

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 31, 1995. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler were present. Also present were County Comptroller as Clerk Martha Haynie, Deputy County Administrator Byron Brooks, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

COUNTY DISCUSSION AGENDA

1. Appointments of Commissioners to advisory boards.

Discussion

Commissioner Staley requested that he remain on the Economic Development Commission instead of being placed on the East Central Florida Regional Planning Council.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the County Chairman's and Commissioners' advisory board appointments for 1995 as follows:

Commissioner Freeman

- Metropolitan Planning Organization
- Value Adjustment Board
- Winter Garden Community Redevelopment Agency
- Task Force on Highway Beautification
- Film/TV Steering Committee
- Citrus Sports Commission Board of Directors
- Orlando/Orange County Convention and Visitors Bureau
- Orlando Science Center Board of Directors

Commissioner Staley

- Metropolitan Planning Organization
- Value Adjustment Board
- Orlando/Orange County Airport Zoning Board
- Apopka Community Redevelopment Agency
- Tax Equalization Committee
- Economic Development Council

Commissioner Johnson

- Metropolitan Planning Organization
- Greater Orlando Aviation Authority
- Navy Reuse Commission
- National Recreation and Parks Board of Trustees
- Florida League of Cities Board of Directors
- Downtown Development Board

Commissioner Hoenstine

- Metropolitan Planning Organization
- Citizens' Commission for Children
- Parental Home Commission
- Value Adjustment Board
- Health Facilities Authority
- East Central Florida Regional Planning Council
- Community Action Board

Commissioner Donegan

- Metropolitan Planning Organization
- Metro Orlando International Business Council
- Research and Development Authority
- University Activity Center
- Winter Park Community Redevelopment Agency
- Central Florida Research Park Board of Directors
- International Business Steering Committee
- FAC Board of Directors
- NACo Transportation Board of Directors

Commissioner Butler

- Central Florida Regional Transportation Authority
- Orange Blossom Trail Development Board
- International Drive Master Transit and Improvement District Governing Board
- Black Business Investment Corporation
- NACo Criminal Justice and Public Safety Committee
- FAC Social and Criminal Justice Committee
- Central Florida Fair Board of Directors

County Chairman Chapin

- Tourist Development Council
- Orlando/Orange County Expressway Authority
- International Drive Master Transit and Improvement District Governing Board
- Metropolitan Planning Organization

For the record, Commissioner Donegan stated that he has to submit a formal resignation for him to get off the LYNX Board and he has not done that yet.

COUNTY CONSENT AGENDA

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

- deleted Health and Community Services Division Item 1,

- deferred Commissioner's Report Item 1,

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

Commissioner's Report

1. Commissioner Donegan wishes to present the Summit Statement from the Summit on Intergovernmental Challenges in Florida.

(As stated in the above motion, this item was deferred for discussion. See page 515.)

County Comptroller

1. Approval to ratify payment in the amount of \$500,000 to LYNX which represents a budgeted capital expenditure for FY 1994-95 (Administrative\Fiscal Division).
2. Approval to dispose of tangible personal property (Property Accounting Department).
3. 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 January 24, 1995, through January 30, 1995; total of \$20,080,607,28.

County Administrator

1. Approval of a resolution authorizing the Orange Blossom Trail Development Board to apply for a Highway Beautification Grant with the Florida Department of Transportation, District 6.

(Resolution No. 95-M-06 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: Young Pine Road (Bishop and Buttrey Pit No. 7), Conservation Easement, District 4 (Real Estate Management Department).
2. Approval and execution by the County Chairman of the fifth amendment to industrial lease between E.L.A. Associates (Lessor) and Orange County, Florida (Lessee): Corrections warehouse expansion, Lease Expansion Option, District 6 (Real Estate Management Department).

