

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 18, 1997. The following were present:

- County Chairman Linda Chapin
- Commissioners Tom Staley, Mary Johnson, Clarence Hoenstine, and Ted Edwards.
- County Comptroller as Clerk Martha Haynie
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Assistant Deputy Clerk Tom Stark

Commissioners Bob Freeman and Mable Butler joined the meeting where indicated.

There being a quorum, the County Chairman called the meeting to order at 9 a.m.

**COUNTY ADMINISTRATOR DISCUSSION AGENDA**

1. Discussion regarding Law Enforcement Hiring Grants (County Administrator).

**Staff Report**

Assistant to the County Administrator Bob Spivey reported that on January 14, 1997, the Board discussed the Sheriff's Office award of a \$4 million federal grant to fund hiring of 54 deputies. Mr. Spivey recounted that the Board directed staff to provide a more detailed financial analysis of the budgetary impact of accepting the grant, which the Office of Management and Budget (OMB) completed. He stated the OMB analysis finds that the three-year grant and its matching requirements of \$5.2 million are financially feasible. Mr. Spivey pointed out that the analysis does not take into account any discussions or future recommendations by the Tax Equalization Committee.

**Commissioner Butler joined the meeting.**

OMB Manager Sharon Donoghue reviewed the forecasts and contrasted the normal 3.5 percent budget increase with the seven percent increase which would be necessary with acceptance of the federal law enforcement grants.

**Discussion**

The Board discussed the need for the additional 54 deputies, sources for long-term funding, whether the additional funding requirements would impact current and planned projects, what impact the tax equalization committee might have on the budget process, and what long-term effect deregulation might have on utilities taxes.

The Board also discussed growth projections for the Sheriff's MSTU, the roll of the Public Service Tax, and growth of the general population in the unincorporated areas of the County. Further, the Board discussed the growth in tourism and the need for more information before making a decision.

**Commissioner Freeman joined the meeting.**

**Action**

**By consensus, the Board continued the discussion regarding Law Enforcement Hiring Grants until April 1, 1997.**

**COMMISSIONER'S REPORT - DISCUSSION AGENDA**

1. Commissioner Edwards wishes to discuss a separate federal lobbying contract for nontransportation issues.

Commissioner's report

Commissioner Edwards reported that the current lobbying contract does not include nontransportation issues, noting that other counties have lobbyists for nontransportation needs. He explained that federal funds are available for other purposes and that perhaps the County should combine issues into one contract to avoid duplication.

Discussion

In response to a question from County Chairman Chapin regarding the status of a survey, Assistant to the County Administrator Bob Spivey reported that the scope of the review has been to survey other counties over the phone. He said there are some differences in counties, such as ports and beaches, which are important factors in determining priorities. County Chairman Chapin requested that Mr. Spivey prepare a list of nontransportation issues that might be favorably impacted by separate lobbying efforts, complete the telephone survey, and provide the information to the Board within ten days. County Chairman Chapin stated that the Board could discuss the study's results in two weeks.

The Board discussed whether the contract for transportation issues needs to be separate from lobbying contracts for other issues and what the other issues might be.

**Motion**

**The Board did not take any action.**

**COUNTY ATTORNEY CONSENT AGENDA ITEM 2 - DEFERRED FOR DISCUSSION**

2. Approval of an Orange County/City of Orlando/City of Orlando Redevelopment Agency Interlocal Agreement for financing the Interstate 4/Conroy Road Interchange and authorization for the County Chairman to execute and deliver it, but only after she receives notification by both the County Administrator's office and the County Comptroller's office that Exhibit C to the agreement is satisfactory in form and substance (County Attorney).

**Staff Report**

County Attorney Tom Wilkes stated that Commissioner Edwards has suggested changes to the proposed agreement and has requested that Exhibit C of the agreement be brought back to the Board for final approval at a future meeting.

**Discussion**

Commissioner Freeman requested that this item be deferred to allow him time to review the suggested changes.

