

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 24, 1995. Vice-chairman Bob Freeman, and Commissioners Tom Staley, Clarence Hoenstine, 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 Assistant Deputy Clerk Thomas Stark. There being a quorum, the Vice-chairman called the meeting to order at 9 a.m.

WORKSESSION - CORRECTIONS DIVISION ANNUAL REPORT

Staff Report

Corrections Division Director Tom Allison presented the division's annual report for 1994. Mr. Allison reviewed the division's vision statement and the mission statement.

Acting Administrative Services Manager Cathy Capregi explained how several new programs, such as the Phoenix program, are saving the taxpayers of Orange County millions of dollars. Ms. Capregi also pointed out that the inmates are given opportunities to use the knowledge they receive in the educational programs. As an example, Ms. Capregi stated that inmates from the electrical school installed electrical conduits in several correctional facilities resulting in labor cost savings of \$42,000 to the County.

Community Corrections Department Assistant Manager Dr. Gillian Hobbs reported on a program at the Corrections Distribution Center which uses inmates for warehouse work to give them on-the-job training and experience. Dr. Hobbs noted that the partnership between Orange County Corrections and the Coalition for the Homeless works to provide a temporary home for released inmates. She stated that this program rehabilitates inmates in preparation for their release to successfully reintegrate them into society. Dr. Hobbs concluded with a video presentation on the various agencies with which the Community Corrections Department works.

Community Corrections Department Manager Don Bjoring described several electronic innovations currently in use by the Community Corrections Department, such as the home confinement program wherein the offender wears a special electronic bracelet that alerts officials when the offender leaves his home; the Juris Monitor system in which domestic violence offenders, upon being served with a restraining order, wear another type of special electronic bracelet which alerts officials when offenders go near their victims; and new laptop computers for field officers and correctional facility counselors, which allows them greater mobility while maintaining access to the complete case files.

Central Booking/Municipal Justice Building (MJB) Manager Scott Bradstreet illustrated a system which involves inmates appearing before the court from the correctional facility under certain conditions via two-way microwave video. Mr. Bradstreet noted that this system lowers costs and risks associated with transporting inmates to and from the courthouse. He further explained how this program facilitates a quick disposition and resolution of these cases. According to Mr. Bradstreet, this system was installed following a recommendation contained in the Institute for Law and Policy Planning (I.L.P.P.) study, which was completed in October of 1993.

Sergeant Jim Wentz of the Direct Supervision Department spoke about the modern technology currently in place in the Horizon and Phoenix facilities; specifically, the Black Creek Integrated Touch Screen Security System. Sergeant Wentz pointed out that this technology allows one control room to do the work of four control rooms, at a cost savings of \$235,000 annually.

Acting Direct Supervision Department Manager Gus Johnson outlined the treatment and management of inmates. Mr. Johnson talked about the three general classifications of inmates: high-risk inmates, house inmates, and program inmates. The latter, according to Mr. Johnson, participate in various programs, such as educational and job training opportunities.

Juvenile Justice Coordinator George Morning presented an overview of the implementation of the Juvenile Initiatives Program, explaining that part of the program involves the Vocational Educational Training Facility, sometimes referred to as the "secure school," and a new Juvenile Assessment Center. Mr. Morning also reviewed the Juvenile Residential Treatment Program.

Deputy Director Larry Bacon recognized the staff who were responsible for creating the annual report, followed by closing remarks by Director Tom Allison, who then responded to questions from the Board.

WORKSESSION - FIRST REGULAR CYCLE - 1995 COMPREHENSIVE POLICY PLAN AMENDMENTS AND DISCUSSION AMENDMENTS RELATED TO HORIZON WEST

Staff Report

Planning Department Manager David Heath reviewed the timetable for processing the policies and land use map amendments being considered during the first regular cycle.

For the record, County Attorney Tom Wilkes stated that every individual amendment request is entitled to a full public hearing. Mr. Wilkes clarified that the only requests that will be placed on the abbreviated consent agenda format are those for which public comment has not been requested after announcing each request at the public hearing.

Jim Sellen of Miller-Sellen Associates, representing Horizon West, reviewed the Future Land Use Map (FLUM) amendment request.

Board Discussion

The Board discussed the locations of sites for utilities, impact fees, the possibility of density credits, and the significance of the Western Beltway.

Motion

The Board did not take any action.

COUNTY CHAIRMAN'S REPORT

1. Appointment of Commissioners to advisory boards.

Action

By consensus, the Board deferred this item until January 31, 1995.

2. Adoption of a resolution appointing the 1996 Orange County Charter Review Commission.

Staff Report

County Attorney Tom Wilkes reviewed the resolution.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board adopted a resolution establishing the 1996 Orange County Charter Review Commission; and further, appointed the Commission members as follows:

- Luis Perez
- Gerald Brailey
- Marci Arthur
- Lee Chira
- Mike Evers
- Robin McBride
- George McClure
- Chip Marston
- Marlene Moffitt
- Joseph Durek
- Greta Weis
- Jerry Buchanan
- Brian T. Wilson
- Billie Tate
- Emma Waffer

(Resolution No. 95-M-07 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Confirmation of the County Chairman's and Commissioners' appointments and reappointments to the Board of Zoning Adjustment, Membership and Mission Review Board, and Planning and Zoning Commission.

Staff Report

For the record, County Attorney Tom Wilkes pointed out that Jorge Franchi's term expired on December 31, 1994, Michael Grinestaff's appointment expired on December 31, 1994, and Steve Bozarth is serving at the pleasure of Commissioner Donegan until such time as Commissioner Donegan decides to appoint a replacement; and further, that reappointment of Mr. Bozarth is not required at this time.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Butler, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board confirmed the County Chairman's and Commissioners' appointments and reappointments to the Board of Zoning Adjustment, Membership and Mission Review Board, and Planning and Zoning Commission as follows:

Commissioner Freeman, District 1:

Reappoint Cheryl Williams to the Board of Zoning Adjustment for a term expiring December 31, 1996.

Reappoint Dorothy Wynn to the Membership and Mission Review Board for a term expiring December 31, 1996.

Reappoint Bill Burch to the Planning and Zoning Commission for a term expiring December 31, 1996.

Commissioner Staley, District 2:

Reappoint Warren Lockeby to the Board of Zoning Adjustment for a term expiring December 31, 1996.

Reappoint Katie Porta to the Membership and Mission Review Board for a term expiring December 31, 1996.

Reappoint Marilyn McQueen to the Planning and Zoning Commission for a term expiring December 31, 1996.

Commissioner Johnson, District 3:

Reappoint Jose Carranzana to the Board of Zoning Adjustment for a term expiring December 31, 1996.

Reappoint Jorge Franchi to the Membership and Mission Review Board for a term expiring December 31, 1996.

Reappoint Michelle Chira to the Planning and Zoning Commission for one additional year for a term expiring December 31, 1996.

Commissioner Hoenstine, District 4:

Appoint Ron Burth to the Board of Zoning Adjustment for a term expiring December 31, 1996.

Appoint Steven Pilchick to the Membership and Mission Review Board for a term expiring December 31, 1996.

Appoint Leland McKee to the Planning and Zoning Commission for a term expiring December 31, 1996.

