

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, May 21, 1996. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, and Mable Butler
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Assistant Deputy Clerk Thomas Stark

Commissioner Bill Donegan was absent. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

WORKSESSION - ENVIRONMENTAL WORKSHOP RE: LAKE APOPKA**Staff Report**

Environmental Protection Department Manager Anna Hacha-Long stated the purpose of the worksession is to review the history of Lake Apopka and update the Board members on the County's participation in the restoration efforts. Ms. Hacha-Long presented a report on the history of Lake Apopka and efforts currently underway to restore it. Using video and slide programs, she explained that Lake Apopka had once been known for its clear water and abundant supply of desirable freshwater fish, but now has the poorest water quality of any lake in the county. Ms. Hacha-Long cited the causes and sources of the pollution and detailed several current and future programs being implemented and considered in efforts to restore the lake to its original condition.

Discussion

The Board discussed the feasibility of drawdown of the lake's water level, the scale on which the pilot projects are being conducted and whether their scope could be expanded. The Board also discussed the time frame for the clean-up process and the negative financial impact that a proposed buyout of the farms surrounding the lake will have on the northwest part of the county.

Motion

The Board did not take any action.

COUNTY CHAIRMAN'S REPORT - DISCUSSION AGENDA

1. Designation of voting delegate and alternate delegate for the 1996 National Association of Counties (NACo) Conference.

County Chairman's Report

County Chairman Chapin reported that the 61st annual NACo conference will be held in Houston, Texas July 12-16, 1996. She stated that NACo has requested the Board submit its voting delegate and alternate delegates prior to June 10, 1996.

Discussion

There was not any further discussion.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board designated Commissioner Butler as Orange County's voting delegate to the NACo conference scheduled for July 12-16, 1996.

COUNTY ATTORNEY - DISCUSSION AGENDA

1. Discussion regarding the appointment of a designated commissioner and two alternate commissioners to be available to attend eminent domain mediations and post-mediation negotiations (County Attorney).

Staff Report

Assistant County Attorney Lynn Porter-Carlton reported that Commissioner Donegan has completed his term as the designated commissioner. She stated that Commissioner Donegan is entitled to be relieved from participation in the eminent domain mediation and post-mediation negotiation process.

Discussion

The Board discussed the advantages of designating all of the Board members as alternates.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board appointed commissioners to be available for mediation and post-mediation negotiations of eminent domain cases involving settlements greater than \$100,000 as follows:

- Commissioner Johnson as the designated commissioner,

- Commissioners Staley and Butler as alternates,

for the June through August 1996, term; and further, designated the balance of the Board of County Commissioners to serve as additional alternate delegates.

FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates to provide engineering services for Landstreet Road, RFP Y6-816-MK ([Highway Construction Department] Purchasing and Contracts Department).

Staff Report

County Administrator Jean Bennett requested the Board to select one firm and two ranked alternates from the following three firms listed alphabetically:

- Bowyer-Singleton & Associates, Inc.
- Deleuw, Cather & Company, Inc.
- Professional Engineering Consultants, Inc.

Discussion

The Board discussed the recent contracts granted to Bowyer-Singleton & Associates and whether more work should be distributed to the same firm in such a short period of time.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board approved the following short list ranked as follows:

- #1 Professional Engineering Consultants, Inc.
- #2 Deleuw, Cather & Company, Inc.
- #3 Bowyer-Singleton & Associates, Inc.

and further, authorized staff to enter into contract negotiations for engineering services for Landstreet Road, RFP Y6-816-MK.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Hoenstine, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; Commissioner Donegan was absent; the Board:

- deleted Administrative Support Division Item 3 and Planning and Development Division Item 1;

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

County Administrator

1. Approval and execution of an amendment to renew the employment agreement for Janice P. Knight, information resource coordinator, effective June 1, 1996 (County Administrator).

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

County Attorney

1. Final approval of the Mediated Settlement Agreement in the condemnation action styled, Orange County vs. Summit Land Company, et al., Case No. CI92-9820, Parcel 123, and execution of the proposed Quitclaim Deed and Reservation of Easement as required by the Mediated Settlement Agreement (County Attorney).

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

County Comptroller

1. Approval to pay Clerk of the Courts' invoices in the amount of \$368,123.97 (Administrative/Fiscal Division).
2. Approval of the minutes of the May 7, 1996, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
3. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
 - a. Florida Public Service Commission Notice of Administrative Hearing re: Application for amendment of Certificates Nos. 533-W and 464-S to add territory in Lake and Orange Counties by Southlake Utilities, Inc., Docket No. 940303-WS; dated April 30, 1996.
4. Authorize the disbursements of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts as follows:

Week of May 14 through May 20, 1996; total of \$6,514,175.25.

