

Staff Report

Public Works Division Director George Cole reviewed the request and the recommendation for approval of the Petition to Vacate as submitted.

Appearances

No one appeared in favor of or in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all

commissioners present and voting AYE by voice vote, the Board adopted a resolution vacating that certain portion of a 10-foot side-lot utility easement, as described above.

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: DR. SYED MALIK; VEGETATION REMOVAL AND REPLANTING UNDER LAKESHORE PROTECTION ORDINANCE, CHAPTER 15, ARTICLE VII, ORANGE COUNTY CODE; LAKE TIBET, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the permit application of Dr. Syed Malik for vegetation removal and replanting under Orange County Code, Article VII of Chapter 15, on property described as follows:

Lot 41, Cypress Point Phase II, Plat Book 26, Pages 12-14, Public Records of Orange County, Florida, District 1.

Staff Report

Acting Environmental Protection Department Manager Nick Sassic outlined the request and recommendation for approval subject to conditions.

Appearances

No one appeared in favor of or in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the permit application of Dr. Syed Malik for vegetation removal and replanting on Lake Tibet, subject to the following conditions:

1. The Environmental Protection Department will be notified by the applicant of the date the activity will begin and upon completion of the work.
2. Only the torpedo grass may be removed as proposed. An access

clearing of 30-foot width may be kept cleared while the rest of the lakefront must be replanted with the aquatic plants listed in the application.

3. Cleared vegetation must be removed to landward of the Normal High Water Elevation, 99.5 feet, and landward of all conservation easements.
4. Revegetation will occur in the above cleared areas within thirty (30) days of removal. An 80 percent survival rate will be required after one (1) year, otherwise replanting will be required.
5. At the end of one year, a survey of surviving plants including photographic representation, will be submitted to the Department.
6. This permit must be posted in a conspicuous place on site before activity begins and is to remain until completion.
7. Erosion and turbidity which may result must be controlled with screens and/or other technology so that turbidity is confined to the area of work.
8. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the strictest conditions.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SOUTHCHASE PD/PHASE 1A/PARCEL 10
PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Southchase Phase 1A/Parcel 10 Preliminary Subdivision Plan on the following described property:

A tract of land lying in Sections 22 and 27, Township 24 South, Range 29 East, being a point of Blocks 198, 211, 222 and 235 of Plat of Flamingo, according to the plat thereof as recorded in Plat Book "K," Page 132 of the Public Records of Orange County, Florida, and the rights-of-way lying within and a portion of Blocks 212, 221, and 236 of Plat of Flamingo, according to the plat thereof as recorded in Plat Book "K," Page 5, Public Records of Orange County,

Florida, and the rights-of-way lying within; all lying within the following described tract of land:

Commence at the southeast corner of the southwest quarter of said Section 22 for a point of reference; thence run south 89°25'11" west, along the south line of said southwest quarter, 19.85 feet to the point of beginning; thence, departing said south line run north 00°02'04" west, 421.60 feet to the point of curvature of a curve concave southeasterly; thence run northeasterly, along said curve having a radius length of 1,109.75 feet; a central angle of 23°07'54", an arc length of 448.03 feet, a chord length of 445.00 feet and a chord bearing of north 11°31'53" east; thence run north 90°00'00" east, non-radial to said curve, 779.07 feet; thence run south 21°30'09" east 1,241.16 feet; thence run south 00°00'00" east, 283.97 feet; thence run north 90°00'00" west, 1,324.02 feet to a point on a nontangent curve concave westerly; thence run northerly, along said curve having a radius length of 1,035.00 feet, a central angle of 03°11'35", an arc length of 57.68 feet, a chord length of 57.67 feet, a chord bearing of north 01°33'44" east to the point of tangency; thence run north 00°02'04" west, 523.47 feet to the point of beginning.

The above described tract of land lies in Orange County, Florida, and contains ± 37.46 acres more or less.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions. Mr. Cole noted the BCC approval for Southchase PD Phase 1A/Parcel 10 PSP should read "November 19, 1993."