Commissioner Donegan, District 5:

Reappoint Michael Grinestaff to the Board of Zoning Adjustment for a term expiring December 31, 1996.

Reappoint Charles Brenner to the Membership and Mission Review Board for a term expiring December 31, 1996.

Commissioner Butler, District 6:

Appoint Homer Hartage to the Board of Zoning Adjustment for a term expiring December 31, 1996.

Reappoint Dr. Tommy Dorsey to the Membership and Mission Review Board for a term expiring December 31, 1996.

Appoint Love Williams to the Planning and Zoning Commission for a term expiring December 31, 1996.

County Chairman Chapin:

Reappoint Marcos Marchena to the Planning and Zoning Commission for a term expiring December 31, 1996.

PUBLIC WORKS DIVISION DISCUSSION AGENDA

1. Approval to install an ultra-wood 50-year wood fence, Lots 175 and 176, Deerfield Phase 2B, Unit 2, and share the cost equally with Centex Homes, \$2,193 District 4 (Engineering).

Staff Report

County Administrator Jean Bennett stated that negotiations on this issue are continuing and an agreement that does not require Board approval is likely. Ms. Bennett further stated that the item is being deleted from the agenda until the outcome of the present negotiations is known.

Action

By consensus, the Board deleted this item from the agenda.

NONAGENDA - CLOSED SESSION

County Attorney Tom Wilkes stated that the closed session announced at the January 10, 1995, Board meeting regarding the Alafaya Trail Extension case will be postponed until February 7, 1995.

Mr. Wilkes subsequently announced a closed session on February 7, 1995, regarding the Alafaya Trail Extension, as follows:

Pursuant to Chapter 286, Florida Statutes, as amended by Chapter 93-232, Laws of Florida, there will be a closed session on the Board of County Commissioners' meeting on February 7, 1995, in re: Application for Modification of Supplemental Power Plant Certification of Orlando Utilities Commission for Curtis H. Stanton Energy Center PA 81-14C, DOAH Case No. 92-6153EPP. This matter is specific to the placement of the Alafaya Trail Extension across the OUC Stanton Energy Center property.

This closed session will commence at approximately 11 a.m. Present will be the Board of County Commissioners; the County Administrator or her designee; the County Attorney or his designee; the County Comptroller or her designee; the Clerk of the Board of County Commissioners or her designee; Assistant County Attorneys Lynn Porter-Carlton and Paul Chipok; Ajit Lalchandani, P.E., Acting Director, Public Works Division or his designee; William Baxter, P.E., Deputy Director, Public Works Division or his designee; Alan Ispass, P.E., Director, Public Utilities Division or his designee; Stan Keely, P.E., Deputy Director, Public Utilities, or his designee; and Bruce McClendon, Director, Planning and Development Division or his designee.

The closed session will be transcribed by a certified court reporter. The session shall last approximately 20 minutes.

For the record, Mr. Wilkes noted that all other aspects of this closed session, including attendees, subject matter, and duration, remain as announced at the January 10, 1995, Board meeting.

COUNTY CONSENT AGENDA**Motion**

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

- deleted County Comptroller Item 2;

- deferred Fiscal and Human Resources Division Items 2 and 3 until later in the meeting (see page 505);

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

County Comptroller

1. Acknowledgment and filing of the Audit of Apopka Improvement Association (Administrative/Fiscal Division).
2. Approval of the minutes of the December 20, 1994, meeting of the Board of County Commissioners (Clerk of the Board of County Commissioners).

(As stated in the above motion, this item was deleted from the agenda.)

3. Warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts:
 - Week of January 11 to 17, 1995; total of \$17,513,829.68
 - Week of January 18 to 24, 1995; total of \$20,276,269.30

County Administrator

1. Approval of a resolution in support of a grant application to the Florida Department of Transportation, beautification of Silver Star Road (Intergovernmental Affairs Department).

(Resolution No. 95-M-05 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Administrative Support Division

1. Approval and authorization to record instrument: Stonemeade Phase I, Temporary Drainage and Utility Easement, District 5 (Real Estate Management Department).

Fiscal and Human Resources Division

1. Approval to enter into a three-year term contract with one-year renewal with Embassy Consultants, Inc., RFP Y5-133-WG, for special projects coordination and consulting, \$50,000 annually ([County Administrator's Office] Purchasing and Contracts Department).

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

2. Approval to award Invitation for Bid Y5-121-NS to the low responsive and responsible bidder, Cutler Repaving, Inc., for a one-year term contract with one-year renewal for Hot-In-Place Asphalt Recycling to heat and rework existing pavement and recycle processed materials, estimated \$420,000

annually ([Highway Construction Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred until later in the meeting. See page 505.)

3. Approval to award Invitation for Bid Y5-401-RW to the low responsive and responsible bidder, WLW Construction, Inc., for one-year term contract with one-year renewal for the rental of a dragline with an operator at the Landfill for dirt excavating to meet State and Federal requirements for landfill coverage, \$320,000 ([Resource Recovery Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred until later in the meeting. See page 505.)

4. Approval to award Invitation for Bid Y5-602-RW to the low responsive and responsible bidder, Kaiser Pontiac-Buick-GMC, for two platform lift service trucks to service overhead traffic lights, \$106,000 (\$53,000 each) ([Traffic Engineering Department] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y5-711-NS, to the low responsive and responsible bidder, Michael R. Cooper Construction Company, for construction of a modular fire station and associated site work; Fire Station #58, Hunter's Creek; \$100,777 ([Construction Administration Department] Purchasing and Contracts Department).
6. Approval to award Invitation for Bid Y5-611-HF, to the low responsive and responsible bidder, Fountain Motor Company, Inc., to furnish two cab-chassis/service body/crane units to perform material handling functions at the Orange County Landfill, \$80,575.32 ([Resource Recovery Department] Purchasing and Contract Department).
7. Approval to award Invitation for Bid Y5-612-HF, to the low responsive and responsible bidder, Orlando Ford New Holland, Inc., to furnish one 3-gang flail mowing system with tractor to perform mowing of the Eastern Area Wastewater Facility property, \$56,168 ([Public Utilities Wastewater Department] Purchasing and Contracts Department).
8. Approval of Task Authorization 10, Contract Y3-123D, with Bullard & Associates, Inc., to provide updated appraisal reports for Ivey Lane, \$64,320 ([Real Estate Management Department] Purchasing and Contracts Department).
9. Approval of Task Authorization 3, Contract Y2-809-MK, with Architects Design Group (ADG), for the administration of the construction contract between the County and the general contractor; Orange County Landfill Operations and Maintenance Facility project \$199,510 ([Public Utilities/Construction Department] Purchasing and Contracts Department).
10. Approval of Task Authorization 35, Contract Y2-902-MK, with Boyle Engineering, to provide the services of a Resident Project Representative

(RPR) for Contract No. 1 of the Eastern Regional Water Supply Facility, \$115,170 ([Public Utilities/Construction Department] Purchasing and Contracts Department).