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y5-119-NS to the low responsive and responsible bidder, ACT, Inc., for one-year term contract, renewable for an additional two years, to furnish asbestos/lead abatement services to be performed when such substances are discovered in County-owned buildings, \$137,473 annually ([Risk Management Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y5-122-HF to the low responsive and responsible bidder, W. J. Best and Company, on all three lots for one-year term contract renewable for an additional two years, to furnish custodial services for the Public Utilities Wastewater Operations at 4760 Sand Lake Road and 1621 South Alafaya Trail and the operations facility at 8100 Presidents Drive, \$130,000 ([Public Utilities Wastewater Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y5-123-HF to the low responsive and responsible bidder; Blue Springs Blueprinting, Inc.; for a one-year term contract renewable for an additional two years to furnish blueprinting services for the Construction Administration Department and other departments, \$50,000 annually ([Construction Administration Department] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y5-126-HF to the low responsive and responsible bidder, Davis Meter and Supply Company, for a one-year term contract renewable for an additional two years to provide water meter boxes for Orange County residences, \$1,630,383 ([Water Department] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y5-606-GJ to the overall low and responsible bidder, Clarklift of Orlando dba Absolute Storage Products, for metal storage shelving and material handling equipment for the Sheriff's Evidence Building, \$117,023.12 ([Construction Administration Department] Purchasing and Contracts Department).
6. Approval to award Invitation for Bid Y5-608-GJ to the low responsive and responsible bidder, Midwest Folding Products, to furnish folding tables to the Convention Center Phase III/IV for seminars, tradeshow, and banquets, \$774,720.50 ([Convention Center Construction Department] Purchasing and Contracts Department).
7. Approval to award Invitation for Bid Y5-708-CT to the low responsive and responsible bidder, Hubbard Construction Company, for the construction of water transmission mains along Apopka-Vineland Road from McCormick Road to Silver Star Road to convey potable water from the new Water Treatment Facility, \$2,925,870 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
8. Approval to award Invitation for Bid Y5-710 to the low responsive and responsible bidder, Red Fox Trucking, Inc., for the construction of Channel "N4" Bithlo Master Drainage Plan which will be used to implement drainage improvements to the Bithlo-Christmas area, \$287,770.45 ([Stormwater Management Department] Purchasing and Contracts Department).

9. Approval of Amendment 1, Task Authorization 9, Contract Y3-123N, with Pinel and Carpenter, to provide for appraiser's time and services in preparation for a condemnation trial at the Eastern Regional Water Plant site, \$24,350 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
10. Approval to increase expenditures for Contract Y4-101, with Commercial Communications Systems, for labor to install and connect telephone cable to cover the move of the Management Information Services (MIS) Department and other County departments to the Barnett Plaza, \$155,133 ([Telecommunications Department] Purchasing and Contracts Department).
11. Approval for the purchase of an additional radio transmission system at the 33rd Street Corrections Facility which will meet in-building user safety requirements, Contract Y3-139, \$100,874 ([Telecommunications Department] Purchasing and Contracts Department).
12. Approval for the purchase of maintenance service for the Motorola 800-MHz radio system used throughout the county Contract Y3-139, \$292,461.40 ([Telecommunications Department] Purchasing and Contracts Department).
13. Approval to increase the encumbrance of funds for Contract Y4-1007A-D with Comet Bus Lines, Gray Line, Laidlaw Transit, Mears Transportation Group, and Lynx for shuttle bus services at the Convention Center. The original encumbrance of \$50,000 was underestimated and should have been in the estimated amount of \$125,000 ([Convention Center] Purchasing and Contract Department).
14. Approval for the Sheriff's Office to spend approximately \$66,878 from the Law Enforcement Trust Fund for the purchase of equipment for additional technical expertise and to meet other law enforcement policy requirements (OMB).
15. Approval of Budget Transfer 95-171 (OMB).

(Budget Transfer 95-171 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
16. Approval of Budget Amendment 95-22 (OMB).

(Budget Amendment 95-22 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
17. Approval of CIP Amendments 13-95 and 14-95 (OMB).

(CIP Amendments 13-95 and 14-95 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

18. Approval of payment of Intergovernmental claims (January 5 and 12, 1995) totaling \$204,772.25 (Risk Management Department).
19. Receipt and filing of the December 29, 1994, and January 5, 1995, meetings of the Intergovernmental Risk Management Committee (Risk Management Department).
20. Approval for payment of Self-insurance Assessment for FY 1994-95 in quarterly payments of \$116,851.59, for a total of \$467,406.36 (Risk Management Department).

Health and Community Services Division

1. Approval of American Medical Transport rate increase request, all districts (Emergency Medical Services Department).

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

2. Approval and execution of a renewal Certificate of Public Convenience and Necessity License for Orlando Regional Medical Center Air Care Team, all districts (Emergency Medical Services Department).
3. Approval and execution of a renewal Certificate of Public Convenience and Necessity License for Apopka Fire Department, Districts 1 and 2 (Emergency Medical Services Department).