**Action**

**By consensus, the Board continued County Attorney Consent Agenda Item 2 for consideration at a later date.**

(See page 66 for further discussion and subsequent action.)

**COUNTY CONSENT AGENDA**

For the record, County Administrator Jean Bennett stated staff will provide annual reports to the Board regarding usage of the employee leave bank (see Fiscal and Human Resources Division Item 3 on page 50).

**Motion**

**Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board:**

- deferred County Attorney Item 2 for discussion (see pages 47 and 66);
- deferred Administrative Support Division Item 3 for discussion (see page 58 for subsequent approval);

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

**County Attorney**

1. Approval of conformed Ordinance No. 97-02 (Ordinance for Court Administration Capital Outlay Account), as enacted by the Board of County Commissioners on February 25, 1997 (County Attorney).

2. Approval of an Orange County/City of Orlando/City of Orlando Redevelopment Agency Interlocal Agreement for financing the Interstate 4/Conroy Road Interchange and authorization for the County Chairman to execute and deliver it, but only after she receives notification by both the County Administrator's office and the County Comptroller's office that Exhibit C to the agreement is satisfactory in form and substance (County Attorney).

**(As stated in the above motion, this item was deferred for discussion. See pages 47 and 66.)**

3. Approval of (a) an engagement letter to hire Carlton, Fields, Ward, Emmanuel, Smith & Cutler as outside counsel for the administrative hearing involving the proposed boat ramp on Lake Isleworth; and (b) approval of the County Attorney's office as counsel for Ahrens, et al., vs. Orange County, et al., Case No. CI94-6380 (County Attorney).

#### **County Comptroller**

1. Approval to pay the Property Appraiser's third quarter, April 30, 1997, through June 30, 1997, billing in the amount of \$1,844,384.22 (Administrative/Fiscal Division).
2. Acknowledgment and filing of Financial Statements - County Convention Center Operations of Fine Host Joint Venture, Concession Management Agreement with the County, for years ended September 25, 1996, and September 27, 1995 (Administrative/Fiscal Division).
3. Approval of the minutes of the March 4, 1997, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
  - Period from February 25, 1997, to March 3, 1997; total of \$8,085,073.08.
  - Period from March 11, 1997, to March 17, 1997; total of \$24,275,992.91.

(Finance and Accounting Department)

#### **Administrative Support Division**

1. Approval and authorization to record instruments: Waterford Lakes Shopping Center, Access and Utility Easement, Sewer Line Easement, and

Subordinations of Encumbrances, District 4 (Real Estate Management Department).

2. Approval and authorization to record instruments: Meadow Woods Planned Development, Conservation Easements, District 4 (Real Estate Management Department).
3. Approval of purchase price above appraised value and authorization to conduct closing, disburse warrant, record instrument(s), and pay appropriate closing costs; and approval of any additional recording fees not to exceed \$25: Old Conway Fire Station No. 72 Site, District 4 (Real Estate Management Department).

**(As stated in the above motion, this item was deferred for discussion and subsequent approval. See page 58.)**

4. Approval of resolution increasing the membership on the Lake Killarney Water Advisory Board from three to five members and confirmation of Commissioner Edwards' appointments to the Lake Killarney Water Advisory Board (General Services Department/Agenda Development).

(Resolution 97-M-12 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Confirmation of the appointment of Ann Juergens as Commissioner Edwards' representative on the Citizen Review Board (application pending) (General Services Department/ Agenda Development).

#### **Fiscal and Human Resources Division**

1. Approval to award Invitation for Bid Y7-125-RW to the low responsive and responsible bidder, USA Services, to furnish countywide street sweeping. The annual estimated cost is \$609,260 ([Roads and Drainage Department] Purchasing and Contracts Department).
2. Approval of revision to the Personnel Policy Manual, a part of Administrative Regulation 7.01. - Group Insurance - Types (Human Resources Department).
3. Approval of revision to the Personnel Policy Manual, a part of Administrative Regulation 7.01. - Classification and Compensation, Personal Leave Bank (Human Resources Department).
4. Approval for the Sheriff's Office to spend approximately \$50,407 of the Law Enforcement Trust Fund: \$1,950 to the Safety Focus, A Senior's Guide to Safe Living; \$37,957 to the Sector Decentralized Evidence Collection

Program; \$500 to the Historical Society; and \$10,000 to The Children's Safety Village (OMB).