11. Approval of Amendment 5; Contract Y0-808A-MK; with Howard, Needles, Tammen, and Bergendoff; to provide additional engineering and surveying services for Winter Garden-Vineland Road; \$73,802.26 ([Highway Construction Department] Purchasing and Contracts Department).
12. Approval of Change Order No. 1, Contract Y3-760-NS, with Clancy & Theys Construction, Inc., to provide additional work to remove and replace unsuitable soils discovered after construction of the Fire/Rescue Headquarters, \$55,943 ([Construction Administration Department] Purchasing and Contracts Department).
13. Approval of Change Order No. 2, Contract Y4-773-NS, with Southland Construction, Inc., for construction of a water main in conjunction with paving and drainage improvements on Forsyth Road, \$166,778.80 ([Highway Construction Department] Purchasing and Contracts Department).
14. Approval of Change Order No. 5, Contract Y4-734-NS, with Southland Construction, Inc., to provide revisions to the reco (interlocking stones) wall at bridge abutments at Hiawassee Road and additional barriers at the Florida Turnpike bridge, \$112,211.90 ([Highway Construction Department] Purchasing and Contracts Department).
15. Approval for the Sheriff's Office to spend \$10,000 from the Law Enforcement Trust Fund to fund contributions of \$5,000 to the Police Athletic League and \$5,000 to the Boy Scouts of America (OMB).
16. Approval of Budget Transfers 95-161, 95-162, and 95-163 (OMB). (Budget Transfers 95-161, 95-162, and 95-163 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
17. Approval of Budget Amendments 95-18 through 95-21 (OMB).

(Budget Amendments 95-18 through 95-21 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
18. Approval of CIP Amendment 12-95 (OMB).

(CIP Amendment 12-95 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
19. Approval of payment of Intergovernmental claims (December 22 and 29, 1994) totaling \$420,259.60 (Risk Management Department).

20. Receipt and filing of the December 15 and 22, 1994, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).
21. Review and approval of Public Officials' Bonds per FS.137.05 *as provided by Travelers Indemnity Company:
- Linda Chapin, County Chairman
 - Mary Johnson, County Commissioner
 - Robert Freeman, County Commissioner
 - William Donegan, County Commissioner
 - Thomas A. Staley, County Commissioner
 - Mable Butler, County Commissioner
 - Clarence Hoenstine, County Commissioner
 - Fran Carlton, Clerk of Courts
 - Earl K. Wood, Tax Collector
 - Betty Carter, Supervisor of Elections
 - Richard Crotty, Property Appraiser
 - Martha O. Haynie, County Comptroller
 - Kevin E. Beary, Sheriff

(Risk Management Department).

22. Approval of a resolution authorizing the Orange County Health Facilities Authority expenditure by Adventist Health System/Sunbelt, Inc., a Florida not-for-profit corporation, of up to \$20,000,000 of the proceeds from the sale of its Medical Center Hospital in Punta Gorda, Florida (Orange County Health Facility Authority).

(Resolution No. 95-HFA-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

23. Approval of a resolution authorizing Housing Finance Authority action to ratify extension of maturity date and/or issuance of multi-family mortgage revenue refunding bonds not to exceed \$10,700,000 (Housing Finance Authority).

(Resolution No. 95-B-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

24. Confirmation of the County Chairman's staff reappointments for the month of December 1994 (Human Resources Department):
- William Baxter, Deputy Director, Public Works Division, Administration
 - Roger Richardson, Manager, Fire and Rescue Division, 911 Systems Department

- George Rodon, Manager, Corrections Division, Administrative Services Department
- Howard Tipton, Deputy County Administrator, County Administration

25. Confirmation of the County Chairman's staff reappointments for the month of January 1995 (Human Resources Department):

- Peter Clarke, Manager, Health and Community Services Division, Medical Clinic
- Christopher Kohl, Manager, Public Utilities Division, Resource Recovery Department
- John Terwilliger, Manager, Administrative Support Division, Real Estate Management Department

Health and Community Services Division

1. Approval and execution of an Interlocal Agreement between the City of Orlando and Orange County for transfer of equipment ownership to the Orlando Fire Department (Emergency Medical Services).

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

2. Approval and execution of Certificate of Public Convenience and Necessity License renewal for Paramedical Stand-by Service, Inc., all districts (Emergency Medical Services).
3. Approval and execution of Solar Weatherization Assistance Program Agreement (S.W.A.P.) between the State Department of Community Affairs and Orange County, Florida, all districts (Department of Community Affairs).

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

Planning and Development Division

1. Approval to pay the building permit fee for reroofing a building that was donated by Richard D. Smith, Inc., for the Central Florida Children's Home located at 12569 Narcoossee Road. The fee amount is \$102 (Building Department).
2. Approval of the Consent Order, H.B. Walker, Inc., Aloma and Strathy Lane, District 5 (Environmental Protection Department).
3. Receipt and filing of the minutes of the Lake Conway Water and Navigation Control District Advisory Board meeting of November 9, 1994, District 4 (Environmental Protection Department).
4. Receipt and filing of the minutes of the Lake Conway Water and Navigation Control District Advisory Board meeting of December 13, 1994, District 4 (Environmental Protection Department).

5. Receipt and filing of the minutes of the Windermere Water Navigation Control District Advisory Board meeting of November 18, 1994, District 1 (Environmental Protection Department).
6. Approval and execution of the HOME Investment Partnership Program Agreement between the State of Florida and Orange County, Districts 2 and 6 (Housing and Community Development Department).

(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
- *7. Clarification of Condition of Approval 6, Delores PD/LUP Amendment, approved by the Board on November 15, 1994, as follows:
 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 such severance damages, except as provided below.

District 1 (Zoning Department).
8. Approval of Street Name Petitions, Pine Club Circle and Maitland Club Circle, District 2 (Zoning Department).
9. Approval of trailer for night watchman, prior to Board of Zoning Adjustment hearing, District 2 (Zoning Department).

POINT OF ORDER

Upon Adjournment, County Attorney Tom Wilkes clarified that it was permissible to adjourn the morning session, conduct the closed session, and reconvene at the scheduled time for the afternoon public meeting.

Vice-chairman Freeman adjourned the morning session.

NONAGENDA - CLOSED SESSION

The Board held a privileged discussion pursuant to Section 286.011(8), Florida Statutes. The County Attorney's Office shall file a transcript of the discussion in the Comptroller Clerk's Office within 30 days of the conclusion of the action.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center. Vice-chairman Bob Freeman, Tom Staley, Clarence Hoenstine, Bill Donegan, and Mable Butler were present. Commissioner Mary Johnson entered where indicated. County Chairman Linda Chapin was absent. Also present were Deputy County Administrator Byron Brooks, County Attorney Tom Wilkes, Chief Deputy Comptroller as Clerk Jim Moye, and Assistant

Deputy Clerk Thomas Stark. The Board paused for an invocation by the Reverend Jim Ulmer of United Grace Methodist Church, followed by the Pledge of Allegiance to the Flag.

NONAGENDA - STAFF INTRODUCTION

Deputy County Administrator Byron Brooks introduced newly-appointed Fiscal and Human Resources Division Director Sharon Laisure to the Board.

