

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 19, 1994. Vice-chairman Tom Staley and Commissioners Bob Freeman, Mary Johnson, Fran Pignone, Bill Donegan, and Mable Butler were present. County Chairman Linda Chapin was absent. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, Assistant County Comptroller as Clerk Mark Fostier, and Assistant Deputy Clerk Thomas Stark. There being a quorum, the Vice-chairman called the meeting to order at 9 a.m.

COMMISSIONER'S DISCUSSION AGENDA

1. Recision of previous Board vote approving the design for the widening of Apopka-Vineland Road (south of Sand Lake Road); approval of alternative design for the road.

Commissioner's Report

Commissioner Freeman informed the Board that he has requested representatives of the community to speak to the Board about their concerns.

Manny Regateiro, representing the Bay Vista Homeowners' Association, 9540 Bay Vista Estates Boulevard, Orlando, Florida, addressed the Board and stated that his group favors a redesign similar to the northern extension and reflecting the area's more residential character.

Richard Spears, representing the Orange County Homeowners' Association, 9132 Ridge Pine Trails, Orlando, Florida, addressed the Board and urged adoption of a more modest plan for widening Apopka-Vineland Road that considers safety, beautification, planning, and unreliable traffic load projections.

Brad Shepherd, manager, Florida Power Corporation, 8626 Vista Pointe Cove, Orlando, Florida, addressed the Board and stated that utility poles are in place for a four-lane profile.

Commissioner Freeman stated that the million-dollar savings resulting from not having to relocate a retention pond for the six-lane road is available to redesign the road.

Public Works Division Director George Cole answered Commissioner Freeman's questions on costs and delays saying

saying that the redesign to four-lanes is estimated to cost \$600,000 and will delay the project a year. The long-term costs should the road subsequently be expanded, could be \$3 million, he added.

Discussion

The Board discussed master road planning and mass transportation alternatives, and Commissioner Donegan proposed that Lynx be brought into the redesign. Commissioner Johnson suggested that wider sidewalks be made part of the design.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board rescinded its approval of the design for widening Apopka-Vineland Road, south of Sand Lake Road, which was approved by the Board on March 26, 1991.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the redesigning of the Apopka-Vineland Road south of Sand Lake Road as a four-lane road; further, that the design include sidewalks of five-foot minimum width; and further, that Lynx be included in the design process for input regarding future mass transit operations.

FISCAL AND HUMAN RESOURCE DIVISION DISCUSSION AGENDA

1. Approval and adoption of a note, resolution, and amendments to a line of credit agreement in conjunction with the commercial paper program.

Staff Report

Vice-chairman Staley reported that this item was deleted for discussion at a later date.

2. Selection of one firm and two ranked alternates for entering into contract negotiations for engineering services for the Stormwater Master Drainage Plan for Hidden Hollow Subdivision and surrounding areas, RFP Y4-810-MK ([Stormwater Management Department] Procurement Committee):

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested that the Board select one firm and two ranked alternates to enter into contract negotiations for engineering services for the Stormwater Master Drainage Plan for Hidden Hollow Subdivision and surrounding areas, RFP Y4-810-MK, from the following firms, listed alphabetically:

- BJM and Associates
- Stottler Stagg
- WBQ Design

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Pignone, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the following short list ranked as follows:

- #1 Stottler Stagg
- #2 BJM and Associates
- #3 WBQ Design

and further, authorized staff to enter into contract negotiations for engineering services for the Stormwater Master Drainage Plan for Hidden Hollow Subdivision and Surrounding Areas.

PUBLIC WORKS DIVISION DISCUSSION AGENDA

1. The Public Works Division Director will make a report regarding septic tank variances.

Staff Report

Public Works Division Director George Cole compared the septic tank variance requests of Bobby Brigmond, approved by the Board at its April 12, 1994, meeting with that of Gregg Emch, denied by the Board at its April 5, 1994, meeting. Mr. Cole displayed maps and photographs of the lots for the two requests and concluded that the conditions surrounding the two requests are very similar.

Discussion

The Board discussed what criteria staff should use to grant septic tank variances and whether the conclusions of the geotechnical reports suffice. The Board agreed that the staff

needs clearer guidelines and requested a worksession to discuss variances granted under the septic tank ordinance.

Motion

The Board did not take any action.

COUNTY CONSENT AGENDA

County Administrator Jean Bennett corrected the following County Consent Agenda items:

- County Administrator Item 1: On page 2 of the agreement, replace "\$16,000,000" with "between \$10,000,000 and \$16,000,000";
- Community Services and Housing Item 1: Approval of the revised draft of the Developer's Agreement for the Oak Grove Circle Subdivision.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board:

- deleted Budget Transfer #94-249 from Fiscal and Human Resources Item 15;
- deleted CIP Amendments #41-94 and #43-94 from Fiscal and Human Resources Item 16;
- revised County Administrator Item 1, by rewording page 2 of the agreement to read that Thunder in Paradise Productions will spend "between \$10,000,000 and \$16,000,000" instead of "\$16,000,000";
- revised the agreement for Community Services and Housing Item 1 to correspond to the one in the commissioners' agenda package;

and approved the balance of the County Consent Agenda items, as amended, as follows:

County Comptroller

1. Approval to pay Clerk of the Courts' invoices in the amount of \$332,399.17.

2. Authorization to adjust budget draws for the following constitutional officers, to reimburse for bonuses awarded by the Board of County Commissioners on December 14, 1993:
 - Sheriff-Bailiff - \$7,321
 - Sheriff-Law Enforcement - \$127,566
 - Supervisor of Elections - \$3,230
 - Property Appraiser - \$11,304

3. Acknowledge "File for the Record" documents received and filed in the Comptroller Clerk's Office as follows:
 - a. Comprehensive Annual Financial Report for the year ended September 30, 1993, from the Greater Orlando Aviation Authority, dated March 15, 1994.
 - b. An ordinance annexing to the corporate limits of the City of Orlando, Florida; property located at 3419 Vineland Road, dated March 21, 1994.
 - c. An ordinance annexing to the corporate limits of the City of Orlando, Florida; property located on the west side of Hiawassee Road, northeast of the Sunshine State Parkway, dated March 21, 1994.

4. Warrants and vouchers, having been certified that same had not been drawn on overexpended accounts:
 - Regular Board: Total - \$39,820,571.53
 - Regular Board: Total - \$ 4,701,377.99
 - Regular Board: Total - \$20,678,969.95

County Administrator

1. Approval and execution of the Joint Agreement among the Economic Development Commission; Beck, Schwartz, Bohann Productions, Inc.; and Orange County; providing for economic incentives for the production of the television series "Thunder in Paradise."

As stated in the above motion, page 2 of the agreement was revised to read that Thunder in Paradise Productions will spend "between \$10,000,000 and \$16,000,000" instead of "\$16,000,000."

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

Administrative Support Division

1. Approval and execution by County Chairman of right-of-way utilization agreement from Florida Power Corporation to Orange County:

Lake Telfer Outfall, Right-of-Way Utilization Agreement, District 5
(Real Estate Management Department).

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

Community Services and Housing Division

1. Approval and execution of Developer's Agreement among Orange County, Community Housing Trust, Inc., and Florida's Preferred Homes Venture 2, Inc., for the Oak Grove Circle Subdivision, District 5.

As stated in the above motion, the agreement was revised to correspond to the one in the commissioners' agenda package.

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

Fiscal and Human Resource Division

1. Award of Invitation for Bid Y4-144-GJ to the low responsive and responsible bidders: Municipal Equipment Company (Y4-144A, \$107,800) and Safety Equipment Company (Y4-144B, \$32,038) for a one-year term contract to furnish bunker gear/protective clothing, \$139,838 ([Fire/Rescue Division] Purchasing and Contracts Department).
2. Award of Invitation for Bid Y4-158-RW to the low responsive and responsible bidders: Bowater Computer Forms and The Smith Wilson Company for a one-year term contract to furnish stock computer paper, environmental bond, and other paper products, \$201,000 ([Management Information Services] (Purchasing and Contracts Department)).
3. Award of Invitation for Bid Y4-624-HF to the low responsive and responsible bidder, Florida Hydraulic Machinery, Inc., for

a truck mounted articulating crane (knuckleboom), \$81,180 ([Wastewater Department] Purchasing and Contracts Department).

4. Award of Invitation for Bid Y4-631-GJ to the low responsive and responsible bidder, Don Reid Ford, to furnish six economy utility vehicles, \$120,249 ([using departments] (Purchasing and Contracts Department)).
5. Approval to enter into a five-year lease with the only known source, Xerox Corporation, for a Xerox Docutech copier for the Graphic Reproduction Department, \$110,282.08 estimated annual cost ([General Services] Purchasing and Contracts Department).
6. Approval to enter into a contract with the only known source, Professional Communications Systems, for the purchase of two 261A GPT video/audio teleconferencing systems, installation, and a 15-month service contract, \$70,128 ([Cable Communications] Purchasing and Contracts Department).
7. Approval of a final one-year renewal and a 13.6% price increase from the original Board approved amount of Contract Y2-182 with Mutual Wholesale Company for furnishing staple foods to Orange County ([using departments] Purchasing and Contracts Department).
8. Approval to enter into a formal contract with Roe Design Group for continuing engineering/architectural services, RFP Y4-901-MK ([Construction Administration Department] Purchasing and Contracts Department).
9. Approval to enter into a formal contract with Marcet Ribar Ikegami Architectural Group, Inc. (MRI), for continuing engineering/architectural services, RFP Y4-901-MK ([Construction Administration Department] Purchasing and Contracts Department).
10. Approval of Task Authorization 2, Contract Y3-806, for engineering and architectural services for the Public Utilities Central Laboratory Facility with Strollo Architects, Inc., \$152,581 ([Public Utilities Engineering Department] Procurement Committee).
11. Approval to purchase two Xerox copiers at the end of a 48-month term lease and purchase of maintenance services from Xerox Corporation for Graphic Reproduction, \$58,360 [General Services(Purchasing and Contracts Department)]

(Contracts for Items 1 through 11 are on file in the Purchasing and Contracts Department.)

