

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 15, 1994. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Fran Pignone, Bill Donegan, and Mable Butler were present. Commissioner Mary Johnson was absent. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton. There being a quorum, the County Chairman called the meeting to order at 11:30 a.m.

CLOSED SESSION: SETTLEMENT OF ORANGE COUNTY V. SUMMIT LAND COMPANY

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

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA

1. Update and policy direction for Metropolitan Planning Organization (MPO) Restructuring and authorization for the County Chairman to serve as alternate member for Commissioner Johnson.

Staff Report

Transportation Systems Administrator Cynthia Hatley addressed the Board and outlined the Metropolitan Planning Organization (MPO) Task Force recommendations.

Discussion

The Board discussed the statutory provisions for dual membership in the MPO and the Florida legislature, the status of the MPO as an independent policy-making board, the need for any change to the membership, and funding of MPO operations.

County Attorney Tom Wilkes advised amending Recommendation 4 to change the words "should commit" to "shall fund" regarding MPO operations.

Commissioner Pignone left the meeting.

Ms. Hatley encouraged the Board to take a staged-in approach to the Task Force recommendations, to make a proposed

change in membership, to give the new leadership a chance, and to reevaluate the situation in one year.

County Chairman Chapin concluded the discussion and requested Ms. Hatley to inform the City of Orlando of Orange County's position on the Task Force Recommendations.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Johnson and Pignone were absent; the Board approved the MPO Task Force Recommendations, revised as follows:

- Recommendation 1: Adopt a vision statement for the MPO that will work as a companion to the adopted mission statement.
- Recommendation 2: The MPO should be a free-standing organization which takes leadership role in the region's transportation planning while maintaining a close relationship with the East Central Florida Regional Planning Council.
- Recommendation 3: The MPO should hire a strong executive director responsible to the MPO with a core staff and the flexibility to use consultants for projects. The director may also use the services of the East Central Florida Regional Planning Council and other agencies.
- Recommendation 4: Member jurisdictions shall fund the operational expenses required to staff the MPO at 50 cents per capita. The MPO shall form an ad hoc committee to explore, with the help of the executive director, various funding alternatives available to implement planned projects.
- Recommendation 5: Retain existing membership at 17 members and revisit the issue in one year;

and further authorized:

- County Chairman Chapin to serve as an alternate member for Commissioner Johnson at the November 18, 1994, MPO meeting;
- and that all Board members vote as one unit at the MPO meeting.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Fran Pignone, Bill Donegan, and Mable Butler present. Commissioner Mary Johnson was absent. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, and Deputy Clerk Rosilyn Stapleton. County Attorney Tom Wilkes entered where indicated. The Board paused for an invocation by Commissioner Pignone, followed by the Pledge of Allegiance to the Flag.

Presentation of certificates to employees of Western Waste, Bergeron Land Development, and Johnson's Wrecker Service in appreciation for their assistance to the Fire and Rescue Services Division in extricating a victim of a traffic incident.

County Chairman Chapin presented certificates to employees of Western Waste, Bergeron Land Development, and Johnson's Wrecker Service in appreciation for their assistance to the Fire and Rescue Services Division in extricating a victim of a traffic incident.

Fire and Rescue Services Division Director Mitchel Floyd narrated a video depicting the accident scene.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Direction concerning appealing to the Fifth District Court of Appeals the Ninth Circuit Order of Judge Gridley which mandates that the Seays be permitted to construct a wood waste incinerator under a theory of equitable estoppel, District 2 (County Attorney).

Staff Report

Assistant County Attorney Joel Prinsell outlined the Circuit Court's decision regarding construction of an air curtain by the Seays. Mr. Prinsell reported that staff's recommendation is to appeal to the Fifth District Court of Appeals.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner

Johnson was absent; the Board directed staff to appeal the Ninth Circuit Order of Judge Gridley; which mandates that Richard and Joyce Seay, dba Southeastern Tree and Excavation, be permitted to construct a wood waste incinerator under a theory of equitable estoppel; to the Fifth District Court of Appeals.

COUNTY CONSENT AGENDA

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board approved the County Consent Agenda items, including County Administrator Addendum 1 as follows:

County Comptroller

1. Approval to pay the Property Appraiser's first quarter billing in the amount of \$827,621.69 (Administrative/Fiscal Division).
2. Approval of the minutes of the October 11, 1994, meeting of the Board of County Commissioners (Comptroller Clerk's Office).
3. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the BCC, as follows:
 - a. "The Waterline" newsletter from Florida Public Service Commission, in regard to water and wastewater utilities; dated September 1994.
 - b. Notice of Public Hearing from Planning and Zoning Commission of the City of Maitland, 7 p.m., Thursday, November 3, 1994; dated October 13, 1994.
 - c. Budget for the Greater Orlando Aviation Authority for fiscal year 1994-95; dated October 14, 1994.
 - d. An ordinance from the City of Orlando annexing the corporate limits of the City of Orlando, Florida, property south of Michigan Street and west of Orange Avenue; dated September 19, 1994 (Comptroller Clerk's Office).

4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts as follows:
 - Week of November 2, 1994, through November 8, 1994; total of \$8,808,410.48.
 - Week of November 9, 1994, through November 15, 1994; total of \$31,444,224.34.

County Administrator

1. Approval of funding for the Minority and Women's Business Enterprise Alliance in the amount of \$75,000 per year for the period of three consecutive years, to be paid in November of each year, subject to annual renewal by the County Administrator's Office.
2. Approval of Tri-Party Olympic Soccer Agreement which has already been executed by Florida Citrus Sports Events, Inc., and the City of Orlando.

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

County Administrator Addendum 1

3. Acknowledgment of proposed Ordinance Amending Section 3-29 and Section 3-141 of the Adult Entertainment Code, and approval to schedule a public hearing at 1:50 p.m. on Tuesday, December 6, 1994 (County Attorney).

Administrative Support Division

1. Approval and execution by County Chairman of resolutions, county deed, and temporary easement and authorization to record instruments in connection with the acquisition of road right-of-way by the State of Florida, Department of Transportation: S.R. 500 (Orange Blossom Trail) (north line of Canal C-11 to August Lane), Resolutions, County Deed, and Temporary Easement, Districts 4 and 6 (Real Estate Management Department).

2. Approval and execution by County Chairman of letter of agreement between Florida Gas Transmission Company and Orange County: Hunter's Creek/Meadow Woods Interconnect, Letter of Agreement, District 4 (Real Estate Management Department).
3. Approval and execution by County Chairman of resolution and county deed and authorization to record instruments in connection with the sale of surplus property: Sale of Lake Cane Water Treatment Plant, Resolution and County Deed, District 1 (Real Estate Management Department).

(Resolution No. 94-M-66 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Old Winter Garden Road (Kirkman Road to Ivey Lane [Group XI]), Resolution, Districts 1 and 6 (Real Estate Management Department).
5. Approval and authorization to record instrument and pay appropriate recording fees: Lake Buchanan drainage improvements, Drainage Easement, District 6 (Real Estate Management Department).
6. Approval and execution by County Chairman of corrective restrictive covenants and authorization to record instruments in connection with the State Historic Preservation Grant-in-Aid for the Orange County Courthouse Conversion Project: Orange County Courthouse Conversion Project, Corrective Restrictive Covenants, District 3 (Real Estate Management Department).
7. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Old Winter Garden Road (Ivey Lane to U.S. 441 [Group 1]), Resolution, District 6 (Real Estate Management Department).