MSTU/BU PUBLIC HEARING - ESTABLISH DOWNS COVE ROAD AND FIRST STREET MSTU/BU, ROAD IMPROVEMENTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for road improvements on the following described property:

09-23-28-0000-00003

From NE corner of Block a Downs Cove Camp Sites Q/121 Run N 355 feet and W 45 feet to point of beginning thence W 400 feet S 18 degrees W 488.53 feet S 19 feet more or less to Lake WLY 115 feet more or less N 589 feet E 635 feet S 25 feet to point of beginning OR B&P 47421/2027, on 03-31-94, inst wd

09-23-28-0000-00039

From NE corner of NW 1/4 of NE 1/4 run W 45 feet S 30 feet for a point of beginning S 402.14 feet W 211.67 feet N 402.14 feet E 211.67 feet to point of beginning 3307/333

09-23-28-0000-00040

From NE corner Block A Downs Cove Camp Sites Q/121 run N 380 feet W 45 feet to point of beginning thence run W 349.4 feet N 243.11 feet E 349.4 feet S 243.11 feet to point of beginning 3977/2631

09-23-28-0000-00041

From NE corner of Block A Downs Cove Camp Sites Q/121 run N 290 feet W 45 feet to point of beginning thence run W 174 feet S 39 degrees W 481.07 feet S 10 feet more or less WLY 85 feet more or less N 19 feet more or less N 18 degrees E 488.53 feet E 400 feet S 65 feet to point of beginning 3039/1086

09-23-28-0000-00042

From NE corner of Block A Downs Cove Campsites Q/121 run N 30 feet W 45 feet to point of beginning thence run W 221.65 feet S 51 degrees W 241 feet more or less SLY 75 feet N 10 feet more or less N 39 degrees E 481.07 feet E 174 feet S 259.75 feet to point of beginning 3916/859 OR B&P 4505/4673, on 12-18-92, inst wd

09-23-28-0000-00044

Beg 45 feet W and 432.14 feet S of NE corner of NW 1/4 of NE 1/4 run S 25 feet W 349.4 feet S 243.11 ft. W 285.6 feet N 268.11 feet E 635.01 feet to point of beginning 3928/4478

09-23-28-2196-01002

Downs Cove Camp Sites Q/121 Beg NE corner Block A run W 186.52 feet run S 79.69 feet S 68 degrees W 287.83 feet S 21 degrees E 20 feet DN 58 degrees E 280 feet S 21 degrees E 121.90 feet E 142.90 feet N 215 feet to point of beginning (Less E 15 feet of road right-of-way) 2919/1033

10-23-28-2196-01003

Downs Cove Camp Sites Q/121 Beginning at NE corner of Block A run W 186.52 feet S 79.69 feet S 68 degrees W d287.83 feet N 21 degrees W 53.38 feet N 51 degrees E 264.91 feet E 266.65 feet S 30 feet to point of beginning (less E 45 feet for road right-of-way) 2986/1109 1741/488 and 2749/1483

10-23-28-2196-02001

Downs Cove Camp Sites Q/121 All Block B (less beg SE corner run W 45.7 feet to SW corner NWLY along W line 91.56 feet NELY 80.7 feet to E line Block B thence S 102.5 ft. to point of beginning)3998/2854

09-23-28-2196-03010

Downs Cove Camp Sites Q/121 Lot 1 Block C OR B&P 4558/2009, on 05-03-93, inst wd

09-23-28-2196-03020

Downs Cove Camp Sites Q/121 Lot 2 Block C OR B&P 4681/2728, on 01-06-94, inst pr

09-23-28-2196-03030

Downs Cove Camp Sites Q/121 Lot 3 Block C OR B&P 4630/4887, on 10-06-93, inst wd

09-23-28-2196-03040

Downs Cove Camp Sites Q/121 Lot 4 Block C 2769/1602

09-23-28-2196-03050

Downs Cove Camp Sites Q/121 Lot 5 Block C

09-23-28-2196-03060

Downs Cove Camp Sites Q/121 Lot 6 Block C 4293/852 OR B&P 4700/0753, on 02-04-94, inst WD

09-23-28-2196-03070

Downs Cove Camp Sites Q/121 Lot 7 & N 1/2 Lot 8 Block C OR B&P 4662-2202, on 12-01-93, inst pr

09-23-28-2196-03081

Downs Cove Camp Sites Q/121 Lots 9 to 11 S 1/2 of Lot 8 Block C 2206/677 and 3538/1508

09-23-28-2196-03120

Downs Cove Camp Sites Q/121 Lot 12 Block C 3846/446

in Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$1,859.56 per lot for road improvements.

Public Works Engineering Department Assistant Manager Jim Harrison reviewed the history and issues relating to the request and responded to questions from the Board.

Appearances

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

Discussion

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

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Staley, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board adopted a resolution establishing an MSTU/BU for road improvements at Downs Cove Road and First Street.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SOUTHCHASE PHASE 1C/PARCEL 16
PRELIMINARY SUBDIVISION PLAN (CONTINUED FROM DECEMBER 13, 1994), DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Southchase Phase 1C/Parcel 16 Preliminary Subdivision Plan on the following described property:

A tract of land lying in Sections 26, 27, 34, and 35, Township 24 South, Range 29 East, being described as follows: Commence at the northeast corner of the southeast quarter of said Section 27 for a point of reference; thence run south 00°10'34" east, along the east line of said southeast quarter, 848.26 feet to a

point lying on the southerly limited access right-of-way line of the Eastern Beltway (State Road 417) according to the Orlando-Orange County Expressway Right-of-way Map Section 75301-6445-451, Sheets 5, 6, and 7, dated November 20, 1990, said point lying on a nontangent curve concave northeasterly and being the point of beginning; thence run southeasterly along said southerly limited access right-of-way line and said curve, having a radius length of 7789.76 feet, a central angle of $04^{\circ}44'49''$ an arc length of 645.37 feet, a chord length of 645.19 feet, and a chord bearing of south $82^{\circ}00'03''$ east to a point of intersection with the westerly limited access right-of-way line of the Sunshine State Parkway (Florida's Turnpike) according to Sunshine State Parkway Right-of-way Map Project No. 2, Section 11, Sheets 1 and 2 of 5, dated October 25, 1961, and sheet 2 of 2, dated October 16, 1961; thence run along said westerly limited access right-of-way line the following courses: thence run south $05^{\circ}39'47''$ east, 1138.72 feet to the point of curvature of a curve concave easterly; thence run southerly along said curve, having a radius length of 7839.44 feet, a central angle of $13^{\circ}41'33''$ an arc length of 1873.46 feet, a chord length of 1869.01 feet, and a chord bearing of south $12^{\circ}30'33''$ east to the point of tangency; thence run south $19^{\circ}21'20''$ east, 344.91 feet to a point of intersection with the westerly right-of-way line of State Road 527 (Orange Avenue) according to State Road Plat Book 2, Section 75040, Pages 66 and 67; thence, departing said westerly limited access right-of-way line, run along said westerly right-of-way line of State Road 527 the following courses: thence run south $32^{\circ}36'14''$ west, 390.92 feet; thence run south $27^{\circ}29'38''$ west, 378.25 feet; thence run south $56^{\circ}33'10''$ east, 30.00 feet; thence run south $33^{\circ}26'50''$ west, 1116.50 feet to the point of tangency of a curve concave southeasterly; thence run southerly along said curve, having a radius length of 508.20 feet, a central angle of $41^{\circ}04'45''$, an arc length of 364.36 feet, a chord length of 356.61 feet, and a chord bearing of south $12^{\circ}54'27''$ west; thence run south $07^{\circ}37'55''$ east, 163.85 feet to a point lying on the north line of the south 1800.00 feet of aforesaid Section 35; thence, departing said westerly right-of-way line of State Road 527, run north $89^{\circ}56'01''$ west, along said north line, 198.88 feet to a point lying on the east line of the southeast quarter of aforesaid Section 34; thence run north $89^{\circ}54'34''$ west, along the north line of the south 1809.00 feet of said Section 34, a distance of 2564.05 feet; thence run north $22^{\circ}13'08''$ east, 1159.00 feet; thence run north $64^{\circ}34'50''$ east, 517.12 feet; thence run north $47^{\circ}29'44''$ west, 117.32 feet; thence run north $45^{\circ}58'50''$ west, 507.29 feet; thence run south $63^{\circ}13'03''$ west, 336.25 feet; thence run north $67^{\circ}08'45''$ west, 710.24 feet; thence run north $89^{\circ}52'48''$ west, 865.43 feet to a point lying on the proposed easterly right-of-way line of U.S. Highway No. 441 (Orange Blossom Trail); thence, parallel with and 25.00 feet east of, perpendicular measure, the existing east right-of-way line of said U.S. Highway No. 441, run north $00^{\circ}03'47''$ west, along said proposed easterly right-of-way line, 5085.65 feet to a point lying on the aforesaid southerly right-of-way line of the Eastern Beltway; thence run along said southerly limited access right-of-way line the following courses: thence run south $67^{\circ}17'38''$ east, 973.71 feet; thence run south $23^{\circ}46'25''$ west, 333.01 feet; thence run south $66^{\circ}13'35''$ east, 313.01 feet; thence run north