5. Approval of Budget Amendments 97-50 through 97-53 (OMB).

(Budget Amendments 97-50 through 97-53 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Approval of CIP Amendments 27-97 and 28-97 (OMB).

(CIP Amendments 27-97 and 28-97 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

7. Approval of Budget Transfer 97-277 (OMB).

(Budget Transfer 97-277 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

8. Approval to disburse \$5,000 from Commissioner Edwards' discretionary funds to the Back to Nature Wildlife Refuge (OMB).

9. Approval of payment of Intergovernmental Claims for February 27, 1997, totaling \$250,665.78 (Risk Management Department).

10. Receipt and filing of the February 20, 1997, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).

#### **Health and Community Services Division**

1. Approval and execution of renewal of a Public Convenience and Necessity Certificate for Greater Orlando Aviation Authority to provide Advanced Life Support Nontransport. The term of this Certificate is April 30, 1997, through April 30, 1999 (Emergency Medical Services).
2. Approval and execution of applications for relicensing to operate the following Head Start centers: East Orange, Hannibal, Mitchell, and Reeves Terrace. These applications will be in effect April 1, 1997, through March 31, 1998. There will be no cost to the County, all districts (Community Affairs Department).

#### **Planning and Development Division**

1. Approval to process payment of \$35,000 to Enzian Theater for the 1997 Florida Film Festival, all districts (Division Office).

2. Receipt and filing of the Lake Jessamine Water Advisory Board minutes of January 16, 1997, District 4 (Environmental Protection Department).
3. Receipt and filing of the Windermere Water and Navigation Control District Advisory Board minutes of January 22, 1997, District 1 (Environmental Protection Department).
4. Approval and execution of a developer's agreement for discounts of impact fees, wastewater capital charges, and water capital charges for the Cypress Club Apartments Affordable Housing Development, District 4 (Housing and Community Development Department).  
(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
5. Approval to amend the Final Statement Fiscal Year 1996-1997 for the one-year Consolidated Planning Document for Housing and Community Development activities to provide for inclusion of the following projects: (a) North East Lake Mann Improvements; (b) 24th Street sewer improvements; and (c) Orange Village Apartments (Housing and Community Development).
6. Approval and execution of a developer's agreement for discounts of impact fees and wastewater capital charges for the Pointe Vista Apartments Phase II Affordable Housing Development, District 6 (Housing and Community Development).  
  
(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
7. Approval of resolution in support of the Town of Eatonville's desire to expand the enterprise zone boundary and requesting the Florida Office of Tourism, Trade, and Economic Development to change the boundary, District 2 (Planning Department).  
  
(Resolution 97-M-13 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
8. Approval to reimburse the service charge for a dishonored check in the amount of \$906.31 to Lennar Homes, Inc. (Building Department).

**NONAGENDA - COMMISSIONER JOHNSON'S TRIP TO PUERTO RICO**

Commissioner's Report

Commissioner Johnson reported that she and Orange County Sheriff's Captain Herman Martinez visited Puerto Rico to investigate measures being taken to prevent drug-related criminal activity originating there from impacting Central

Florida. She related her impression that the authorities with whom they met were sincerely and diligently working to eliminate the problems involving both witness relocation from Puerto Rico to Central Florida and weapons infiltrating from South Florida to Puerto Rico.

**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 Tom Staley, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Mable Butler
- Deputy County Administrator Howard Tipton
- County Attorney Tom Wilkes
- Finance and Accounting Manager as Clerk Paul Wunderlich
- Assistant Deputy Clerk Tom Stark

Commissioner Freeman joined the meeting where indicated.