(Finance and Accounting Department)

Administrative Support Division

1. Approval and authorization to disburse warrant, record instrument, and pay appropriate recording fees and closing costs: University Inn Pump Station 3053, Temporary Construction Easement, Parcel 701, District 5 (Real Estate Management Department).
2. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$25: Lake Jessamine retrofit, Contract For Sale and Purchase, Parcel 901, District 4 (Real Estate Management Department).
3. Approval and execution by the County Chairman of a lease agreement between Calftex International, Inc., and the County: HRS WIC Program lease space, Lease Agreement, District 6 (Real Estate Management Department).

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

4. Approval of the County Chairman's appointment of Sheryl Page, regional director of the National Association of Women in Construction to serve as the Association's nonvoting representative on the Minority/Women Business Enterprise Advisory Board (General Services Department/Agenda Development).

Fire Rescue Division

1. Approval of a Memorandum of Understanding between the Fire Rescue Division and Barry University, specifying the terms and conditions by which Barry University may use the premises and equipment of the Fire Rescue Division Headquarters building for the establishment of a classroom center (Fire Administration Department and Communications/911 Department).

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y6-175-HF to the low responsive and responsible bidder, Superior Temporaries (dba Labor World), for a one-year term contract, renewable for an additional two years, to furnish temporary labor for the Convention Center. The total estimated annual cost is \$100,500 ([Convention Center] Purchasing and Contracts Department).

2. Approval of Amendment 1, Task Authorization 33, Contract Y9-826A, with HDR Engineering, Inc., to provide additional general engineering services for resource recovery projects. The total cost is \$271,388.83 ([Utilities Division] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y6-739-PW to the low responsive and responsible bidder, Trimble Enterprises, Inc., for Dr. Love Road, Weston Lane, and Edgewater Drive sidewalk improvements. The total cost is \$153,743.33 ([Highway Construction Department] Purchasing and Contracts Department).
4. Approval to enter into a contract with the only known source, Thermo Jarrell Ash Corporation, for the purchase of two inductively coupled argon plasma spectrographs to be utilized in laboratory testing. The total cost is \$230,000 (\$115,000 each) ([Utilities Division and the Environmental Protection Laboratory] Purchasing and Contracts Department).

(Contract is on file in the Purchasing and Contracts Department.)
5. Approval of Budget Transfer 96-369 (OMB).

(Budget Transfer 96-369 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
6. Approval of Budget Amendment 96-60 (OMB).

(Budget Amendment 96-60 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
7. Approval of CIP Amendment 30-96 (OMB).

(CIP Amendment 30-96 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
8. Approval of payment of Intergovernmental claims (April 11 and 18, 1996) totaling \$678,668.30 (Risk Management Department).
9. Receipt and filing of the minutes of the April 11 and 18, 1996, Intergovernmental Risk Management Committee meetings (Risk Management Department).

Planning and Development Division

1. Approval of a partial waiver (50 percent) of the Board of Zoning Adjustment filing fee for the Saint Luke United Methodist Church's special exception application for expansion, District 1 (Zoning Department).

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

2. Confirmation of a nonsubstantial deviation to the Orlando Jetport Center Development of Regional Impact and authorization for the County Chairman to execute an amended development order incorporating the proposed changes, District 4 (Zoning Department).

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

3. Approval of the Greene Property Planned Development/ International Drive Impact Fee Agreement between GCB Associates, Ltd., and the County, District 6 (Planning Department).

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

4. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meeting of April 18, 1996, and approval to expend \$212,500 of MSTU funds for the purpose of purchasing land for a future stormwater retrofit project (Environmental Protection Department).

Public Works Division

1. Approval to adopt a resolution to vacate a portion of the plat of Deer Run South Planned Urban Development Phase 1, District 4 (Development Engineering Department).

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

2. Approval to adopt a resolution to vacate the plat of Sandpiper Ridge, District 2 (Development Engineering Department).

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

- 3. Approval to adopt a resolution to vacate portions of the plats of Airport Commerce Center Replat, Bon Air Replat, and Bon Air "The Suburb Superb" First and Second Sections, District 4 (Development Engineering Department).

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

- 4. Approval to install "Yield" signs in the Stonegate Windsor Walk Units 3 and 4 Subdivisions, District 1 (Traffic Engineering Department).
- 5. Approval to install "Stop" and "Yield" signs in the Chickasaw Ridge Subdivision, District 3 (Traffic Engineering Department).
- 6. Approval to extend the existing "No Parking" zone on both sides of Parrish Avenue beginning 140 feet south of Old Winter Garden Road and extending 800 feet south to the Orlando city limit line, District 1 (Traffic Engineering Department).

Utilities Division

- 1. Confirmation of the County Chairman's appointment of Mike L. Chandler as manager of the Solid Waste Department (Division Office).

NONAGENDA - REQUEST TO RESCIND

Commissioner's Report

Commissioner Staley announced his intent to make a motion at the next scheduled Board meeting on June 4, 1996, to rescind the Board's action of May 14, 1996, regarding approval of an expenditure of \$500,000 to repair roads within the Central Florida Research Park, Fiscal and Human Resources Division Discussion Agenda Item 3.

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. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, and Mable Butler
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye

- Assistant Deputy Clerk Thomas Stark

Commissioner Bill Donegan was absent.

The Board paused for an invocation by the Reverend Jewell Smith, founder of the Temple Baptist Church (now Orlando Baptist Church), followed by the Pledge of Allegiance to the Flag.

Presentation of Employee Round Table Excellence Award - Community Distribution Center.

George Welch, Community Distribution Center Community Liaison, presented the Employee Round Table Excellence Award to Ben Williams, president of the Central Florida Chapter of Federal Managers Association.

Presentation by Pine Hills Community Council regarding OrangeScape project on Silver Star Road.

Tullie Phillips, president of the Pine Hills Community Council, presented a plaque to the Board in appreciation for the OrangeScape project on Silver Star Road.

Presentation of proclamation designating the week of May 19 through May 25, 1996, as "Emergency Medical Services Week."

County Chairman Chapin presented a proclamation designating the week of May 19 through May 25, 1996, as "Emergency Medical Services Week" to Acting Emergency Medical Services Department Manager Dave Freeman.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF MAY 16, 1996

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of May 16, 1996, subject to the usual right of appeal by any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of May 16, 1996, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant/Applicant: Santrust, Ltd.; Case Z-96-039; public hearing date: June 25, 1996.

- Appellant/Applicant: Robert Razzano, Ren's Site; Case Z-96-034; public hearing date: June 25, 1996.

MSTU/BU PUBLIC HEARING - ESTABLISH CENTRAL FLORIDA RESEARCH PARK AREA MSTU/BU, COMMON AREA, RETENTION POND(S), AND STORMWATER DRAINAGE AREAS MAINTENANCE; AND MAINTENANCE AND OPERATIONAL COSTS OF STREETLIGHTING, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting, maintenance of common area, stormwater drainage areas, and retention pond(s) at the Central Florida Research Park; Sections 10, 11, and 15, Township 22, Range 31; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Deputy County Administrator Byron Brooks requested that this MSTU be continued until June 25, 1996, at 1:35 p.m. to allow time to investigate alternatives to the establishment of this MSTU.

Appearances

The following person addressed the Board with general comments:

- Allen E. Arthur (no address given).

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board continued the public hearing to consider the establishment of an MSTU/BU for streetlighting, maintenance of common area, stormwater drainage areas, and retention pond(s) at the Central Florida Research Park until June 25, 1996, at 1:35 p.m.

MSTU/BU PUBLIC HEARING - ESTABLISH INTERNATIONAL DRIVE EXTENSION AREA MSTU/BU, STREETLIGHTING, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at the International Drive Extension Area; Sections 22, 23, 24, 26, 34, and 35, Township 24, Range 28; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request which complies with the International Drive Activity Center Element of the Comprehensive Policy Plan has an annual cost of \$8 per front foot for streetlighting. Ms. Godwin noted that, if approved, the MSTU/BU will become effective October 1, 1996.

Chief Deputy Comptroller Jim Moye explained the recommendation for allocation on a frontage foot basis rather than per acre.

Legal Counsel

County Attorney Tom Wilkes advised that the Board can revise the basis on which it assesses properties in any given budget year. Mr. Wilkes explained that the only requirement is to have sufficient lead time to establish it before the budget is made and the assessments are mailed.

Appearances

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

- James Harris, Busch Properties of Florida (no address given).
- Maria Triscari, International Drive Resort Area Chamber of Commerce (no address given).

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

- Burton Bruggeman, Esquire (no address given), for George W. Allen and Milton T. Shaffer, property owners on International Drive.
- Scott Appleton (no address given).

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, and Butler voting AYE by voice vote; Commissioner Hoenstine voting NO by voice vote; Commissioner Donegan was absent; the Board adopted a resolution establishing the International Drive Extension area MSTU/BU, with an annual cost of \$8 per front foot for streetlighting.