23°46'25" east, 320.01 feet; thence run south 73°43'20" east, 153.32 feet; thence run south 69°41'41" east, 165.31 feet; thence run south 66°13'34" east, 741.19 feet to the point of curvature of a curve concave northerly; thence run westerly along said curve having a radius length of 7789.76 feet, a central angle of 13°24'04", an arc length of 1821.98 feet, a chord length of 1817.83 feet, and a chord bearing of south 72°55'37" east to the point of beginning. The above-described tract of land lies in Orange County, Florida and contains 573.82 acres more or less.

Staff Report

Planning Department Manager David Heath 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 plan:

- Miranda Fitzgerald, Esquire; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; 215 North Eola Drive, Orlando, Florida; for the developer.

No one appeared in opposition to the plan.

The following person addressed the Board with general comments:

- Peter Latham, Esquire (no address given), representing Southchase Warehouse Joint Venture.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the Southchase Phase 1C/Parcel 16 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Southchase Phase 1C/Parcel 16 Preliminary Subdivision Plan, dated "Received October 11, 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 January 24, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Waiver request for Section 34-171 (7) pertaining to sidewalks along U.S. 441 is granted.
3. Note on sheet 4, shall be amended to state, "a six-foot (6') high screen wall" instead of, "five-foot (5') high."
4. The pump station shall be located in a separate tract dedicated to Orange County.
5. The developer shall provide an easement and/or right-of-way to proposed Orange Avenue and extend water main to Orange Avenue right-of-way.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - MEADOW WOODS PARCELS 51.1A AND 51.1B
PRELIMINARY SUBDIVISION PLAN, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Meadow Woods Parcels 51.1A and 51.1B Preliminary Subdivision Plan on the following described property:

Meadow Woods - Parcel 51.1A

A portion of Sections 25, 26, and 36, Township 24 South, Range 29 East, Orange County, Florida, being more particularly described as follows: Commence at the intersection of the southerly limited access right-of-way line of the Eastern Beltway with the westerly right-of-way line of Landstar Boulevard, as shown on the plat "Landstar Boulevard right of way extension IV," according to the plat thereof, as recorded in Plat Book 26, Pages 88, 89, and 90, Public Records of Orange County, Florida; thence run southerly along the westerly right of way line of said Landstar Boulevard the following five (5) courses and distances; thence run S05°07'41"W, 73.15 feet to the point of curvature of a curve, concave northeasterly, having a radius of 960.00 feet and a central angle of 39°40'40"; thence run southeasterly, along the arc of said curve, a distance of 664.81 feet to the point of tangency thereof; thence run S34°32'59"E, 282.64 feet to the point of curvature of a curve, concave southwesterly, having a radius of 1640.00 feet and a central angle of 26°39'00"; thence run southeasterly, along the arc of said curve, a distance of 762.81 feet to the point of tangency thereof; thence run S07°53'59"E, 85.79 feet to the point of curvature of a curve, concave northwesterly, having a radius of 50.00 feet and a central angle of 97°59'40"; thence run southwesterly, along the arc of said curve, a distance of 85.52 feet to the point of tangency thereof; thence run N89°54'19"W, 1580.71 for the point of beginning; thence continue to run N89°54'19"W, 20.31 to the point of curvature of a curve, concave northeasterly, having a radius of 2574.47 feet and a central angle of 38°40'22"; thence run northwesterly, along the arc of said curve, a distance of 1737.68 feet to the point of tangency thereof; thence run N51°13'58"W,

341.97 feet to a point on the easterly right-of-way line of the Seaboard Coastline Railroad; thence run northerly along said easterly railroad right-of-way line, the following two (2) courses and distances; thence run N38°46'02"E, 765.00 feet to the point of curvature of a curve, concave northwesterly, having a radius of 2918.74 feet and a central angle of 09°42'10"; thence run northeasterly, along the arc of said curve, a distance of 494.27 feet to a point on a non tangent curve, concave northeasterly, having a radius of 5630.95 feet and a central angle of 08°01'34"; thence on a chord bearing of S77°25'04"E, run 788.79 feet along the arc of said curve to a point; thence run S22°28'37"W, 218.84 feet; thence run S25°04'28"E, 59.10 feet; thence run S38°23'47"E, 232.89 feet to the point of curvature of a curve, concave southwesterly, having a radius of 890.00 feet and a central angle of 19°22'42"; thence run southeasterly, along the arc of said curve, a distance of 301.01 feet to the point of tangency thereof; thence run S19°01'05"E, 109.79 feet to the point of curvature of a curve, concave westerly, having a radius of 730.00 feet and a central angle of 19°01'05"; thence run southerly along the arc of said curve, a distance of 242.31 feet to the point of tangency thereof; thence run S00°00'00"E, 150.41 feet; thence run S90°00'00"E, 66.17 feet; thence run S00°05'41"W, 422.68 feet to the point of beginning. Containing 48.53 acres, more or less.