Fire and Rescue Services Division

1. Approval of agreement between Orange County Fire and Rescue Services and the University of Central Florida to establish duties and responsibilities of each party related to the

production, marketing, distribution, and collection of funds for the joint research project on Positive Pressure Ventilation.

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

2. Approval of two additional positions, one Planner II and one Emergency Management Program Specialist for the Civil Emergency Management Department, and first year funding from the General Fund to assist in the review and approval of healthcare facility emergency management plans in accordance with Chapter 93-211, Laws of Florida, and the tracking of fees received from these reviews in accordance with Rule 9G-20, Florida Administrative Code; total cost for the two positions for the first year is \$84,417.

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y4-1019-HF to the low responsive and responsible bidder, Moore Foundry and Machine Company, for a one-year term contract to provide cast iron manhole rings, covers, grates and frames to the Highway Maintenance Department. Estimated annual cost is \$491,400 ([Highway Maintenance Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y5-105-RW to the low responsive and responsible bidder, Vulcan Signs, for a one-year term contract to furnish galvanized steel sign posts to the Traffic Engineering Department. Estimated annual cost of \$88,116 ([Traffic Engineering Department] Purchasing and Contracts Department).
3. Approval of Change Order No. 3, Contract Y2-789, Central Florida Underground, Inc., for the Curry Ford and Goldenrod Road Utility relocation and improvements, \$64,055.60 ([Public Utilities Construction] Purchasing and Contracts Department).
4. Approval of Change Order No. 1, Final, Contract Y3-793, Sverdrup Southern Constructors, Inc., for the Curry Ford and Goldenrod Roads utility relocation and improvements, \$61,040.35 ([Public Utilities Construction] Purchasing and Contracts Department).

5. Approval of Task Authorization #34, Contract Y2-902, water and wastewater projects with Boyle Engineering, for Eastern Regional Water Supply Facility Condemnation Proceedings, \$72,065 ([Public Utilities Engineering] Purchasing and Contracts Department).
6. Approval of Task Authorization #18, Contract Y3-910A, continuing engineering services, with Blount Sikes and Associates, for engineering services for Goldenrod Road from Curry Ford Road to Hoffner Avenue, \$59,631.80 ([Public Utilities Engineering] Purchasing and Contracts Department).
7. Approval of Amendment No. 2, Contract Y5-2019, Lakeside Alternatives, for Baker Act local matching funds, \$1,887,177. ([Human Services Department] Purchasing and Contracts Department).
8. Approval of the renewal of hardware maintenance and software support for IBM products, with IBM Direct, \$767,913.77 ([Division of Information Technologies] Purchasing and Contracts Department).
9. Approval to enter into formal contract with CH2M/Glace and Radcliffe - Joint Venture for continuing engineering services for resource recovery projects, RFP Y4-907-MK ([Public Utilities Engineering] Purchasing and Contracts Department).
10. Ratification of Purchase Order No. M064502, for \$27,393.41 to Planted Earth Contracting and two change orders to the purchase order totaling \$7,749.76 for completion of the 4th Street and 11th Avenue sidewalk improvements ([Highway Construction] Purchasing and Contracts Department).
11. Approval to enter into a one-year term contract (Y5-114) with the only known source, Lakeside Alternatives, for psychiatric services for correction inmates, \$54,000 ([Community Corrections] Purchasing and Contracts Department).

(Contracts for Items 9 and 11 are on file in the Purchasing and Contracts Department.)
12. Approval for the Sheriff's Office to spend approximately \$24,850 from the Law Enforcement Trust Fund for

evaluation/assessor expenses for the national accreditation process conducted by the Commission on Accreditation for Law Enforcement Agencies (OMB).

13. Approval to process payment of \$100,000 to the Black Business Investment Fund of Central Florida, Inc. (OMB).
14. Approval of Budget Transfers 94-631 and 95-49 (OMB).

(Budget Transfers 94-631 and 95-49 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
15. Approval of Budget Amendments 95-03 and 95-04 (OMB).

(Budget Amendments 95-03 and 95-04 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
16. Approval of CIP Amendments 02-95 through 05-95 (OMB).

(CIP Amendments 02-95 through 05-95 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
17. Approval of payment of intergovernmental claims (October 20 and 27, 1994) totaling \$229,187.69 (Risk Management Department).
18. Receipt and filing of the October 13 and 20, 1994, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).

Health and Community Services Division

1. Approval and execution of nonemergency medical transportation service license renewal for Herndon Transport Services, all districts (Medical Examiner/EMS).
2. Approval and execution of renewal of Certificate of Public Convenience and Necessity for Reedy Creek Fire Department, Districts 1 and 4 (Medical Examiner/EMS).
3. Approval and execution of Joint Participation Agreement

between Orange County and the State of Florida Department of Transportation in order to receive \$3,981,557 in federal transportation enhancement monies and \$497,695 in State matching monies toward construction of Phase 2 of the West Orange Trail. The County will be required to provide matching funds not to exceed \$545,464, (Parks and Recreation Department).

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

4. Approval and execution of Intergovernmental Management Agreement between Orange County and the Governing Board of the St. Johns River Water Management District for the Econlockhatchee South Project, Districts 1 and 4 (Division Office).

(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 a contract between Central Florida Housing and Neighborhood Development Service (H.A.N.D.S.) and Orange County for the administration of Orange County's Affordable Housing Downpayment Assistance and Counseling Program, all districts (Community Development and Housing Assistance Department).

(Contract is on file in the Community Development and Housing Assistance Department).

2. Approval of the proposed program revision to Orange County's Local Housing Assistance Plan for FY 93-94, all districts (Community Development and Housing Assistance Department).
3. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meeting of September 15, 1994, District 4 (Environmental Protection Department).
4. Receipt and filing of the minutes of the October 11, 1994, Lake Conway Water and Navigation Control District Advisory Board meeting, and approval to expend up to \$12,500 of district funds to remove undesirable growth from the Lake

Conway Estates Homeowners Association lot and to replant with desirable vegetation, District 4 (Environmental Protection Department).

5. Approval of the agreement for Right-of-Way Utilization for installation, maintenance, and use of monitoring wells - Star Enterprises (Texaco) #24-025-0314, 8911 S. Orange Blossom Trail, Orlando, Florida, District 4 (Environmental Protection Department).

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

6. Approval and execution of the Road Impact Fee Agreement regarding an Alternative Traffic Study between Brinker Florida, Inc., and Orange County, District 1 (Planning Department).

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

7. Approval and execution of the Road Impact Fee Agreement regarding an Alternative Traffic Study between Plaza Liquors, Ltd., and Orange County, District 6 (Planning Department).

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

8. Approval of model homes request, Waterford Lakes Villages N-30A and N-30B, District 4 (Zoning Department).

9. Approval of model home request, Muirfield Pointe, District 4 (Zoning Department).

10. Approval of model homes request, Stonemeade Subdivision, District 5 (Zoning Department).

11. Approval of model home request, Hunter's Creek Tract 245, District 1 (Zoning Department).

12. Approval of request for fee waiver to appeal the Board of Zoning Adjustment decision to Board of County Commissioners, Joseph Cadry III, District 2 (Zoning Department).