Appearances

The following person addressed the Board in favor of the plan:

- Martin Pawlikowski; Professional Engineering Consultants, 200 East Robinson Street, #1560, Orlando, Florida.

No one appeared in opposition to the plan.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Pignone, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the Southchase Phase 1A/Parcel 10 Preliminary Subdivision Plan on the above-described property, subject to the following amended conditions:

1. Development shall conform to the Southchase PD BCC approvals; Phase 1A/Parcel 10 Preliminary Subdivision Plan dated, "Received November 19, 1993," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on January 18, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Conservation Tracts W1, W2, W3, and W4 and Buffer Tracts 01, 02, 03, and 04 shall be owned and maintained by the mandatory homeowners association with development rights dedicated to Orange County.
3. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been obtained.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SOUTHCHASE PD/PHASE 1A PARCELS 12, 14, 15 PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Southchase PD/Phase IA Parcels 12, 14, 15 Preliminary Subdivision Plan on the following described property:

A tract of land located in Sections 26 and 27, Township 24 South, Range 29 East, being described as follows: Commence

at the northwest corner of the northwest quarter of said Section 26 for a point of reference; thence run south $00^{\circ}02'57''$ west, along the west line of said northwest quarter, 678.99 feet to the point of beginning; thence run south $87^{\circ}57'51''$ east, 352.82 feet to a point lying on the westerly limited access right-of-way line of the Sunshine State Parkway (Florida's Turnpike), according to Sunshine State Parkway right-of-way Project No. 2, Section 11, Sheet 1 of 5, dated October 26, 1961; thence run south $05^{\circ}39'23''$ east, along said westerly limited access right-of-way line, 2,612.95 feet to a point of intersection with the northerly limited access right-of-way line of the eastern beltway (state road 417) according to the orlando-orange county expressway authority right-of-way map section 75301-6445-451, sheets 5, 6, and 7, dated november 20, 1990, said point lying on a nontangent curve concave northerly; thence run along said northerly limited access right-of-way line the following courses; thence run westerly along said curve having a radius length of 7,489.75 feet, a central angle of $15^{\circ}39'17''$, an arc length of 2,046.40 feet, a chord length of 2,040.04 feet, and a chord bearing of north $76^{\circ}05'33''$ west; thence, radial to said curve, run north $21^{\circ}44'06''$ east, 325.01 feet; thence run north $66^{\circ}10'58''$ west, 611.07 feet; thence run south $74^{\circ}55'57''$ west, 494.31 feet; thence run north $69^{\circ}05'20''$ west, 200.26 feet; thence run north $61^{\circ}56'16''$ west, 17.80 feet to a point of intersection with the proposed easterly right-of-way line of Balcombe Road; thence, departing said northerly limited access right-of-way line, run along said proposed easterly right-of-way line, the following courses:

Thence run north $15^{\circ}12'40''$ west, 119.87 feet; thence run north $17^{\circ}35'56''$ west, 598.39 feet; thence run north $15^{\circ}12'47''$ west, 140.28 feet to the point of curvature of a curve concave easterly; thence run northerly along said curve, having a radius length of 965.00 feet, a central angle of $22^{\circ}47'16''$, an arc length of 383.80 feet, a chord length of 381.28 feet, and a chord bearing of north $03^{\circ}49'09''$ west to the point of tangency; thence run north $07^{\circ}34'29''$ east, 504.55 feet; thence, departing said proposed easterly right-of-way line, run north $90^{\circ}00'00''$ east, 1,354.29 feet; thence run south $84^{\circ}24'53''$ east, 514.28 feet; thence run south $87^{\circ}57'51''$ east, 831.34 feet to the point of beginning.

The above described tract of land lies in Orange County, Florida, and contains 154.77 acres, more or less.