Parcel 51.1B

A portion of Sections 25 and 36, Township 24 South, Range 29 East, Orange County, Florida, being more particularly described as follows: Commence at the intersection of the southerly limited access right-of-way line of the Eastern Beltway with the westerly right-of-way line of Landstar Boulevard as show on the plat "Landstar Boulevard right of way extension IV," according to the plat thereof, as recorded in Plat Book 26, Pages 88, 89, and 90, Public Records of Orange County, Florida; thence run southerly along the westerly right of way line of said Landstar Boulevard the following five (5) courses and distances; thence run S05°07'41"W, 73.15 feet to the point of curvature of a curve, concave northeasterly, having a radius of 960.00 feet and central angle of 39°40'40"; thence run southeasterly, along the arc of said curve, a distance of 664.81 feet to the point of tangency thereof; thence run S34°32'59"E, 282.64 feet to the point of curvature of a curve, concave southwesterly, having a radius of 1640.00 feet and a central angle of 26°39'00"; thence run southeasterly, along the arc of said curve, a distance of 762.81 feet to the point of tangency thereof; thence run S07°53'59"E, 85.79 feet to the point of curvature of a curve, concave northwesterly, having a radius of 50.00 feet and a central angle of 97°59'40"; thence run southwesterly, along the arc of said curve, a distance of 85.52 feet to the point of tangency thereof; thence run N89°54'19"W, 737.73 feet for the point of beginning; thence continue to run N89°54'19"W, 842.98 feet; thence run N00°05'41"E, 422.68 feet; thence run N90°00'00"W, 66.17 feet; thence run N00°00'00"E, 150.41 feet to the point of curvature of a curve, concave westerly, having a radius of 730.00 feet and a central angle of 19°01'05"; thence run northwesterly, along the arc of said curve, a distance of 242.31 feet to the point

of tangency thereof; thence run N19°01'05"W, 109.79 feet to the point of curvature of a curve, concave southwesterly, having a radius of 890.00 feet and a central angle of 19°22'42"; thence run northwesterly, along the arc of said curve, a distance of 301.01 feet to the point of tangency thereof; thence run N38°23'47"W, 232.89 feet; thence run N25°04'28"W, 59.10 feet; thence run N22°28'37"E, 218.84 feet to a point on a non tangent curve, concave northerly, having a radius of 5630.95 feet and a central angle of 00°19'05"; thence on a chord bearing of S81°35'24"E, run 31.27 feet along the arc of said curve to the point of compound curvature of a curve, concave northerly, having a radius of 2000.00 feet and a central angle of 11°45'10"; thence run easterly, along the arc of said curve, 410.25 feet to the point of tangency thereof; thence run N86°29'53"E, 122.33 feet; thence run S29°15'54"E, 915.63 feet to the point of curvature of a curve, concave southwesterly, having a radius of 1600.00 feet and a central angle of 29°21'35"; thence run southeasterly, along the arc of said curve, 819.88 feet to the point of tangency thereof; thence run S00°05'41"W, 19.54 feet to the point of beginning. Containing 27.92 acres, more or less.

Staff Report

Public Works Division Deputy 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 plan:

- Steve Miller, Miller-Sellen Associates, for the developer.

No one appeared in opposition to the plan.

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for board discussion.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the Meadow Woods Parcels 51.1A and 51.1B Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Meadow Woods Parcels 51.1A and 51.1B Preliminary Subdivision Plan, dated "Received December 8, 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 January 24, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. A waiver of Section 34-171 is approved for Parcel 51.1B subject to the following:
 - a. Streets and drainage systems shall be platted as separate tracts.
 - b. Street and drainage system tracts shall be owned by a mandatory property owners association.
 - c. Deed restrictions shall prohibit any transfer of property rights to Orange County or other governmental entity without concurrence of 100% of property owners.
 - d. Access easement rights over the tracts shall be dedicated to the owners of each lot within the subdivision.
 - e. Entryway gates shall be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, sheriff and other emergency response personnel. Such audio override device shall be submitted to and, upon review, deemed acceptable by the Orange County Fire and Rescue Service Division prior to installation of the gates.
 - f. Prior to or simultaneously with the recording of the subdivision plat, the developer shall record in the Official Records of Orange County a document or documents (e.g., deed restrictions) which, to the County's satisfaction, are legally sufficient and enforceable to accomplish or otherwise ensure the following:
 - (1) Establish a "mandatory" homeowners/property owners association (HOA) with the ability and duty to make assessments and collect on assessments for annual routine maintenance of the streets and drainage system, such assessments to be in an amount or amounts approved by the County prior to recordation as sufficient for such routine annual maintenance.
 - (2) Establish a fund for reserves for periodic major maintenance to the streets and drainage system, including ponds, with minimum level of reserves to be maintained in perpetuity and replenished from time to time, as necessary, by assessment, and such minimum

level of reserves shall be in such amount or amounts approved by the County prior to recordation.

- (3) Provide that all street and/or drainage system funds shall be held in accounts separate and apart from all other HOA funds.
- (4) Require an annual audit or other financial report (in form and detail acceptable to the Orange County Comptroller) to be submitted to County confirming existence of the funds.
- (5) Require an annual inspection of the streets and drainage systems by a registered engineer. This inspection shall, using good engineering practice, determine the level of maintenance and identify any needed repairs. The inspection shall be written into a report format.
- (6) Require that, within 60 days of receipt of each annual engineering report, the HOA shall complete all remedial work recommended by the engineer.
- (7) Provide that the annual engineering report shall be submitted to County Engineer within 15 days of completion of report.
- (8) Require that the streets shall be resurfaced every 12 years.
- (9) Require all sale contracts to expressly disclose these requirements (directly, not by reference), including contracts for resales.
- (10) Expressly hold the County harmless from any cost of maintenance and reconstruction of, or tort liability related to or stemming from, the streets and/or drainage system.
- (11) Expressly indemnify the County for any tort liability related to or stemming from the streets and/or drainage system.
- (12) Expressly disclose that homeowners get no discount in taxes because of private streets or drainage system.
- (13) Declare that upon any default in any of these requirements, the County, at its option and after due notice of its declaration of a default and the stated time to cure, may remove the gates and upon dedication of the rights-of-way
assume responsibility for maintenance, using available HOA revenues, or if none or an insufficient amount exists, other financing methods as the County may elect.

Those portions of such documents pertaining to the above-listed matters shall be in a form acceptable to Orange County (preferably using the standard developer's agreement form developed by Orange County) and shall be submitted for review by Orange County prior to plat recording.

- g. Parcel "B" - A request for waiver of Section 340-171(8) (sheet 3 note (6) to delete internal sidewalks on roadways within parcel 51.1B is granted.
- h. Parcels "A" and "B" - 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 Public Development.
- i. Orange County shall not own, operate, or maintain the on-site water and wastewater systems in the 51.1B parcel.

APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION - APPLICANT: HUGH HARLING, TIME EXTENSION FOR BURDETTE PRELIMINARY SUBDIVISION PLAN, DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a board of appeal to consider an appeal by Hugh Harling regarding the DRC's decision of denial of time extension for Burdette Preliminary Subdivision Plan for one year.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with Vice-chairman Freeman 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 an appeal by Hugh Harling regarding the DRC's decision of denial of time extension for Burdette Preliminary Subdivision Plan until March 21, 1995, at 1:30 p.m.

APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION - APPLICANT: BOB HURST, SEPTIC TANK VARIANCE 94-111 FOR LOTS 7-11, LAKE SHORE ESTATES, LAKE BARTON (CONTINUED FROM 12/27/94), DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Development Review Committee's decision regarding a request by Bob Hurst for a variance from Section 37-540 of the On-site Sewage Disposal System Ordinance for Lots 7, 8, 9, 10, and 11 in the Lake Shore Estates Subdivision on Colonial Drive west of Semoran Boulevard on Lake Barton.

Staff Report

Public Works Deputy Director William Baxter announced that the applicant had withdrawn his appeal.