The Board paused for an invocation by Dr. Ragan Vandegriff, minister of music at First Baptist Church of Orlando. County Chairman Chapin presented a five-year service certificate and pin to Dr. Vandegriff in recognition of his volunteer service as chaplain for the Fire Rescue Division, followed by the Pledge of Allegiance to the Flag.

**MARCH 6, 1997, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS****Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of March 6, 1997; 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 March 6, 1997, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

(NOTE: THE FOLLOWING FIVE PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 56 FOR THE APPEARANCES, DISCUSSION, AND MOTION.)

**MSTU/BU PUBLIC HEARING - AMEND BUTLER BAY UNIT 1, LAKE BUTLER ESTATES, AND MANORS AT BUTLER BAY PHASE 1 AND 2 MSTU/BUs, STREETLIGHTING, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU for streetlighting as follows:

- Butler Bay Unit 1, Sections 7 and 12, Township 23, Ranges 27 and 28, Lots 69 through 103;
- Lake Butler Estates, Section 7 and 12, Township 23, Ranges 27 and 28, Lots 34 through 64;
- Manors at Butler Bay Phase 1, Sections 6, 7, and 12, Township 23, Ranges 27 and 28, Lots 1 through 53;
- Manors at Butler Bay Phase 2, Sections 6, 7, and 12, Township 23, Ranges 27 and 28, Lots 54 through 97;
- Lake Butler Estates, Section 7 and 12, Township 23, Ranges 27 and 28; Lots 65 through 68;

Orange County, Florida.

(The legal property descriptions are 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 County Comptroller has an annual cost of \$97 per lot for streetlighting at Butler Bay Unit 1 and Lake Butler Estates, and \$90 per lot for Manors at Butler Bay Phase 1 and Phase 2 and Lake Butler Estates.

and

**MSTU/BU PUBLIC HEARING - AMEND EMERALD FOREST UNITS 1 AND 2 MSTU/BU, STREETLIGHTING, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU for streetlighting at Emerald Forest Units 1 and 2; Section 10, 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 from the developer has an annual cost of \$80 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - AMEND STONEMEADE PHASES 1 AND 2 MSTU/BU, STREETLIGHTING, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU for streetlighting at Stonemeade Phases 1 and 2; Section 1, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$88 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - AMEND HERITAGE PLACE MSTU/BU, STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU for streetlighting and maintenance of retention pond(s) at heritage Place; Section 20, 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 \$29 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

**MSTU/BU PUBLIC HEARING - ESTABLISH WATERFORD LAKES TRACT N22 PHASE 1 MSTU/BU, STREETLIGHTING, DISTRICT 4**

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 Waterford Lakes Tract N22 Phase 1; Section 26, 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**

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$187 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 Butler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted resolutions:

- Amending Butler Bay Unit 1 and Lake Butler Estates Lots 65 through 68 MSTU/BU, annual cost of \$97 per lot for streetlighting.
- Amending Manors at Butler Bay Phase 1, Manors at Butler Bay Phase 2, and Lake Butler Estates Lots 34 through 64 MSTU/BU, annual cost of \$90 per year for streetlighting.
- Amending Emerald Forest Units 1 and 2 MSTU/BU, annual cost of \$80 per lot for streetlighting.
- Amending Stonemeade Phases 1 and 2 MSTU/BU, annual cost of \$88 per lot for streetlighting.
- Amending Heritage Place MSTU/BU, annual cost of \$29 per lot for

streetlighting and \$54 per lot for retention pond(s) maintenance.

- Establishing Waterford Lakes Tract N22 Phase 1 MSTU/BU, annual cost of \$187 per lot for streetlighting.

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

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ALBERT G. HARTOG, ESQUIRE; CHATHAM VILLAGE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Albert G. Hartog, Esquire, for Chatham Village Planned Development/Land Use Plan (PD/LUP) for an amendment to the LUP to incorporate 20,000 square feet of neighborhood commercial (C-1) uses within the LUP currently approved for 1,400 residential dwelling units, pursuant to Orange County Code, Chapter 30, Section 38-1207; on property generally located on the west side of Winter Garden-Vineland Road, approximately 700 feet north of Dopey Drive; District 1; Section 17, 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 reported that the applicant has withdrawn the request.