NOTE: THE FOLLOWING FOUR PUBLIC HEARINGS WERE CONSIDERED TOGETHER; FOR THE APPEARANCES, DISCUSSION, AND MOTION SEE PAGES 319-320.

MSTU/BU PUBLIC HEARING - AMEND ORANGEWOOD/WESTWOOD AREA MSTU/BU, STREETLIGHTING, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for streetlighting at the Orangewood/Westwood Area Subdivision; Sections 7, 12, and 13, Township 24, Range 28; and Section 18, Township 24, Section 29; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the Public Works Division has an annual cost of \$155 per net acre for streetlighting.

MSTU/BU PUBLIC HEARING - ESTABLISH CLUBHOUSE ESTATES 1-3 MSTU/BU, WALL CONSTRUCTION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for wall construction at the Clubhouse Estates subdivision; Section 27, Township 23, Range 28; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the residents has an estimated total principal assessment of \$1,088.64 per lot for wall construction. Ms. Godwin explained that the estimated yearly assessment is \$182.42 per lot for 10 years. She stated that the County will pay one-half of the total estimated cost of \$455,052.

Highway Construction Department Manager Bill Wythe reported this is the County's first MSTU/BU for wall construction. Mr. Wythe explained in order to use an MSTU/BU for wall construction, the wall must be in County right-of-way, leaving the County with the responsibility for maintenance. He reviewed the upcoming requests for MSTU/BUs for wall construction and maintenance.

MSTU/BU PUBLIC HEARING - ESTABLISH JOHN YOUNG CROSSINGS MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting and

maintenance of retention pond(s) at the John Young Crossings Subdivision; Section 16, Township 23, Range 29; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$109 per lot for streetlighting for the residential lots only; an annual cost of \$27 per lot for maintenance of retention pond(s) for the residential areas and \$27 per impervious acre for the commercial areas. Further, she reported that the annual commercial area costs will be \$270 for and Parcel 1; \$162 for Parcel 2, \$216 for Parcel 3, \$162 for Parcel 4, and \$486 for Parcel 5.

MSTU/BU PUBLIC HEARING - ESTABLISH HUNTER'S CREEK TRACT 540 MSTU/BU, STREETLIGHTING, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at the Hunter's Creek Subdivision; Section 31, Township 24, Range 29; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$62 per lot for streetlighting.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board adopted resolutions:

- Amending Orangewood/Westwood area MSTU/BU, annual cost of \$155 per net acre for streetlighting.

- Establishing Clubhouse Estates 1-3 MSTU/BU, estimated annual cost of \$182.24 per lot for wall construction.
- Establishing John Young Crossings MSTU/BU as follows:
 - annual cost of \$109 per lot for streetlighting and annual cost of \$27 per lot for maintenance of retention pond(s) for the residential areas;
 - annual cost of \$27 per impervious acre for the commercial areas for maintenance of retention pond(s);
 - annual commercial area costs of \$270 for Parcel 1, \$162 for Parcel 2, \$216 for Parcel 3, \$162 for Parcel 4, and \$486 for Parcel 5.
- Establishing Hunter's Creek Tract 540 MSTU/BU, annual cost of \$62 per lot for streetlighting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: ALTON D. ARNOLD; PETITION TO VACATE 96-06, A 25.5-FOOT BY 12.5-FOOT PORTION OF A RIGHT-OF-WAY; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Alton D. Arnold, Petition to Vacate 96-06, to vacate a 25.5-foot by 12.5-foot portion of Lakeside Drive right-of-way; 2333 Lakeside Drive, on property generally located at the east end of Lakeside Drive approximately 1000 feet east of the intersection of Lakeshore Drive; District 3; Section 18, Township 22, Range 30; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Donegan

was absent; the Board adopted a resolution vacating that certain 25.5-foot by 12.5-foot portion of Lakeside Drive right-of-way as described above.

BOAT DOCK PERMIT APPEAL - APPELLANTS: SHEILA LOVE, JAMES NESS, AND RAYMOND LARLEE; APPLICANT: GEORGE HINES; LAKE HIAWASSEE; DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Sheila Love, James Ness, and Raymond Larlee of the Environmental protection Department's decision regarding the request by George Hines to construct a boat dock on Lake Hiawassee on property which is located at Cinnamon Bay Club, 2851 Palermo Court; District 1; Section 35, Township 24, Range 22; Orange County, Florida.

Staff Report

Assistant Environmental Protection Department Manager Nick Sassic outlined the request, identified the subject property, explained the permitting and appeal process. He further stated that staff recommends approval.