Appearances

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

Action

By consensus, the board accepted the applicant's withdrawal of the appeal.

PLANNING AND ZONING COMMISSION APPEAL - APPLICANT/APPELLANT: FIRST EQUITY DEVELOPMENT GROUP, INC.; PLANNING AND ZONING #22 (OCTOBER 20, 1994), DECEMBER 15, 1994; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by First Equity Development Group of the recommendations of the Planning and Zoning Commission under the date of October 20, 1994, Public Hearing 22, on a request by First Equity Development Group, Inc., for a change in zoning classification from Rural Country Estate, minimum 1 acre lots (R-CE) to Residential Low Density (R-L-D) on property described as follows:

Beg. 590.34 ft. S of N 1/4 cor. of SW 1/4, th. SE'ly 316.96 ft. S 53°E 145.69 ft. S 43°E 427.41 ft. SE'ly 311.85 ft. W 394.54 ft. S 800.01 ft. E 135 ft. S 485.66 ft. W 648.66 ft. N 2023.95 ft. to POB (SE 1/4 of SW 1/4 30-22-31 Tract Size: 26 acres).

A court reporter, Debbie Chandler with Accurate Reporters, Inc., was present; Assistant Deputy Clerk Tom Stark read the Notice of Appeal into the record.

Staff Report

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

Commissioner Johnson joined the meeting.

Appearances

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

- Dave Brennon (no address given), representing First Equity Development Group, Inc.
- Suzanne Soul (no address given), president of Soul Design, Inc.

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

- James Moye, 1634 Via Pilar Drive, Orlando, Florida.
- Lynne B. Tripp, 9209 Palos Verde Drive, Orlando, Florida.
- Stephen Wayne Gayle, 131 South Deerwood Avenue, Orlando, Florida.
- Earle Denton, 1017 Gran Paseo Drive, Orlando, Florida.
- Roy A. DiVincenti, 9327 Everwood Street, Orlando, Florida.

County Chairman Chapin accepted the following exhibits from James Moye:

- Clerk's Exhibit 1, maps and photographs of Lake Underhill Road and surrounding areas.
- Clerk's Exhibit 2, Project Synopsis, First Equity Development, North Side of Lake Underhill.
- Clerk's Exhibit 3, Deerwood petitions.
- Clerk's Exhibit 4, Peppertree petitions.
- Clerk's Exhibit 5, Old Rio petitions.
- Clerk's Exhibit 6, Bay Run petitions.
- Clerk's Exhibit 7, Pine Meadows petitions.
- Clerk's Exhibit 8, Brighton Woods petitions.
- Clerk's Exhibit 9, Econ Oaks petitions.
- Clerk's Exhibit 10, Rio East petitions.

County Chairman Chapin accepted the following exhibits from Lynne Tripp:

- Clerk's Exhibit 11, Concept Plan A, Site Plan 1, Lake Underhill Road site.
- Clerk's Exhibit 12, Development Trends and Compatibility Analysis.
- Clerk's Exhibit 13, Examples of 45-foot - 60-foot Lot Subdivisions.

Discussion

Vice-chairman Freeman 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 Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by First Equity Development Group, Inc., for a change in zoning classification from R-CE to R-L-D; and further, approved a change in zoning classification from R-CE to R1A.

BOARD OF ZONING ADJUSTMENT APPEAL - APPLICANT/APPELLANT: DIAL CALL, INC.; BOARD OF ZONING ADJUSTMENT #26, DECEMBER 1, 1994, DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Dial Call, Inc., of the recommendation of the Board of Zoning Adjustment, dated December 1, 1994, on a request by Dial Call, Inc., for a private utility (193-foot high communication tower for mobile radio service with ancillary maintenance building) on property described as follows:

From NE corner of SE 1/4 of Section 33, Township 24 South, Range 30 East, Orange County, Florida, run S00°56'30"E along E line of sd. SE 1/4, 1169.12 ft. to the POB; run th. N89°43'01"W, parallel with N line of sd. SE 1/4, 660.15 ft.; run th. N00°56'30"W 660 ft.; run th. N89°43'01"W 655.53 ft. to W line of NE 1/4 of SE 1/4 of sd. Sec. 33; th. run S00°36'57"E along sd. W line 388.8 ft. to a pt. 517 ft. N of SE cor. of NW 1/4 of SE 1/4 of sd. Sec. 33; run th. N89°51'33"W, parallel with S line of sd. NW 1/4 of SE 1/4, 1317.84 ft. to W line of sd. NW 1/4 of SE 1/4; run th. S00°17'30"E, along sd. W line, 1226.04 ft. to SW cor. of NW 1/4 of SW 1/4 of SE 1/4 of sd. Sec. 33; run th. S89°55'47"E 662.38 ft. to SE cor. of sd. NW 1/4 of SW 1/4 of SE 1/4 of SE 1/4; run th. N00°27'13"W, 708.24 ft. to NE cor. of sd. NW 1/4 of SW 1/4 of SE 1/4; run th. S89°51'33"E, 660.38 ft. to NW cor. of SE 1/4 of SE 1/4 of sd. Sec. 33; run th. S00°36'57"E, along W line of sd. SE 1/4 of SE 1/4, 377.44 ft. to a pt. 330 ft. N of SW cor. of N 1/2 of SE 1/4 of SE 1/4 of sd. Sec. 33; run th. S89°55'47"E parallel with S line of sd. N 1/2 of SE 1/4, 1322.88 ft. to a pt. on E line of sd. Sec. 33; run th. N00°56'30"W, 618.47 ft. to POB (SE 1/4 of SE 1/4, SW 1/4 of SE 1/4 33-24-30.) Tract Size: 66 acres.

Staff Report

Acting Zoning Department Manager Mitch Gordon outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended denial of the request.

Appearances

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

- Cheryl Pence, 6650 Powers Ferry Road, Suite 125, Atlanta, Georgia, for Dial Call, Inc.

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

- Charles Pullen (no address given).
- R. P. Mohnacky, 1820 Praire Lane, Ocoee, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman, Commissioners Hoenstine, Donegan and Staley voting AYE by voice vote; Commissioner Butler voting NO by voice vote; County Chairman Chapin was absent; the Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Dial Call, Inc., for a private utility (193-foot high communication tower for mobile radio service with

ancillary maintenance building); and further, directed staff to explore the feasibility of an ordinance regulating communications towers.

CHANGE DETERMINATION PUBLIC HEARING - APPLICANT: RODERICK A. LOVE, METROPOLITAN ORLANDO URBAN LEAGUE, INC., FOR "PINE HILLS CENTER PLANNED DEVELOPMENT/LAND USE PLAN;" TO CHANGE THE LAND USES AND REVISE THE FENCING REQUIREMENT; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a change determination request by Roderick A. Love, Metropolitan Orlando Urban League, Inc., for Pine Hills Center PD/LUP to allow for a community park in lieu of commercial/office/warehouse uses; and to eliminate the requirement for a six-foot (6') high wall along the north and west property lines which abut residentially-zoned property as required by the Planning and Zoning Commission of July 18, 1985, pursuant to Orange County Code, Article III, Chapter 30, on property described as follows:

Parcel A:

The North 125.00 feet of Lot 2 of Andrews Heights, as recorded in Plat Book 2, Page 90, Public Records of Orange County, Florida, being described as follows: Begin at the northwest corner of said Lot 2, run thence North 89° 40 minutes 45 seconds East, 328.20 feet along the north line thereof to the northeast corner of said Lot 2, said point also being the westerly right-of-way of Belcoe Drive; thence South 00° 22 minutes 01 seconds East, 125.00 feet along the westerly right-of-way Belcoe Drive also being the easterly line of said Lot 2, thence South 89° 40 minutes 45 seconds West, 324.00 feet to the westerly lot line of said Lot 2; thence North 02° 17 minutes 17 seconds west, 125.07 feet to the point of beginning.

