

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, June 28, 1994. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Fran Pignone, Bill Donegan, and Mable Butler were present. Also present were Deputy County Administrator Byron Brooks, County Attorney Tom Wilkes, County Comptroller as Clerk Martha Haynie, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by Gloria Murray of the Orange County Human Resource Department followed by the Pledge of Allegiance to the Flag. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

**PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF JUNE 16, 1994**

Staff Report

Zoning Department Manager Melvin Pittman presented the recommendations of the Orange County Planning and Zoning Commission under the date of June 16, 1994.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of June 16, 1994, with the exception of Items #14 and #15, subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Item 14 in the name of "Vistana Planned Development" and Item 15 in the name of "Buchanan Bend Planned Development" on August 9, 1994, at 2:45 p.m.

**PUBLIC WORKS DIVISION DISCUSSION AGENDA**

1. Authorization for the Stormwater Management Department to appear before the St. Johns River Water Management District (SJRWMD) Public Hearing on July 12, 1994, to express the County's support for the proposed amendment to the Environmental Resource Permit allowing counties and municipalities to perform minor bridge alterations and other maintenance functions under a general permit (Stormwater Management Department).

Staff Report

Stormwater Management Department Manager M. Krishnamurthy

explained that the St. Johns River Water Management District (SJRWMD) is proposing to adopt a rule which would allow issuance of a new general permit, Environmental Resource Permit, to the Florida Department of Transportation to perform minor bridge alterations and other maintenance functions. He added, at its last meeting, the staff of the SJRWMD recommended making counties and municipalities eligible to apply for the general permit.

Dr. Krishnamurthy requested authorization for the Stormwater Management Department staff to appear before the SJRWMD public hearing on July 12, 1994, to express the County's support.

**Motion**

Upon a motion by Commissioner Butler, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board authorized the Stormwater Management Department to appear before the St. Johns River Water Management District Public Hearing on July 12, 1994, to express the County's support for the proposed amendment to the Environmental Resource Permit allowing counties and municipalities to perform minor bridge alterations and other maintenance functions under a general permit.

**HEALTH AND COMMUNITY SERVICES DIVISION DISCUSSION AGENDA**

1. Approval of an agreement between Orange County and the St. Johns River Water Management District (SJRWMD) regarding the purchase and management of 951 acres along the Econlockhatchee River at a cost to Orange County of \$1,997,100 (Health and Community Services Division).

**Staff Report**

Assistant to the Health and Community Services Division Director Sherry Williams-Hooper introduced Latane Donalin and Lou Freeman of the St. John River Water Management District who assisted in negotiations for the Econlockhatchee River properties. Ms. Williams-Hooper explained the location of the subject property and discussed the purchase price and the arrangements for acquisition and management.

**Discussion**

For the record, Commissioner Pignone requested the cost per acre, the beneficiaries of the purchase, and if there are any agents or commissions that have to be paid.

Ms. Williams-Hooper responded that no commissions have to be paid, the property owner is Malcolm Kirschenbaum, Trustee, and the purchase price per acre is \$4,200.

Regarding the beneficiaries of the purchase, Ms. Williams-Hooper stated the contracts require that the sellers provide public disclosure of each beneficial ownership for each parcel at least 10 days prior to closing. She continued that closing has not been scheduled yet, so the beneficial information is not required of the sellers at this time; however, authorization from the Board of County Commissioners will be required to proceed to closing and disburse funds.

Further, the Board discussed whether the property is suitable for active or resource-based recreation and access.

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved an agreement between Orange County and the St. Johns River Water Management District regarding the purchase and management of 951 acres along the Econlockhatchee River at a cost to Orange County of \$1,997,100.

2. Approval of an agreement between Orange County and the St. Johns River Water Management District (SJRWMD) regarding the purchase and management of 387 acres along the Econlockhatchee River at a cost to Orange County of \$1,030,000 (Health and Community Services Division).

**Staff Report**

Assistant to the Health and Community Services Division Director Sherry Williams-Hooper explained the location of the property and discussed the purchase price and management responsibilities. Ms. Williams-Hooper expressed appreciation to the St. Johns River Water Management District which offered to pay 100% of the acquisition costs since the County does not have proceeds available from the Public Services Tax Bonds. She pointed out the agreement gives the County two years to reimburse the SJRWMD for 50% of the total costs.

**Discussion**

The Board discussed the conditions for repayment in the agreement, access to the property, and recreational use of the

property in conjunction with the 163-acre Bithlo Park. Further, the Board expressed appreciation to the St. Johns River Water Management District for funding the County's portion of the purchase price.

For the record, Commissioner Pignone requested the price per acre and the beneficiaries of the purchase. Commissioner Pignone also requested clarification of how the Avalon Development affects the properties.

Ms. Williams-Hooper responded that the Avalon Development has preserved a corridor through their project with upland buffers on either side of the River, and a public access easement across that corridor was also required. She continued, there are three property owners: Kenneth D. Rosen, Trustee and Individually; Preston M. and Henry R. Partin; and W. W. Arnold, Trustee of the Carrigan Trust. She pointed out the price per acre for the Rosen property was \$5,854.60. The price per acre for the Partin property was \$6,107.14 and the Arnold property was \$6,231.25.

Regarding the beneficiaries of the purchase, Ms. Williams-Hooper stated that the contracts require that the sellers provide public disclosure of each beneficial ownership for each parcel at least 10 days prior to closing. She continued that closing has not been scheduled yet, so the beneficial information is not required of the sellers at this time; however, authorization from the Board of County Commissioners will be required to proceed to closing and disburse funds.

**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 an agreement between Orange County and the St. Johns River Water Management District regarding the purchase and management of 387 acres along the Econlockhatchee River at a cost to Orange County of \$1,030,000.

**COUNTY CONSENT AGENDA**

Upon a motion by Commissioner Butler, 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:

**County Comptroller**

1. Approval to pay Clerk of Courts' invoices in the amount of \$300,310.39 (Administrative/Fiscal).
2. Approval to pay Tax Deed Overbid on Certificate #007221-1989 in the amount of \$4,243.92 (Administrative/Fiscal).
3. Approval to pay the Property Appraiser's fourth (4th) quarter billing in the amount of \$1,778,262.48 (Administrative/ Fiscal).
4. Approval to pay the Sheriff's remaining monthly budget amounts as follows: July \$6,584,997, August \$6,584,998 (Administrative/Fiscal).
5. Approval of the minutes of the May 17, 1994, Board of County Commissioners meeting (Clerk of the Board of County Commissioners).
6. Acknowledge "File for the Record" documents received and filed in the Comptroller Clerk of the BCC's office as follows (Clerk of the Board of County Commissioners):
  - a. Oaths of Office for Corbin Sarchet and Darrell Julian from the Orange County Library System dated February 10, 1994 and March 10, 1994, respectively.
  - b. Florida Public Service Commission Notice of Prehearing Conference and Hearing to all peninsular Florida generating electric utilities, and all other interested persons; dated May 5, 1994.
  - c. Audited financial statements for the Orlando/Orange County Convention and Visitors Bureau, Inc., for the year ended 1993; dated May 5, 1994.
  - d. Bonds for West Orange Healthcare District trustees, Patricia S. Ahrendt and Mary Ann S. Swickerath, from Cappleman and Associates Insurance; dated May 3, 1994.
  - e. Proof of publication for Orange County Health Facilities Authority's June 2, 1994, meeting notice, from Gray, Harris and Robinson; dated June 2, 1994.
  - f. Florida Public Service Commission notice of workshop to all interested parties, dated May 25, 1994.

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- g. Report on audit of the Orange County District School Board (Report Number 12314) for fiscal year ended June 30, 1993, by the State of Florida, Office of the Auditor General; dated May 31, 1994.

**County Administrator**

1. Approval and authorization for the County Chairman to sign a resolution recommending that Martin Marietta Technologies, Inc., be approved as a qualified applicant under the Defense Contractor Tax Refund Program, providing for the payment of \$300,000 over a five-year period as the local financial support requirement (see resolution for payment schedule) and providing for an effective date.

(Resolution No. 94-M-38\* 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 resolution and authorization to initiate condemnation proceedings: Old Winter Garden Road (Kirkman Road to Ivey Lane [Group VI]), Resolution, Districts 1 and 6 (Real Estate Management Department).