Planning and Development Division

1. Approval and execution of Land Use Restriction Agreement between Orange County and Housing and Neighborhood Development Services (H.A.N.D.S.), District 5 (Housing and Community Development Department).

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

2. Approval and execution of a Single-Family Affordable Housing Developer's Agreement for Public Service Funding with Southeastern Capital of Orlando, Inc., for the Lake Edgewater Shores project, District 2 (Housing and Community Development Department).

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

3. Approval and execution of a Developer's Agreement for Discounts of Impact Fees, Sewer Capital Charges, Water Capacity Demand Charges and Deferral of Sewer Capital Charges for the Valencia Woods First Addition Affordable Housing Development among Charles W. Clayton, Jr., Trustee of the Charles W.

Clayton, Jr., Revocable Trust; W. Malcolm Clayton, Trustee of the W. Malcolm Clayton Revocable Trust; and E.G. Banks, an individual; and approval and execution of a resolution authorizing acceptance of a letter of credit in lieu of payment for sewer capital charges for the Valencia Woods First Addition Affordable Housing Development, District 3 (Housing and Community Development Department).

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

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

4. Approval and execution of a Developer's Agreement for Discounts of Impact Fees; Sewer Capital Charges; and Water Capacity Demand Charges with Pembroke Associates, Ltd.; for the Maitland Club Apartments Affordable Housing Development, District 2 (Housing and Community Development Department).

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

5. Approval and execution of the Road Impact Fee Agreement regarding an alternate traffic study between Amprop Corporation and Orange County, District 6 (Planning Department).

(Agreement is 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 sign the Water Reuse Agreement with DRS, Limited, for use of reclaimed water from the County for irrigation purposes on their golf course and major landscape areas, District 4 (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 establish a "No Parking" zone on south Hastings Street beginning 285 feet north of Church Street and extending north for 200 feet, District 1 (Traffic Engineering Department).

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Commissioner's Report

1. Commissioner Donegan wishes to present the Summit Statement from the Summit on Intergovernmental Challenges in Florida.

Commissioner Donegan stated he attended the Summit on Intergovernmental Challenges in Florida. He explained the composition of the board and stated that the board broke into "focus" groups to discuss the future challenges of local governments. Commissioner Donegan presented the final report from the Summit which was distributed by the Florida Legislature's Advisory Council on Intergovernmental Relations. He outlined the issues listed in the report which concern local governments most. In conclusion, Commissioner Donegan stated that the Florida League of Cities and the Florida Association of Counties will address those issues through a defined plan action in time for the 1998 legislative session.

Commissioner Donegan requested input from the Board and staff on the issues outlined in the report.

County Chairman Chapin directed County Administrator Jean Bennett to schedule a worksession to discuss those issues after the current legislative session.

Motion

The Board did not take any action.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF JANUARY 19, 1995.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of January 19, 1995, with the exception of Items 12 and 13, subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Item 12, Ordinance relating to Bed and Breakfast Homestays and Bed and Breakfast Inns and Country Inns, on February 21, 1995, at 5:01 p.m.; and Item 13, in the name of the Disney Development Company, on February 21, 1995, at 2:45 p.m.

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commission under the date of January 19, 1995, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

COMPREHENSIVE POLICY PLAN AMENDMENTS, CYCLE 1, TRANSMITTAL PUBLIC HEARINGS

Notice was given that the Board of County Commissioners would hold a public hearing regarding transmittal of proposed amendments to the 1990-2010 Comprehensive Policy Plan ("CPP"), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the matters set forth below except for proposed amendments for the Horizon West Village Land Use Classification. The decision

whether to transmit the proposed amendments for the Horizon West Village Land Use Classification shall be made at a public hearing on Tuesday, February 7, 1995, at 2 p.m.

1. Proposed amendments to the CPP which would change the uses of lands within the areas specially identified on the map set forth. More specifically, the uses of lands within those areas proposed to be changed by amending the Urban Service Area boundary in five (5) locations (see Key "A" in Notice of Public Hearing); and by changing the Future Land Use Map (FLUM) designations at numerous locations, (see Keys "A" and "B" in Notice of Public Hearing). The map will also reflect more specifically, the uses of lands within those areas that are proposed to be changed by updating the Future Land Use Map (FLUM) to reflect the most current boundaries of the City of Orlando (see Key "D" in the Notice of Public Hearing).