**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.

**Action**

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

Commissioner Freeman joined the meeting.

**COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION****Administrative Support Division**

3. Approval of purchase price above appraised value and authorization to conduct closing, disburse warrant, record instrument(s), and pay appropriate closing costs; and approval of any additional recording fees, not to exceed \$25 for the acquisition of a portion of the Old Conway Fire Station No. 72 Site, District 4 (Real Estate Management Department).

**Discussion**

Commissioner Johnson reported that she had met with staff and received the information she had requested. She stated she is placing this item back on the consent agenda for approval.

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board approved the purchase price above appraised value and authorized staff to conduct closing, disburse warrant, record instrument(s), and pay appropriate closing costs; and further, approved additional recording fees, not to exceed \$25 for the acquisition of a portion of the Old Conway Fire Station No. 72 Site.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: RON SCHWARTZ, EASTWOOD PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Ron Schwartz, Eastwood Planned Development/Land Use Plan (PD/LUP), to change the approximately 3.7 acres of property (Parcel 1A) from church use to single family residential (18 units), pursuant to Orange County Code, Chapter 30, Section 38-1207; on property generally located on the east side of Woodbury Road, approximately three/fifths mile north of Golfway Boulevard; District 4; Section 35, 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 Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change. Mr. Heath stated the applicant has submitted voluntary conditions that would make the project more compatible with adjacent communities. He stated staff recommends approval subject to these conditions, with the exception of Condition 4.

#### Appearances

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

- Ron Schwartz, the applicant, RMA Construction (no address given).
- Cynthia Aston, broker/owner, Commercial First Realty and Development Services; representing the seller of the property, Evangelical Lutheran Churches in America (ELCA).

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

- Debbie Bronkie, Eastwood resident (no address given).
- Pam Hunchuck, Eastwood resident, Falcon Ridge Subdivision (no address given).
- Tina Gordon, resident on Bluejay Way, Orlando, Florida.
- Keith Robinson, area resident (no address given).
- Kathy Massey, area resident (no address given).
- Tom Warlick, 2912 Lakeshore Drive, Orlando, Florida.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Chapin, and carried with County Chairman Chapin and Commissioners Hoenstine, Johnson, and Edwards voting AYE by voice vote; Commissioners Freeman, Staley, and Butler voting NO by voice

vote; the Board continued the public hearing to consider the request by Ron Schwartz, Eastwood Planned Development/Land Use Plan, to change the approximately 3.7 acres of property (Parcel 1A) from church use to single family residential (18 units); until April 8, 1997, at 2 p.m.

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 61 FOR THE APPEARANCES, DISCUSSION, AND MOTION.)

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: KEVIN HAWKINS, QUANTUM DEVELOPMENT GROUP, INC.; THREE POINTS; CASE Z-96-089; DISTRICT 4 (CONTINUED FROM MARCH 11, 1997)**

By consensus, the Board reopened the public hearing to consider a request by Kevin Hawkins, Quantum Development Group, Inc., Three Points, to rezone General Commercial District (C-2) (1984), Farmland Rural District (A-2) (1957), and Restricted Industrial (I-1) (1984) to Planned Development (PD), continued from March 11, 1997, Board meeting.

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

and

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - HARBOR BEND PLANNED DEVELOPMENT/PRELIMINARY SUBDIVISION, DISTRICT 4 (CONTINUED FROM MARCH 11, 1997)**

By consensus, the Board reopened the public hearing to consider the Harbor Bend Planned Development/Preliminary Subdivision Plan, continued from March 11, 1997, Board meeting.

(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 explained that the public hearings were continued to allow time to explore various options relating to the minimum lot sizes. Mr. Heath outlined the requests and identified the locations of the subject properties, and related the review process completed to date.