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

2. Approval and execution by County Chairman of underground easement between Orange County and the City of Orlando and the Orlando Utilities Commission in connection with electrical facilities: Environmental Protection Services Annex Building, Underground Easement, District 4 (Real Estate Management Department).
3. Approval and authorization to record instrument: Cricket Club Apartments, Water Line Easement, District 4 (Real Estate Management Department).
4. Approval and execution by County Chairman of lease extension and modification agreement between E.L.A. Associates (Lessor) and Orange County (Lessee): Corrections Warehouse, 4185 L.B.

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McLeod Road, Lease Agreement, District 6 (Real Estate Management Department).

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

5. Approval and authorization to record instrument: Bonneville Pines Phase 2, Temporary Drainage and Utility Easement, District 5 (Real Estate Management Department).

**Fire and Rescue Services Division**

1. Approval of amendment to the Four-Party Interlocal Mutual Fire and Disaster Aid Agreement among Seminole and Orange Counties and the Cities of Maitland and Altamonte Springs\* to include the City of Winter Park as a party to the agreement.

(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 Y4-172-HF, Lots 10 (Pine Street Administration Building) and 11 (One North Orange) to the low responsive and responsible bidder, Franklin Building Maintenance Services, Inc., to furnish janitorial services, \$70,320 ([Facilities Management Department] Purchasing and Contracts Department).
2. Award of Invitation for Bid Y4-176-NS to the low responsive and responsible bidder, Transportation Safety Contractors, for a one-year term contract to furnish guardrail repair, installation and replacement, \$200,000 ([Highway Maintenance Department] Purchasing and Contracts Department)
3. Award of Invitation for Bid Y4-627-RW to the low responsive and responsible bidder, Norris Control Systems, Florida representative for Scarab Corporation, for the purchase/installation of one self-propelled, straddle-type Windrow composter, \$184,030 ([Resource Recovery Department] Purchasing and Contracts Department).
4. Award of Invitation for Bid Y4-630-CI to the low responsive and responsible bidder, Kenworth of Central Florida, Inc., for four diesel road tractors, \$210,212 ([Resource Recovery Department] (Purchasing and Contracts Department)).

5. Award of Invitation for Bid Y4-638-EW to the low responsive and responsible bidder, Applied Digital for thirteen refurbished DEC workstations, with Ultrix software licenses, \$211,822 and approval for the purchase of additional tape and disk drives from Applied Digital, \$79,702 ([GIS/Mapping/ Graphics Department] Purchasing and Contracts Department).
6. Award of Invitation for Bid Y4-743 to the low responsive and responsible bidder, Linco Construction, Inc., Conway Gardens and Gatlin Avenue drainage improvements, \$68,814 ([Environmental Protection Department] Purchasing and Contracts Department).
7. Award of Invitation for Bid Y4-744-CT to the low responsive and responsible bidder, RKT Constructors, Inc., for the rehabilitation of four pump stations, \$377,700 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
8. Award of Invitation for Bid Y4-745-CT to the low responsive and responsible bidder, Speegle Construction, Inc., Williamsburg and Central Florida Parkway Reuse Distribution System, \$687,000 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
9. Award of Invitation for Bid Y4-749-CT to the low responsive and responsible bidder, Wharton-Smith, Inc., carbon dioxide feed system at the Econ Water Treatment Plant, \$222,000 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
10. Award of Invitation for Bid Y4-753-CT to the low responsive and responsible bidder, Vila and Son Landscaping Corporation, Hiawassee Road landscaping (Silver Star Road to Clarcona Ocoee Road), \$126,079.50 ([Highway Construction Department] Purchasing and Contracts Department).
11. Approval to purchase additional radio equipment for EMS, Parks, and the Radio Shop inventory from Motorola, Inc., under Contract Y3-139, \$333,718 ([Telecommunications Department] Purchasing and Contracts Department).
12. Approval to enter into a one-time contract with the only known source, AT&T Catalog, a division of AT&T, for the purchase of

various analog/digital telephone circuit boards, \$55,904.20  
([Telecommunications Department] Purchasing and Contracts Department).

(Contract is on file in the Purchasing and Contracts Department.)

13. Approval of Change Order No. 3, Blanket Purchase Order B18 with Keene Road Landfill, Inc., for the removal/disposal of more than anticipated quantities of trash and debris from County roadside clearing projects for Highway Maintenance Department, \$35,000 ([Public Works Division] Purchasing and Contracts Department).

14. Approval of Change Order No. 13, Contract Y2-761 with Martin Paving Company, Pershing Avenue (Semoran Boulevard to Goldenrod Road), \$14,056.66 ([Highway Construction Department] Purchasing and Contracts Department).

(See page 345 for discussion regarding this item.)

15. Approval of Change Order No. 3, Contract Y3-744 with Advanced Building Constructors, Orange County Operations Center, Phase IV, \$16,600.39 ([Public Utilities Construction Department] Purchasing and Contracts Department).

16. Approval to enter into a formal contract with WBQ Design and Engineering, Inc., for engineering services for Lake Margaret Drive/Conway Road intersection drainage retrofit, RFP Y4-808-MK, \$65,150 ([Stormwater Management Department] Purchasing and Contracts Department).

17. Approval to enter into a formal contract with Environmental Science and Engineering, Inc., for continuing professional environmental services for County Site Assessment and Remediation, RFP Y4-902A-MK ([Risk Management Department] Purchasing and Contracts Department).

18. Approval to enter into a formal contract with Omega Environmental for continuing professional environmental services for County site assessment and remediation, RFP Y4-902B-MK ([Risk Management Department] Purchasing and Contracts Department).

(Contracts for Items 16 through 18 are on file in the Purchasing and Contracts Department.)

19. Approval of Task Authorization #2, Contract Y3-123H, appraisal services for Old Winter Garden Road, with Hastings and Associates, \$192,072 ([Real Estate Management Department] Procurement Committee).
20. Approval of Amendment 4, Contract Y0-806A, additional engineering services for Apopka-Vineland Road, with Wilbur Smith and Associates, \$401,915.09 ([Highway Construction Department] Procurement Committee).
21. Approval of Amendment 1, Contract Y2-810, additional engineering services for Phase II of Curry Ford Road, with Lochrane Engineering, Inc., \$314,116 ([Highway Construction Department] Procurement Committee).
22. Approval of Amendment 1 to task authorization #2, Contract Y2-804E, engineering services for Hunter's Creek/Meadow Woods interconnect water, wastewater and reclaimed water mains, with Sverdrup Corporation, \$125,201 ([Public Utilities Engineering Department] Procurement Committee).
23. Confirmation of the County Chairman's staff reappointments for the month of June 1994 (Human Resource Department):  
  
    Madalyn Barton, Marketing Manager, Convention Center  
    Lynn Sordel, Manager, Parks and Recreation  
    Alan Valenti, Manager, Public Utilities Construction
24. Approval of payment of intergovernmental claims (June 2 and 9, 1994) totaling \$287,934.82 (Risk Management Department).
25. Receipt and filing of the May 26 and June 2, 1994, minutes of the Intergovernmental Risk Management Committee (Risk Management Department).
26. Approval to expend approximately \$53,785 from the Law Enforcement Trust Fund for video equipment for the Electronic Support Unit (OMB).
27. Approval of Budget Transfers #94-394 and #94-395 (OMB).  
  
    (Budget Transfers #94-394 and #94-395 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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28. Approval of Budget Amendment #94-63 (OMB).

(Budget Amendment #94-63 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

29. Approval of CIP Amendments #57-94 through #62-94 (OMB).

(CIP Amendments #57-94 through #62-94 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

30. Approval of the issuance of Orange County Health Facilities Authority Fixed-Rate Improvement and Refunding Revenue Bonds, Series 1994A; and its Variable-Rate Demand Improvement and Refunding Bonds, Series 1994B (Mayflower Retirement Community Project), in an aggregate principal amount not to exceed \$36,000,000.\*

**Health and Community Services Division**

1. Approval and execution of a license for nonemergency medical transportation service with Lake Special Transportation, all districts (Medical Examiner/EMS).

2. Approval and execution of a license for nonemergency medical transportation service with Short Stop Services, Inc., all districts (Medical Examiner/EMS).

3. Approval and execution of a contract amendment for the Cooperative Aquatic Plant Control Grant with the Florida Department of Environmental Protection. This will free the unencumbered amount of \$48,000, all districts (Environmental Protection).

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

4. Approval and execution of a federal grant application for Head Start refunding with the U.S. Department of Health and Human Services. The federal share is \$6,011,224 with a match of \$901,684 coming from previously budgeted County funds. No additional funds are being requested from the County, all districts (Community Affairs).