12. Approval of payment of Intergovernmental claims (March 24 and March 31, 1994) totaling \$479,809.75 (Risk Management Department).
13. Receipt and filing of the March 17 and 24, 1994, minutes of the Intergovernmental Risk Management Committee (Risk Management Department).
14. Approval and authority for quarterly payments of the Self-Insurer Assessment for FY 1993-94 (Risk Management Department).
15. Approval of Budget Transfers #94-234 and #94-248 through #94-251 (OMB).

As stated in the above motion, the Board deleted Budget Transfer #94-249.

(Budget Transfers #94-234, #94-248, #94-250, and #94-251 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

16. Approval of CIP Amendments #39-94, #41-94, #43-94, and #44-94 (OMB).

As stated in the above motion, the Board deleted CIP Amendments #41-94 and #43-94.

(CIP Amendments #39-94 and #44-94 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

17. Confirmation of the County Chairman's staff reappointments for the month of April 1994 (Human Resource Department):

Monica Dunnehoo, manager, Community Services, Cable Communications
Sally Graham, manager, Corrections, Training and Staff Development
James Hartmann, division director, Administrative Support,
Administration

Edward Royal, deputy director, Corrections, Administration

Planning and Development Division

1. Approval and execution of the Road Impact Fee Agreement regarding an Alternative Traffic Study between Palm Garden Nursing Home and Orange County, District 3.
2. Approval and execution of the Second Extension to the Interlocal Agreement between the City of Orlando and Orange County for Public Transit System Development, District 1.

(Agreements are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF APRIL 7, 1994

Zoning Department Manager Melvin Pittman presented the recommendations of the Orange County Board of Zoning Adjustment under the date of April 7, 1994.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of April 7, 1994, subject to the usual right of appeal by any aggrieved parties.

WORKSESSION - FY 1994-95 CAPITAL IMPROVEMENTS PROGRAM

Overview/Introduction

Office of Management and Budget Manager Sharon Donoghue presented a brief review of the process to determine the Capital Improvements Program budget for 1994-95. Ms. Donoghue stated that four divisions are presenting their capital spending priorities today, and the remaining divisions will make presentations at the May 24, 1994, Board meeting. Final discussion of the Capital Improvements Program will take place at the July budget hearings when the final revenue estimates are available. She concluded saying that the total CIP request amounts to \$447.3 million compared with \$407.5 million last year.

Public Utilities Division

Public Utilities Division Director Alan Ispass presented the division's CIP budget request for FY 1994-95, totaling \$79,689,000 for about 50 projects, with emphasis on water projects.

Commissioner Johnson left the meeting.

Mr. Ispass stated that the CIP requests for improved County utility systems were determined from needs assessments, input from operations' staff, and changes arising from laws, regulations, and agreements.

Public Utilities Engineering Department Manager Ajit Lalchandani presented a brief overview of the water, wastewater, and resource recovery CIPs.

Discussion

The Board discussed the consistency of the proposed utility CIPs with growth management, agreements with the Orlando Utilities Commission, and annexation agreements with the City of Orlando.

Commissioner Donegan left the meeting.

Commissioner Butler left the meeting.

Convention Center

Orlando/Orange County Convention Center Executive Director Tom Ackert presented the Center's CIP budget request for FY 1994-95 totaling \$146,874,000.

Mr. Ackert stated that the goals of the Capital Improvements Program at the Convention Center are to keep all exhibit space on one level, to retrofit older facilities, and to provide high-tech media equipment. These projects will be on-going through 1996, he stated.

Mr. Ackert explained that some of the capital projects that are common to Phases III and IV are budgeted for in a separate CIP account. He stated this account includes an off-site parking garage, the Split Oaks Forest mitigation lands project, and a pedestrian bridge to the parking lots.

Commissioner Butler entered the meeting.

Commissioner Johnson entered the meeting.

Discussion

The Board discussed whether the 2,000-seat auditorium could be used for performing arts and whether Disney Corporation might build a competing convention center.

For the record, Commissioner Pignone asked for clarification on the financing needs of the Convention Center and how financing requirements might delay construction.

In response, Fiscal and Human Resources Division Director Linda Tidwell reported on current commercial paper offerings, County bond ratings, and the current financing plan to use fixed-rate financing, debt service reserve surety, and anticipation notes. Mr. Ackert confirmed that meeting construction deadlines is not an immediate threat.

Commissioner Donegan entered the meeting.

County Chairman Chapin entered the meeting.

Sheriff's Office

Captain John Pavlis presented the Sheriff's CIP budget request for FY 1994-95 totaling \$1,941,000. He emphasized that the requested amount is for continuation of four programs approved by the Board last year. Captain Pavlis reported that two requests, the evidence facility relocation and the operations center remodeling, will be completed this fiscal year. The priority for this coming fiscal year, he said, is relocation of the Sector 2 (East Orange County) facility to a building that can withstand 140 mph winds and in a less flood-prone area. The relocation of the Collision Avoidance Training (CAT) School also has a high priority, he added.