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

2. Proposed amendments, additions and/or deletions to the following Objectives, Policies, and Text of the CPP which affect all of unincorporated Orange County: Future Land Use Policy 1.1.5 (amended), Policy 1.1.5.2 (new); Objective 1.2 (amended); Policy 1.2.1 (amended); Objective 1.7 (new) and Policies 1.7.1 through 1.7.13 (new), Policy 3.2.23.4 (new), Policy 3.5.16 (new), Policy 4.1.26 (new), Objective 4.4 (new), Policies 4.4.1 through 4.4.3 (new); Traffic Circulation Element Policies 1.1.1.5 (new), 1.1.1.6 (new), 1.1.1.7 (new), amending the text maps for the Traffic Circulation Element; Conservation Element Policies 1.2.15 (new), and 1.4.6 (new). Wastewater Element Map II. A-1 (amended), Potable Water Element Map II. B-1 (amended).

(Address/General Location, Tax Identification Number/ Subdivision, Current Land Use, and Requested Land Use for each Comprehensive Policy Plan Amendment are on file in the office of the Comptroller Clerk of the Board of County Commissioners. Future Land Use Map is on file in the Planning Department.)

Staff Report

Planning Department Manager David Heath stated this is the transmittal public hearing for the first cycle of Comprehensive Policy Plan (CPP) Amendments for 1995. Mr. Heath announced that the public hearing for the Horizons West CPP amendment is scheduled for February 7, 1995, at 2 p.m. He added that the Local Planning Agency (LPA) considered all of the CPP amendments at its public hearing on January 12, 1995.

Mr. Heath explained how the advertising requirements for the CPP Amendment public hearings were met. In conclusion, he asked the Board to request an Objections, Recommendations, and Comments (ORC) report from the Florida Department of

Community Affairs (DCA) for each amendment within 60 days. He added the final adoption public hearings are scheduled on May 2, 1995.

Motion

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

Mr. Heath further explained the expedited agenda/public hearing format for the meeting. He said the items listed under the expedited agenda will be approved in one motion unless a Board member or someone in the audience requests that the item be placed on the public hearing agenda.

Chief Planner Chris Testerman announced the expedited agenda, as follows:

Comprehensive Policy Plan Amendments Expedited Agenda

Staff Report

Chief Planner Chris Testerman read for the record the following amendments on the expedited agenda:

District 1

- 95-1-A-1-1 (Page 2 of the amendment booklet)
- 95-1-A-1-8 (Page 34 of the amendment booklet)
- 95-1-B-1-1 (Page 46 of the amendment booklet)
- 95-1-B-1-3 (Page 58 of the amendment booklet)

District 5

- 95-1-A-5-5 (Page 22 of the amendment booklet)
- 95-1-A-5-6 (Page 26 of the amendment booklet)

District 6

- 95-1-B-6-1 (Page 3 of the amendment booklet)
- 95-1-B-6-2 (Page 10 of the amendment booklet)

Policies and Text

- Potable Water Map II.B.1
- Wastewater Element Map II.A.1

Traffic Circulation Policies 1.1.1.5, 1.1.1.6, and 1.1.1.7

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved transmitting the items on the expedited agenda to the Florida Department of Community Affairs.

NONAGENDA - RIO GRANDE AVENUE AND SOUTH PINE HILLS ROAD CORRIDOR STUDIES

Planning Department Manager David Heath presented the completed Rio Grande Avenue and South Pine Hills Road Corridor Studies to the Board. Mr. Heath explained the areas covered by the studies and stated that they are being provided for the Board's future use.

Motion

The Board did not take any action.

Policies and Text Public Hearings Comprehensive Policy Plan Amendments

Future Land Use Objective 1.2 and Policy 1.2.1

Staff Report

Planning Department Manager David Heath reviewed the policies. Mr. Heath explained that the policies deal with growth centers. He noted that staff and the Local Planning Agency recommended approval of the policies.

Appearances

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

- Mark Reggantin, 803 Silver Drive, Orlando, Florida, representing the City of Mount Dora.

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

- Hal Kantor, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A.; P.O. Box 2809, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE

by voice vote, the Board approved Future Land Use Objective 1.2 and Policy 1.2.1 for transmittal to the Florida Department of Community Affairs.

Future Land Use Policy 1.1.5 and 1.1.5.2 and Future Land Use Map Amendment 95-1-B-4-1

Staff Report

Planing Department Manager David Heath reviewed the policies. Mr. Heath outlined the key points in the policies which apply only to the Campus Crusade project. He stated that staff and the Local Planning Agency recommended transmittal of the policies and the Future Land Use Map Amendment.