5. Approval and execution of Rate Agreement YGJ4C with the State of Florida Department of HRS for emergency shelter services at

\*(Resolution No. 94-B-07 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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Great Oaks Village for abused and neglected children at the fixed-rate unit cost of \$32.81 per day per child. The total amount is \$562,241 for 24 months, all districts (Human Services).

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

6. Approval and execution of Contract GJ 213 with the State of Florida Department of HRS for homemaker services at Great Oaks Village to prevent child abuse and neglect through family education and social services. Total amount is \$316,428 for 24 months on a cost reimbursement basis, all districts (Human Services).

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

7. Approval and execution of Contract GT 201' with the State of Florida Department of Juvenile Justice for prevention services, runaway shelter, counseling and centralized intake services to eligible youth and their families. Total amount is \$1,738,238 for 24 months. No additional County funds are required, all districts (Human Services).

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

8. Approval and execution of Rate Agreement YGJ5C with the State of Florida Department of HRS for emergency shelter care at Great Oaks Village West Campus for abused and neglected youth at the fixed rate unit cost of \$67.33 per day per client. The total amount is \$98,300 for 24 months, all districts (Human Services).

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

9. Approval and execution of Contract GJ 211 with the State of Florida Department of HRS for family preservation services when children are in imminent danger of removal due to child abuse or neglect. Total amount is \$482,520 for 15,712 units of service at \$30.71 per unit. No additional County funds are required, all districts (Human Services).

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

10. Approval and execution of Rate Agreement YGJ7B with the State of Florida Department of HRS for residential group care at Great Oaks Village for abused and neglected children at \$32.81 per client per day for East Campus and \$67.33 per client per day for West Campus. The total amount is \$1,929,934 for 24 months. An increase of 12 positions will be added to the manning table. No additional County funds are required, all districts (Human Services).

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

**Planning and Development Division**

1. Approval and execution of the First Amendment to Amended Development Order for Lake Vista Village Development of Regional Impact to correct scrivener's error, District 1 (Planning Department).

(Amendment to Amended Development Order is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval to pay impact fees for the Sheltered Community Residence, Inc., District 5 (Planning Department).
3. Approval and execution of the interlocal agreement between the City of Orlando and Orange County regarding the delegation of building permitting and inspection responsibility for the Florida Coc-Cola Bottling Company to the City of Orlando, District 2 (Planning Department).

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

4. Approval and execution of a resolution for the Pine Ridge Hollow Phase II affordable housing subdivision authorizing the acceptance of letters of credit in lieu of payment for sewer capital charges, District 3 (Housing and Community Development Department).

(Resolution No. 94-S-06 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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5. Approval and execution of the developer's agreement for public service funding and discounts of impact fees for East Bay Estates Subdivision, District 1 (Housing and Community Development Department).

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

6. Conditional approval of a resolution for Clarcona Estates Affordable Housing Subdivision authorizing acceptance of Letters of Credit in lieu of payment for sewer capital charges. Approval to be conditioned upon applicant's provision of proof of ownership to staff, District 2 (Housing and Community Development Department).

(Resolution No. 94-S-07 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

7. Approval and execution of Community Development Block Grant (CDBG) Program Opportunity to include the Cities of Apopka and Winter Park\* in the Urban County Program Fiscal Years 1995 and 1996, all districts (Housing and Community Development Department).

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

8. Approval and execution of the Consent to Assignment of Bus Shelter License Agreement from the Orange/Seminole/Osceola Transportation Authority (nka LYNX) to the Central Florida Regional Transportation Authority (Zoning Department).

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

9. Approval of street name petition, Brinkley Way, District 5 (Zoning Department).

10. Approval of street name petition, Lake Louise Drive, District 1 (Zoning Department).

11. Approval of street name petitions, Pixie Lane, Dwarf Drive Mystic Circle, District 1 (Zoning Department).

12. Authorize the Carter Tabernacle Christian Methodist Episcopal Church to submit and have plans reviewed through the

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commercial site plan review process and obtain appropriate permits, at their own risk, pending and subject to BZA special exception approval, District 6 (Zoning Department).

13. Authorize extension of the January 5, 1993, special exception approval for the Muslim Academy of Central Florida - Goldenrod Road, and allow them to proceed immediately with review through the commercial site plan review process, District 3 (Zoning Department).
14. Approval to advertise resolutions to lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning (Zoning Department).

(Resolution Nos. 94-ZON-95 through 94-ZON-103 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Public Utilities Division**

1. Approval and execution by the County Chairman of the 13<sup>+</sup> Conserve II Grower Agreements for Contract 14, for the delivery and use of reclaimed water, District 1.

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

2. Receipt and filing of the March 31, and April 27, 1994, Commercial Recycling Advisory Board minutes.
3. Approval and execution by the Chairman of the Southern States Utilities/Orange County Wastewater Wholesale Agreement.

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

4. Approval for the Chairman to execute the Pipeline Crossing Agreement between CSX Transportation, Inc., and Orange County for Regency Industrial Park, Sections 19 and 20, force mains and lift stations, District 4.

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

**Public Works Division**

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1. Waiver of permit fees and inspection fees for work at the Anthony House Homeless Shelter, District 2 (Engineering).

(See page 381 for further action regarding this item.)

2. Approval to establish "No Parking" zone along the entire west right-of-way line at the frontage road in the southeast quadrant of the intersection of International Drive and State Road 535, District 1 (Traffic Engineering).
3. Approval of resolution to reduce the existing speed limit from 30 miles per hour to 25 miles per hour in the River Chase Subdivision, District 3 (Traffic Engineering).

(Resolution No. 94-M-39 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval to increase the existing speed limit from 40 to 45 miles per hour on Boggy Creek Road in the Greenway interchange area from Wetherbee Road to Beth Road for approximately 1.7 miles in length, District 4 (Traffic Engineering).
5. Adoption of resolution whereby the Board of County Commissioners support the establishment of the "Orange County Community Traffic Safety Program" and authorizes active participation in and cooperation with this program (Traffic Engineering).

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

6. Approval of "Property Owner's Association Agreement for Bay Hill Subdivision Traffic Control Devices" whereby said association holds Orange County harmless for the maintenance of street name signs and traffic control devices for Bay Hill Subdivisions as noted in Exhibit "A," District 1 (Traffic Engineering).

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

7. Authorization for the Orange County Chairman to sign the Boggy Creek Interlocal Agreement for cost sharing with the St. John's and South Florida\* water management districts (Stormwater Management).

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

**NONAGENDA - PERSHING AVENUE CONTRACT**

Commissioner's Report

Commissioner Pignone stated that she had additional information regarding the Pershing Avenue contract (Fiscal and Human Resource Division Consent Agenda Item 14, page 337\*) and would provide it to the other Board members upon request.

**COMPREHENSIVE POLICY PLAN AMENDMENT TRANSMITTAL PUBLIC HEARING**

Notice was given that the Board of County Commissioners would hold a public hearing to consider transmittal to the Florida Department of Community Affairs of proposed amendments to the 1990-2010 Comprehensive Policy Plan ("CPP"), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the following matters:

1. Proposed amendments to the CPP which would change the uses of lands within the areas specially identified on the map set forth. More specifically, the uses of lands within those areas are proposed to be changed by updating the Future Land Use Map to reflect the most current boundaries of the City of Ocoee (see key "A" in the Notice of Change of Land Use); and by changing the Future Land Use Map (FLUM) designations at numerous locations (see keys "A" and "B" in the Notice of Change of Land Use).

The parcels of property that are subject to possible land use changes are identified by the addresses, general location descriptions, tax parcel identification numbers, and/or subdivision names. Also, the currently adopted land uses and requested land use changes are listed.

2. Proposed amendments, additions and/or deletions to the following policies and text of the CPP which affect all of unincorporated Orange County: Economic Element text and policies (new); Future Land Use Policies 1.1.11.1 (new), 1.1.16 (new); 3.2.23 (amend), 3.2.25 (new), 3.2.26 (new), 4.1.22 (amend; Intergovernmental Coordination Policy 1.1.14 (amend, and amend text of Intergovernmental Coordination Element to reflect Orlando/Orange County and Ocoee/Orange County Joint Planning Area Agreements (JPA); International Drive Activity Center Strategic Development Plan Policy 1.1.3

(amend), 1.1.4 (amend), 3.1.1 (amend); and Traffic Circulation Policy 1.1.1.4 (new), and amend textual figures.