- 13. Approval to advertise resolutions to lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning (LC-94-146, LC-94-170, LC-94-179, LC-94-184, LC-94-187, LC-94-191, LC-94-192, LC-94-194, LC-94-195, LC-94-179, LC-94-200, LC-94-202, LC-94-203, LC-94-205, LC-94-206, LC-94-207, LC-94-208, LC-94-209, LC-94-210, LC-94-212, LC-94-214, LC-94-215, LC-94-216, LC-94-217, LC-94-218, LC-94-219, LC-94-202, LC-94-225, LC-94-226, LC-94-227, LC-94-228, LC-94-203, LC-94-231, LC-94-232, LC-94-233, LC-94-234, LC-94-236, LC-94-237, LC-94-214 and LC-94-244), all districts/countywide (Zoning Department).

(Resolutions Nos. 94-ZON-200 to 94-ZON-239 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Utilities Division

- 1. Authorization for the County Chairman to execute the Orlando Utility Commission (OUC) Easement Utilization Agreement with the City of Orlando for the Hunter's Creek/Meadow Woods Interconnect for a one-time fee of \$114,000 for the permanent construction and maintenance of the pipelines within their easement, Districts 1 and 4 (Division Office).

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

- 2. Authorization for the County Chairman to execute the Pipeline Crossing Agreement with CSX Railroad for a one-time fee of \$2,805 for the utilization of their right-of-way (Division Office).

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

Public Works Division

- 1. Approval to adopt resolutions to vacate a portion of a plat:
 - a. Orangewood Center, District 1 (Engineering Department).
 - b. Palm Lake Manor, District 1 (Engineering Department).

c. Subdivision of Overstreet Crate Company's Land, District 1.

(Engineering Department).

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

- 2. Approval and execution of Traffic Signal Service Agreement with the City of Ocoee whereby Orange County will maintain 13 traffic signals and one school flasher for a period of two years, District 1 (Traffic Engineering Department).

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

- 3. Approval to establish a "No Parking" Zone on the north side of Old Winter Garden Road between South John Street and Condor Street for approximately 170 feet, District 1 (Traffic Engineering Department).
- 4. Approval to install "Stop" and "Yield" signs in Huckleberry Fields Tract N-6 Subdivision, District 4 (Traffic Engineering Department).
- 5. Establishment of a 10-ton weight restriction on Percival Road beginning at Lake Pickett Road, northward to and including Lake Price Road, northward to and including Lake Price Drive, ending at North Tanner Road, District 5 (Traffic Engineering Department).

NONAGENDA - FOOTBALL GAME AT CITRUS BOWL

Commissioner Freeman stated that the November 12, 1994, Florida State University versus Notre Dame University football game at the Citrus Bowl was a tribute to the Florida Citrus Sports Organization, bringing national attention to the Orlando area.

Commissioner Butler added that the revenue received from the concession stands at the game was tremendous.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF NOVEMBER 3, 1994

Staff Report

Zoning Department Manager Melvin Pittman presented the

recommendations of the Orange County Board of Zoning Adjustment under the date of November 3, 1994.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of November 3, 1994, subject to the usual right of appeal by any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under the date of November 3, 1994, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing as follows:

- None filed.

NOTE: THE FOLLOWING EIGHT PUBLIC HEARINGS WERE CONSIDERED TOGETHER; FOR THE APPEARANCES, DISCUSSION, AND MOTION SEE PAGE 248.

MSTU/BU PUBLIC HEARING - ESTABLISH LAKE CYPRESS COVE MSTU/BU FOR STREET LIGHTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for street lights at Cypress Cove Subdivision on the following described property:

Subdivision Name: Lake Cypress Cove, Plat Book 32, Page(s) 112 and 113, Section 13 and 24, Township 23, Range 27, Lot(s): 1 through 6, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$174.

(For the appearances, discussion, and motion see page 248.)

MSTU/BU PUBLIC HEARING - ESTABLISH HUNTER'S CREEK TRACT 305 PHASE 1 MSTU/BU FOR STREET LIGHTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold

a public hearing to consider the establishment of a special taxing district for street lights at Hunter's Creek Tract 305 Phase 1 Subdivision on the following described property:

Subdivision Name: Hunter's Creek Tract 305 Phase 1, Plat Book 33, Page(s) 39 and 40, Section 29 and 32, Township 24, Range 29, Lot(s): 1 through 49, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$49.

(For the appearances, discussion, and motion see page 248.)

MSTU/BU PUBLIC HEARING - ESTABLISH HUNTER'S CREEK TRACT 430-A PHASE 3 MSTU/BU FOR STREET LIGHTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for street lights at Hunter's Creek Tract 430-A Phase 3 Subdivision on the following described property:

Subdivision Name: Hunter's Creek Tract 430-A, Phase 3, Plat Book 33, Page(s) 35 and 36, Section 28, Township 24, Range 29, Lot(s): 1 through 30, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$58.

(For the appearances, discussion, and motion see page 248.)

MSTU/BU PUBLIC HEARING - ESTABLISH SUNCREST UNIT SIX AND SUNCREST VILLAS PHASE TWO MSTU/BU FOR STREET LIGHTS, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for street lights at Suncrest Unit Six and Suncrest Villas Phase Two Subdivision on the following described property:

Subdivision Name(s): Suncrest Unit Six Plat Book 32, Page(s) 5 through 7 and Suncrest Villas Phase Two, Plat Book 33, Page(s) 24 through 27, Section 5, Township 22, Range 31, Lot(s): 1 through 102 for Suncrest Unit Six, 1 through 139 for Suncrest Villas

Phase Two for Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$42.

(For the appearances, discussion, and motion see page 248.)

MSTU/BU PUBLIC HEARING - ESTABLISH WATERFORD LAKES TRACT N-31A MSTU/BU FOR STREET LIGHTS, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for street lights at Waterford Lakes Tract N-31A Subdivision on the following described property:

Subdivision Name: Waterford Lakes Tract N-31A, Plat Book 32, Page(s) 134 and 135, Section 26, Township 22, Range 31, Lot(s): 1 through 65, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$157.

(For the appearances, discussion, and motion see page 248.)

MSTU/BU PUBLIC HEARING - ESTABLISH SUNCREST VILLAS PHASE TWO MSTU/BU FOR RETENTION POND(S), DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for retention pond(s) maintenance at Suncrest Villas Phase Two Subdivision on the following described property:

Subdivision Name: Suncrest Villas Phase Two, Plat Book 33, Page(s) 24 through 27, Section 5, Township 22, Range 31, Lot(s): 1 through 139, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for retention pond(s) of \$54.

(For the appearances, discussion, and motion see page 248.)

MSTU/BU PUBLIC HEARING - ESTABLISH WILLOWBROOK PHASE THREE MSTU/BU FOR STREET LIGHTS AND RETENTION POND(S), DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for street lights and retention pond(s) maintenance at Willowbrook Phase Three Subdivision on the following described property:

Subdivision Name: Willowbrook - Phase Three, Plat Book 32, Page(s) 97, 98, and 99, Section 31 and 36, Township 24, Range 29 and 30, Lot(s): 1 through 11, Block 185; Lots 1 through 50, Block 186; Lots 1 and 2, Block 187, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$35, and an annual cost per lot for retention pond(s) maintenance of \$54.