Commissioner Donegan left the meeting.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Donegan was absent; the Board approved Future Land Use Policy 1.1.5 and 1.1.5.2 and Future Land Use Map Amendment 95-1-B-4-1 for transmittal to the Florida Department of Community Affairs.

Future Land Use Policy 3.2.23.4

Staff Report

Chief Planner Chris Testerman reviewed the policy. Mr. Testerman stated that the Local Planning Agency recommended transmittal of the policy.

Commissioner Donegan rejoined the meeting.

Appearances

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Policy 3.2.23.4 for transmittal to the Florida Department of Community Affairs.

Future Land Use Objective 4.4 and Policies 4.4.1, 4.4.2 and 4.4.3

Staff Report

Planing Department Manager David Heath reviewed the policies. Mr. Heath explained the policies were developed to address concerns regarding the densities and lot sizes permitted on the Butler Chain of Lakes. He stated the Local Planning Agency modified the policies to address concerns regarding affordability of one-acre lots along the Butler Chain of Lakes.

Appearances

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

- John Connoly, P.O. Box 1067, Windermere, Florida.
- Terry Irwin, president of the Butler Chain Conservation Association; 5211 Latrobe Drive; Windermere, Florida.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Objective 4.4 for transmittal to the Florida Department of Community Affairs; and further; approved transmitting Future Land Use Policies 4.4.1, 4.4.2, and 4.4.3 amended as follows:

Policy 4.41.1

All new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain. This shall not include any existing manmade waterbodies connected to the Butler Chain.

Policy 4.4.2

All rezonings within the Urban Service Area which front the Butler Chain of Lakes shall be restricted to residential only with accessory recreational uses. Nonresidential zonings shall be prohibited.

Policy 4.4.3

The commercial sale and/or storage of petroleum products for new developments that require the use of underground tanks is prohibited in the Cypress Creek Drainage Basin.

Conservation Policy 1.2.15

Staff Report

Chief Planner Chris Testerman reviewed the policy. Mr. Testerman noted that staff recommended transmittal of the policy and explained the Local Planning Agency amended the policy and recommended to transmit with amendments.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Conservation Policy 1.2.5 for transmittal to the Florida Department of Community Affairs as follows:

Orange County shall prohibit the location of petroleum businesses where they will negatively effect the quality of surface waters and the surficial and Floridan aquifers.

Conservation Policy 1.4.6

Staff Report

Chief Planner Chris Testerman reviewed the policy and explained the intent of the policy.

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Conservation Policy 1.4.6 for transmittal to the Florida Department of Community Affairs.

(Note: Future Land Use Map amendments 95-1-A-1-3, 95-1-A-1-4, and 95-1-A-5 and Future Land Use Policies 3.5.16 and 4.1.26 were considered together.)

Future Land Use Map Amendment 95-1-A-1-3

Future Land Use Map Amendment 95-1-A-1-4

Future Land Use Map Amendment 95-1-A-1-5

Future Land Use Policy 3.5.16 and 4.1.26

Staff Report

Planning Department Manager David Heath reviewed the requests. Mr. Heath noted that staff recommended transmittal of the map amendments and the policies. He noted that the Local Planning Agency (LPA) recommended transmittal of the map amendments and Policy 3.5.16. Mr. Heath explained the LPA recommendation to amend Policy 4.1.26.

Appearances

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

- R.P. Mohnacky, 1820 Prairie Lane, Ocoee, Florida.

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

- Caryl McAlpin, 425 West Colonial Drive, Orlando, Florida.
- Miranda Fitzgerald, Esquire; Lowndes, Drosdick, Doster, Kantor and Reed, P.A.; 215 North Eola Drive, Orlando, Florida.
- Jim Sellen, Miller-Sellen Associates, 214 East Lucerne Circle, Orlando, Florida.
- Ann Connolly, P.O. Box 1067, Windermere, Florida.

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

- J. McGoff, 2135 Whitfield Lane, Orlando, Florida.
- Raleni Green, 8106 Courtleigh Drive, Orlando, Florida.
- Scott Stewart, 8603 French Oak Drive, Orlando, Florida.
- Joe McConell, 840 Courtleigh Drive, Orlando, Florida.
- Betty Cawthorn, 3356 Apopka-Vineland Road, Windermere, Florida.
- Boris Ortiz, 7806 Chatterley Court, Orlando, Florida.
- Neil Owen, 9001 Ron Den Lane, Windermere, Florida.
- Tamera Suber Lory, 9078 Ron Den Lane, Windermere, Florida.