(Addresses/general location descriptions, tax identification numbers/subdivision current adopted land uses, and requested land use changes for each CPP amendment are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(The amendment booklet is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Staff Report**

Planning Department Manager David Heath stated this is the transmittal public hearing for the second cycle of the proposed amendments to the Comprehensive Policy Plan. He added that the Local Planning Agency considered all these items at their public hearing on June 13, 1994. He explained all the amendments were advertised twice in the Orlando Sentinel Newspaper and illustrated the new user-friendly notice that was sent to all property owners within at least 300 feet of each request.

Continuing, Mr. Heath asked the Board to request the Florida Department of Community Affairs (DCA) to issue an Objections, Recommendations, and Comments (ORC) report within 60 days to avoid multiple adoption hearings.

**Motion**

**Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board authorized that all amendments are to be transmitted to the Florida Department of Community Affairs with a request for an Objections, Recommendations, and Comments (ORC) report to be issued within 60 days.**

Mr. Heath further explained the consent/public hearing format for this meeting. He said the items listed under the consent agenda can be approved in one motion unless a Board member or someone in the audience requests that the item be placed on the public hearing agenda. The items on the public hearing agenda are those requests where the staff or the LPA recommended denial, or there was public opposition to the request at the LPA public hearing. All policies and textual amendments, including the Economic Element, will also be on the public hearing agenda.

Consent Comprehensive Policy Plan Amendments

Staff Report

Chief Planner Chris Testerman read aloud the following amendments on the consent agenda:

District 1

- #94-2-A-1-1 (page 2 of the amendment booklet)
- #94-2-A-1-2 (withdrawn) (page 10 of the amendment booklet)
- #94-2-B-1-1 (page 12 of the amendment booklet)
- #94-2-C-1-1 (page 16 of the amendment booklet)

District 2

- #94-2-A-2-1 (page 20 of the amendment booklet)
- #94-2-B-2-1 (page 58 of the amendment booklet)
- #94-2-B-2-2 (page 62 of the amendment booklet)
- #94-2-C-2-1 (page 66 of the amendment booklet)

District 3

- #94-2-A-3-3 (page 82 of the amendment booklet)
- #94-2-B-3-1 (page 86 of the amendment booklet)

District 4

- #94-2-A-4-2 (page 94 of the amendment booklet)

District 5

- #94-2-A-5-1 (page 108 of the amendment booklet)
- #94-2-A-5-2 (page 112 of the amendment booklet)
- #94-2-A-5-3 (withdrawn) (page 118 of the amendment booklet)
- #94-2-B-5-1 (page 120 of the amendment booklet)

District 6

- #94-2-A-6-1 (page 126 of the amendment booklet)

No one requested a public hearing for the above amendments.

**Motion**

**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 the Comprehensive Policy Plan Consent Agenda items listed above.

Comprehensive Policy Plan Amendment Public Hearings

Future Land Use Map (FLUM) Amendment 94-2-A-2-2 (page 24 of the amendment booklet)

Staff Report

Planning Department Manager David Heath outlined the request and noted that the recommendation is for denial of transmittal.

Appearances

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

- Hang J. Chon, the applicant, 1140 Academy Drive, Altamonte Springs, Florida.

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 Staley, seconded by Commissioner Butler, and carried with Commissioners Freeman, Staley, Johnson, Pignone, Donegan, and Butler voting AYE by voice vote, County Chairman Chapin voting NO by voice vote; the Board approved Future Land Use Map Amendment 94-2-A-2-2 for transmittal to the Florida Department of Community Affairs with a Future Land Use Map designation of Commercial.

Future Land Use Map Amendment 94-2-A-2-3 (page 34 of the amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request and stated that the recommendation is for denial of transmittal.

For the record, Mr. Heath stated that the Planning Department sent 146 public notices to adjacent property owners and the department received 45 responses in opposition and two in favor of the request.

Appearances

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

- Scott Henderson, Henderson Planning Group, representing the applicant.
- Ed Pugliesi, 8106 Grenshaw Street, Orlando, Florida.

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 Staley, seconded by Commissioner Pignone, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board denied transmittal of Future Land Use Map Amendment 94-2-A-2-3 to the Florida Department of Community Affairs.**

**County Chairman Chapin left the meeting.**

**Commissioner Pignone left the meeting.**

Future Land Use Map Amendment 94-2-A-2-4 (page 42 of the amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request and stated that the recommendation is for transmittal of a Low-Medium Density/Planned Development Future Land Use Map designation.

Appearances

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

- Larry Ray, 5210 South Orange Avenue, Orlando, Florida.
- Jo Burton, the applicant, 3522 Powers Drive, Orlando, Florida.

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

- Inez Reese, 3700 Terrence Court, Orlando, Florida.

**Commissioner Pignone rejoined the meeting.**

Discussion

Vice-chairman Staley closed the public hearing and opened the matter for Board discussion.

**Motion**

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved Future Land Use Amendment 94-2-A-2-4 for transmittal to the Florida Department of Community Affairs with a Future Land Use Map designation of Low-Medium Density/Planned Development.

Future Land Use Map Amendment 94-2-A-2-5 (page 48 of the amendment booklet)

Staff Report

Chief Planner Chris Testerman reviewed the request and stated that the recommendation is for transmittal of a Low-Medium Density Future Land Use Map designation.

Appearances

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

- Charlie True (no address given), representing the applicant.

**County Chairman Chapin rejoined the meeting.**

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

- Everard Morgan, 6231 Canvasback Lane, Orlando, Florida.
- Kenneth Creighton, 6419 Hawksmoor Drive, Orlando, Florida.

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 Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 94-2-A-2-5 for transmittal to the Florida Department of Community Affairs with a Future Land Use Map designation of Low-Medium Density Residential.

Future Land Use Map Amendment 94-2-A-2-6 (page 54 of the amendment booklet)

Staff Report

Chief Planner Chris Testerman reviewed the request and stated that the recommendation is for transmittal of 2.8 acres with a Commercial Future Land Use Map designation.

A court reporter, Judy Kunz of Zacco and Associates, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

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

- Fred Leonhardt, 201 East Pine Street, Suite 1200, Orlando, Florida, representing the applicant.
- Dick Davis, 1805 Kalurnda Court, Orlando, Florida.
- James Braddy, 4627 Hazelgrove Drive, Orlando, Florida.
- Benjamin Cruz, 2607 Coventry Lane, Ocoee, Florida.
- Teri Yanovitch, 115 Forest Point Lane, Longwood, Florida.

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

- Jeff Annis, 8505 Silver Star Road, Orlando, Florida.
- Nan Wallace, 2946 Southgate Terrace, Orlando, Florida.
- Peggy Lantz, 2020 Redgate Road, Orlando, Florida.
- Robert Hutchinson, 8320 Silver Star Road, Orlando, Florida.

County Chairman Chapin accepted the following exhibits from Mr. Leonhardt.

- Clerk's Composite Exhibit 1, three letters from area residents in favor of the amendment.

- Clerk's Exhibit 2, booklet entitled Poster Presentation before Orange County Commission, Granikus, Inc./George and Teri Yanovitch, June 28, 1994.
- Clerk's Exhibit 3, a 25-page petition in favor of the amendment.

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 approved Future Land Use Amendment 94-2-A-2-6 for transmittal to the Florida Department of Community Affairs with a Future Land Use Map designation of Commercial/Planned Development.

Future Land Use Map Amendment 94-2-A-3-1 (page 72 of the amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request and stated that the recommendation is for transmittal of an Office Future Land Use Map designation.

Appearances

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

- John McCormick, 501 East Church Street, Orlando, Florida.
- George Brown, the applicant, Route 1, Box 1565, Trenton, Florida.
- Geoffrey Soloven, 2322 Colton Drive, Orlando, Florida.
- Irvin D. Wise, 7428 Curry Ford Road, Orlando, Florida.
- Glenna Wise, 7428 Curry Ford Road, Orlando, Florida.

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 Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 94-2-A-3-1 for transmittal to the Florida Department of Community Affairs with a Future Land Use Map designation of Office.

Future Land Use Map Amendment 94-2-A-3-2 (page 76 of the amendment booklet)

Staff Report

Chief Planner Chris Testerman reviewed the request and stated that the recommendation is for transmittal a Low-Medium Density Future Land Use Map designation.