Discussion

The Board discussed the abandonment of the Sector 2 facility and the resulting dearth of protection it may create for a large part of east Orange County and, further, the use of the GIS (Geological Information Systems) database to establish sites for police and fire stations.

The Board discussed a retrofit of the current Herndon Airport location of the CAT school, relocating the school to the Naval

Training Center, and the disadvantages of the selected site, which is in an old clay mine and in a residential neighborhood.

Sheriff's Office Planner Glen Finnell stated that the Naval Training Center has the advantage of being closer, but still involves permitting, drainage, and environmental issues that will have to be evaluated.

County Chairman Chapin suggested that since the Board has raised so many questions, the CAT School relocation needs more examination.

Public Works

Public Works Division Director George Cole presented the division's CIP budget request for FY 1994-95 totaling \$113,881,386. Mr. Cole reported that the Engineering Department will continue its sidewalk construction program, the paving of unpaved roads, and the closing of the Pine Hills landfill.

Mr. Cole presented a list of on-going and new road projects proposed by the Highway Construction Department, some of which may be affected by recent eminent domain legislation passed by the State.

Mr. Cole also described the projects of the Highway Maintenance, Stormwater Management, and Traffic Engineering Departments.

Discussion

The Board commended the Public Works Division for its sidewalk and other improvements last year, made recommendations including that the basin and water management districts have the same boundaries and that Rio Pinar's drainage problems be investigated, and pointed out the availability of State funding for sidewalk improvements.

Vice-chairman Staley 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, Fran Pignone, Bill Donegan, and Mable Butler present. Commissioner Mary Johnson entered where indicated. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, Assistant County Comptroller as Clerk Mark Fostier, and Assistant Deputy Clerk Thomas Stark.

**BOARD OF ZONING ADJUSTMENT APPEAL PUBLIC HEARING - APPELLANT/
APPLICANT: CHILDREN'S HOME SOCIETY, BOARD OF ZONING ADJUSTMENT #4, MARCH 3,
1994, DISTRICT 2**

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider the action of the Orange County Board of Zoning Adjustment under the date of March 3, 1994, Hearing #4, on application of Children's Home Society for a special exemption to operate a child day-care center (24-hour crisis nursery) in R-1A zone, on the following described property:

North 1/4 of northeast 1/4 of southwest 1/4 of southeast 1/4, (less east 30 feet for road), Section 12, Township 22 South, Range 28 East, which is located west side Pioneer Road, 1/4 mile north and east of intersection of Denson Drive and Powers Drive or 3100 Pioneer Road (SW 1/4 of SE 1/4 12-22-28 Tract Size: 2.3 acres District 2)

A court reporter, Brenda S. Lamm, Zacco & Associates, was present; Assistant Deputy Clerk Tom Stark read the Notice of Appeal into the record.

Assistant County Comptroller as Clerk Mark Fostier left the meeting.

County Comptroller as Clerk Martha Haynie entered the meeting.

Staff Report

Zoning Department Manager Melvin Pittman located and described the subject property, identified the surrounding zoning classifications, and noted that the Board of Zoning Adjustment recommended denial of the request.

The County Chairman accepted the following exhibits from Fred Leonhardt, Esquire, representing the Children's Home Society:

- Clerk's Exhibit 1, petition with 257 signatures in support of the Children's Home Society.
- Clerk's Exhibit 2, letter from Higgins & Heath Realty.
- Clerk's Exhibit 3, booklet summarizing presentation before the Board.

The County Chairman accepted the following exhibits from Noel Busch, representing the abutters:

- Clerk's Exhibit 4, booklet summarizing presentation before the Board.
- Clerk's Exhibit 5, signatures on letters in opposition to the location of the home at 3100 Pioneer Road.
- Clerk's Exhibit 6, petition with signatures in opposition of the proposed location of the Children's Home Society Crisis Nursery.

Appearances

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

- Fred Leonhardt, Esquire; Gray, Harris, and Robinson; 201 East Pine Street, Orlando, Florida; representing the Children's Home Society.
- Kyle Miller, 2038 Forest Club Drive, Orlando, Florida.
- Vicki Cornett, director, Children's Home Society; 9921 Dean Acre Drive, Orlando, Florida.
- Don Huber, 35 West Church Street, Orlando, Florida.
- Gwen McNair, 999 Mayfield Avenue, Orlando, Florida.
- Jim Brown, 4401 Glen Oaks Terrace, Orlando, Florida.
- Sue Pims, 111 Spring Lane, Winter Park, Florida.
- Carolyn Lord, chairman, Children's Home Society; 1672 Joeline Court, Winter Park, Florida.
- Jean Rodriguez, member Citizens Commission for Children and Florida Society for Prevention of Child Abuse; 7278 Della Drive, Orlando, Florida.
- Clarence Bass, Chief of Police, City of Edgewood; 405 Larue Avenue, Edgewood, Florida.