(For the appearances, discussion, and motion see page 248.)

MSTU/BU PUBLIC HEARING - ESTABLISH THE WOODS OF JESSAMINE MSTU/BU FOR STREET LIGHTS AND RETENTION POND(S), DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for street lights and retention pond(s) maintenance at The Woods of Jessamine Subdivision on the following described property:

Subdivision Name: The Woods of Jessamine, Plat Book 33, Page(s) 22 and 23, Section 14, Township 23, Range 29, Lot(s): 1 through 15, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$101, and an annual cost per lot for retention pond(s) maintenance of \$54.

Appearances

The following person addressed the Board with general comments:

- Charles Rex, developer of The Woods of Jessamine (no address given).

No one appeared in favor of or in opposition to the MSTU/BUs.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board adopted resolutions establishing the following MSTU/BUs:

- Lake Cypress Cove, annual cost per lot for street lights of \$174;
- Hunter's Creek Tract 305 Phase 1, annual cost per lot for street lights of \$49;
- Hunter's Creek Tract 430-A Phase 3, annual cost per lot for street lights of \$58;
- Suncrest Unit Six and Suncrest Villas Phase Two, annual cost per lot for street lights of \$42;
- Waterford Lakes Tract N-31A, annual cost per lot for street lights of \$157;
- Suncrest Villas Phase Two, annual cost per lot for retention pond(s) maintenance of \$54;
- Willowbrook Phase Three, annual cost per lot for street lights of \$35 and an annual cost per lot for retention pond(s) maintenance of \$54;
- The Woods of Jessamine, annual cost per lot for street lights of \$101 and an annual cost per lot for retention pond(s) maintenance of \$54.

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

DOMESTIC WASTEWATER RESIDUALS MANAGEMENT PUBLIC HEARING - APPLICANT: BROWNIE ENVIRONMENTAL SERVICES, RENEWAL FOR LAND APPLICATION OF RESIDUALS (CONTINUED FROM OCTOBER 11, 1994), DISTRICT 2

By consensus, the Board reopened the public hearing to consider the request by Brownie Environmental Services for approval of a permit application for Domestic Wastewater Residuals Management for the proposed permit renewal for land application of residuals according to Article XVI of Chapter 37, Orange County Code.

Staff Report

Acting Environmental Protection Department Manager Nick Sassic informed the Board that this item has been withdrawn.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - HUNTER'S CREEK FAR WEST VILLAGE SOUTH PRELIMINARY SUBDIVISION PLAN (CONTINUED FOR DECISION ONLY FROM OCTOBER 11, 1994), DISTRICT 1

By consensus, the Board reopened the public hearing to consider the Hunter's Creek Far West Village South Preliminary Subdivision Plan on the following described property:

Beginning at the southwest corner of Section 31, Township 24 South, Range 29 East, run N00°11'12"W, along the west line of the southwest 1/4 of said Section 31, a distance of 2660.07 feet to the southwest corner of the northwest 1/4 of said Section 31; thence N00°12'45"W, along the west line of said northwest 1/4, a distance of 44.47 feet to a point on the southerly right-of-way line of the Eastern Beltway, as recorded in O.R. Book 4477, Pages 3855-3882, Public Records of Orange County, Florida; thence run along said right-of-way line for the following courses and distances; thence N67°55'58"E, a distance of 304.28 feet; thence N76°43'15"E, a distance of 700.07 feet; thence N87°12'45"E, a distance of 101.98 feet; thence N64°35'33"E, a distance of 101.98 feet; thence N77°02'54"E, a distance of 500.10 feet; thence N72°05'18"E, a distance of 300.67 feet; thence N75°54'09"E, a distance of 600.00 feet; thence N75°11'11"E, a distance of 400.19 feet; thence N67°22'18"E, a distance of 101.12 feet; thence N75°54'04"E, a distance of 1131.17 feet; thence N74°09'00"E, a distance of 118.91 feet to the point of curvature of a curve, concave northwesterly, having a central angle of 07°33'11", and a radius of 5879.58 feet; thence run northeasterly along the arc of

said curve, a distance of 775.08 feet; thence departing said curve and said right-of-way line, run S39°53'59"W, a distance of 1053.95 feet to a point on the northerly right-of-way line of Town Center Boulevard Phase III, as recorded in Plat Book 32, Page 92, Public Records of Orange County, Florida; thence run the following courses and distances along the northerly, westerly, and southerly lines of said Town Center Boulevard Phase III; thence N83°41'18"W, a distance of 429.27 feet; thence S06°18'42"W, a distance of 200.00 feet; thence S83°41'18"E, a distance of 349.27 feet; thence departing the southerly line of Town Center Boulevard Phase III, run S28°06'51"W, a distance of 979.73 feet; thence S25°54'32"E, a distance of 727.49 feet; thence S16°08'42"E, a distance of 379.34 feet; thence N67°20'01"E, a distance of 631.15 feet; thence S03°40'14"E, a distance of 311.64 feet; thence S60°58'10"W, a distance of 345.52 feet; thence S42°02'22"W, a distance of 555.84 feet; thence S26°41'23"W, a distance of 603.11 feet to a point on the south line of the southeast 1/4 of Section 31, Township 24 South, Range 29 East; thence run S89°34'43"W, along the south line of said southwest 1/4, a distance of 1131.90 feet; thence S89°44'52"W, along the south line of said southwest 1/4, a distance of 2634.52 feet to the point of beginning. Containing 3067.40 acres more or less.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Mr. Cole noted that the reason for the continuance was to allow Commissioner Freeman time to observe the situation.

Appearances

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

- Roger Gatlin, the developer, AG Land Associates; 7600 Southland Boulevard, 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 Freeman, seconded by Commissioner

Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board approved the Hunter's Creek Far West Village South 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 Far West Village South Preliminary Subdivision Plan/Development Plan, dated "Received August 30, 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 November 15, 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. A permit from power company (Orlando Utilities Commission) shall be required to construct a street within their easement.
4. A screen wall shall be constructed along the west right-of-way line of Road Tract 26. If this tract is platted as a landscape buffer, the wall may be deleted.
5. Development plans shall be submitted for Parcels 535, 545, 580, and 591.
6. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review prior to submission of construction plans.
7. Right-of-way for Town Center Boulevard shall be dedicated to

the west property line of Hunter's Creek at the time Town Center Boulevard is constructed to Street B.