Discussion

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

Motion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved transmittal of Future Land Use Map Amendment 95-1-A-1-4 to the Florida Department of Community Affairs.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 95-1-A-1-5 to the Florida Department of Community Affairs.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved transmittal of the intervening properties between the areas covered by Future Land Use Map Amendments 95-1-A-1-3, 95-1-A-1-4, and 95-1-A-1-5, approximately 135 acres of vacant property, to bring it into the Urban Service Area designated as Low Density Residential with one area designated Institutional.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board amended Future Land Use Policy 4.1.26 to reduce the density east of Apopka-Vineland Road from 2.5 to 2.2; and further, the Curtis property as well as development on the Cypress Creek Basin on the east would have a density cap of 2.0 units per acre as long as central sewer and water are provided.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved transmittal of Future Land Use Policy 3.5.16 to the Florida Department of Community Affairs; and further, approved transmittal of Future Land Use Policy 4.1.26, as amended, to the Florida Department of Community Affairs.

Future Land Use Map Amendment 95-1-A-1-9

Staff Report

Chief Planner Chris Testerman reviewed the request. Mr. Testerman noted that staff and the Local Planning Agency recommended transmittal with a land use designation of time-share/medium density residential.

Appearances

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

- Robert Paymayesh, 823 North Thorton Avenue, Orlando, Florida, representing Robert Corrigan and 5226 Corporation, the property owners.

No one appeared in opposition to the request.

Discussion

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

Motion

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

approved Future Land Use Map Amendment 95-1-A-1-9 for transmittal to the Florida Department of Community Affairs.

Future Land Use Map Amendment 95-1-B-1-2 (Page 50 of the amendment booklet)

Staff Report

Planning Department Manager David Heath explained the request. Mr. Heath noted that staff and the Local Planning Agency recommended approval of transmittal.

Appearances

The following persons addressed the Board with general comments:

- Hal Kantor, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A.; P.O. Box 2809, Orlando, Florida.
- Ray Maxwell (no address given), representing the Reedy Creek Improvement District.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 95-1-B-1-2 for transmittal to the Florida Department of Community Affairs.

Future Land Use Map Amendment 95-1-A-3-2

Staff Report

Chief Planner Chris Testerman reviewed the request. Mr. Testerman noted that staff and the Local Planning Agency recommended approval of transmittal with an Office Future Land Use Designation.

Appearances

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

- Marsha Ann McLaughlin, 4817 Berrywood Drive, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board amended the request for Future Land Use Map Amendment 95-1-A-3-2 to a Commercial Future Land Use Designation for the front 200 feet of the property measuring from Goldenrod Road and an Office Future Land Use Designation for the balance of the property.

Motion

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved transmittal of Future Land Use Map Amendment 95-1-A-3-2, as amended, to the Florida Department of Community Affairs.

NONAGENDA - LAWSUIT BY HARRIS ROSEN

County Attorney Tom Wilkes informed the Board that Harris Rosen filed a lawsuit asking for an injunction against spending the fifth cent of the Tourist Development Tax for baseball.

Motion

The Board did not take any action.

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, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Commissioner Mary Johnson joined the meeting where indicated. Also present were Deputy County Administrator Byron Brooks, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton.

COMPREHENSIVE POLICY PLAN AMENDMENTS, CYCLE 1, TRANSMITTAL PUBLIC HEARINGS
(CONTINUED)

Future Land Use Map Amendment 95-1-A-4-1

Staff Report

Chief Planner Chris Testerman reviewed the request. Mr. Testerman noted that staff and the Local Planning Agency recommended approval of transmittal.

Appearances

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

- Marian Skilling; Marian Skilling and Associates; 5210 South Orange Avenue, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, 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 approved transmittal of Future Land Use Map Amendment 95-1-A-4-1 to the Florida Department of Community Affairs.

Future Land Use Map Amendment 95-1-A-4-2

Staff Report

Planning Department Manager David Heath reviewed the request. Mr. Heath presented a letter from the applicant consenting to amend their request from Medium Density Residential to a Low-Medium Density Residential Future Land Use designation. He noted that staff and the Local Planning Agency recommended approval of transmittal.

Commissioner Johnson joined the meeting.

Appearances

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

- Kerry Godwin, Bowyer Singleton Associates, 520 South Magnolia Avenue, Orlando, Florida, representing U.S. Homes, Inc.