Appearances

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

- Unidentified resident of Lot 3 in Cinnamon Bay.
- John Kuzeski (no address given).
- George Hines, the applicant.

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

- Jim Ness, the appellant; resident of Lot 49 in Cinnamon Bay.
- Raymond Larlee, the appellant; 958 Beach Breeze Drive, Orlando, Florida.
- Sheila Love, the appellant; resident of Lot 47 in Cinnamon Bay.

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 Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Donegan was absent; the Board upheld the decision of the Environmental Protection Department and approved a request by George Hines for a boatdock permit in the name of George Hines on the above-described property subject to construction in

the compromise configuration recommended by staff; and further, subject to the following additional conditions:

1. The Environmental Protection Department will be notified by the applicant of the date the activity will begin and upon completion of the work.
2. Minimum height of the deck shall be one foot above the normal high water elevation (NHWE) of 86.9 feet msl.
3. During construction, turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth, etc.) unless it can be demonstrated that state water quality standards on turbidity are not being violated. If turbid water is found outside of the work area or confining screens, the Department shall be notified, construction shall stop and may not resume until corrected to the satisfaction of the Department.
4. This permit must be posted in a conspicuous place on site before activity begins and must remain until completion.
5. Construction shall be in accordance with stamped, approved drawings.
6. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. A separate permit from the Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.

NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER; FOR THE APPEARANCES, DISCUSSION, AND MOTION SEE PAGES 324-325.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: RAYMOND ROGERS; CONSTRUCTION OF SEAWALL AND ROCK REVETMENT, LAKE DOWN; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the permit application by Raymond Rogers for construction of a seawall and rock revetment according to Orange County Code, Chapter 15, Article VI, Section 15-218; on property adjacent to Lake Down and generally located at 4300 Down Point Lane, Windermere; District 1; Section 9, Township 24, Range 27; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Environmental Supervisor Nick Sassic reviewed the request and the recommendation of approval subject to conditions.

and

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: HOWARD SCHUMACHER; CONSTRUCTION OF SEAWALL AND ROCK REVETMENT, LAKE DOWN; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a permit application by Howard Schumacher for construction of a seawall and rock revetment according to Orange County Code, Chapter 15, Article VI, Section 15-218; on property adjacent to Lake Down and generally located at 2824 Midsummer Drive, Windermere; District 1; Section 9, Township 24, Range 27; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Environmental Supervisor Nick Sassic reviewed the request and the recommendation of approval subject to conditions.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board approved a permit application by Raymond Rogers for construction of a seawall and rock revetment on Lake Down, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be notified by the applicant of the date the activity will begin and upon completion of the work.
2. Construction of the seawall and rock revetment will be as per submitted plans.

3. During construction, turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth, etc.) unless it can be demonstrated that state water quality standards on turbidity are not being violated. If turbid water is found outside of the work area or confining screens, the department shall be notified, construction shall stop and may not resume until corrected to the satisfaction of the department.
4. This permit must be posted in a conspicuous place on site before activity begins and must remain until completion.
5. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions;

and further, approved a permit application by Howard Schumacher for construction of a seawall and rock revetment on Lake Down, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be notified by the applicant of the date the activity will begin and upon completion of the work.
2. Construction of the seawall and rock revetment will be as per submitted plans.
3. During construction, turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth, etc.) unless it can be demonstrated that state water quality standards on turbidity are not being violated. If turbid water is found outside of the work area or confining screens, the department shall be notified, construction shall stop and may not resume until corrected to the satisfaction of the department.
4. This permit must be posted in a conspicuous place on site before activity begins and must remain until completion.
5. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

NONAGENDA - COUNTY ADMINISTRATION BUILDING RENOVATION

Commissioner Butler commended staff for the renovation of the front of the County Administration Center.

ORDINANCE PUBLIC HEARING - AUTHORIZING ADDITIONAL COURT COSTS/ GUARDIANSHIP FOR SENIOR CITIZENS' PROGRAM

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

AN ORDINANCE PERTAINING TO CIRCUIT COURTS IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 14-1 OF THE ORANGE COUNTY CODE TO PROVIDE FOR A FEE TO BE PAID UPON THE INSTITUTION OF ANY CIVIL ACTION IN CIRCUIT COURT FOR PAYMENT OF COSTS ASSOCIATED WITH PUBLIC GUARDIANSHIPS; PROVIDING FOR MATCHING FUNDS FROM COUNTY GENERAL REVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Program Development Supervisor Dan Kirchner reviewed the proposed ordinance and outlined its provisions. Mr. Kirchner noted a change in the effective date to July 1, 1996.

Appearances

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

- Veronica Janson, director, Seniors First (no address given).