- 8. A development plan for 591 shall be approved and facilities constructed and completed prior to issuance of the Certificate of Completion for first parcel. The development plan shall indicate a schedule of when the improvements will be constructed.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - KARST-THOMPSON PRELIMINARY SUBDIVISION PLAN, DISTRICT 1

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

The southeast 1/4 of the southwest 1/4 of the northeast 1/4, less beginning at the southeast corner of the southeast 1/4 of the southwest 1/4 of the northeast 1/4, run north 300.61 feet; thence S76°00'00"W, a distance of 394.55 feet; thence southwesterly 286.97 feet; thence south 185.88 feet; thence 660 feet to the point of beginning for Expressway Authority Road, Section 28, Township 22 South, Range 28 East, Orange County, Florida, and the north 1/2 of the southwest 1/4 of the southwest 1/4 of the northeast 1/4, lying north of Expressway Authority Road, Section 28, Township 22 South, Range 28 East, Orange County, Florida, and the south 1/2 of the southwest 1/4 of the southwest 1/4 of the northeast 1/4, lying north of Expressway Authority Road, Section 28, Township 22 South, Range 28 East, Orange County, Florida.

Staff Report

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

Appearances

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

- Joann Sanderlin, the developer, W.M. Sanderlin and Associates; 715 Vassar Street, Orlando, Florida.
- Carl Pecht, P.E.; Pecht-Evans Engineering Inc.; 501 East Jackson Street, Orlando, Florida; for the developer.

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 Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board approved the Hunter's Creek Far West Village South Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Karst-Thompson Preliminary Subdivision Plan, dated "Received September 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 November 15, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Waiver of Section 34-209 of the Subdivision Regulations requiring a six-foot (6') high masonry wall to separate residential subdivisions from adjacent roadways is granted.
3. Waiver is granted from the Manual of Standards and Specifications for Wastewater and Water Main Construction Section 21.1.2 which states all force mains located outside of dedicated rights-of-way shall require a minimum 20' easement, to allow a 15' easement.
4. Stormwater collection shall be separate from the pond outfall system for Tract 2.
5. The curb inlet shall be relocated so that it does not block the 20-foot access to the retention pond.

6. A stabilized access driveway shall be constructed the entire length of the force main.
7. Waiver of Section 38-1501 to allow a minimum 20' front yard building setback in lieu of 25' is granted.

County Chairman Chapin left the meeting.

County Attorney Tom Wilkes entered the meeting.

ZONING PUBLIC HEARING - APPLICANT: PHILLIP C. HOLLIS, HOLLIS ENGINEERING, INC.; THE VILLAGES AT WATERSIDE; CLARIFICATION OF MINIMUM LOT SIZE PERFORMANCE STANDARD FOR AMENDED LAND USE PLAN; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Phillip C. Hollis, Hollis Engineering, Inc., for "The Villages at Waterside Planned Development," to clarify the minimum lot size performance standard for the amended Land Use Plan as follows: Reduce the typical lot size from 50 feet x 110 feet to 40 feet x 95 feet in lieu of 45 feet by 95 feet, as previously advertised, on property described as follows:

North 1/2 of Section 17, Township 23 South, Range 31 East, lying west of the boundary of Young Pine Road, less the west 461.65 feet thereof, and less the south 500 feet thereof as measured from the south boundary of the north 1/2 of the said section; all in Orange County, Florida; less Parcel A: Commencing at the NE corner of the NW 1/4 of Section 17, Township 23 South, Range 31 East, in Orange County, Florida; thence N89°47'57"E, 739.29 feet to the westerly right-of-way of Young Pine Road; thence along the arc of a curve along the westerly right-of-way of Young Pine Road, the curve being concave to the northeast, having a radius of 5782.59 feet, a central angle of 01°23'59", for an arc distance of 141.26 feet to a point of tangency; thence S18°15'51"E, along the westerly right-of-way of Young Pine Road, 1404.51 feet to the point of beginning for the description; thence continuing S18°15'51"E, along the westerly right-of-way of Young Pine Road, 730.05 feet; thence S89°50'56"W, 1548.40 feet, thence N00°09'04"W, 250.00 feet; thence N89°50'56"E, 500.00 feet; thence N45°00'00"E, 340.00 feet; thence N82°00'00"E, 371.01 feet;

thence N18°15'51"W, 79.65 feet; thence N71°44'09"E, 250.00 feet to the point of beginning for this description. Contains 145.63 acres.

Staff Report

Planning and Development Division Director Bruce McClendon outlined the request and identified the subject property and the surrounding zoning classifications. He noted that this public hearing was readvertised because of an incorrect lot size.

Appearances

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

- Phillip Hollis, the applicant; Hollis Engineering, Inc.; 605 East Robinson Street, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Pignone, seconded by Commissioner Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board continued the public hearing to consider the request by Phillip C. Hollis, Hollis Engineering, Inc., "The Villages at Waterside Planned Development," to clarify the minimum lot size performance standard for the amended Land Use Plan as follows: Reduce the typical lot size from 50 feet x 110 feet to 40 feet x 95 feet in lieu of 45 feet by 95 feet, as previously advertised, until December 6, 1994, at 2:45 p.m.

REZONING PUBLIC HEARING - APPLICANT: B.C. MUSZYNSKI AND C.M. DOWDA; AMENDMENT TO DELORES DEVELOPMENT PLANNED DEVELOPMENT LAND USE PLAN; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by B.C. Muszynski and C.M. Dowda for Delores Development Planned Development Land Use Plan to convert the land use from 26,800 square feet of commercial and 56

multi-family units to a 279-unit resort hotel, on property described as follows:

That part of the east 375 feet of the west 1975 feet of the east 3/4 of the south 1/2 of the northeast 1/4 of Section 21, Township 24 South, Range 28 East, lying north of the Winter Garden-Vineland Road, Orange County, Florida; and also that part of the east 43.52 feet of the east 3/4 of the south 1/2 of the northeast 1/4 of Section 21, Township 24 South, Range 28 East, lying north of Winter Garden-Vineland Road, Orange County, Florida, and also Lot 32 in Section 21, Township 24 South, Range 28 East, Mungers Land as recorded in Plat Book "E," Page 22, Public Records of Orange County, Florida. Containing therein 10.8+/- acres.

Staff Report

Planning and Development Division Director Bruce McClendon reviewed the zoning classifications in the area and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

- Tom Ross, Esquire; Akerman, Senterfitt & Eidson, P.A.; 255 South Orange Avenue, Orlando, Florida; for the applicant.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the request by B.C. Muszynski and C.M. Dowda for Delores Development Planned Development Land Use Plan to convert the land use from 26,800 square feet of commercial and 56 multi-family units to a 279-unit resort hotel, subject to the following conditions:

1. Development shall conform to the Delores Development PD Land Use Plan Amendment dated, "Received August 16, 1994," and to

Page revised 1/24/95 and 2/22/96

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.

2. Prior to development plan submittal, the revised mitigation plan shall be submitted to the Planning Department.
3. The developer shall utilize reclaimed water for landscape and green area irrigation when available.
4. Orange County shall not own, operate, or maintain the on-site water and wastewater systems.
5. A minimum 25' building setback shall be provided where adjacent to residentially-zoned property.
- *6. With respect to the 45-foot right-of-way reservation, in connection with any taking or condemnation thereof, the applicant agrees not to seek severance damages or file any claims for compensation, except as provided below (See page 483** of minutes of January 24, 1995, Board meeting for clarification).
7. When the road widening and taking occurs, the following shall be applicable:
 - a. Sanitary sewer and potable water mains currently located in the existing right-of-way will either remain in place and available for the applicant's use, or as part of the road construction, will be relocated so as to make the mains and stubouts associated therewith available to the applicant.
 - b. To the extent that applicant has incurred engineering and redesign costs associated with the modifications of the Final Development Plan necessary to accommodate the future road widening, the applicant may seek compensation for such redesign costs as provided by and in accordance with applicable law.
 - c. To the extent that the applicant, in order to accommodate the County's desire to widen the road,

incurs additional mitigation costs imposed by the Army Corp of Engineers, Department of Environmental Regulations, South Florida Water Management District, or other regulatory agencies, the applicant may seek compensation for such additional costs as provided by and in accordance with applicable law.