The following persons addressed the Board with general comments:

- Deputy Sheriff Stephen Garrison, 2400 West 33rd Street, Orlando, Florida.
- Kaye Ersch (no address given), representing the Orange County Sheriff's Office.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved transmittal of Future Land Use Map Amendment 95-1-A-4-2 for transmittal to the Florida Department of Community Affairs with a Future Land Use Designation of Low-Medium Density Residential.

Future Land Use Map Amendment 95-1-A-4-4

Staff Report

Planning Department Manager David Heath stated he received a letter from the applicant withdrawing the request.

Action

By consensus, the Board accepted the applicant's withdrawal.

NONAGENDA - CLOSED SESSIONS

County Attorney Tom Wilkes announced a corrected time for a closed session on February 7, 1995, regarding Application for Modification of Supplemental Power Plant Certification of Orlando Utilities Commission for Curtis H. Stanton Energy Center, as follows:

Pursuant to Chapter 286, Florida Statutes, as amended by Chapter 93-232, Laws of Florida, the County Attorney is requesting a closed session with the Board of County Commissioners at its regularly scheduled meeting on February 7, 1995, in order that the Board may discuss with its attorneys the following: Application for Modification of Supplemental Power Plant Certification of Orlando Utilities Commission for Curtis H. Stanton Energy Center.

This closed session will commence at 10 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 to the Board of County Commissioners or her designee; Lynn Porter-Carlton and Paul Chipok, Assistant County Attorneys; Ajit Lalchandani, Acting Director, Public Works Division or his designee; William Baxter, Deputy Director, Public Works Division or his designee; Alan Ispass, Director, Public Utilities Division or his designee; Stan Keely, Deputy Director, Public Utilities Division or his designee; 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.

County Attorney Tom Wilkes announced a closed session on February 7, 1995, regarding Summit Land Company, et al., as follows:

Pursuant to Chapter 286, Florida Statutes, as amended by Chapter 93-232, Laws of Florida, the County Attorney is requesting a closed session with the Board of County Commissioners at its regularly scheduled meeting on February 7, 1995, in order that the Board may discuss with its attorneys the following litigation: Orange County v. Summit Land Company, et al.

This closed session will commence at 9:30 a.m. or as soon thereafter as the matter may be heard. 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; Linda S. Bremer, Assistant County Attorney; William E. Wythe, Manager, Highway Construction Department; John D. Terwilliger, Manager, Real Estate Management Department; Ann Caswell, Assistant Manager Real Estate Management Department; and Gary Showe, Engineering Department.

The closed session will be transcribed by a certified court reporter. This session shall last approximately 30 minutes.

COMPREHENSIVE POLICY PLAN AMENDMENTS, CYCLE 1, TRANSMITTAL PUBLIC HEARINGS (CONTINUED)

Future Land Use Map Amendment 95-1-A-5-2

Staff Report

Planning Department Manager David Heath reviewed the request. Mr. Heath explained that the Local Planning Agency recommended approval of transmittal of a Commercial Future Land Use Designation for the north 615 feet of the property and an Office Future Land Use Designation for the south 615 feet of the property. He noted that staff recommended denial of transmittal.

Two court reporters were present; Christine Geddings of Accurate Reporters and Judy Kunz of Zacco and Associates. Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

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

- Scott Clark, Esquire; Graham, Clark, Jones, Grant, and Marks; 369 North New York Avenue, Winter Park, Florida; representing the property owners.
- Steve Fussell (no address given).

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

- Jack Gillooly, 8901 Lake Irma Point, Orlando, Florida.
- Judge Michael Cyzmanick, 9999 Lake Georgia Drive, Orlando, Florida.
- Paul Curasi (no address given).
- Yvonne Opfell, 2735 Rouse Road, Orlando, Florida.
- Chris Bauer, 8661 Aspen Avenue, Orlando, Florida.
- Charles McLaughlin, 4321 Landmark Drive, Orlando, Florida.
- Mike Rausch, 3754 Econlockhatchee Trail, Orlando, Florida
- Martha Tempest, 3954 North Econlockhatchee Trail, Orlando, Florida.
- John Tempest, 3954 North Econlockhatchee Trail, Orlando, Florida.
- Hank Caruso, 9829 Lake Georgia Drive, Orlando, Florida
- Debey Gruber, 8651 Butternut Blvd., Orlando, Florida.
- Vincent Palazolli, representing Hunter's Trace Subdivision
- Earle Denton, 1017 Gran Paseo Drive, Orlando, Florida, representing the Orange County Homeowners' Association.