Appearances

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

- Hugh Harling, Harling Locklin and Associates, 850 Courtland Street, Orlando, Florida, representing the applicant.

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 Johnson, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 94-2-A-3-2 for transmittal to the Florida Department of Community Affairs with a Future Land Use Map designation of Low-Medium Density Residential.

Commissioner Johnson left the meeting.

Future Land Use Map Amendment 94-2-A-4-1 (page 90 of the amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request and stated that the recommendation is for transmittal of an Industrial/Planned Development Future Land Use Map designation.

Appearances

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

- Marlene Moffitt, P.O. Box 547002, Orlando, Florida, representing the applicant.

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

- Kathleen Pitts, 2660 Rocky Point Road, Malabar, Florida.

**Commissioner Johnson rejoined the meeting.**

For the record, County Attorney Tom Wilkes stated the County does not have an obligation regarding hazardous waste sites in Orange County.

Discussion

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

**Motion**

**A motion by Commissioner Pignone to deny transmittal of Future Land Use Map Amendment 94-2-A-4-1 to the Florida Department of Community died for the lack of a second.**

**Motion**

**Upon a motion by Commissioner Butler, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 94-2-A-4-1 for transmittal to the Florida Department of Community Affairs with a Future Land Use Map designation of Industrial/PD.**

For the record, Commissioner Pignone requested that the Department of Environmental Protection be asked to let the County know of any sites upon which they are expending efforts in terms of exploration or development of a remediation plan for remediation of pollution sources.

In addition, the Board requested that the applicant complete the remediation plan by the time of final adoption.

**Commissioner Pignone left the meeting.**

Future Land Use Map Amendment 94-2-A-4-3 (Page 98 of the amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request and stated that the recommendation is for denial of transmittal.

**Commissioner Pignone rejoined the meeting.**

A court reporter, Karen Renner of Absolute Reporting Services, Inc., was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

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

- Phillip Hollis, 605 East Robinson Street, Suite 450, Orlando, Florida, representing the applicant.

The following person addressed the Board with general comments:

- William Poole, 644 W. Colonial Drive, Orlando, Florida.

**County Chairman Chapin left the meeting.**

Vice-chairman Staley accepted the following exhibit from Mr. Hollis:

- Clerk's Composite Exhibit #1 - Letter in favor of the amendment from Jay Allen Siegel dated June 27, 1994, with Exhibits A through D.

**County Chairman Chapin rejoined the meeting.**

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**

Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board denied transmittal of Future Land Use Map Amendment 94-2-A-4-3 to the Florida Department of Community Affairs.

Future Land Use Map Amendment 94-2-A-4-4 (Page 102 of the amendment booklet)

Staff Report

Chief Planner Chris Testerman reviewed the request and stated that the recommendation is for transmittal of a Future Land Use Map designation of Office.

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 Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 94-2-A-4-4 for transmittal to the Florida Department of Community Affairs with a Future Land Use Map designation of Office.

Future Land Use Map Amendment 94-2-A-6-2 (Page 130 of the amendment booklet)

Staff Report

Chief Planner Chris Testerman reviewed the request and stated that the recommendation is for transmittal of a Parking Lot/Planned Development Future Land Use Map designation. For the record, Mr. Testerman stated the Planning Department sent 45 notices to adjacent property owners and the department received 16 responses in opposition and two in favor of the amendment.

**Commissioner Donegan left the meeting.**

Appearances

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

- Brenda Carey, Blount Sikes and Associates, 1199 North Orange Avenue, Orlando, Florida, representing the applicant.

- Henry Hall, property owner, 28406 Partram, Astor, Florida.
- Kim Hackett, 650 North Highway 17-92, Longwood, Florida.

**Commissioner Donegan rejoined the meeting.**

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

- Wendy Hall, 2310 Dawnwood Lane, Orlando, Florida.
- Larry Holt, 2028 Lake Cristie Drive, Orlando, Florida.
- Bill Carmady, 8534 Sun Drive, Orlando, Florida.
- Garrett Stiles, 8506 Reveille Road, Orlando, Florida.
- Debra Allen, 8602 Sun Drive, Orlando, Florida.
- Janine Johnson, 2317 Morning Glory Drive, Orlando, Florida.
- Pierre Richards, 2115 Lake Christie Drive, Orlando, Florida.
- Little Bull, 2020 Lake Christie Drive, Orlando, Florida.
- Jack Stuchit, 2320 Morning Glory Drive, Orlando, Florida.

**Discussion**

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

**Motion**

A motion by Commissioner Butler, seconded by Commissioner Staley, with Commissioners Staley and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman, Johnson, Pignone, and Donegan voting NO by voice vote; to approve Future Land Use Map Amendment 94-2-A-6-2 for transmittal to the Florida Department of Community Affairs failed.

**Motion**

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Pignone, and Donegan voting AYE by voice

vote; Commissioner Butler voting NO by voice vote; the Board denied transmittal of Future Land Use Map Amendment 94-2-A-6-2 to the Florida Department of Community Affairs.

Commissioners Freeman and Butler left the meeting.

Policy and Text Amendments Public Hearings

Future Land Use Policy 1.1.11.1 (new)

Staff Report

Chief Planner Chris Testerman stated this policy is recommended by staff to be included in the Comprehensive Policy Plan to permit residential uses within nonresidential Future Land Use Map designations.

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 present commissioners voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board approved new Future Land Use Policy 1.1.11.1 for transmittal to the Florida Department of Community Affairs.

Future Land Use Policy 1.1.16 (new)

Staff Report

Planning Department Manager David Heath stated this proposed policy will permit the designation of a "Future Urban Area" outside the Urban Service Area. He said such amendments will be conceptual and only initiated by staff.

Commissioner Butler rejoined the meeting.

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 Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board approved new Future Land Use Policy 1.1.16 for transmittal to the Florida Department of Community Affairs.

Future Land Use Policy 3.2.23

Staff Report

Planning Department Manager David Heath stated that staff recommends amending this policy so that all types of comprehensive plan amendments will be permitted twice per year. Currently, he added, Urban Service Area boundary amendments are restricted to once per year.

**Commissioner Freeman rejoined the meeting.**

Appearances

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

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 approved Future Land Use Policy 3.2.23 for transmittal to the Florida Department of Community Affairs.

Future Land Use Policy 3.2.25 (new)

Staff Report

Chief Planner Chris Testerman stated this policy is to provide a legislative basis to ensure compatibility where rezoning requests are concerned.

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 approved new Future Land Use Policy 3.2.25 for transmittal to the Florida Department of Community Affairs.

Future Land Use Policy 3.2.26 (new)

Staff Report

Planning Department Manager David Heath stated the intent of this policy is to restrict the reapplication for a Comprehensive Policy Plan amendment if an amendment for the same property was denied in the previous two years at the transmittal or adoption stage. However, he said the Board can override the restriction.

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 Butler, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved new Future Land Use Policy 3.2.26 for transmittal to the Florida Department of Community Affairs.

Delete Future Land Use Policy 4.1.22

Staff Report

Chief Planner Chris Testerman stated this policy is duplicated in the Intergovernmental Coordination Element Policy 1.1.14.

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 Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved deletion of Future Land Use Policy 4.1.22 for transmittal to the Florida Department of Community Affairs.

Intergovernmental Coordination Element Policy 1.1.14

Staff Report

Chief Planner Chris Testerman stated this policy recommends that all the joint planning area boundary maps and agreements be placed in the Intergovernmental Coordination Element of the Comprehensive Policy Plan.

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 Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Intergovernmental Coordination Element Policy 1.1.14 for transmittal to the Florida Department of Community Affairs.

International Drive Activity Center Policies 1.1.3, 1.1.4, and 3.1.1

Staff Report

Planning Department Manager David Heath stated this policy will allow up to 30 dwelling units per acre within the Activity Center Mixed Use and the Activity Center Residential designations.

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 approved International Drive Activity Center Policies 1.1.3, 1.1.4, and 3.1.1 for transmittal to the Florida Department of Community Affairs.

Traffic Circulation Element Policy 1.1.1.4 (new)

Staff Report

Planning Department Manager David Heath stated this policy gives the County increased flexibility in dealing with concurrency matters.

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 approved new Traffic Circulation Element Policy 1.1.1.4 for transmittal to the Florida Department of Community Affairs.

Intergovernmental Coordination Element Policies Regarding Joint Planning Area Agreements

Staff Report

Chief Planner Chris Testerman stated these textural amendments to the Intergovernmental Coordination Element reflect the recently adopted Ocoee and Orlando Joint Planning Area Agreements.