- d. With respect to the compensating storage required to accommodate the Revised Final Development Plan, the compensating storage criteria of the Water Management District shall be applicable criteria, as opposed to County criteria.

CHANGE DETERMINATION PUBLIC HEARING - APPLICANT: DENNIS WOOD; SCOTTY'S (ROSEMONT CROSSING PRELIMINARY SUBDIVISION PLAN), TO ALLOW ADDITIONAL ACCESS POINT ALONG U.S. 441; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a change determination request by, Dennis Wood for Scotty's (Rosemont Crossing Preliminary Subdivision Plan) for approval of an additional access point for Scotty's along U.S. 441, on property described as follows:

Parcel 1 and Parcel 2, of Rosemont Crossings according to the Plat thereof as recorded in Plat Book 20, Page 149, Public Records of Orange County, Florida, less the following described property: Begin at the westerly most corner of said Parcel 1; thence N32°24'05"E, along the northwesterly line of said Parcel 1, a distance of 55.62 feet; thence N73°01'26"E, along the northerly line of said Parcel 1, a distance of 203.13 feet; thence S57°41'21"E, along the northeasterly line of said Parcel 1, a distance of 62.82 feet; thence S32°41'39"W, 209.90 feet to the southwesterly line of said Parcel 1; thence N57°35'55"W, along said southwesterly line a distance of 194.00 feet to the point of beginning.

Staff Report

Public Works Division Director George Cole reviewed the change determination request and the Development Review Committee's determination of substantial change; and further, stated that the Development Review Committee recommended denial of the request.

Appearances

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

- Dennis Wood, 3001 Highway 98 South, Lakeland, Florida; for the applicant.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Vice-chairman Staley, seconded by Commissioner Pignone, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board denied the request by Dennis Wood for Scotty's (Rosemont Crossing Preliminary Subdivision Plan) to allow an additional access point for Scotty's along U.S. 441, which constitutes a substantial change to the development on the above-described property.

County Chairman Chapin rejoined the meeting.

County Attorney Tom Wilkes left the meeting.

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA - CONTINUED

2. Navy Base Reuse Update.

Staff Report

Deputy County Administrator Byron Brooks informed the Board that fiscal data and land use plans will be presented in two weeks.

Herb Smetheram, executive director of the Navy Base Reuse Commission, addressed the Board and presented the new Department of Defense Rules on Economic Development. He noted that a financial plan will be presented to the Navy in July 1995.

Mr. Smetheram outlined the revised Naval Training Center (NTC) Regional Park System Plan, which, he noted, is Mayor Hood's preferred plan. He pointed out that by March 1, 1995, the commission will know if a nuclear power school will be included on the realignment list to stay at the Navy Base.

Discussion

The Board discussed possible transit problems, road priorities, preservation of greenspace, and Commissioner Johnson's "Blue Jacket" regional concept.

The Board directed Public Works Division Director George Cole to look at traffic patterns in the area.

Appearances

The following person addressed the Board with general comments:

- Bob Green, president of Winter Park Soccer Club (no address given).

Commissioner Pignone left the meeting.

Planning and Development Division Director Bruce McClendon stated staff will work with the City of Orlando to prepare cost analyses for the Blue Jacket Plan and the Naval Training Center Regional Park System Plan for further consideration by the Board.

Motion

The Board did not take any action.

MEETING RECONVENED

The Board of County Commissioners reconvened at Oak Ridge High School, 6000 Winegard Road, Orlando, Florida. Vice-chairman Tom Staley, Commissioners Bob Freeman, Fran Pignone, Bill Donegan, and Mable Butler were present. County Chairman Linda Chapin and Commissioner Mary Johnson were absent. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton.

Public Discussion

Charles Tolbert wishes to address the Board with regard to Public Utilities Division charges for water service disconnect/reconnect and the requirement for a new deposit after service has been disconnected.

Mr. Tolbert addressed the Board and outlined the events which resulted in his service being disconnected. He requested that all fees incurred for reinstatement of his service be returned to him.

Staff Report

Public Utilities Division Director Alan Ispass stated that a delinquent notice had been sent to Mr. Tolbert; and since he did not respond, a final notice to terminate service was subsequently sent to him. Mr. Ispass pointed out that after 30 days an account is terminated, and a new service deposit of \$92 is required to reinstate service. He also noted there is a turn-off/turn-on fee of \$42 which must be paid when service is reconnected.

Motion

A motion by Commissioner Freeman and seconded by Commissioner Pignone, with Commissioners Freeman and Pignone voting AYE by voice vote; Vice-chairman Staley and Commissioners Donegan and Butler voting NO by voice vote; County Chairman Chapin and Commissioner Johnson were absent; to refund the \$92 deposit fee and the \$42 turn-off/turn-on fee paid by Charles Tolbert failed.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved returning the \$92 deposit fee paid by Charles Tolbert.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: MARGARET BROWNLEE, VEGETATION REMOVAL AND REPLANTING, LAKE BLANCHE, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the permit application of Margaret Brownlee to remove vegetation and replant in accordance with Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Lots 13 and 14, Isle of Osprey at Dr. Phillips, according to the plat thereof as recorded in Plat Book 24, Pages 4 and 5, Public Records of Orange County, Florida, said property being located adjacent to Lake Blanche.

Staff Report

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

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the permit application by Margaret Brownlee to remove vegetation and replant on Lake Blanche, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be notified by the applicant of the dates the vegetation removal begins and ends and of the dates replanting activities begin and end.
2. A "time zero" replanting completion diagram, including specific numbers and locations of each plant species used in each area, must be submitted to the EPD within one month of the completion of the replanting.
3. Cleared vegetation must be removed to landward of the Normal High Water Elevation on Lake Blanche, which is 99.5 msl.
4. Removal of cypress trees or ferns from inundated areas is prohibited.
5. No herbicides or heavy equipment uses are permitted. Only hand removal is allowed, and all cut vegetation must be removed to landward of the conservation areas.
6. Revegetation shall be in accordance with the applicant's proposal and the Orange County Environmental Protection Department's conditions. New planting must be initiated

within 30 days of completion of removals in the area. If the EPD determines that natural recruitment has not occurred in areas less than ten (10) square feet after one (1) year of maintenance, replanting is required.

7. If EPD or the Planning Department determines at any time during the permitted activities that the lakes or wetlands are adversely impacted, the activities shall cease as soon as the applicant or contractors are notified, either verbally or in writing.
8. The owner and applicant shall have copies of this permit on the property and posted on the Lake Blanche site when permitted activities begin and until completed.
9. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to the Orange County Environmental Protection Department.
10. Erosion and turbidity which may result must be controlled with screens and/or other technology so that turbidity is confined to the area of work.
11. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: RASHEED CHOUFANI, VEGETATION REMOVAL AND REPLANTING, LAKE POCKET, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the permit application by Rasheed Choufani to remove vegetation and replant in accordance with Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Beginning at 829.02 feet north and 204.0 feet west of SE corner of NE 1/4 running 5.68° west, 109.75 feet north to north line of south 1/2 of NE 1/4 of NE 1/4 to 102.0 feet south to point of beginning, Section 9, Township 24, Range 28, said property being located adjacent to Lake Pocket.