**Court Reporter**

A court reporter, Shari Brummell, Landmark Reporting, Inc., was present; Assistant Deputy Clerk Tom Stark read the Notice of Appeal

into the record.

Appearances

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

- David Brennen, Esquire; 201 South Orange Avenue, Orlando, Florida; for the applicant.
- Kevin Hawkins, the applicant (no address given).

No one appeared in opposition to the request.

The following person addressed the Board with general comments:

- Larry Fennigan, president of Gulfstream Harbor Homeowners' Association (no address given).

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

- Clerk's Exhibit 1, supplementary materials and photographs.

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 Hoenstine, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board approved the request by Kevin Hawkins, Quantum Development Group, Inc., Three Points, to rezone General Commercial District (C-2) (1984), Farmland Rural District (A-2) (1957), and Restricted Industrial (I-1) (1984) to Planned Development (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Harbor Bend Planned Development/Land Use Plan (PD/LUP), dated "Received December 9, 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. Prior to platting, the developer shall record an aviation easement on this property, subject to approval by the Greater Orlando Aviation authority. Deed covenants shall specify that there is an aviation easement and all buyers of lots shall be notified of the easement prior to any closing on any lot.
3. Lots shall have a minimum lot size of 45 feet by 100 feet.

#### Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board approved the Harbor Bend Planned Development/Preliminary Subdivision Plan, subject to the following conditions:

1. Development shall conform to the Harbor Bend Planned Development/Land Use Plan (PD/LUP) and Preliminary Subdivision/Development Plan, dated "Received December 16, 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. Stormwater management system shall be designed to retain the 100-year/24-hour storm on site unless documentation with supporting calculations is submitted which indicates that a positive outfall exists and can accommodate this project.
3. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
4. An easement agreement addressing ownership and maintenance of the common private utilities will be required prior to certificate of occupancy for the commercial properties.

5. Prior to platting, the developer shall record an aviation easement on this property, subject to approval by the Greater Orlando Aviation Authority. Deed covenants shall specify that there is an aviation easement and all buyers of lots shall be notified of the easement prior to closing on any lot.
6. Prior to construction plan approval the developer shall submit a street addressing plan to the Zoning Department for review and approval.
7. Prior to construction plan approval, a Conservation Area Impact Permit must be approved by the Environmental Protection Department.
8. There shall be no connection of Wakulla Way on the northern boundary of the property to Spearfish Avenue until 50 feet right-of-way for Wakulla Way has been acquired.
9. A revised Preliminary Subdivision Plan shall be submitted and approved by the Development Review Committee prior to construction plan submittal.

In response to Mr. Hawkins' question regarding his request for waiver of Orange County Code, Section 38-1254(1), County Chairman Chapin directed Mr. Hawkins to meet with Planning Department Manager David Heath to clarify the status of this request and report to the Board.

(See page 66 for continued discussion and approval of an additional condition.)

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 64 AND 65 FOR THE APPEARANCES, DISCUSSION, AND MOTION.)

**APPEAL OF ENVIRONMENTAL PROTECTION DEPARTMENT STAFF DECISION - APPELLANT: JUANITA DRAGE, ET AL. APPLICANT: DAN GRABHORN; BOAT DOCK AND BOAT HOUSE CONSTRUCTION PERMIT; LITTLE LAKE CONWAY/LISA WATERWAY CANAL; DISTRICT 4 (CONTINUED FROM MARCH 4, 1997)**

By consensus, the Board reopened the public hearing to consider an appeal filed by Juanita Drage, et al., of the decision of the Orange County Environmental Protection Department to issue a permit to Dan Grabhorn for the construction of a boat dock and boat house, pursuant to Orange County Code, Chapter 15, Section 15-344, continued from the March 4, 1997, Board meeting.