The following persons addressed the Board in opposition to the request:

- Noel Busch, 6012 Beau Lane, Orlando, Florida.
- Bill Hudson, 3400 Pioneer Road, Orlando, Florida.
- Beryl Thompson, 6007 Beau Lane, Orlando, Florida.
- Dave Kellam, 6013 Beau Lane, Orlando, Florida.
- Tulie Phillips, 5611 Glen Eagle Road, Orlando, Florida.
- Joan Ricketts, 2808 Sherringham Road, Orlando, Florida.
- Tim Hebert, 3030 Pine Hills Road, Orlando, Florida.
- Cheryl Dunning (no address given).

Discussion

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

Commissioner Johnson entered the meeting.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with Commissioners Freeman, Staley, Johnson, and Pignone voting AYE by voice vote; County Chairman Chapin and Commissioners Butler and Donegan voting NO by voice vote; the Board upheld the action of the Orange County Board of Zoning Adjustment and denied the request of the Children's Home Society for a special exemption to operate a child day-care center (24-hour crisis nursery) in R-1A zone.

Motion

A motion by Commissioner Pignone to amend the above motion until Zoning and Data Systems Departments produce, from the GIS database, a selection of suitable alternative sites for the day-care center died for the lack of a second.

County Comptroller as Clerk Martha Haynie left the meeting.

Chief Deputy Comptroller as Clerk Jim Moyer entered the meeting.

NONAGENDA - PRESENTATION TO COMMISSIONER BUTLER FOR COMMUNITY SERVICE

Jonathan Sebastian presented a plant to Commissioner Butler in recognition of her years of community service. The Board members congratulated her for recently having an avenue named in her honor.

CHANGE DETERMINATION PUBLIC HEARING - APPELLANT/APPLICANT: SONESTA VILLA RESORT PD/LUP, REQUEST FOR CHANGE DETERMINATION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a change determination request by Suzanne Cole for Sonesta Villa Resort PD/LUP to include the following changes:

1. An increase in building height for Tract 3B from 3 to 4 stories (40 to 50 feet), affecting a total of 36 units;
2. A simultaneous decrease in the height limitations previously approved in Tract 3A from 7 stores to 5/6 story combinations, and in Section 4 from 5 stories to 4/5 story combinations;
3. A modification to the interior boundary line of Tract 3A to provide an increase of the land area by approximately 6.25 acres;

4. The relocation of 112 time-share units with supporting recreational amenities to Section 4;
5. A decrease in professional office square footage from 130,000 to 50,000 square feet in Section 4;

pursuant to Orange County Subdivision Regulations, Article II, Section 34-27(A)(2B), on property described as follows:

Commence at the northeast corner of the south 1/4 of the northeast 1/4 of Section 2, Township 24 South, Range 28 East, Orange County, Florida; thence S00°23'31"W, along the east line of said northeast 1/4, a distance of 440.0 feet; thence N89°36'29"W 30.0 feet for a point of beginning; thence S89°50'01"W 170.00 feet; thence S29°19'01"W 495.00 feet; thence S43°29'01"W 300.00 feet; thence N89°15'59"W 390.00 feet; thence N00°55'59"W 391.00 feet; thence S89°54'01"W 195.00 feet; thence S70°44'01"W 265.00 feet; thence S86°54'01"W 1144.33 feet to the center section line of said Section 2; thence S10°05'59"E 2500.00 feet; thence S00°05'59"E 1175.46 feet to a point 150.00 feet north of the south line of the north 1/2 of the northeast 1/4 of Section 11, Township 24 South, Range 28 East; thence N89°32'28"E, along a line parallel with said South line of the north 1/2 of the northeast 1/4, a distance of 1978.55 feet to a point on the westerly right-of-way line of Frontage Road for Interstate 4, thence N12°48'28"W, along said westerly right-of-way line, a distance of 586.61 feet to the point of curvature of a curve, concave easterly and having a radius of 2060.86 feet; thence northwesterly, along the arc of said curve and westerly right-of-way line, through a central angle of 05°38'13", a distance of 202.75 feet; thence leaving said curve and westerly right-of-way line, run along the right-of-way line of a lateral ditch right-of-way the following courses: N87°43'16"W 231.81 feet; S76°19'32"W 358.77 feet; N22°40'28"W 20.00 feet; N67°19'32"E 363.19 feet; S87°43'16"E 233.01 feet to a point on the aforesaid westerly right-of-way line; thence along the aforesaid westerly right-of-way line the following courses; from a tangent bearing of N06°36'27"W, run northerly along the arc of the aforesaid curve, through a central angle of 21°58'13", a distance of 790.25 feet to the point of tangency, thence N15°21'46"E 814.66 feet to the point of curvature of a curve, concave westerly and having a radius of 2043.48 feet; thence northeasterly

along the arc of said curve, through a central angle of 15°53'02", a distance of 566.51 feet to the end of said curve; then N89°28'44"E 10.00 feet; thence N00°31'16"W 894.79 feet to the north line of the southeast 1/4 said Section 2; thence N00°23'31"E 208.67 feet to the point of beginning. Total Acreage: 179.4 acres, more or less.

Staff Report

Planning and Development Division Director Bruce McClendon reviewed the the change determination request and the DRC's determination of substantial change; and further, stated the DRC recommended approval of the request.

Appearances

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

- Suzanne Sole, the applicant; Sole Design, Inc. 1109 East Ridgewood Street, Orlando, Florida.

The following person addressed the Board in opposition to the request:

- Paul Dietrich, Esquire; Akermann, Senterfitt, and Eidson; 255 South Orange Avenue, Orlando, Florida; representing foreign investors.

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 Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board determined that the change request by Suzanne Sole for Sonesta Villa Resort PD/LUP to include the following changes:

1. An increase in building height for Tract 3B from 3 to 4 stories (40 to 50 feet), affecting a total of 36 units;
2. A simultaneous decrease in the height limitations previously approved in Tract 3A from 7 stores to 5/6 story combinations, and in Section 4 from 5 stories to 4/5 story combinations;

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3. A modification to the interior boundary line of Tract 3A to provide an increase of the land area by approximately 6.25 acres;
4. The relocation of 112 time-share units with supporting recreational amenities to Section 4;
5. A decrease in professional office square footage from 130,000 to 50,000 square feet in Section 4;

is a substantial change to the Sonesta Villa Resort PD/LUP; and further, approved the substantial change to the development on property described above, subject to the following condition:

1. Development shall conform to the Sonesta Villa Resort Land Use Plan dated, "Received February 14, 1994"; conditions of approval dated, December 18, 1980, January 21, 1982, July 19, 1984, and April 18, 1985; the Preliminary Subdivision Plan approved, March 9, 1982; and the Nonsubstantial Change Determination approval dated, December 9, 1987. Development based upon 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.

*CHANGE DETERMINATION PUBLIC HEARING - APPLICANT: HIGH POINT TRACT RA (CHELSEA PARK EAST), REQUEST FOR CHANGE DETERMINATION, DISTRICT 4

*Notice was given that the Board of County Commissioners would hold a public hearing to consider a change determination request by High Point Tract Ra (Chelsea Park East) to change the building setback from thirty feet (30') to twenty feet (20') pursuant to Orange County Subdivision Regulations, Article II, Section 34-27(A)(2B), on property described as follows:

A parcel of land lying in Section 21, Township 22 South, Range 31 East, Orange County, Florida, being more particularly described as follows: From the point of beginning being the southwest corner of the southeast 1/4 of the northwest 1/4 of said Section 21; thence N00°33'31"W along the west line of said southeast 1/4, a distance of

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1328.43; thence N89°46'49"E, a distance of 95.01 feet; thence N00°33'31"W, a distance of 696.41 feet; thence S82°36'00"E a distance of 135.00 feet; thence S79°43'05"E, a distance of 1079.81 feet, to the west right-of-way line of Lake Berge Road (60' right-of-way); thence S00°42'33", along said westerly right-of-way line, a distance of 510.83 feet to the northerly boundary "High Point of Orlando (Sec. 1)," (Condominium OR Book 2555, Page 1776); thence along the northerly and westerly boundary of said High Point Condominium, the following courses and distances: thence S88°46'49"W, a distance of 425.00 feet; thence S03°15'59"E, a distance of 134.08 feet to a point on a curve, thence 89.54 feet along the arc of a curve to the left having a radius of 57.00 feet, a central angle of 90°00'00", a chord length of 80.61 feet, and a chord bearing S. 17'27"W to a point of tangency; thence S00°42'33"E, a distance of 545.00 feet; thence S16°39'17"E, a distance of 109.20 feet; thence N 89°17'27" E, a distance of 157.00 feet; thence S00°42'33"E, a distance of 253.00 feet; thence S79°13'21"W departing from said westerly boundary of High Point Condominium, a distance of 511.99 feet; thence S37°30'00"E, a distance of 343.42 feet; thence S52°30'00"W, a distance of 140.00 feet; thence S37°30'00"W, a distance of 300.00 feet; thence N88°30'36"W, a distance of 415.07 feet to the point of beginning. Subject to a reservation being retained by grantor to publicly dedicate for road right-of-way purposes the westerly one (1) foot of the northerly six hundred ninety-six point four one (696.41) feet and the westerly ninety-six (96) feet of the southerly one thousand three hundred twenty-eight point four three (1328.43) feet of the above described parcel.

Staff Report

Public Works Division Director George Cole reviewed the the change determination request and the DRC's determination of substantial change; and further, stated the DRC recommended approval of the request.

*The County Chairman accepted the following exhibits from Charles Brucks, Jr., representing residents of the High Point of Orlando Condominiums:

- Clerk's Exhibit 1, petition letter with 16 signatures against a variance; Satisfaction of Mortgage; Notice of Public Hearing; correspondence regarding a property transfer, maps.

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Appearances

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

- John Herbert, engineer; American Civil Engineering Company; 207 North Moss Road, Suite 211, Winter Springs, Florida; representing the developer.
- Dave Clark, developer (no address given).

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The following persons addressed the Board in opposition to the request:

- Anthony J. Banato, president, High Point Association; 1475 High Point Boulevard, Orlando, Florida.
- Charles Brucks, 1470 High Point Boulevard, Orlando, Florida.
- Lewis Festa (no address given).