Staff Report

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

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the permit application of Rasheed Choufani to remove vegetation and replant on Lake Pocket, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be notified by the applicant of the dates the vegetation removal begins and ends and of the dates replanting activities begin and end.
2. A "time zero" replanting completion diagram, including specific numbers and locations of each plant species used in each area, must be submitted to the EPD within one month of the completion of the replanting.
3. Cleared vegetation must be removed to landward of the Normal High Water Elevation on Lake Pocket, which is 99.5 msl.
4. Removal of maidencane or ferns from inundated areas is prohibited.
5. No herbicides or heavy equipment uses are permitted. Only hand removal is allowed, and all cut vegetation must be removed to landward of the conservation areas.
6. Revegetation shall be in accordance with the applicant's proposal and the Orange County Environmental Protection Department's conditions. New planting must be initiated

within 30 days of completion of removals in the area. If the EPD determines that natural recruitment has not occurred in areas less than ten (10) square feet after one (1) year of maintenance, replanting is required.

7. If EPD or the Planning Department determines at any time during the permitted activities that the lakes or wetlands are adversely impacted, the activities shall cease as soon as the applicant or contractors are notified, either verbally or in writing.
8. The owner and applicant shall have copies of this permit on the property and posted on the Lake Pocket site when permitted activities begin and until completed.
9. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to the Orange County Environmental Protection Department.
10. Erosion and turbidity which may result must be controlled with screens and/or other technology so that turbidity is confined to the area of work.
11. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: DR. RAYMOND AND PATTY ROGERS, VEGETATION REMOVAL AND REPLANTING, LAKE DOWN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the permit application of Dr. Raymond and Patty Rogers to remove vegetation and replant in accordance with Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Lot 5, Down Point Subdivision, Plat Book 2, Page 97 of the Public Records of Orange County, Florida, said property being located adjacent to Lake Down.

Staff Report

Acting Environmental Protection Department Manager Nick Sassic

outlined the request and the recommendation of approval subject to conditions.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the permit application by Dr. Raymond and Patty Rogers to remove vegetation and replant on Lake Down, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be notified by the applicant of the dates the vegetation removal begins and ends and of the dates replanting activities begin and end.
2. A "time zero" replanting completion diagram, including specific numbers and locations of each plant species used in each area, must be submitted to the EPD within one month of the completion of the replanting.
3. Cleared vegetation must be removed to landward of the Normal High Water Elevation on Lake Down, which is 99.5 msl.
4. No heavy equipment uses are permitted. All cut vegetation must be removed to landward of the conservation areas.
5. Revegetation shall be in accordance with the applicant's proposal and the Orange County Environmental Protection Department's conditions. New planting must be initiated within 30 days of completion of removals in the area. If the EPD determines that natural recruitment has not occurred in areas less than ten (10) square feet after one (1) year of maintenance, replanting is required.
6. If EPD or the Planning Department determines at any time during the permitted activities that the lakes or wetlands

are adversely impacted, the activities shall cease as soon as the applicant or contractors are notified, either verbally or in writing.

- 7. The owner and applicant shall have copies of this permit on the property and posted on the Lake Down site when permitted activities begin and until completed.
- 8. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to the Orange County Environmental Protection Department.
- 9. Erosion and turbidity which may result must be controlled with screens and/or other technology so that turbidity is confined to the area of work.
- 10. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

ORDINANCE PUBLIC HEARING - AMENDING THE ZONING ORDINANCE REGARDING JUNKYARDS

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

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38, ZONING SECTION 38-1 OF THE ORANGE COUNTY CODE TO REVISE THE DEFINITION OF JUNKYARDS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Staff Report

Assistant Zoning Department Manager Joanne McMurray reviewed the proposed ordinance and outlined the amendments.

Appearances

The following person addressed the Board in favor of the proposed ordinance:

- R.F. Kirkland, 416 10th Street, Apopka, Florida.

No one appeared in opposition to the proposed ordinance.

Vice-chairman Staley announced a second public hearing will be held on November 29, 1994, at 5:01 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: RANDALL REX, "PEGASUS PLANNED DEVELOPMENT," PLANNING AND ZONING #6, SEPTEMBER 15, 1994, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Randall Rex, "Pegasus Planned Development" for approval of a change in zoning classification from A-2 and Planned Development to Planned Development on the following described property:

E 528 ft. of N 1/2 of S 1/4 of SW 1/4 of SW 1/4, Sec. 9, Twp. 22 S, Rge. 31 E, and that part of SW 1/4 of SW 1/4 of Sec. 9, Twp. 22 S, Rge. 31 E, (SW 1/4 of SW 1/4 09-22-31 Tract Size: 37.39 acres).

Staff Report

Planning and Development Division Director Bruce McClendon outlined the location of the subject property and the zoning classifications in the area, and the request.

Appearances

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

- Charlie True, P.E.; McIntosh & Associates; 2200 Park Avenue North, Winter Park, Florida; for the applicant.

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

- Ronald Oppell, 2735 Rouse Road, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the request by

Randall Rex, "Pegasus Planned Development (PD)" for a change in zoning classification from A-2 and PD to PD on the above-described property, subject to the following conditions:

1. Development shall conform to the Pegasus Planned Development, Board of County Commissioners approvals, Amended Land Use Plan dated, "Received July 22, 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.
2. The project shall be limited to two access driveways onto Rouse Road.
3. Lot width along the perimeter shall be at least 75 feet.
4. The minimum living area shall be 1,700 square feet.
5. A 15' rear- yard setback shall be required along the southern boundary of the PD.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: GARY RUSSELL, "U.A.P. CYPRESS POINT, LTD.," PLANNING AND ZONING #18, SEPTEMBER 15, 1994, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Gary Russell, "U.A.P. Cypress Point, Ltd.," for approval to amend the Land Use Plan on Tract A and D from multi-family to single-family residential and on Tract E from recreation to single-family residential on the following described property:

Tracts A, D, and E, Cypress Point, recorded in Plat Book 26, Pages 74 and 75, Public Records of Orange County, Florida (SE 1/4 of SW 1/4 33-23-28 W 1/2 of SW 1/4 34-23-28 Tract Size: 33.5 acres).

Staff Report

Planning and Development Division Director Bruce McClendon informed the Board that the applicant has requested a continuance.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board continued the public hearing to consider the request by Gary Russell, "U.A.P. Cypress Point Ltd.," to amend the Land Use Plan on Tract A and D from multi-family to single-family residential and on Tract E from recreation to single-family residential, until December 13, 1994, at 1:35 p.m.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: JOSEPH CADRY III.
APPLICANT: BROWNIE SEPTIC TANK, BOARD OF ZONING ADJUSTMENT #29, OCTOBER 6, 1994, DISTRICT 6

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 October 6, 1994, Hearing #29, on application of Brownie Septic Tank for approval of renewal of special exception in C-3 zone for private/public utility (lime stabilization facility) and variance to provide unpaved parking in lieu of paved (original Board of Zoning Adjustment approval January 7, 1993, for two years), on the following described property:

Lots 9 through 24 and Lots 27 through 34, Block 1, Clear Lake Views, as recorded in Plat Book J, Public Records of Orange County Florida, (NW 1/4 of NE 1/4 3-23-29) Tract Size: 1.2 acres.