County Chairman Chapin accepted the following exhibit from Scott Clark:

- Clerk's Exhibit 1, University Blvd./Econlockhatchee Trail Site Justification Report.

County Chairman Chapin accepted the following exhibit from Steve Fussell:

- Clerk's Exhibit 2, petitions in favor of the request.

County Chairman Chapin accepted the following exhibit from Chris Bauer:

- Clerk's Exhibit 3, copy of an editorial which appeared in The Orlando Sentinel of January 25, 1995, and a copy of University Boulevard Neighborhood Cooperative newsletter.

County Chairman Chapin accepted the following exhibit from Michael Cycmanick:

- Clerk's Exhibit 4, a map of the subject area with an overlay indicating distances of 1/2 mile, one mile, and two miles.

County Chairman Chapin accepted the following exhibit from Mike Rouse:

- Clerk's Exhibit 5, a series of eight photographs.

County Chairman Chapin accepted the following exhibit from Commissioner Donegan:

- Clerk's Exhibit 6, petitions from area residents in opposition to the request.
- Clerk's Exhibit 7, a letter dated January 27, 1995, from John C. Hitt, president of the University of Central Florida.

Discussion

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

For the record, Commissioner Donegan addressed the Board from the podium and discussed the history of and the issues relating to the land uses on the subject property. He urged the Board to deny the request.

Motion

A motion by Commissioner Donegan, seconded by County Chairman Chapin, with County Chairman Chapin and Commissioners Johnson and Donegan voting AYE by voice vote, Commissioners Freeman, Staley, Hoenstine, and Butler voting NO by voice vote; to deny transmittal of Future Land Use Map Amendment 95-1-A-5-2 to the Florida Department of Community Affairs, failed.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with Commissioners Freeman, Staley, Hoenstine, and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Donegan voting NO by voice vote; the Board approved transmittal of Future Land Use Map Amendment 95-1-A-5-2 to the Florida Department of Community Affairs (DCA) with a Commercial Future Land Use Designation on the north 615 feet of the property; further, instructed staff to transmit to DCA all materials submitted by the applicant; and

further, instructed staff to work with the applicant to correct inaccuracies or confusing staff comments that may be outdated in staff's data.

Future Land Use Map Amendment 95-1-A-5-4

Staff Report

Planning Department Manager David Heath stated he received a letter for the applicant withdrawing the request. Mr. Heath explained the reasons for the withdrawal and stated that the request will be resubmitted in the next cycle of amendments.

Action

By consensus, the Board accepted the applicant's withdrawal.

Future Land Use Map Amendment 95-1-A-5-7

Staff Report

Chief Planner Chris Testerman reviewed the request. Mr. Testerman stated that staff recommended approval of transmittal of a Commercial Future Land Use Designation for the nine acres currently zoned C-3 and a Rural Settlement (1 dwelling unit/1 acre) Future Land Use Designation for the remainder of the property (18 +/- acres). He added that the Local Planning Agency concurred with the staff recommendation with the exception that it recommended the area remaining 18 +/- acres be designated Low Density Residential.

Mr. Testerman stated that staff would support the change from 1/1 to Low Density Residential if the applicant receives affordable housing certification prior to the adoption public hearing.

Appearances

The following person(s) addressed the Board in favor of the request:

- Charles Davis (no address given), representing the property owners.
- Bob Carrigan, 17750 Parton Farms Road, Orlando, Florida.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved transmittal of Future Land Use Map Amendment 95-1-A-5-7 to the Florida Department of Community Affairs designated Commercial and Low Density Residential.

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the public hearing to consider the Future Land Use Map Amendment for the Horizons West project until February 7, 1995.

Items Withdrawn

For the record, the following amendments were withdrawn prior to the public hearing:

- Future Land Use Map Amendment 95-1-A-1-2
- Future Land Use Map Amendment 95-1-A-1-6
- Future Land Use Map Amendment 95-1-A-1-7
- Future Land Use Map Amendment 95-1-A-2-1
- Future Land Use Map Amendment 95-1-A-3-1
- Future Land Use Map Amendment 95-1-A-4-3
- Future Land Use Map Amendment 95-1-A-5-1
- Future Land Use Map Amendment 95-1-A-5-3

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:50 p.m.