Staff Report

Public Works Division Director George Cole requested the Board continue this public hearing since the plan submitted is not consistent with the approved Southchase Planned Development, which is scheduled for Board consideration on January 25, 1994.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the Southchase PD/Phase 1A/Parcels 12, 14, and 15 Preliminary Subdivision Plan on the above-described property, until February 22, 1994, at 1:35 p.m.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WOODBURY TRACE PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Woodbury Trace Preliminary Subdivision Plan on the following described property:

A portion of Section 26 and Section 35 all lying in Township 22 South, Range 31 East, Orange County, Florida, and being more particularly described as follows: Commence at the north 1/4 corner of the aforementioned Section 35, thence run westerly S 89°33'21" W, along the north line of said Section 35, a distance of 1,323.09 feet to the northeast corner of the northwest 1/4 of the northwest 1/4 of said section 35 and the point of beginning; thence departing the aforementioned north line run S 00°26'54" E, 1,343.92 feet; thence run S 89°28'00" W, 662.46 feet; thence run N 00°24'37" W, 1,344.95 feet to the southwest corner of the southeast 1/4 of the southwest 1/4 of said Section 26, thence run S 89°33'21" W, along the aforementioned north line of Section 35 and the south line of the southwest 1/4 of said Section 26, 628.58 feet; thence run N 00°18'16" W, along the east right-of-way line of Woodbury Road, 60.00 feet; thence run N 89°33'21" E, 778.58 feet, thence run S 00°26'39" E, 60.00 feet to a point of the aforementioned north line of Section 35, thence run N 89°33'21" E, along said line 511.41 feet to

the point of beginning. Containing 21.50 acres more or less.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions.

Appearances

The following person addressed the Board in favor of the plan:

- Harry Stewart, Esquire; Akerman, Senterfitt & Eidson, 255 South Orange Avenue, Orlando, Florida.

No one appeared in opposition to the plan.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Pignone, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the Woodbury Trace Preliminary Subdivision Plan subject to the following conditions:

1. Development shall conform to the Woodbury Trace Subdivision Plan dated, "Received November 29, 1993," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on January 18, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Retention ponds shall be maintained by Orange County with a Municipal Service Taxing Unit (MSTU) established to provide funding.

3. Provide sidewalk along the south side of the entrance road and the frontage of landscape tract "C."
4. Prior to submittal of construction drawings, calculations verifying the existence of a positive drainage outfall must be approved by the Engineering Department.
5. The minimum width of a County maintained drainage easement shall be twenty (20) feet.
6. Type "A" grading for the lots along the east, south, and west project boundaries shall be utilized and shall not adversely affect adjacent lots.
7. The developer shall obtain wastewater and water service from Orange County subject to County rates resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
8. At the time of platting, a Developer's Agreement shall be executed which addresses the ownership and maintenance responsibilities of all private common facilities by a mandatory homeowners association.
9. At the time of platting, all existing structures shall be removed.
10. Waiver of Section 34-172 to allow for a cul-de-sac length in excess of 1,200 feet is granted.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - OAK GROVE CIRCLE PRELIMINARY SUBDIVISION, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Oak Grove Circle Preliminary Subdivision Plan on the following described property:

Northern Parcel:

north 1/2 of south 1/2 of the southeast 1/4 of the northwest 1/4 of Section 16, Township 22 South, Range 31 East. Less west 2 acres of the north 1/2 of the north 1/2 of south 1/2 of southeast 1/4 of the northwest 1/4 of Section 16, Township 22 South, Range 31 East.

and

Southwesterly Parcel:

The east 100 feet of the west 430 feet of the north 100 feet of the north half of the south quarter of the southeast quarter of the northwest quarter of Section 16, Township 22 South, Range 31 East, Orange County, Florida. Together with that certain easement for ingress/egress over the following tract of land: The south 15 feet of the east 300 feet of the west 330 feet and the east 15 feet of the west 345 feet of the south 52.50 feet of the north half of the south quarter of the south quarter of the northwest quarter of Section 16, Township 22 South, Range 31 East.

and

Southeasterly Parcel:

Commencing 167.75 feet north of the southwest corner of the southeast quarter of the northwest quarter of Section 16, Township 22 South, Range 31 East, thence run east 30.00 feet to the point of beginning, thence run north 15.00 feet, thence run east 300.09 feet, thence north 52.01 feet. Thence run east 100.00 feet, thence north 100.00 feet, thence east 225.25 feet, thence run south 166.45 feet, thence run west 655.45 feet to the point of beginning.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions.