Appearances

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

- Paul Rosenthal, Ocoee City Attorney (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 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 approved the Intergovernmental Coordination Element Policies regarding the Ocoee and Orlando Joint Planning Area Agreements for transmittal to the Florida Department of Community Affairs.

Economic Element

Staff Report

Planning and Development Division Director Bruce McClendon presented a broad overview of the Economic Element and its action plan.

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 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 approved the Economic Element for transmittal to the Florida Department of Community Affairs.

BOARD OF ZONING ADJUSTMENT APPEAL PUBLIC HEARING - APPELLANT: RUSSELL B. WAGNER, DIRECTOR OF PLANNING, CITY OF OCOEE; APPLICANT: BELL SOUTH MOBILITY, INC.; BOARD OF ZONING ADJUSTMENT CONTINUED #10, MAY 5, 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 May 5, 1994, Public Hearing #10, on the request of Bell South Mobility, Inc., for a special exception in A-1 zone for private utility (193-foot-high

cellular communications tower with ancillary maintenance equipment building) on the following-described property:

N 1/2 of S 1/2 of S 1/2 of W 1/2 of SE 1/4, Sec. 3, Twp. 22 S, Rge. 28 E, which is located west side of Apopka-Vineland Road, 900 feet south of Hackney-Prairie Road (SW 1/4 of SE 1/4 3-22-28 Tract Size: 9.68 acres, District 2).

**Commissioner Pignone left 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 approval subject to conditions. Mr. Pittman outlined staff-suggested amendments to the Planning and Zoning Commission conditions.

**Commissioner Pignone rejoined the meeting.**

**Appearances**

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

- Eddie Francis, Esquire, 215 North Eola Drive, Orlando, Florida, representing the applicant.

**Appearances**

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

- Jim Gleason, 856 Hammochs Drive, Ocoee, Florida, representing the appellant.

**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 Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board upheld the decision of the Orange County Board of Zoning Adjustment and approved the request by Bell South Mobility, Inc., for a special exception in A-1 zone for private utility (193-foot-high cellular communications tower with ancillary maintenance equipment

building) on the above-described property subject to the following conditions:

1. Per site plan, dated "Received June 23, 1993."
2. Access improvements shall be determined by the County Engineer, access to the tower site shall be from the existing driveway used for the nursery on Hackney-Prairie Road.
3. Obtain permits within one (1) year from the date of Board approval.
4. Prior to the issuance of any development permits, legal access shall be provided to the site.
5. Location of tower shall be at the discretion of the lessors and the property owner, to select one of four marked areas as indicated on the applicant's aerial photograph (on file with Zoning Department). The proposed tower shall be at the alternative site located approximately midway on the southernmost 9.68 acre parcel.
6. Landscape screening shall be installed along the western perimeter of the southernmost 10 acre parcel. Said landscape plan shall be reviewed and approved by the Zoning Manager prior to the issuance of any permits.

PLANNING AND ZONING COMMISSION APPEAL PUBLIC HEARING -  
APPELLANT/APPLICANT: GENE COWART, PLANNING AND ZONING COMMISSION #5, MAY 19,  
1994, DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider the action of the Orange County Planning and Zoning Commission under the date of May 19, 1994, Public Hearing #5, on the request of Gene Cowart for a change in zoning classification from A-1 (agriculture district) to R-1A (single-family dwelling district) on the following described property:

Lots 175 through 179, Leawood, First Addition, as recorded in Plat Book S, Page 122, Public Records of Orange County, Florida, located on the southwest corner of Demorest Street and Carrington Drive, which is approximately 1/2 mile east of the intersection of Cornelia Avenue and Semoran

Boulevard or 7714, 7716, and 7718 Demorest Street (SW 1/4 of SE 1/4 15-22-30 Tract Size: 5.37 +/- acres District 3).

**Staff Report**

Planning and Development Division Director Bruce McClendon located and described the subject property, identified the surrounding zoning classifications, and noted that the Planning and Zoning Commission recommended denial of the request.

**Appearances**

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

- Miranda Fitzgerald, Esquire, representing the applicant.

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

- Carmen Copeland, 2100 Commerce Boulevard, Orlando, Florida.
- Gayle Meagher, 2003 Carrington Drive, Orlando, Florida.
- Merton Hollister, 2418 Commerce Boulevard, Orlando, Florida.
- Bert Auman, 2103 Carrington Drive, Orlando, Florida.
- Elizabeth Jones, 2100 Commerce Boulevard, Orlando, Florida.
- Charles Belcher, 7124 Partridge Lane, Orlando, Florida.
- Johnny Stanley, 1813 Carrington Drive, Orlando, Florida.
- Wilma Auman, 2103 Carrington Drive, Orlando, Florida.

**Discussion**

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

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Donegan, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Donegan and Butler and voting AYE by voice vote; Commissioners Freeman and Pignone voting NO by voice vote; the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by Gene Cowart for a change in zoning classification from A-1 (agriculture district) to R-1A

(single-family dwelling district) on the above-described property; further, approved R-1A on Lot 179 less the east 205 feet; and further, the remainder of Lot 179 to be combined with Lot 178 to the south for permitting purposes and denial of R-1A on the balance of the request.

(See page 371 for reconsideration of the above motion.)

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - VALENCIA WOODS FIRST ADDITION  
PRELIMINARY SUBDIVISION PLAN, DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Valencia Woods First Addition Preliminary Subdivision Plan (PSP) on the following described property:

Valencia Woods First Addition, District 3. Location: South of Valencia College Lane and west of Eastern Beltway.

From the northeast corner of the west 1/2 of the northeast 1/4 of the northeast 1/4 of Section 25, Township 22 South, Range 30 East, Orange County, Florida, run S00°33'03"E along the east line of said west 1/2 of the northeast 1/4 of the northeast 1/4 a distance of 826.63 feet to the point of beginning, said point being on the southwesterly right-of-way line of the Eastern Beltway; thence continue S00°33'03"E along said east line of the west 1/2 of the northeast 1/4 of the northeast 1/4 of Section 25, a distance of 60.37 feet; thence S89°18'25"W 480.53 feet to a point on a curve concave easterly and having a radius of 540 feet; thence from a tangent bearing of N15°57'38"W run northerly along the arc of said curve 145.23 feet through a central angle of 15°24'35" to the point of tangency; thence run N00°33'03"W 458.34 feet to the aforesaid southwesterly right-of-way line of the Eastern Beltway; thence run S43°19'50"E along said southwesterly right-of-way line, 736.09 feet to the point of beginning. Containing 3.78 acres more or less.

Staff Report

Public Works Deputy Division Director William Baxter 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 request:

- Jack Walsh, Harling Locklin and Associates, representing the applicant.

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 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 Valencia Woods First Addition Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Valencia Woods First Addition Preliminary Subdivision Plan, dated "Received March 28, 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 June 28, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Waiver of Section 38-1254(2)(c) to provide a minimum 25 foot building setback along the Greenway in lieu of 75 feet is granted.
3. In lieu of a six-foot (6') high wall along the Greenway frontage, an eight-foot (8') tall laurel oak buffer at the property line shall be installed.
4. Lots #1 and #23 shall have a 15-foot setback from Danville Drive.
5. No Certificate of Completion for utilities for Valencia Woods First Addition PSP can be issued until the Certificate of

Completion for all utilities in Danville Drive has been issued and the right-of-way for Danville Drive has been dedicated to Orange County.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - HUNTER'S CREEK PARCEL 120  
PRELIMINARY SUBDIVISION PLAN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Hunter's Creek Parcel 120 Preliminary Subdivision Plan on the following described property:

Hunter's Creek Parcel 120, District 1. Location: West of U.S. 441/S.R. 17-92 and south of Town Center Boulevard.