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 Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the public hearing to consider a change determination request by High Point Tract Ra (Chelsea Park East) to change the building setback from thirty feet (30') to twenty feet (20') pursuant to Orange County Subdivision Regulations, Article II, Section 34-27(A)(2B), until May 3, 1994, at 2:45 p.m.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WATERFORD LAKES/VILLAGE N-7
PHASE 4 PRELIMINARY SUBDIVISION PLAN, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider Waterford Lakes/Village N-7 Phase 4 Preliminary Subdivision Plan on the following described property:

Waterford Lakes/Village N-7 Phase 4, District 4, Location: north of Alafaya Trail and south of Lake Underhill Road - Commence at the southeast corner of Section 34, Township 22 South, Range 31 East, run S89°38'08"W along the south line of said Section 34, a distance of 1163.53 feet for a point of beginning; thence continue S89°38'08"W along said south line, a distance of 619.45 feet to a point on a curve, concave northeasterly, having a central angle of 32°35'07" and a radius of 1632.59 feet; thence from a tangent bearing of N86°52'10"W, run northwesterly along the arc of said curve, a distance of 928.49 feet; thence departing said curve, run N33°38'20"E, a distance of 297.06 feet; thence S64°15'27"E, a distance of 303.88 feet; thence S67°56'10"E, a distance of 55.83 feet; thence S74°28'58"E, a distance of 97.43 feet; thence N 15°31'02"E, a distance of 105.00 feet; thence S74°28'58"E, a distance of 31.56 feet to the point of

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curvature of a curve, concave northeasterly, having a central angle of 10°55'40 and a radius of 150.00 feet; thence run southeasterly along the arc of said curve a distance of 28.61 feet; thence departing said curve, run S15°31'02"W, a distance of 207.54 feet; thence S74°28'58"E, a distance of 148.11 feet; thence N69°17'03"E, a distance of 240.00 feet; thence S77°34'20"E, a distance of 190.78 feet; thence S33°07'12"E, a distance of 96.07 feet; thence S47°50'41"E, a distance of 90.66 feet; thence S61°53'33"E, a distance of 96.06 feet; thence S65°41'10"E, a distance of 73.55 feet; thence S44°30'22"E, a distance of 61.84 feet to the point of beginning. Containing 8.500 acres, more or less.

Staff Report

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

Appearances

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

- Tom Trainer, 520 South Magnolia Avenue, Orlando, Florida; representing Waterford Lakes Holding Company.

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 Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the Waterford Lakes/Village N-7 Phase 4 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Waterford Lakes Planned Development, BCC approvals and Village N-7 Phase 4 Preliminary Subdivision/Development Plan dated, "Received February 10, 1994," and to the following conditions of approval. Development based upon 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 April 19, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. A six-foot (6') masonry wall shall be constructed adjacent to Alafaya Trail.
3. The developer shall work with the County in utilizing reclaimed water for landscape and green area irrigation when available.
4. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this PD.
5. Proposed cul-de-sac variance utility 40-foot radius is approved.
6. Waiver of Section 34-171(g) (Subdivision Regulations) to eliminate sidewalks along Lots #6 through #15 and along the southern portion of Court "A" along Alafaya Trail is granted.

APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION - APPELLANT: PHILLIP HOLLIS, HOLLIS ENGINEERING, INC., ANDOVER LAKES PD/PHASE 3A DP (PARK PLAN); APPEAL OF DRC DECISION, MODIFICATION OF CONSTRUCTION PLANS REQUEST (CONTINUED FROM APRIL 5, 1994); DISTRICT 4

By consensus, the Board reopened the public hearing to consider an appeal filed by Phillip Hollis, Hollis Engineering, Inc., "Andover Lakes PD/Phase 3A," concerning the DRC's determination of denial of a request for modification to the approved Park Plan for Andover Lakes PD/Phase 3A, to build a five-foot (5') masonry wall between an open ditch and a residence in lieu of a one-hundred foot separation, continued from the April 5, 1994, Board meeting.

Staff Report

Public Works Division Director George Cole reviewed the request, explained that the continuation allowed the developer to meet with

the DRC and make changes to the park plan, and concluded that staff recommends approval of the request.

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 Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board overruled the decision of the Development Review Committee and approved the request by Phillip Hollis, Hollis Engineering, Inc., "Andover Lakes PD/Phase 3A," for modification to the approved park plan for Andover Lakes PD/Phase 3A, to build a five-foot (5') masonry wall between an open ditch and a residence in lieu of a one-hundred foot separation.

PUBLIC HEARING - SECOND SUPPLEMENTAL LAKE NONA ANNEXATION RESOLUTION - AMENDMENT TO THE ORLANDO/ORANGE COUNTY JOINT PLANNING AGREEMENT AS APPROVED MARCH 29, 1994

Notice was given that the Board of County Commissioners would hold a public hearing to consider: (1) approval of a settlement dismissing a lawsuit filed against Orange County and other parties by Pamela Wray and Daryl Carter, as Trustees (Orange County Circuit Court Case No. CI94-2063); and (2) a possible amendment to delete certain termination language contained within an "Orlando/Orange County Joint Planning Agreement" which was approved by the Orange County Board of County Commissioners on March 29, 1994, and at which time the Board will otherwise ratify and confirm said Agreement.