Appearances

The following person addressed the Board in favor of the plan:

- Sam Morrow, president; Florida's Preferred Homes, Inc., 529 Versailles Drive, Maitland, Florida.

No one appeared in opposition to the plan.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board

approved the Oak Grove Circle Preliminary Subdivision Plan subject to the following conditions:

1. Development shall conform to the Oak Grove Circle Preliminary Subdivision Plan dated, "Received December 16, 1993," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on January 18, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Twenty (20) feet of fee-simple access shall be provided to each retention pond tract.
3. Stormwater system that includes division boxes and requirement for "back-up" discharge is not approved. Discharge from detention ponds shall be in separate pipe system.
4. The stormwater management system shall be owned and maintained by Orange County through the establishment of an MSTU.
5. The minimum width of the drainage easement shall be twenty (20) feet. Actual width shall be determined at construction plan review.
6. Lot grading shall not adversely affect adjacent lots.
7. Conservation tract #4 shall be owned and maintained by a mandatory homeowners association with development rights dedicated to Orange County.
8. Section 34-171(8) of the Subdivision Regulations shall be waived to allow sidewalks on only one (1) side of the street.

9. Public Utilities may require oversizing of the proposed water main on Rouse Road. Oversizing will be determined prior to construction plan approval.
10. The developer shall obtain wastewater and water service from Orange County subject to County rates resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
11. Prior to construction plan approval, the size, location, and points of connection for water mains, sewer mains, and force mains shall be determined.

APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION -
 APPLICANT/APPELLANT: EFFRON AND EFFRON, SEPTIC TANK VARIANCE #DRC93-241, APPEAL
 OF DRC DECISION OF DENIAL OF VARIANCE FROM SECTION 37-535(c), FOR LOTS 29-33,
 PENNSY PARK SUBDIVISION, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider an appeal filed by Effron and Effron concerning the Development Review Committee's determination of denial of variance from Section 37-535(c) for Lots 29 through 33 in Pennsy Park Subdivision.

Staff Report

Public Works Division Director George Cole reviewed the request and the DRC's determination of denial.

Appearances

The following person addressed the Board in favor of the request:

- Gary Exner; Environmental Management Systems, Inc.; 393 Whooping Loop, Altamonte Springs, Florida; for the applicant/appellant.

No one appeared in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion which focused on concerns regarding the effluent from this site.

Motion

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board upheld the decision of the DRC and denied the request of Effron and Effron for a variance from Section 37-535(c) of the On-Site Disposal System (OSDS) Ordinance on Lots 29 through 33 in Pennsy Park Subdivision.

APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION -
 APPLICANT/APPELLANT: ROBERT AND JOAN STAKER, SEPTIC TANK VARIANCE #DRC93-239,
 APPEAL OF DRC DECISION OF DENIAL OF VARIANCE FROM SECTIONS 37-538(a), 37-540(h),
 AND 37-540(b), FOR LOTS LOCATED ON SILVER STAR ROAD, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider an appeal filed by Robert and Joan Staker concerning the DRC's determination of denial for variances from Sections 37-538(a), 37-540(h) and 37-540(b), Septic Tank Variance Request #DRC93-239 for lots located on Silver Star Road.

Staff Report

Public Works Division Director George Cole reviewed the request and the DRC's determination of denial.

Appearances

The following person addressed the Board in favor of the request:

- Joan Staker, the applicant/appellant (no address given).

No one appeared in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board overruled the decision of the DRC and approved the request of Robert and Joan Staker for a variance from Section 37-538(a),

Section 37-540(h), and Section 37-540(b) of the OSDS Ordinance, for lots located on Silver Star Road.

APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION - APPLICANT/APPELLANT: STEPHEN GRIMSHAW; SEPTIC TANK VARIANCE #DRC93-249, APPEAL OF DRC DECISION OF DENIAL OF SEPTIC TANK VARIANCE FROM SECTIONS 37-540(c) AND 37-540(h) FOR LOTS 60, 61, 2228 HOFFNER AVENUE; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider an appeal filed by Stephen Grimshaw concerning the DRC's determination of denial for variances from Sections 37-540(c) and 37-540(h), Septic Tank Variance Request #DRC93-249, for Lots 60 and 61, located on 2228 Hoffner Avenue.

Staff Report

Public Works Division Director George Cole reviewed the request and the DRC's determination of denial.

Appearances

The following person addressed the Board in favor of the request:

- Stephen Grimshaw, the applicant/appellant (no address given).

No one appeared in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion. Due to environmental concerns, the Board decided to continue the hearing to allow staff time to re-examine the issues.

Motion

Upon a motion by Commissioner Pignone, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the request of Stephen Grimshaw for variances from Sections 37-540(c) and 37-540(h), for Lots 60 and 61, located at 2228 Hoffner Avenue, until January 25, 1994, at 2:45 p.m.

NONAGENDA - COMMISSIONER PIGNONE - ADMINISTRATIVE MATTER

Commissioner Pignone, referencing her memorandum to County Administrator Jean Bennett concerning an administrative matter,

stated that she preferred to discuss the matter when the Board was together rather than by meeting with staff separately.

Chairman Chapin responded that she would like the opportunity to discuss the issue with Ms. Bennett before deciding how to address it.

RESOLUTION PUBLIC HEARING - YARD WASTE RESOLUTION, PERTAINING TO SOLID WASTE DISPOSAL FEES

Notice was given that the Board of County Commissioners would hold a public hearing to consider the following proposed resolution:

A RESOLUTION PERTAINING TO SOLID WASTE DISPOSAL; ADOPTING A REVISED FEE STRUCTURE FOR YARD WASTE MANAGEMENT ACTIVITIES AT COUNTY DISPOSAL FACILITIES; INCREASING CERTAIN COUNTY SOLID WASTE FEES; DEFERRING THE INCREASE FOR HAULERS TO THE EXTENT THAT THEY SERVICE RESIDENTS OF BELLE ISLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report

Public Utilities Division Deputy Director Stanley Keely gave the Board a synopsis of the County recycling program, reviewed the proposed resolution, and the fees. He noted that the draft resolution was to be amended with Section 2 and Finding 6 being deleted.

Appearances

No one appeared in favor of or in opposition to the proposed resolution.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion. Commissioner Pignone suggested that a workshop on the County's recycling programs would be of help to the Board, and in particular, to the new members.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Pignone, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted a resolution revising the fee structure for yard waste management activities at County disposal facilities, as amended.

(Resolution 94-SW-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

1994 COMPREHENSIVE PLAN AMENDMENTS PUBLIC HEARING - FOUR CORNERS - AMENDMENT 94B-1-3 (ORANGE COUNTY PLANNING DEPARTMENT) AND 94A-1-8 (JIM HALL/RALPH KAZAROS, ET AL.) (CONTINUED FROM DECEMBER 7, 1993, DECEMBER 14, 1993, AND JANUARY 11, 1994)

By consensus, the Board reopened the public hearing to consider the following:

- Establishing a Community Village Center (CVC) district designation and approving Future Land Use Policies 3.1.38 through 3.1.42 which implement the CVC;
- Designating the intersection of Apopka-Vineland Road and Conroy-Windermere Road, known as the Four Corners Area, as a CVC District.
- Amending the Urban Service Area (USA) boundaries to include the Four Corners Area;
- Denying Future Land Use Map (FLUM) Amendment 94A-1-8;
- Revising the Land Use Allocation Plan by amending the northwest corner to show a designation of 10.7 acres Commercial/Office and 19.1 acres Residential (2) DU/Acre with one acre lots abutting Lake Down and permitting clustering of residential, density not to exceed (2) DU/Acre.