Commencing at the southeast corner of Section 28, Township 24 South, Range 29 East, run S89°53'13"W, along the south line of the southeast 1/4 of said Section 28, a distance of 52.16 feet to a point on the west line of a Gas Transmission Easement, as recorded in the Official Record Book 536, Page 383-385, Public Records of Orange County, Florida, for a point of beginning; thence N00°12'09"W, along said west line, a distance of 230.00 feet; thence S64°31'28"E, a distance of 105.11 feet; thence S14°44'44"E, a distance of 660.00 feet; thence S21°34'39"E, a distance of 161.37 feet; thence S36°57'42"E, a distance of 498.13 feet; thence S53°02'18"W, a distance of 10.00 feet; thence S36°57'42"E, a distance of 25.00 feet; thence S60°26'52"W, a distance of 159.92 feet to a point on the westerly right-of-way line of Fairway Island Drive, as recorded in Plat Book 17, Pages 8-9, Public Records of Orange County, Florida; thence S29°33'08"E, along said westerly right-of-way line, a distance of 50.00 feet to the point of curvature of a curve, concave southwesterly having a central angle of 15°15'42" and a radius of 189.95 feet; thence run southerly along the arc of said curve, a distance of 869.40 feet to a point on the west line of said Gas Transmission Easement; thence N00°12'09"W, a distance of 470.88 feet to the point of beginning. Containing 21.576 acres, more or less.

Staff Report

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

Appearances

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

- Kevin Walsh, Miller Sellen and Associates, representing the applicant.

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 Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the Hunter's Creek Parcel 120 Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Hunter's Creek Planned Development, BCC approvals and Hunter's Creek Parcel 120 Preliminary Subdivision/Development Plan, dated "Received April 6, 1994," 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 June 28, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. 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.
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 wastewater capacity has been obtained.

4. The developer shall agree to utilize reclaimed water for landscaping and green area irrigation, when available.
5. Orange County shall not own, operate, or maintain the on-site water and wastewater systems.
6. Landscaping and buffering shall comply with Chapter 24 of the Orange County Code.
7. This project shall be platted prior to issuance of any building permits.
8. The temporary sales office, located on adjacent commercial parcel 183, is approved subject to removal of the trailer within one (1) year of approval of building permit for trailer or within 30 days after the issuance of the first Certificate of Occupancy for Parcel 120, whichever occurs first.

RECONSIDERATION OF DECISION OF THE GENE COWART PUBLIC HEARING

Chairman's Report

County Chairman Chapin announced that the Planning Department Manager and the attorney for the property owner have conferred and agreed that this request can be processed as a variance so the lots can be sold without change to the current zoning.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board reconsidered the previous vote regarding the Gene Cowart rezoning request.

(See page 365.)

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 upheld the decision of the Orange County Planning and Zoning Commission and denied the request by Gene Cowart to rezone the property from A-1 to R-1A; and further, the authorized the applicant to apply for a variance, waiving all fees and associated costs.

(Note: The following public hearing was held in conjunction with the Sweetwater Country Club/Heather Glen Preliminary Subdivision Plan public hearing.)

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SWEETWATER COUNTRY CLUB/BLUEBERRY HILL PRELIMINARY SUBDIVISION PLAN, DISTRICT 2**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Sweetwater Country Club/Blueberry Hill Preliminary Subdivision Plan (PSP) on the following described property:

Sweetwater Country Club/Blueberry Hill, District 2. Location: East of Piedmont-Wekiva Road and north of Votaw. Begin at the east 1/4 corner of Section 1, Township 21 South, Range 28 East, Orange County, Florida, and run N89°36'21"W along the east west 1/4 section line of said Section 1, 1377.88 feet to a point on the east line of Piedmont Estates First Addition, according to the plat thereof as recorded in Plat Book R, Page 45 of the Public Records of Orange County, Florida, thence run N00°36'06"E, along the east line of said Piedmont Estates First Addition, and also along the east line of Dean Highlands, according to the plat thereof as recorded in Plat Book U, Page 150 of the Public Records of Orange County, Florida, 663.83 feet, thence run S89°41'56"E, 30.00 feet, thence run N00°36'06"E, 306.70 feet, thence run N76°08'32"E, 526.00 feet, thence run N76°21'36"E, 494.18 feet to a point on a curve concave northwesterly having a radius of 265.00 feet, a chord of 162.06 feet and a chord bearing of N18°10'16"E, thence run northeasterly along said curve 164.69 feet through a central angle of 35°36'30" to the P.T., thence run N00°22'01"E, 120.65 feet to the P.C. of a curve concave southwesterly and having a radius of 207.88 feet, thence run northwesterly along said curve 207.15 feet through a central angle of 57°05'41" to the P.T., thence run N56°43'40"W, 103.77 feet, thence run N33°16'20"E, 100.00 feet, thence run S56°43'40"E, 48.62 feet to the P.C. of a curve concave southwesterly and having a radius of 343.56 feet, thence run southwesterly along said curve 342.36 feet through a central angle of 57°05'41" to the P.T., thence run S00°22'01"W 120.65 feet to the P.C. of a curve concave northwesterly and having a radius of 335.00 feet thence run southwesterly along said curve 209.93 feet through a central angle of 35°54'18" to the P.R.C. of a curve concave

easterly having a radius of 25.00 feet, thence run southerly along said curve 35.44 feet through a central angle of 81°12'43" to the P.T., thence run S44°56'24"E, 88.27 feet to a point on a curve concave southwesterly having a radius of 230.00 feet, a chord of 129.06 feet and a chord bearing of S28°38'45"E, thence run southwesterly along said curve 130.82 feet through a central angle of 32°35'18" to the end of said curve, thence run N77°38'54"E, 133.93 feet to a point on the east line of the northeast 1/4 of said Section 1, thence run S00°22'01"W, along said east line, 1000.00 feet to the point of beginning, containing 34.2201 acres.

Staff Report

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

**County Chairman Chapin left the meeting.**

Appearances

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

- Bill Holmes, 1104 East Robinson Street, Orlando, Florida, representing the applicant.
- Everett Huskey (no address given).

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

- Sylvia Plevin, 1021 Golf Valley Drive, Apopka, Florida.
- Lee Baker, 2324 Orchard Drive, Apopka, Florida.
- Janie Shirtzer, 1037 Golf Valley Drive, Apopka, Florida.
- Robert Young, 2512 Orchard Drive, Apopka, Florida.
- Laura Strohm, 2520 Orchard Drive, Apopka, Florida.

**County Chairman Chapin rejoined the meeting.**

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 approved the Sweetwater Country Club/Blueberry Hill Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Sweetwater Country Club Planned Development, BCC approvals, and the Sweetwater Country Club PD/Unit II-D Preliminary Subdivision Plan, dated "Received April 14, 1994," 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 June 28, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. 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.
3. Prior to construction plan approval, the location for water mains and fire hydrants shall be determined.

(Note: The following public hearing was held in conjunction with the Sweetwater Country Club/Blueberry Hill Preliminary Subdivision Plan Public Hearing. See page 373 for the appearances and discussion.)

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SWEETWATER COUNTRY CLUB/HEATHER GLEN PRELIMINARY SUBDIVISION PLAN, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Sweetwater Country Club/Heather Glen Preliminary Subdivision Plan (PSP) on the following described property:

Sweetwater Country Club/Heather Glen, District 2. Location: East of Piedmont-Wekiva Road and north of Votaw. Section 36, Township 20 South, Range 28 East and Section 1, Township 21 South, Range 28 East. Commence at the southwest corner of Lot 28, Block B, of Sweetwater County Club, Section B, Phase 1, according to the plat thereof as recorded in Plat Book 7, Page 95 of the Public Records of Orange County, Florida, thence run S00°28'57"W, 104.097 feet for a point of beginning, thence run S73°37'55"E, 460.061 feet, thence run S00°17'58"E, 220.830 feet, thence S45°58'46"E, 38.740 feet, thence run N55°33'52"E, 594.129 feet, thence run S03°01'28"E, 516.590 feet, thence run S62°34'53"E, 128.996 feet, thence run S15°32'56"W, 1422.532 feet, thence run N56°43'40"W, 13.863 feet to the P.C. curve concave northeasterly and having a radius of 250.0 feet, thence run northerly along said curve 245.003 feet through a central angle of 56°09'02" to the P.T. of said curve, thence run N0°34'38W, 550.105 feet to the P.C. of a curve concave southwesterly and having a radius of 633.228 feet, thence run northerly along said curve 448.026 feet through a central angle of 40°32'18" to the P.T. of said curve, thence run N41°06'56"W, 499.234 feet to the P.C. of a curve concave northeasterly and having a radius of 436.875 feet, thence run northerly along said curve 317.182 feet through a central angle of 41°35'53" to the P.T. of said curve, thence run N0°28'57"E, 145.903 feet to the point of beginning, containing 21.0489 acres.