A court reporter, Lori Halvorsen, of Barbara Perry and Company, was present; Assistant Deputy Clerk Tom Stark read the Notice of Appeal into the record.

County Chairman Chapin left the meeting.

Staff Report

County Attorney Tom Wilkes recapped the events surrounding the annexation of Lake Nona by the City of Orlando, noted pending lawsuits, itemized the annexation petitions (by Greater Orlando

Aviation Authority with the Poitress Property, the Randall Johnson Trust, and the SwissCo Company), and described modifications to the original agreement approved by the Board at its March 29, 1994, meeting.

Mr. Wilkes stated that the Board is considering the Second Supplemental Lake Nona Resolution that moves the Lake Cane neighborhood outside the boundaries of the Joint Planning Agreement (JPA), permits exceptions to Dr. Phillips High School and Universal Studios in making annexations, settles the Carter lawsuit, and authorizes the Intervention Agreement. The City will subsequently approve these matters at its May 2, 1994, meeting in addition to approving settlements on the lawsuits the County has brought against the City.

Appearances

The following persons addressed the Board in opposition to the resolution:

- Robert Spears, 3450 Lila Drive, Orlando, Florida.
- Jim Smart, 60 West Robinson Street, Orlando, Florida; representing Dr. Phillips, Inc.
- Mary Borgan, president, Orange Tree Homeowners' Association; 7719 Clementine Way, Orlando, Florida.
- John Foley, 6103 Crystal View Drive, Orlando, Florida.
- Nancy Borack, 7328 Briar Court, Orange County, Florida.

No one appeared in favor of the resolution.

County Chairman Chapin entered the meeting.

Discussion

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

Motion (1 of 6)

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote; the Board approved an amendment to the Joint Planning Agreement that would move the Enclave Annexation Area boundary back to the City of Orlando limits in the area known as the Lake Sue and Lake Rowena neighborhoods.

For the record, Commissioner Donegan read the following excerpt from Florida Statutes, Chapter 171, page 1232: "The owner, or

owners, of real property in unincorporated areas of a county which is contiguous to a municipality, reasonably compact, may petition the governing body of said municipality and have that said property be annexed to the municipality"; and remarked further, that the current set of agreements with the City of Orlando gives Orange County some voice in annexations.

Motion (2 of 6)

Upon a motion by Commissioner Donegan, seconded by Commissioner Pignone, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved an amendment to the Joint Planning Agreement deleting the language concerning Special Acts and enclave annexations.

Motion (3 of 6)

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Donegan, and Butler voting AYE by voice vote; Commissioner Pignone voting NO by voice vote; the Board amended the Second Supplemental Lake Nona Annexation Resolution to modify the proposed Settlement Agreement by adding Lake Nona Corporation as a party to the agreement and by specifying the limited circumstances under which the Carter property owners may challenge future amendments to the Joint Planning Agreement with the City of Orlando (i.e., only amendments that remove the Carter property from the Joint Planning Area or that affect the densities or intensities allowable on the Carter property).

Motion (4 of 6)

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Donegan, and Butler voting AYE by voice vote; Commissioner Pignone voting NO by voice vote; the Board amended the Second Supplemental Lake Nona Annexation Resolution Agreement to modify further the Joint Planning Agreement, as previously approved by the Board on March 29, 1994, by inserting the following additional provisions in Paragraph 5 of that agreement regarding restrictions on annexing the Orange Tree Development or golf course and any Universal Studios or Orange County School Board property later acquired outside the "Joint Planning Area" boundary:

Notwithstanding the foregoing and notwithstanding the Joint Planning Area boundary, along Turkey Lake Road south of Conroy Road, at such time as either Universal Studios, Florida, or the Orange County School Board petitions to annex properties

purchased and owned for their use in conjunction with their developments, the City may annex those properties in the manner prescribed by law; however, the City may not annex the Orange Tree Development or golf course without an amendment to this Agreement pursuant to Paragraph 5 of this Agreement. However, if the City adopts land use densities or intensities for such annexed properties greater than those shown on the County's Future Land use Map as of the date of annexation, such annexed properties shall be zoned "planned development district" and such zoning shall be approved only after the City provides to the County's Director of Planning and Development a site plan for the annexed properties and receives from the Director a written determination that the development, when done pursuant to the site plan, will be compatible with land uses on adjacent properties.

Motion (5 of 6)

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Donegan, and Butler voting AYE by voice vote; Commissioner Pignone voting NO by voice vote; the Board approved the Intervention Agreement with the City of Orlando, as proposed.

(Agreements and related documents are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Motion (6 of 6)

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Donegan, and Butler voting AYE by voice vote; Commissioner Pignone voting NO by voice vote; the Board approved the Second Supplemental Lake Nona Annexation Resolution, as amended.

(Resolution No. 94-M-22 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(Note: See March 29, 1994, April 5, 1994, and April 12, 1994, for further discussion and Board actions on the Lake Nona Annexation.)

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 8 p.m.