Staff Report

Planning and Development Division Director Bruce McClendon reported on the proposed creation of the Four Corners area as a CVC, along with a series of policies for the implementation of the CVC designation. He continued that proposed Amendment 94B-1-3 is a staff request to change the FLUM designation from Rural Settlement (one dwelling unit per acre), Office and Institutional to Community Village Center on 198 mostly vacant acres at the Four Corners. He explained that proposed Amendment 94A-1-8 is a private request to change the FLUM designation from Rural Settlement to USA Expansion, Commercial, and Low-Medium Density Residential on 27 mostly vacant acres located at the northwest corner of the Apopka-Vineland Road and Conroy-Windermere Road intersection.

Assistant County Attorney Joe Passiatore presented a synopsis of the revisions to a proposed settlement of the applicant's lawsuit against the County concerning the northwest corner.

Appearances

The following persons appeared with general comments:

- Gene Spears, mayor; Town of Windermere; 324 Fourth Avenue, Windermere, Florida.
- Carl Patterson, town planner; Town of Windermere; 216 Third Avenue, Windermere, Florida.
- Harry Stewart, Esquire; Akerman, Senterfitt & Eidson; 255 South Orange Avenue, Orlando, Florida; representing the applicants, the Kazaros family, owners of the northwest corner.
- Ron Ben Zeev (no address given), representing owners of a portion of the southwest corner.
- Linda Corkhill, 9718 Kilgore Road, Orlando, Florida; for the Windermere Water Navigation and Control District.
- Nicholas Pope, Esquire; Lowndes, Drosdick, Doster, Kantor & Reed; 215 North Eola Drive, Orlando, Florida; for northeast corner property owner.
- Terry Irwin, 5211 Latrobe Drive, Windermere, Florida; for the Butler Chain Conservation Association.
- Jim Hall (no address given); agent for the northwest property owners, the Kazaros family.
- Hal Marston III; 255 South Orange Avenue, Orlando, Florida; for Lee Chira, owner of the southwest corner.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

A motion by Commissioner Freeman to transmit Future Land Use Map

and Policy Changes 94B-1-3 to the Department of Community Affairs (DCA) with a designation of Community Village Center and to deny transmittal of Future Land Use Map Amendment 94A-1-8 to the DCA, as originally approved by Orange County staff and the Town of Windermere, died for the lack of a second.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Pignone, Donegan, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board:

- Approved establishing a Community Village Center (CVC) district designation and approving Future Land Use Policies 3.1.38 through 3.1.42 which implement the CVC;
- Approved designating the Four corners area as a CVC District on the Future Land Use Map (FLUM).
- Amended the Urban Service Area (USA) boundaries to include the approximate 200 acre Four Corners Area;
- Denied FLUM amendment 94A-1-8;
- Revised the Land Use Allocation Plan by amending the northwest corner to show a designation of 10.7 acres Commercial/Office and 19.1 acres Residential (2) DU/Acre with one acre lots abutting Lake Down and permitting clustering of residential, density not to exceed (2) DU/Acre. The Land Use Allocation Plan is an interim guide to be included as background in the transmittal package to DCA, and is to become the foundation for the development and design guide book for the Four Corners area.

Harry Stewart, Esquire, representing the Kazaros family, addressed the Board and requested to withdraw FLUM Amendment 94A-1-8.

Action

By consensus, the Board accepted the Harry Stewart's withdrawal of FLUM Amendment 94A-1-8.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:45 p.m.