No one appeared in opposition to the proposed ordinance.

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board adopted the proposed ordinance amending Section 14-1 of the Orange County Code to provide for a fee to be paid upon the institution of any civil action in circuit court for payment of costs associated with public guardianships, to include a revision as outlined by staff as follows:

- Effective date: July 1, 1996.

(Ordinance No. 96-16 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: MILLER-SELLEN ASSOCIATES, SIERRA LAND PLANNED DEVELOPMENT/DEVELOPMENT
OF REGIONAL IMPACT; CASE Z-96-018, MARCH 21, 1996; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Miller-Sellen Associates, Inc., for Sierra Land Planned Development/Development of Regional Impact (PD/DRI), to rezone Farmland Rural District (A-2)(1957) to Planned Development District (PD), to add ten (10) acres into the PD/DRI for a total of 45.28 acres, allowing 28 additional hotel rooms and 85,000 square feet of convention space to the total development, and allowing the previously approved land uses to be located in the ten-acre addition, on property generally located on the north side of International Drive, west of S.R. 535; District 1; Section 34, Township 24, Range 28; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Court Reporter

A court reporter, Susan Katz, Select Court Reporters, 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 and the surrounding zoning classifications.

Appearances

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

- Miranda Fitzgerald, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A.; (no address given) for the applicant.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board approved the request by Miller-Sellen Associates, Inc., for Sierra Land Planned Development/Development of Regional Impact (PD/DRI) to rezone Farmland Rural District (A-2)(1957) to Planned Development District (PD), to add

ten (10) acres into the PD/DRI for a total of 45.28 acres, allowing 28 additional hotel rooms and 85,000 square feet of convention space to the total development, and allowing the previously approved land uses to be located in the ten (10)-acre addition, on the above described property; subject to the following conditions:

1. Development shall conform to the Sierra Land Planned Development, BCC approvals, and Land Use Plan Amendment dated, "Received February 23, 1996," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. The stormwater management system shall be designed to be consistent with the approved design of the International Drive roadway stormwater system.
3. This amendment shall be subject to all conditions contained in the approval by the Board of County Commissioners of the "Sierra Land PD/LUP" on June 14, 1994. Included in these conditions were the I-Drive Activity Conditions listed elsewhere in this report and the condition concerning stormwater management systems. The other three conditions were:
 - a. Left-turn lane shall be provided along International Drive.
 - b. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
 - c. Prior to construction plan approval, the developer shall agree to utilize reclaimed water for landscaping and green area irrigation.
4. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - a. Land uses shall be limited to those stated in Policy 1.1.3 of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6 of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.
 - b. If the housing linkage program is in place prior to development plan approval, development of nonresidential development shall be

conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map.

- c. The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation, and location of parking lots.
- d. The property owners shall be required to participate in a property owners' association upon its creation.
- e. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County Engineer to be technically unfeasible.
- f. A 20-foot-wide pedestrian/landscape/utility easement plus a 15-foot-wide transit easement along International Drive for a total of 35 feet (within the transit easement along International Drive) shall be included in the development plan.
- g. The development plan shall provide for interconnection of adjacent development either by cross-access easement or public right-of-way.
- h. Electrical distribution lines shall be underground.
- i. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: GIOVANNI KRASNIQI, JOHNNY'S DINER; ITEM 16, APRIL 4, 1996; DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Giovanni Krasniqi, Johnny's Diner, of the recommendation of the Board of Zoning Adjustment, dated April 4, 1996, on a request by Giovanni Krasniqi, Johnny's Diner, for approval of a variance in Retail Commercial District (C-1) zone to allow a 2 COP alcoholic beverage license (beer and wine) 450 feet from an existing school (Aloma Elementary School at 2949 Scarlet Road) in lieu of 1,000 feet, on property generally located on the west side of Semoran Boulevard, 200 feet south of Scarlet Road or 104 South Semoran Boulevard; District 5; Section 10, Township 22, Range 30; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Zoning Department Manager Melvin Pittman reported that Commissioner Donegan requested that this public hearing be continued until June 18, 1996, at 2:45 p.m.

Appearances

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board continued the public hearing to consider an appeal by Giovanni Krasniqi, Johnny's Diner, of the recommendation of the Board of Zoning Adjustment, dated April 4, 1996, on a request by Giovanni Krasniqi, Johnny's Diner, for approval of a variance in Retail Commercial District (C-1) zone until June 18, 1996, at 2:45 p.m.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: HUGH HARLING, SADIE'S GROVE; ITEM 7, APRIL 4, 1996; DISTRICT 2

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Hugh Harling, of the recommendation of the Board of Zoning Adjustment, dated April 4, 1996, on a request by Hugh Harling, for approval of a special exception in an Agricultural District (A-1) zone to develop a recreational vehicle and campground park and a special exception in A-1 zone for a privately owned wastewater and water treatment plant to serve the proposed recreational vehicle park, on property generally located 1,320 feet north of Sadler Road on the shores of Lake Carlton, 340 feet east of Lake County line; District 2; Section 18, Township 20 S, Range 27; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Zoning Department Manager Melvin Pittman 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:

- Hugh Harling, the appellant/applicant; Harling, Locklin, and Associates, Inc. (no address given).

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

- Toddie Gorman, zoning chairman of the Tangerine Society (no address given).
- Ernie Kelley, 17800 Palm View Circle, Mount Dora, Florida.
- Mary Anna Mincey (no address given).

County Chairman Chapin accepted the following exhibits from Hugh Harling:

- Clerk's Exhibit 1, booklet, "Sadie's Grove a Family R.V. Resort."
- Clerk's Exhibit 2, petition.
- Clerk's Exhibit 3, booklet, "Orange County Opportunities."

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Johnson, Freeman, Staley, and Hoenstine voting AYE by voice vote; Commissioner Butler voting NO by voice vote; Commissioner Donegan was absent; the Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Hugh Harling for a special exception in an Agricultural District (A-1) zone to develop a recreational vehicle and campground park and a special exception in A-1 zone for a privately owned wastewater and water treatment plant to serve the proposed recreational vehicle park on the above-described property.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: WINDY WHITTELSEY
APPLICANT: MICHAEL RAMEY; ITEM 20, APRIL 4, 1996; DISTRICT 6

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Windy Whittelsey of the recommendation of the Board of Zoning Adjustment, dated April 4, 1996, on a request by Michael Ramey for approval of a variance in a Single Family Dwelling District (R-1A) zone to allow six-foot (6') high wooden fence to remain within front yard setback in lieu of four feet (4') in height; on property located at 1109 Santa Anita Street; District 6; Section 3, Township 23, Range 29; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

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

Appearances

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

- Michael Ramey, the applicant (no address given).

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

- Windy Whittelsey, the applicant, 1113 Santa Anita Street, Orlando, Florida.
- Ellis Suggs, 1105 Santa Anita Street, Orlando, Florida.

Commissioner Johnson left the meeting.

Discussion

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

Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Staley and Hoenstine voting AYE by voice vote; Commissioners Freeman and Butler voting NO by voice vote; Commissioners Johnson and Donegan were absent; the Board upheld the decision of the Orange County Board of Zoning Adjustment and approved the request by Michael Ramey for a variance in a Single Family Dwelling District (R-1A) zone to allow a six-foot (6')-high wooden fence to remain within front-yard setback in lieu of four feet (4') in height on the above-described property, subject to review by the Board of County Commissioners in three (3) years to determine if the fence is still needed between the two property owners.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ROGER GATLIN, HUNTER'S CREEK PLANNED DEVELOPMENT/LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT(PD/LUP/DRI); AMEND THE LUP; NONSUBSTANTIAL DEVIATION TO THE DRI, AND FIFTH AMENDMENT TO THE DEVELOPMENT ORDER; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Roger Gatlin for Hunter's Creek Planned Development and Development of Regional Impact (PD/DRI) to amend the Land Use Plan (LUP) and to authorize the County Chairman to execute the Fifth Amendment to the Development Order, pursuant to Orange County Code, Section 38-1207; on property generally located on the west side of U.S. 441, south of the

Central Florida Greenway; District 1; Sections 28, 29, 30, 31, 32, and 33, Township 24, Range 29; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Roger Gatlin, the applicant, for A. G. Land Associates (no address given).

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Donegan were absent; the Board approved the request by Roger Gatlin for Hunter's Creek Planned Development and Development of Regional Impact (PD/DRI) to amend the Land Use Plan (LUP) and authorized the County Chairman to execute the Fifth Amendment to the Development Order, for the following changes:

1. Combine all the office/industrial parcels and commercial parcels 180 and 480 into a new land use category of mixed use.
2. Establish a method by which mixed use parcels may be developed as either commercial, office, or industrial.
3. Relocate 8.5 acres of commercial use from parcel 580 to parcel 470.
4. Increase multi-family parcel 545 by 8.5 acres.
5. Change parcel 183 from commercial to multi-family use.
6. Reduce new mixed use parcel 170 from 12.5 acres to 9.55 acres and add a three-acre stormwater pond.

7. Reduce institutional parcel 171 one acre and add one acre to new mixed use parcel 180.
8. Amend the development order to incorporate these changes.

which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Hunter's Creek Planned Development/Land Use Plan/Development of Regional Impact, dated "Received December 27, 1995," 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.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: GEORGE GARRETT, LAKE EVE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by George Garrett for Lake Eve Planned Development/Land Use Plan (PD/LUP) to change approximately 30 acres from Multi-family use to Tourist Commercial use, pursuant to Orange County Code, Section 38-1207; on property generally located on the north side of International Drive approximately one-half mile south of Westward Boulevard; District 1; Section 23, Township 24, Range 28; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Richard Van Slyke, for Busch Properties of Florida (no address given).

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Johnson and Donegan were absent; the Board approved the request by George Garrett for Lake Eve Planned Development/Land Use Plan to change approximately 30 acres from Multi-family use to Tourist Commercial use, which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Submittal of a revised plan dated, "Received April 11, 1996";
2. Payment of fees.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: DALE CROSBY, VINELAND POINT PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Dale Crosby for Vineland Point Planned Development/Land Use Plan (PD/LUP) to change the September 24, 1991, Board of County Commissioners condition of approval to read as follows: "Prior to discharge of any stormwater from Vineland Point, the stormwater will be treated for pollution abatement and detention in accordance with county and South Florida Water Management District criteria. In addition, retention/detention facilities will be provided so that the peak discharge into receiving waters is equal to or less than the 25-year, 24-hour storm event, pursuant to Orange County Code, Section 38-1207; on property generally located east of I-4, north of Vineland Avenue, on the southwest side of Lake Wills; District 1; Section 14, Township 24, Range 28; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Dale Crosby, the applicant; Gee & Jensen (no address given).

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Donegan were absent; the Board continued the public hearing to consider the request by Dale Crosby for Vineland Point Planned Development/Land Use Plan (PD/LUP), until June 4, 1996, at 1:50 p.m., for decision only.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JAMES HALL, MARRIOTT/PROJECT "S" PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by James Hall for Marriott/Project "S" Planned Development/Land Use Plan (PD/LUP) to increase the number of units from 596 resort villas to 762 resort villas, an increase of 166 units, pursuant to Orange County Code, Section 38-1207; on property generally located south of Central Florida Parkway, east of International Drive; District 1; Section 18, Township 24, Range 29; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- James Hall, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with Commissioners Freeman, Staley, and Hoenstine voting AYE by voice vote; County Chairman Chapin and Commissioner Butler voting NO by voice vote; Commissioners Johnson and Donegan were absent; the Board continued the public hearing to consider the request by James Hall for Marriott/Project "S" Planned Development/Land Use Plan until June 4, 1996, at 1:50 p.m., for decision only.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - GREYWOOD PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Greywood Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of Lake Margaret and north of Pershing Avenue; District 4; Section 7, Township 23, Range 30; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath noted that the subject property is in District 4. Mr. Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

- Harry Hewitt, the applicant (no address given).

No one appeared in opposition to the plan.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Donegan were absent; the Board approved the Greywood Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Greywood Preliminary Subdivision Plan, dated "Received March 29, 1995," 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 May 21, 1997, in accordance with Orange County Subdivision Regulations, as amended.

- 2. Proposed rear-yard environmental swales along the three lake front lots shall be constructed as part of the infrastructure and shall be maintained by the lot owners.
- 3. Four-foot (4') sidewalks shall be provided on the north side of Greywood Place.
- 4. Section 39-1501 of the Subdivision Regulations is waived to provide for a 25-foot front yard setback in lieu of a 35-foot setback.
- 5. This project is approved as a gated community subject to compliance with Resolution 96-M-22.
- 6. Waiver of Section 35-1502(b) is granted to allow a 10-foot side street setback in lieu of 15 feet for the existing structure.

PLANNING AND ZONING COMMISSION APPEAL - APPELLANT/APPLICANT: MICHAEL O'NEILL; CASE Z-96-025, APRIL 18, 1996; DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Michael O'Neill of the recommendation of the Planning and Zoning Commission, dated April 18, 1996, on a request by Michael O'Neill for approval of a rezoning from Agricultural District (A-2) (1983) to Residential District (R-2), on property generally located at 1809 Bonnevill Drive; District 5; Section 14, Township 22, Range 31; Orange County, Florida.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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.

Appearances

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

- Michael O'Neill, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Johnson and Donegan were absent; the Board overruled the decision of the Orange County Planning and Zoning Commission and approved the request by Michael O'Neill for a rezoning from Agricultural District (A-2) (1983) to Residential District (R-2) on the above-described property.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 6 p.m.