**Staff Report**

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

**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 approved the Sweetwater Country Club/Heather Glen Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Sweetwater Country Club Planned Development, BCC approvals, and the Heather Glen Preliminary Subdivision Plan, dated "Received April 14, 1994," 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 June 28, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. At construction plan submittal a determination shall be made regarding access from Lot 1 to Magestic Oaks Drive.
3. Provide separate stormwater collection and outfall pipe systems.
4. Recommend approval of variance for Lots 28-30 and Lot 1 from Section 34-152(c) and allow access to an external roadway.
5. 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.
6. The sub-base shall be 12 inches of stabilized material.
7. Prior to construction plan approval, the location and points of connection for water mains, sewer mains, and fire hydrants shall be determined.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - EASTWOOD CENTRAL PARK PRELIMINARY SUBDIVISION PLAN, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Eastwood Central Park Preliminary Subdivision Plan (PSP) on the following described property:

Eastwood Central Park, District 4. Location: South of State Route 50 and east of Woodbury Road. A parcel of land situate in Section 36, Township 22 South, Range 31 East, Orange County, Florida, being more particularly described as follows: Commence at the west 1/4 corner of Section 36, Township 22 South, Range 31 East, Orange County, Florida;

thence run N00°32'56"W along the west line of the northwest 1/4 of said Section 36 a distance of 702.21 feet; thence leaving said west line, run S89°58'29"E 121.00 feet for a point of beginning; said point being on the east right-of-way line of a proposed 70.00 foot right-of-way; thence leaving said east right-of-way line, run S89°58'29"E 1141.06 feet to a point on the west line of a wetland, as shown on a boundary survey by Dyer, Riddle, Mills, and Precourt, Inc., Project Number 85-0410.17, Sheet 1 of 2, dated May 1990; thence run the following nine (9) courses and distances along said west line; thence run S05°30'12"W 14.23 feet; thence run S00°57'25"W 97.70 feet; thence run S08°52'26"W 56.43 feet; thence run S37°47'46"E 95.81 feet; thence run S38°21'48"E 104.40 feet; thence run S10°55'39"E 94.74 feet; thence run S33°54'43"E 87.29 feet; thence run S44°47'08"E 60.71 feet; thence run S64°45'28"E 48.22 feet; thence leaving said west line, run S22°08'03"W 2.61 feet to a point on the north right-of-way line of a proposed 70.00 foot right-of-way; thence run the following seven (7) courses and distances along said north proposed right-of-way; thence run N67°51'57"W 37.88 feet to the point of curvature of a curve concave southerly having a radius of 1004.93 feet and a central angle of 46°47'25"; thence run southwesterly along the arc of said curve a distance of 820.67 feet to the point of tangency; thence run S65°20'38"W 357.65 feet; to the point of curvature of a curve concave northwesterly having a radius of 939.95 feet and a central angle of 05°48'10"; thence run southwesterly along the arc of said curve a distance of 95.20 feet to the point of compound curvature of a curve concave northeasterly having a radius of 50.00 feet and a central angle of 70°33'12"; thence run northwesterly along the arc of said curve a distance of 61.57 feet to the point of reverse curvature of a curve concave southwesterly having a radius of 150.00 feet and a central angle of 26°53'09"; thence run northwesterly along the arc of said curve a distance of 70.39 feet to the point of reverse curvature of a curve concave northeasterly having a radius of 50.00 feet and a central angle of 77°42'33"; thence run northwesterly along the arc of said curve 67.81 feet to a point on the east right-of-way line of a proposed 70.00 foot right-of-way said point also being the point of compound curvature of a curve concave southeasterly having a radius of 415.00 feet and a central angle of 10°38'17"; thence leaving said proposed north right-of-way line, run northeasterly along the arc of said curve and said proposed

east right-of-way line a distance of 77.05 feet to the point of reverse curvature of a curve concave northwesterly having a radius of 485.00 feet and a central angle of 40°39'46"; thence run northwesterly along the arc of said curve and said proposed east right-of-way line a distance of 344.20 feet to the point of reverse curvature of a curve concave northeasterly having a radius of 3239.04 feet and a central angle of 04°01'39"; thence run northwesterly along the arc of said curve and said proposed east right-of-way line a distance of 227.69 feet to the point of beginning. Containing therein 15.1693 acres, more or less.

**Staff Report**

Public Works Deputy Division Director William Baxter reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions. Mr. Baxter suggested that this public hearing be continued until July 26, 1994, so that it can be held in conjunction with a nonsubstantial change public hearing scheduled at that time.

**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 County Chairman Chapin, seconded by Commissioner Pignone and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the public hearing regarding the Eastwood Central Park Preliminary Subdivision Plan until July 26, 1994, at 1:35 p.m.

**APPEAL OF DEVELOPMENT REVIEW COMMITTEE DECISION PUBLIC HEARING - APPELLANT: BOB HARRELL, SEPTIC TANK VARIANCE REQUESTS #94-45 AND #94-46, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider an appeal filed by Bob Harrell concerning the Development Review Committee's determination of denial of a request for a variance from 37-538(1c) of the On-site Sewage Disposal System (OSDS) Ordinance, Septic Tank Variance Request #DRC 94-45 and 94-46, for single-family units with central water.

Staff Report

Public Works Division Director George Baxter reviewed the request and the Development Review Committee's recommendation of denial.

Appearances

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

- Bob Harrell, 5300 South Orange Avenue, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

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

Motion

A motion by Commissioner Pignone to uphold the decision of the Development Review Committee and deny the request by Bob Harrell for a variance from 37-538(1c) of the OSDS Ordinance, Septic Tank Variance Request #DRC 94-45 and 94-46 died for the lack of a second.

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 overruled the decision of the Development Review Committee and approved the request by Bob Harrell for a variance from Section 37-538(1c) of the OSDS Ordinance, Septic Tank Variance Requests #DRC 94-45 and 94-46.

BOARD DISCUSSION ITEM - LOT CLEANING ORDER APPEAL - APPELLANT: JOHNIE M. MCLEOD, ESQUIRE, FOR GREG A. OSCARSON; LOT CLEANING APPEAL #93-01; (CONTINUED FROM JUNE 7, 1994), DISTRICT 4

By consensus, the Board reopened the Board Discussion Item to consider a lot cleaning order appeal pursuant to Section 30-388, Orange County Code, filed by Johnie M. McLeod, Esquire, for Greg A. Oscarson, of the hearing officer's order made on March 15, 1994, Lot Cleaning Appeal #93-01, regarding the notice of violation issued by the zoning director pursuant to Article II, "Lot Cleaning," Sections 28-26 through 28-43, Orange County Code.

A court reporter, Susan Davis, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Staff Report

Assistant County Attorney Paul Chipok reviewed the hearing officer's order on Lot Cleaning Appeal #93-01 and presented a video of the subject property. In conclusion, he requested the Board to affirm the hearing officer's order. Johnie M. McLeod, Esquire, for the appellant, addressed the Board.

Calvin Larch, 1327 South Bumby Avenue, Orlando, Florida, addressed the Board in favor of the hearing officer's order.

Discussion

County Chairman Chapin opened the matter for Board discussion.

For the record, Commissioner Pignone stated that she reviewed the hearing officer's order and found it to be correct.

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 affirmed the hearing officer's order on Lot Cleaning Appeal #93-01 as follows:

1. The Orange County Zoning Director's issuance of the Notice of Violation is affirmed.
2. Mr. Oscarson is to immediately clean the property.
3. In the event that the junk and debris have not been removed by Mr. Oscarson within five (5) calendar days after the date of this order, then the Zoning Director may have the property cleaned.

NONAGENDA - HOUSE APPROPRIATIONS BILL

County Chairman Chapin announced that under an appropriations Bill currently in the Florida Senate, LYNX is scheduled to receive \$7,000,000.

NONAGENDA - RICHLAND PROPERTIES, INC., SOUTHCHASE PLANNED DEVELOPMENT/DEVELOPMENT OF REGIONAL IMPACT

County Chairman Chapin announced her intent to make a motion at the next Board meeting on July 12, 1994, to rescind a Board action taken at the January 25, 1994, meeting approving the amendment to the Land Use Plan, the nonsubstantial deviation to the DRI, and the

Sixth Amended Development Order for Southchase Planned Development/Development of Regional Impact.

**NONAGENDA - ANTHONY HOUSE**

Commissioner Staley requested a waiver of the permit fees for Anthony House.

**Motion**

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board authorized waiving the permit fees for Anthony House.

(Note: See Public Works Division Consent Agenda Item #1, page 344.)

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 7:25 p.m.