Parcel B (Land Only):

Lot 2, Andrews Heights, as recorded in Plat Book 2, Page 90, Public Records of Orange County, Florida, less the north 125 feet thereof, and less right-of-way for State Road 538.

Staff Report

Planning and Development Division Director Bruce McClendon reviewed the request for a change determination and the DRC's determination of substantial change.

Appearances

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

- Charlie Brumback, P.O. Box 231, Orlando, Florida.
- Shirley Boykin, 2101 Good Homes Road, Orlando, Florida.
- Pastor Willie Johnson, 2791 North Pine Hills Road, Orlando, Florida.
- Luketia Love, 990 Mercy Drive, Orlando, Florida.
- Judith Demesmin, 2862 North Pine Hills Road, Orlando, Florida.
- Ursula Pierre, 2862 North Pine Hills Road, Orlando, Florida.

- Ruth Annelus, 2950 North Pine Hills Road, Orlando, Florida.
- Juanita Sanders (no address given).
- Rod Love, 3887 Kitty Hawk Avenue, Orlando, Florida.

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

- Joyce Dowd, 2805 South Greenfield Avenue, Orlando, Florida.
- Russell Hall, 5500 Westbury Drive, Orlando, Florida.

The following persons addressed the Board with general comments:

- Reverend Frank Reginald Edwards, 2819 Greenfield Avenue, Orlando, Florida.
- Juanita Borysewich, 5515 Westbury Drive, Orlando, Florida.

Discussion

Vice-chairman Freeman 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 Vice-chairman Freeman and all present Commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the request by Roderick A. Love, Metropolitan Orlando Urban League, Inc., for Pine Hills Center for a substantial change to the approved Land Use Plan to allow for a community park in lieu of commercial/office/warehouse uses; and to eliminate the requirement for a six-foot (6') high wall along the north and west property lines on the above-described property, subject to the following conditions:

1. Hours of operation: Monday through Friday 9 a.m. to 7:30 p.m.; Saturday and Sunday 9 a.m. to 8 p.m.
2. The park property must be completely enclosed with a chain link fence, which is to be gated and locked after hours.
3. Any outdoor lighting must not spill onto adjacent property.
4. The applicant must agree to comply with the noise ordinance as drafted and adopted.
5. Loud speakers and sound systems must not be operated after sundown.
6. A concrete wall be constructed along the west property line, or on the west boundary of the easement within six months of the opening of the facility, and a chain link fence must be placed on the north property line.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: THE DEALER DEVELOPMENT GROUP, "GOOD HOMES-OCOE PLANNED DEVELOPMENT," PLANNING AND ZONING COMMISSION #20, DECEMBER 15, 1994; DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by The Dealer Development Group, "Good Homes-Ocoee PD," for a change in zoning classification from Retail Commercial (C-1) to Planned Development (PD) on property described as follows:

Lots 1 thru 18, Block B, as recorded in Plat Book H, Page 86, Public Records, Orange County, Florida (less W 5 ft. of Lots 9 and 10), together with Lots 1 thru 18, Block C, as recorded in Plat Book H, Page 86, Public Records, Orange County, Florida (less W 5 ft. of Lots 9 and 10) and (less S portion of Lots 10 thru 18, inclusive, for rd. r/w for S.R. 50), together with Vacated Ukelele Avenue, as recorded in Plat Book H, Page 86, Public Records, Orange County, Florida (SW 1/4 of SW 1/4 22-22-28 Tract Size: 9 acres +/-).

A court reporter, Beth Love, with Zacco and Associates, was present; Assistant Deputy Clerk Tom Stark read the Notice of Appeal into the record.

Staff Report

Planning and Development Division Director Bruce McClendon outlined the request and identified the location of the subject property, the zoning classifications, and the Future Land Use Map designations.

Appearances

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

- Fred Leonhardt; Gray, Harris, and Robinson, P.A. (no address given); representing the developer.

No one appeared opposition to the request:

Discussion

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

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

- Clerk's Exhibit 1; Booklet, Presentation to Orange County Commission.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Donegan, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the request by the Dealer Development Group, "Good Homes-Ocoee Planned Development," for a change in the zoning classification from C-1 to PD on the above-described property, subject to the following conditions:

1. Development shall conform to the Good Homes-Ocoee Properties Commercial Planned Development dated, "Received November 18, 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. Billboards shall be prohibited.
3. There shall be no loud speakers or address system on site.
4. A maximum of one (1) pole sign shall be permitted.
5. Electronic message centers or automatic changing signs (ACS) shall be prohibited.
6. Within 100 feet of the north and east property line, development shall be restricted to single story, not to exceed 30 feet.
7. At the time of development plan review, a detailed landscape plan shall be provided for the twenty-five-foot (25') buffer along the north and east boundaries.
8. The north screening wall shall be constructed of brick, and landscaping outside of the wall shall consist of trees and sod and shall be serviced by central irrigation.
9. All compressors shall be located entirely within enclosed structures.

NONAGENDA - SOUTH REGIONAL WELLFIELD AND WATER PLANT SITE

Staff Report

County Attorney Tom Wilkes presented a memo to the Board from County Chairman Chapin informing the Board that she will exercise an option to purchase the South Regional Wellfield and Water Plant site as previously authorized by the Board.

NONAGENDA - A TO Z RECYCLING

Staff Report

County Attorney Tom Wilkes addressed the Board and recommended that the Board approve a resolution appropriating up to \$90,000 to remove 10,000 cubic yards of material from the A to Z Recycling property to facilitate the beginning of the recycling operation at the A to Z Recycling and Salvage site.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board adopted a resolution providing funding not to exceed \$90,000 for the removal of materials at the A to Z Recycling and Salvage site.

(Resolution No. 95-M-04 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COUNTY CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

Fiscal and Human Resources Division

2. Approval to award Invitation for Bid Y5-121-NS to the low responsive and responsible bidder, Cutler Repaving, Inc., for a one-year term contract with one-year renewal, for Hot-In-Place Asphalt Recycling to heat and rework existing pavement and recycle processed materials, estimated \$420,000 annually ([Highway Construction Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y5-401-RW to the low responsive and responsible bidder, WLW Construction, Inc., for one-year term contract with one-year renewal, for the rental of a dragline with an operator at the Landfill for dirt excavating to meet State and Federal requirements for landfill coverage, \$320,000 ([Resource Recovery Department] Purchasing and Contracts Department).

Motion

Upon a motion by Commissioner Butler, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved Fiscal and Human Resources Consent Agenda Items 2 and 3.

MEETING ADJOURNED

There being no further business, the County Vice-chairman adjourned the meeting at 5:15 p.m.