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

and

**APPEAL OF ENVIRONMENTAL PROTECTION DEPARTMENT STAFF DECISION - APPELLANT: JUANITA DRAGE, ET AL. APPLICANT: LARRY BARNES; BOAT DOCK AND BOAT HOUSE CONSTRUCTION PERMIT; LITTLE LAKE CONWAY/LISA WATERWAY CANAL; DISTRICT 4 (CONTINUED FROM MARCH 4, 1997)**

By consensus, the Board reopened the public hearing to consider an appeal filed by Juanita Drage, et al., of the decision of the Orange County Environmental Protection Department to issue a permit to Larry Barnes for the construction of a boat dock and boat house, pursuant to Orange County Code, Chapter 15, Section 15-344, continued from the March 4, 1997, Board meeting.

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

Staff Report

Environmental Protection Department Manager Anna M. Hacha-Long explained that these public hearings were continued to allow staff time to resolve issues with all parties involved. Ms. Hacha-Long reviewed the requests and the Environmental Protection Department's decision of approval.

Sheriff's Office Marine Unit Detective Bob Hughley reported that the proposed boat docks and boat houses would not cause any navigation problems in the canal.

Environmental Protection Department Senior Environmental Specialist Pamela Thomas stated there would not be any significant environmental impact caused by the proposed boat docks and boat houses.

Appearances

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

- Dan and Susan Grabhorn, the applicants (no address given).

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

- Janine Jamieson, resident on the north side of the Lisa Waterway (no address given).

Discussion

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

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioners Freeman and Staley voting NO by voice vote; the Board upheld the Environmental Protection Department's decision and approved the permit requests by Dan Grabhorn and Larry Barnes to construct boat docks and boat houses, subject to the following 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 (1') above the Normal High Water Elevation. Maximum height of the boat house shall be 13 feet above the Normal High Water Elevation of 86.9 msl.
3. During construction, turbidity must be confined to the permitted area of work by the use of appropriate technology (screen, 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 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.
7. This permit prohibits dredging of any type including prop dredging.
8. Drop outermost pilings down an additional two feet (2') beyond the standard code requirement.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: KEVIN HAWKINS, QUANTUM DEVELOPMENT GROUP, INC.; THREE POINTS; CASE Z-96-089; DISTRICT 4 (CONTINUED FROM MARCH 11, 1997) - CONTINUED

and

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - HARBOR BEND PLANNED DEVELOPMENT/PRELIMINARY SUBDIVISION, DISTRICT 4 (CONTINUED FROM MARCH 11, 1997)  
- CONTINUED

Staff Report

Planning Department Manager David Heath, in response to County Chairman Chapin's direction to meet with Mr. Hawkins to clarify the status of his request for a waiver of Orange County Code, Section 38-1254(1), stated that a review of past Board actions shows that a similar development was approved with a reduction of the Planned Development setback from 25 feet to 20 feet. Mr. Heath recommended approval of such a reduction for this development.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved an additional condition of approval for Three Points Planned Development and Harbor Bend Planned Development/Preliminary Subdivision Plan as follows:

Waiver of Section 38-1254(1) of the Orange County Code is granted to allow a 20-foot setback in lieu of 25 feet for the residential phase.

(See page 60 for approval of the request.)

COUNTY ATTORNEY CONSENT AGENDA ITEM 2 - DEFERRED FOR DISCUSSION

- \*2. Approval of an Orange County/City of Orlando/City of Orlando Redevelopment Agency Interlocal Agreement for financing the Interstate 4/Conroy Road Interchange and authorization for the County Chairman to execute and deliver it, but only after she receives notification by both the County Administrator's office and the County Comptroller's office that Exhibit C to the agreement is satisfactory in form and substance (County Attorney).

Commissioner's report

Commissioner Freeman stated he has reviewed some of the documents associated with the agreement and is placing this item back on the consent agenda for approval.

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board approved the Orange County/City of Orlando/City of Orlando Redevelopment Agency Interlocal Agreement for financing the Interstate 4/Conroy Road Interchange, subject to Board approval of Exhibit C to the agreement.

(See page 47 for initial discussion. \*Exhibit C was approved on June 24, 1997.)

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 5 p.m.

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