Staff Report

Zoning Department Manager Melvin Pittman outlined the request and identified the subject property, the surrounding zoning classifications, and noted that the Board of Zoning Adjustment recommended approval of the request subject to conditions.

Appearances

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

- Bill Kreuter, Esquire; Kreuter and Livingston; 800 North Magnolia Avenue, Orlando, Florida; for the applicant.
- Bill Seagraves, Jr., the applicant (no address given).

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

- Joseph Cadry, III, 1410 18th Street, Orlando, Florida.
- Ricky Harris, 1417 18th Street, Orlando, Florida.
- Bob Lance (no address given).

Discussion

Vice-chairman Staley 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 Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board upheld the decision of the Orange County Board of Zoning Adjustment and approved the request by Brownie Septic Tank for renewal of special exception in C-3 zone for private/public utility (lime stabilization facility) and variance to provide unpaved parking in lieu of paved, subject to the following conditions:

1. Special exception and variance approval is for a period of five years (October 6, 1999); and further, applicant shall comply with all applicable governmental rules and regulations.
2. A routine monitoring program by Environmental Protection Department is to be continued to ensure proper odor control, noise control, nuisance problems, and other pollution control measures are in effect. In addition, the Orange County Environmental Protection Department shall have the authority to cease operations in the event of violations or noncompliance with permit conditions.
3. Except for temporary loading and unloading, all vehicles associated with the business shall be parked on-site and not along the public right-of-way.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - MCCOY COMMERCE CENTER PHASES I AND II PRELIMINARY SUBDIVISION PLAN, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the McCoy Commerce Center Phases I and II Preliminary Subdivision Plan on the following described property:

Lot 6 and Lot 7, Airport Commerce Center Replat, according to the plat thereof as recorded in Plat Book 20, Pages 91 and 92 of the Public Records of Orange County, Florida and Lot 12, Block "7," Bon Air, "The Suburb Superb," First and Second Sections, according to the plat thereof, as recorded in Plat Book "P," Page 46 of the Public Records of Orange County, Florida, and that portion of Section 36, Township 23 South, Range 29 East and that portion of Section 31, Township 23 South, Range 30 East, Orange County, Florida, also being a portion of Bon Air Subdivision, Plat Book 3, Pages 57 and 58 of the Public Records of Orange County, Florida, described as follows: Commence at the northwest corner of Section 31, Township 23 South, Range 30 East, Orange County, Florida; thence run north 89°33'11" east along the north line of said Section 31 for 340.12 feet; thence south 00°05'44" west for 50.02 feet to the point of beginning, being the intersection of the south right-of-way line of McCoy Road (S.R. 528) and the northwest corner of Lot 7, Block 8, Bon Air Subdivision, according to the aforesaid plat thereof; thence south 00°05'44" west along the west line of Lots 7 and 18, Block 8 of said subdivision for 280.08 feet to the southwest corner of said Lot 18, Block 8; thence south 89°33'17" west along the south line of Lots 19 thru 24, Block 8 and the westerly extension thereof for 379.87 feet to the east line of Lot 7, Airport Commerce Center Replat, as recorded in Plat Book 20, Page 91 and 92 of the Public Records of Orange County, Florida; thence run along the easterly boundary of said Airport Commerce Center Replat, the following courses: run south 00°02'24" west for 671.64 feet; thence south 89°28'33" west for 50.75 feet; thence south 00°03'04" east for 161.80 feet; thence north 89°28'33" east for 50.50 feet; thence run south 00°04'49" west for a distance of 164.40 feet; thence run north 89°36'58" east for a distance of 40.18 feet; thence run south 00°02'04" west for a distance of 182.00 feet to a point on a curve being on the north right-of-way line of the Bee Line as recorded in State Road Book 3, Pages 57 through 58 in the Public Records of Orange County, Florida,

thence along said north right-of-way line the following courses: run northeast along the arc of the aforesaid curve being concave to the northwest and having a radius of 2714.79 feet, a chord bearing of north 67°09'29" east and a central angle of 03°38'36" for 172.63 feet; thence north 62°38'52" east for 389.73 feet; thence north 61°11'06" east for 503.41 feet to an intersection with the southerly extension of the east line of Lot 4 and 19, Block 13 of aforesaid plat of Bon Air Subdivision; thence departing aforesaid northerly right-of-way line run: north 00°01'01" west along said east line and the northerly extension thereof for 478.73 feet to the point 55.00 feet southerly of the north line of the northwest 1/4 of aforesaid Section 31; thence north 89°35'00" east for 175.00 feet; thence north 00°01'01" west for 500.00 feet to a point on the south right-of-way line of McCoy Road (S.R. 528); thence south 89°33'11" west along said south right-of-way line for 779.85 feet to the point of beginning. Less: That portion of the above-described property lying within Lot 1, Bon Air Replat, according to the plat thereof, as recorded in Plat Book 28, Page 6 of the Public Records of Orange County, Florida. Being subject to any easements, rights-of-way or restrictions of record. Also owner may elect to include the following parcel, if acquired: That part of Tract "B" (common area) Airport Commerce Center Replat, according to the plat thereof, as recorded in Plat Book 20, Pages 91 and 92 of the Public Records of Orange County, Florida, being described as follows: Begin at the northeast corner of said Tract "B," thence run S89°28'33"W along the north line of said Tract "B" for a distance of 70.00 feet; thence run S14°59'46"W along said north line for a distance of 35.00 feet; thence run N89°28'33"E for a distance of 79.09 feet to the east line of said Tract "B"; thence run N00°03'04"W along said east line for a distance of 33.72 feet to the point of beginning. Containing 0.058 acres (2514 square feet) and being subject to any rights-of-way, restrictions and easements of record.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Mr. Cole noted that Condition #4 be revised to read, "Section 34-171(7)", rather than "Section 34-171(g)."

Appearances

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

- Charlie True, P.E.; McIntosh & Associates; 2200 Park Avenue North, Winter Park, Florida; for the applicant.

Discussion

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

Motion

Upon a motion by Commissioner Pignone, seconded by Commissioner Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the McCoy Commerce Center Phases I and II Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the McCoy Commerce Center Phases I and II Preliminary Subdivision Plan, dated "Received October 14, 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 November 15, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Retention pond tract shall be owned and maintained by mandatory property owners' association.
3. All underlying platted lots and streets shall be vacated.
4. The requested waiver from Section 34-171(7) of the Orange County Code for the deletion of internal streets and sidewalks is approved.
5. Waiver of Section 38-880(4) to reduce the setback along the western boundary of Lots 2 and 3 to zero (0) feet is granted.

MEETING ADJOURNED

There being no further business, the Vice-chairman adjourned the meeting at 8:15 p.m.

ATTEST:

