

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, May 6, 1997. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Ted Edwards
- County Comptroller as Clerk Martha Haynie
- County Administrator Jean Bennett
- Deputy County Attorney John Gehrig
- Deputy Clerk Rosilyn Stapleton

Commissioner Mable Butler joined the meeting where indicated.

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

**WORKSESSION-SALES TAX - MUNICIPAL AND DEPARTMENT OF TRANSPORTATION NEEDS**

County Chairman's Report

County Chairman Chapin stated that this worksession is being held to allow mayors and various staff members of local municipalities to comment on the proposal for a referendum regarding a one-cent infrastructure sales tax, to discuss particular needs of each municipality, to comment on the plan proposed by the Blue Ribbon Commission, and to address the proposed six-year plan.

**Commissioner Butler joined the meeting.**

City of Orlando Mayor Glenda Hood addressed the Board and presented an optional ten-year plan that the City believes may address the infrastructure needs more efficiently than the proposed six-year plan. She stated that the City of Orlando will support a ten-year plan.

Mayor Hood stated that the proposed six-year plan will allow the City to fund the priority projects concerning road improvements and the bicycle plan. She further stated that under the proposed ten-year plan the City's priority projects will be expanded to include funding for the light rail transit system and the purchase of additional busses for Lynx.

#### Discussion

The Board discussed the proposed light rail transit system, operational costs associated with projects implemented with funds generated by the proposed one-cent tax, advantages and disadvantages associated with the proposed six- and ten-year plans, bonding as an option to a 15-year plan, the City of Orlando Performing Arts Center, and specific roads targeted for improvements with funds from the proposed one-cent tax.

City of Apopka Mayor John Land addressed the Board and stated that transportation is a long standing priority issue for Apopka. He noted that Apopka will support a referendum for the proposed one-cent infrastructure sales tax and stated that the City has no preference in plan length.

Mayor Land addressed the issue of project specificity and stated that roadway improvements rank number one for the City of Apopka. He explained that prior to ranking specific roadway improvement projects Apopka will need County confirmation on the status of joint roadway improvement projects currently pending and clarification of funding available to Apopka under each proposed plan.

Mayor Land also addressed the issue of the resort tax and its impact on Apopka.

#### Discussion

The Board discussed the Western Beltway, plan length preferences, the resort tax, pending joint roadway improvement projects with the City of Apopka, and the tax equalization committee.

City of Eatonville Mayor Anthony Grant addressed the Board and stated that Eatonville's priority project is the repavement of many residential roadways. He stated that Eatonville will support a ten-year plan and noted that a six-year plan will not generate enough funding to complete the repaving project.

#### Discussion

The Board discussed formula design for distribution of funds and joint funding ventures between the County and the City of Eatonville for roadway improvement projects.

City of Edgewood Mayor James Nicoloff addressed the Board and stated that Edgewood has ranked its three priority projects as follows:

- #1 Orange Avenue roadway improvement project;
- #2 financing for the Emergency Fund;
- #3 expansion of the Edgewood City Hall.

Mayor Nicoloff further stated that Edgewood will support a ten-year plan.

Discussion

The Board discussed the Orange Avenue roadway improvements, the proposed light rail transit route, and the importance of partnerships between the County and local municipalities for shared roadway improvement projects.

City of Oakland Mayor James Williams addressed the Board and stated that the City has established priority lists for six-year, ten-year, and 15-year plans and noted that Oakland will support a ten-year plan.

Bob Teach, an involved Oakland resident, presented the following priority project ranking to the Board:

- #1 new community center;
- #2 new recreational facilities;
- #3 affordable housing for the west-side Oakland community;
- #4 enhancement of the City's public meeting facility.

Mr. Teach noted that the ranking is based on Oakland's community commons concept and noted Oakland's desire to participate in the Winter Garden Targeted Community Initiatives (TCI) program.

City of Ocoee Mayor Scott Vandergrift addressed the Board and stated that Ocoee developed its priority project ranking based on a 15-year plan proposal. He explained that Ocoee views the utility issue as its priority and has many utility projects it would like to complete.

Mayor Vandergrift stated that Ocoee based its priority project review on a 15-year plan because of the bonding option available under that plan and the extensive cost of the projects it would like to accomplish. He further stated that the City would support a ten-year plan as an alternative, but stated that it would not support the proposed six-year plan.

Discussion

The Board discussed the ordinance attached to the proposed infrastructure sales tax, shared responsibility of road improvement projects between the County and Ocoee, the practice of isolationism among municipalities, and the overcrowding of schools throughout the entire county.

City of Windermere Mayor Victor Thompson addressed the Board and stated that the City's priority project is potable water and that Windermere will support a six-year plan.

Winter Garden City Manager Hollis Holden addressed the Board and and stated that Winter Garden has placed the improvement of S.R. 535 from Chase Road to Colonial Drive, the paving of dirt streets, and stormwater issues at the top of its priority project list.

Mr. Holden further stated that Winter Garden will support a ten-year plan.

Discussion

The Board discussed philosophical concerns over spending issues raised by the municipalities and the mandate that all projects convened with funds generated by the proposed tax be completed.

City of Winter Park Commissioner Kip Marchman addressed the Board and stated that Winter Park ranks road improvement as its priority project and clarified that many of the projects Winter Park would like to complete are shared funding ventures with the County. He further stated that Winter Park will support a ten-year plan.

Discussion

The Board discussed the many road improvement projects it has partnered with Winter Park to complete, the Naval Training Center development, and alternative forms of transportation.

Wayne Rich, Transportation Authority president, addressed the Board and presented an overview of the Western Beltway. Mr. Rich stated that the design work for Part A is being funded by the Authority and is underway and that most of the rights-of-way have be acquired for Part A, Ocoee to Apopka. He further stated that the alignment and interchange points have been selected for Part C, Ocoee to I-4.

Mr. Rich further stated that the cost for acquiring the rights-of-way necessary to complete Part C is more than \$80,000,000. He noted that current funding projections show a shortfall for financing in the conventional manner and that waiting

to acquire the rights-of-way necessary will increase the cost comparative to the rising cost of real estate.

Mr. Rich reviewed the benefits of the Western Beltway by noting that this highway will support economic growth to the Ocoee and Apopka areas, that it will provide an alternative traffic route to the tourist corridor, and that it will provide quick access to downtown Orlando for area residents.

#### Discussion

The Board discussed legislative impact on funding options, donation of rights-of-way, construction time frames, revenue and traffic studies, toll roads, and the impact to the project of a six-year plan versus a ten-year plan.

Nancy Houston, District 7 Secretary of Transportation, addressed the Board and stated that funding raised by the proposed six-year plan will not solve all of Central Florida's transportation problems but it will help make significant progress. She stated that the plan is consistent with the I-4 Master Plan and the Metropolitan Planning Organization's (MPO) cost-feasibility plan.

Ms. Houston reviewed the road improvement projects targeted by the Department of Transportation and stated that if a ten-year plan is approved many targeted projects could be accelerated and additional projects could be added.

#### Discussion

The Board discussed additional projects, road improvement projects targeted for District 5, the increased cost to the County of advancing project completion target dates, updating roadways versus roadway improvements, the advantages of a six-year plan, sunset of the proposed tax, and the creation and institution of an oversight board.

Daryl McLain, chairman of the Lynx Board of Directors, addressed the Board and reviewed the company's success. Mr. McLain noted the increase in ridership over the last five years and the variety of services offered. He stated that planning is the key to success for transportation of the future and that public-private partnerships will help secure the future.

Robb Gregg, Lynx interim director, addressed the Board and reviewed the services offered to the community by the company. Mr. Gregg noted customer service ratings, capital investments, customer amenities, and the proposed light rail transit priority corridor.

He concluded his presentation by noting that Lynx won the 1996 American Public Transit Association Outstanding Achievement Award for the entire country.

Discussion

The Board discussed the six-year plan as a starting line for performance review.

**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
- County Administrator Jean Bennett
- Deputy County Attorney John Gehrig
- Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioner Edwards was absent.

The Board paused for an invocation by N. Y. Nathiri, executive director of the Association to Preserve the Eatonville Community, followed by the Pledge of Allegiance to the Flag.

Presentation of Eighth Annual Arts in April Show Awards

Andre Anderson, chairman of the 1997 Arts in April Employee Art Show, reported that the event was a success. Mr. Anderson noted that more than 200 entries were received and acknowledged the many committee volunteers that contributed to the art show.

County Chairman Chapin presented plaques to the first place award winners, the winner of the People's Choice Award, and the winner of the Best In Show Award.

**FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA**

1. Selection of one firm and two ranked alternates to provide engineering services for the Cheney Heights and Franklin Heights water distribution system, wastewater collection

system, and stormwater system improvements, RFP Y7-814-MK ([Utilities Engineering Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Hoenstine stated that he was present at the March 24, 1997, Procurement Review Committee meeting and reviewed the committee's recommendation on the selection of one firm and two ranked alternates for the Cheney Heights and Franklin Heights water distribution system, wastewater collection system, and stormwater system improvements from the following firms listed alphabetically:

- Apex Engineering, Inc./Blount Sikes & Associates - a Joint Venture
- Berryman & Henigar
- John B. Webb & Associates, Inc.

**Motion**

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

- #1 Berryman & Henigar
- #2 Apex Engineering, Inc./Blount Sikes & Associates - a Joint Venture
- #3 John B. Webb & Associates, Inc.

and further, authorized staff to enter into contract negotiations for the Cheney Heights and Franklin Heights water distribution system, wastewater collection system, and stormwater system improvements, RFP Y7-814-MK.

2. Selection of one firm and two ranked alternates to provide engineering services for Bonnie Brook Subdivision wastewater collection system improvements and stormwater system improvements, RFP Y7-815-MK ([Utilities Engineering Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Hoenstine stated that he was present at the March 24, 1997, Procurement Review Committee meeting and reviewed the committee's recommendation on the selection of one firm and two ranked alternates for Bonnie Brook Subdivision wastewater collection system improvements and stormwater

system improvements from the following firms listed alphabetically:

- Berryman & Henigar
- WBQ Design & Engineering, Inc.
- John B. Webb & Associates, Inc.

**Motion**

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

- #1 WBQ Design & Engineering, Inc.
- #2 Berryman & Henigar
- #3 John B. Webb & Associates, Inc.

and further, authorized staff to enter into contract negotiations for Bonnie Brook Subdivision wastewater collection system improvements and stormwater system improvements, RFP Y7-815-MK.

- 3. Selection of one firm for preparation of Phase I of the Comprehensive Policy Plan Evaluation and Appraisal Report, RFP Y7-621-SS ([Planning Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Johnson stated that she was present at the April 14, 1997, Procurement Review Committee meeting and reviewed the committee's recommendation on the selection of one firm for preparation of Phase I of the Comprehensive Policy Plan Evaluation and Appraisal Report from the following firms listed alphabetically:

- Berryman & Henigar
- Miller-Sellen Associates, Inc.
- Solin & Associates, Inc.

**Motion**

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

- #1 Miller-Sellen Associates, Inc.
- #2 Berryman & Henigar
- #3 Solin & Associates, Inc.

and further, authorized staff to enter into contract negotiations for preparation of Phase I of the Comprehensive Policy Plan Evaluation and Appraisal Report, RFP Y7-621-SS.

COUNTY CONSENT AGENDA

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board:

- deleted all Fleet Management Department items from County Comptroller Item 1;
- deleted Planning and Development Division Item 2;
- deferred Planning and Development Division Item 4 for discussion and subsequent approval [see pages 190 and 191];

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

County Administrator

1. Confirmation of the County Chairman's appointments of Larry Bacon as Director of Administration and Edward Royal as Director of Operations, Corrections Division (County Chairman's Office).
2. Approval to a) extend the federal transportation lobbying Contract Y7-164-SS through December 31, 1998; b) approval of a federal lobbying contract through December 31, 1998, with the firm of Alcalde and Fay for nontransportation issues; and c) approval of the Interlocal Agreement with the Greater Orlando Aviation Authority (County Administrator).

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

3. Confirmation of the County Chairman's appointments of commissioners to the Value Adjustment Board for 1997 as follows:

- County Chairman Linda Chapin
- Commissioner Mary Johnson
- Commissioner Ted Edwards

(County Chairman's Office).

4. Approval of a resolution designating United Arts as the Local Arts Agency for Orange County (County Administrator)

(Resolution 97-M-20 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**County Comptroller**

1. Board approval is requested to dispose of tangible personal property as follows:
  - a. Dispose of assets through trade-in to the vendor for value.
  - b. Sell assets through sealed bid.
  - c. Return assets to vendor for replacement assets.
  - d. Cannibalize assets for usable parts.
  - e. Scrap asset at County Landfill.

(Property Accounting Department)

**(As stated in the above motion, all Fleet Management Department items were deleted from this item.)**

2. 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 notices of hearing and prehearing conferences for:
    - Petition for arbitration of rates, terms, and conditions for the interconnection and related arrangements with Sprint-Florida, Inc., by KMC Telcom, Inc.; dated April 8, 1997.
    - Resolution by Haines City Commission requesting extended area service from city exchange to all exchanges within Polk County; dated April 8, 1997.
    - Petition for numbering plan area relief for 904 area code by BellSouth Telecommunications, Inc.; dated April 7, 1997.

- Order Granting Motion For Continuance in re: Application for amendment of Certificate Nos. 533-W and 464-S to add territory in Lake and Orange Counties by Southlake Utilities, Inc.; dated April 17, 1997.

(Comptroller Clerk of the Board of County Commissioners)

3. 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 April 29, 1997, to May 5, 1997; total of \$5,239,474.81.

**Supervisor of Elections**

1. Approval of special request to give former Supervisor of Elections, Betty Carter, her executive chair in recognition of her 16 years of service to the citizens of Orange County and authorization to offer Ms. Carter the opportunity to purchase her credenza at the appraised value of \$650 (Supervisor of Elections).

**Administrative Support Division**

1. Approval and authorization to record instruments: Cheltenham, Right-of-Way Deed and Partial Release of Mortgage, District 4 (Real Estate Management Department).

**Fire Rescue Division**

1. Approval of exemptions to the County's tuition reimbursement program for the paramedic training program at Valencia Community College (Division Office).

**Fiscal and Human Resources Division**

1. Approval to award Invitation For Bid Y7-152-R2 to the low responsive and responsible bidder, Precision Meters, Inc., for water meters. The total cost is \$150,000 ([Water Department] Purchasing and Contracts Department).
2. Approval of Budget Amendments 97-57 through 97-59 (OMB).

(Budget Amendments 97-57 through 97-59 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval of CIP Amendments 55-97 and 57-97 through 59-97 (OMB).

(CIP Amendments 55-97 and 57-97 through 59-97 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approve payment of Intergovernmental Claims (April 17, 1997) totaling \$93,942.79 (Risk Management Department).
5. Receipt and filing of the April 10, 1997, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).
6. Confirmation of the County Chairman's staff reappointments for May 1997:

- Jean C. Bennett, County Administrator
- Nancy Tallent, Human Resources Department Manager, Fiscal and Human Resources Division
- Jerome Daigle, Operations Manager, Convention Center
- Michael Chandler, Solid Waste Department Manager, Utilities Division
- Melvin Pittman, Zoning Department Manager, Planning and Development Division

(Human Resources Department).

7. Approval to pay annually the fees associated with the Orange County Educational Facilities Authority's annual financial report as required by Chapter 243, Section 36, Florida Statutes, and the Authority's statutory annual special districts fee (Division Office).

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

1. Approval and execution of renewal of nonemergency license for Unicare Transport Services to provide wheelchair/stretchers service. Term of the license is June 30, 1997, through June 30, 1999, all districts (Emergency Medical Services Department).

**Planning and Development Division**

1. Receipt and filing of the Lake Jessamine Water Advisory Board minutes of March 20 and 26, 1997, District 4 (Environmental Protection Department).
2. Approval and execution of an amended Single-family Developer's Agreement for the Las Alamedas Development, District 2 (Housing and Community Development Department).

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

3. Confirmation of the County Chairman's appointment of Mitchell Glasser as Manager of the Housing and Community Development Department (Division Office).
4. Approval of resolution creating the Urban Design Commission and appointing the initial members (Planning Department).

**(As stated in the above motion, this item was deferred for discussion, see pages 190 and 191.)**

**Public Works Division**

1. Approval to execute and authorization to record a Use Agreement, District 3 (Development Engineering Department).  
  
(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
2. Approval to replace the existing "Yield" signs with "Stop" signs on Whooping Crane Lane at Brook Hollow Drive, District 4 (Traffic Engineering Department).
3. Approval to install "Yield" signs in the Curry Ford Road East Subdivision, District 4 (Traffic Engineering Department).
4. Approval to install "Yield" signs on Lone Palm Road, District 5 (Traffic Engineering Department).
5. Approval to install "Yield" signs on Golfway Boulevard, District 4 (Traffic Engineering Department).
6. Approval to install "Stop" and "Yield" signs in the Waterford Lakes Subdivision, Tract N-25A, District 4 (Traffic Engineering Department).

7. Approval to install "Stop" and "Yield" signs in the Shoal Pointe Subdivision, District 4 (Traffic Engineering Department).
8. Approval to install "Stop" and "Yield" signs in the Woodlands Pointe Subdivision, District 4 (Traffic Engineering Department).
9. Approval to establish a "No Parking" Zone on the north and south sides of Flanders Way beginning at the east right-of-way line of Faber Drive and extending 135 feet east, District 3 (Traffic Engineering Department).
10. Approval to issue Change Order 2-PU to Contract Y6-747, Hidden Hollow Subdivision drainage improvement project to Perri Builders, Inc., in the increased amount of \$8,700, District 3 (Highway Construction Department).
11. Approval to issue Change Order 8-PWF to Contract Y4-748, Piedmont-Wekiva Springs Road (S.R. 436 to Seminole County Line) Phase II, to Gibbs & Register, Inc., in the increased amount of \$86,000, District 2 (Highway Construction Department).
12. Authorization for the County Chairman to execute the grant application to the State of Florida Department of Transportation for the purchase of traffic control emergency response trailer at a cost of \$12,437.16 (Traffic Engineering Department).

**PLANNING AND DEVELOPMENT DIVISION CONSENT ITEM 4 - DEFERRED FOR DISCUSSION**

4. Approval of resolution creating the Urban Design Commission and appointing the initial members (Planning Department).

County Chairman's Report

County Chairman Chapin clarified that the staff memo requesting approval of the resolution creating the Urban Design Commission and appointing the initial members was incorrect and that the last sentence of Paragraph 2 should read, "Any future appointments will be made by the MMRB and the Board of County Commissioners," and further, noted revised language to the resolution as follows:

Page 2, Line 58: ... thirteen (13) members appointed by the Board ...

County Chairman Chapin requested that the Board adopt this resolution and appoint Brian Canin for a term expiring December 31, 1998. County Chairman Chapin further noted that this item would return to the Board in two weeks for appointment of the remaining members.

**Motion**

**Upon a motion by Commissioner Hoenstine, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board approved a resolution creating the Urban Design Commission and appointing the initial members with revised language as follows:**

Page 2, Line 58: ... thirteen (13) members appointed by the Board ...

and further, appointed Brian Canin to the Board for a term expiring December 31, 1998.

(Resolution 97-M-21 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Commissioner Freeman left the meeting.**

**COMPREHENSIVE POLICY PLAN AMENDMENT, CYCLE 1, ADOPTION HEARING/ ORDINANCE**

Notice was given that the Orange County Board of County Commissioners would hold a public hearing to consider adoption of proposed amendments to the 1990-2010 Comprehensive Policy Plan (CPP), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the matters set forth below:

1. Proposed amendments to the CPP which would change the uses of lands within the areas identified on the maps on file.
2. Amendments to the Traffic Circulation Element (Amended) related to textual changes for the current Florida Department of Transportation (FDOT) Project Development and Environmental (PD&E) Studies for S.R. 434/Forest City Road and U.S. 441/Apopka Bypass and Plymouth/Sorrento Road. The Public School Facilities Element concerning the adoption of a

new element is not being considered at this time, but will be considered with the adoption of the 97-2 cycle Comprehensive Policy Plan amendments in the fall of 1997.

- 3. Amendments to the Future Land Use Element for the Horizon West Specific Area Plan (SAP) for Lakeside Village pertaining to the adoption of a plan (including maps and goals, objectives, and policies) for Village "E," Amendment of the Boundary of the Village Future Land Use designation as follows: Future Land Use changes from Rural Settlement to 1/1 Village Land Use designation to include area east of C.R. 535 identified as Lake Burden neighborhood. More specific maps of the affected area are on file.

(The Amendment Booklet is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(The address/general location, tax identification number/ subdivision, current land use, and requested land use for each Comprehensive Policy Plan Amendment are on file in the Office of the Comptroller Clerk of the Board of County Commissioners. The Future Land Use Map is on file in the Planning Department.)

(A copy of the Objections, Recommendation, and Comments [ORC] Report is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

and

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING ORANGE COUNTY ORDINANCE NO. 91-16, WHICH ESTABLISHED THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "1990-2010 COMPREHENSIVE POLICY PLAN," AS AMENDED AND PROVIDING AN EFFECTIVE DATE.

and

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING ORANGE COUNTY ORDINANCE NO. 91-16, WHICH ESTABLISHED THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "1990-2010 COMPREHENSIVE POLICY PLAN," AS AMENDED; PROVIDING FOR SEVERAL SMALL SCALE FUTURE LAND USE MAP AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath informed the Board that this meeting is to consider the final adoption of the 1997 first regular cycle Comprehensive Policy Plan Amendments. Mr. Heath noted that the Department of Community Affairs (DCA) has reviewed the proposed amendments and issued its ORC Report; and subsequently, the Local Planning Agency conducted its review prior to this public hearing.

Mr. Heath stated he is requesting approval of the items listed under the expedited agenda in one motion, unless a Board member or someone in the audience requests that the item be placed on the public hearing agenda. He also requested that the Board continue adoption of the two related ordinances until May 20, 1997.

Chief Planner Carol Stricklin announced each of the amendments and policies and text on the expedited agenda as follows:

Policy and Textual Amendments

Traffic Circulation Element: Textual Changes Related to S.R. 434/Forest City Road (page 1 of the amendment booklet)

Traffic Circulation Element: Textual Changes Related to U.S. 441/Apopka Bypass (page 6 of the amendment booklet)

Traffic Circulation Element: Textual Changes Related to Plymouth-Sorrento Road (page 9 of the amendment booklet)

Future Land Use Map Amendments

District 1

97-1-A-1-1 (page 1 of the amendment booklet)

District 2

97-1-A-2-1 (page 10 of the amendment booklet)

District 4

97-1-A-4-1 (page 18 of the amendment booklet)

District 5

97-1-A-5-2 (page 30 of the amendment booklet)

District 6

97-1-A-6-1 (page 38 of the amendment booklet)

District 1

Amendment 96-2-A-1-2 was withdrawn.

Ms. Stricklin stated that the agenda listing for this item contained a typographical error and was listed as 97-2-A-1-2.

**Motion**

**Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Edwards were absent; the Board adopted the policies and textual amendments and future land use map amendments on the expedited agenda as outlined above; and further, approved the developer's agreement for Future Land Use Map Amendment 97-1-A-6-1.**

(Future Land Use Map Amendment 96-2-A-1-2 was withdrawn.)

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

Small Scale Future Land Use Map Amendments

District 1

Amendment 97-1-S-1-1 was withdrawn.

97-1-S-1-2 (page 4 of the amendment booklet)

97-1-S-1-3 (page 10 of the amendment booklet)

97-1-S-1-4 (page 16 of the amendment booklet)

District 2

97-1-S-2-1 (page 22 of the amendment booklet)

97-1-S-2-3 (page 29 of the amendment booklet)

District 3

97-1-S-3-1 (page 37 of the amendment booklet)

District 4

97-1-S-4-1 (page 49 of the amendment booklet)

District 5

97-1-S-5-1 (page 55 of the amendment booklet)

Amendment 97-1-S-5-2 was withdrawn.

**Motion**

**Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Edwards were absent; the Board adopted the small scale future land use map amendments on the expedited agenda as outlined above, with the exception of Small Scale Future Land Use Map Amendment 97-1-S-5-1 which was placed on the public hearing agenda for May 20, 1997, at 2:45 p.m.; and further, approved the developer's agreement for Small Scale Future Land Use Map Amendment 97-1-S-3-1.**

(Small Scale Future Land Use Map Amendments 97-1-S-1-1 and 97-1-S-5-2 were withdrawn.)

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

**Small Scale Future Land Use Map Amendment Public Hearing**

Small Scale Map Amendment 97-1-S-3-2; District 3 (page 43 of the amendment booklet)

**Staff Report**

Planning Department Manager David Heath reviewed the request. Mr. Heath noted that staff recommends denial and the Local Planning Agency recommends adoption of the amendment with a future land use designation of Commercial.

**Appearances**

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

- Stuart Buchanan; Swann, Hadley, and Alvarez, P.A. (no address given); for the applicant.

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

- Robin Dornfeld, 1217 Myrtle Street, Orlando, Florida.
- Charles Belcher, 7124 Partridge Lane, Orlando, Florida.
- Bill Wilton, 1509 Myrtle Street, Orlando, Florida.
- Mike Miller (no address given).

Discussion

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

**Motion**

**Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Staley, Johnson, and Hoenstine voting AYE by voice vote; Commissioner Butler voting NO by voice vote; Commissioners Freeman and Edwards were absent; the Board denied adoption of Small Scale Future Land Use Map Amendment 97-1-S-3-2.**

(THE FOLLOWING THREE PUBLIC HEARINGS WERE CONSIDERED TOGETHER, SEE PAGE 198 FOR APPEARANCES, DISCUSSION AND MOTION.)

**Commissioner Johnson left the meeting.**

**Comprehensive Policy Plan Policy and Textual Amendment Public Hearing**

Horizon West Amendments:

- Future Land Use Map Amendment 97-1-B-1-1 - Boundary of Village Land Use designation; District 1
- Lakeside Village Goals, Objectives and Policies
- Specific Area Plan for Lakeside Village

Staff Report

Planning Department Manager David Heath reviewed the request and stated that this is the first village for Horizon West. Mr. Heath noted that staff and the Local Planning Agency recommend adoption of the amendment with a future land use designation of Village.

and

**ORDINANCE PUBLIC HEARING - CREATING THE HORIZON WEST VILLAGE PLANNED DEVELOPMENT CODE FOR SPECIFIC AREA PLANS WITHIN THE VILLAGE LAND USE CLASSIFICATION (1ST HEARING)**

Notice was given that the Board of County Commissioners would hold the first of two public hearings to consider the following proposed ordinance affecting the use of land:

AN ORDINANCE AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE BY CREATING UNDER ARTICLE VII THEREOF ("PD PLANNED DEVELOPMENT DISTRICT") A DIVISION 7 TO BE ENTITLED VILLAGE DEVELOPMENT CODE; PROVIDING FOR DEVELOPMENT REVIEW PROCEDURES, DESIGN GUIDELINES, AND SITE DEVELOPMENT STANDARDS FOR VILLAGE PLANNED DEVELOPMENTS WITHIN THE VILLAGE LAND USE CLASSIFICATION; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AND PROVIDING AN EFFECTIVE DATE.

and

**ORDINANCE PUBLIC HEARING - IMPLEMENTING THE HORIZON WEST LAND USE CLASSIFICATION, CREATING ADEQUATE PUBLIC FACILITIES AND CREATING TRANSFER OF DEVELOPMENT RIGHTS WITHIN THE VILLAGE LAND USE CLASSIFICATION (1ST HEARING)**

Notice was given that the Board of County Commissioners would hold the first of two public hearings to consider the following proposed ordinance affecting the use of land:

AN ORDINANCE PERTAINING TO LAND USE IN UNINCORPORATED ORANGE COUNTY; CREATING THE IMPLEMENTATION REGULATIONS FOR THE VILLAGE LAND USE CLASSIFICATION; CREATING THE ADEQUATE PUBLIC FACILITIES ORDINANCE APPLICABLE TO THE VILLAGE LAND USE CLASSIFICATION, PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; PROVIDING FOR RELATIONSHIP TO OTHER ORDINANCES; PROVIDING FOR IMPLEMENTATION AND STANDARDS; CREATING THE TRANSFER OF DEVELOPMENT RIGHTS ORDINANCE APPLICABLE TO THE VILLAGE LAND USE CLASSIFICATION; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; PROVIDING FOR IMPLEMENTATION AND STANDARDS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath stated that this is the first of two public hearings to consider the proposed ordinances. Mr. Heath stated that the second of two public hearings for each ordinance is scheduled for May 20, 1997, at 5:01 p.m.

Chief Planner Kendel Keith reviewed the proposed ordinances and outlined the provisions of each.

Appearances

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

- Jim Sellen; Miller-Sellen Associates, Inc.; 214 East Lucerne Circle, Orlando, Florida.
- Don Phillips (no address given); for Horizon West.

The following person addressed the Board in opposition to the proposed ordinances:

- Irby Pugh, Esquire, 218 Annie Street, Orlando, Florida; for property owner's on the west side of Lake Mable.

Discussion

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

**Motion**

**Upon a motion by County Chairman Chapin, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioners Freeman, Johnson, and Edwards were absent; the Board:**

- continued the public hearing to consider the two proposed ordinances pertaining to comprehensive planning until May 20, 1997, at 2:45 p.m.;
  - continued the public hearing to consider adoption of the Horizon West Amendments as follows:
    - staff-initiated Future Land Use Map Amendment 97-1-B-1-1; District 1
    - Horizon West Lakeside Village Goals, Objective, and Policies
    - Lakeside Village Specific Area Plan
- until May 20, 1997, at 2:45 p.m.;
- continued the public hearing to consider the proposed ordinance establishing the Adequate Public Facilities/Transfer of Development Rights (second of two public hearings) until May 20, 1997, at 5:01 p.m.;

and

- continued the public hearing to consider the proposed ordinance establishing the Village Development Code (second of two public hearings) until May 20, 1997, at 5:01 p.m.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - AVALON PARK PLANNED DEVELOPMENT/LIVE OAK VILLAGE PRELIMINARY SUBDIVISION, DISTRICT 4 (CONTINUED FROM APRIL 15, 1997, FOR DECISION ONLY)

By consensus, the Board reopened the public hearing to consider the Avalon Park Planned Development/Live Oak Village Preliminary Subdivision Plan, continued from the April 15, 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 hearing was continued for decision only. Mr. Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioners Freeman, Johnson, and Edwards were absent; the Board approved the Avalon Park Planned Development/Live Oak Village Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Avalon Park Planned Development BCC approvals and the Live Oak Village Preliminary Subdivision/Development Plan, dated "Received February 26, 1997," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws,

ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on May 6, 1998, in accordance with the Orange County Subdivision Regulations as amended.

2. The waiver of Section 34-152 (b) of the subdivision regulations to have corner lot set-backs eight feet (8') wide in lieu of ten feet (10') is approved.
3. Section 34-209 of the subdivision regulations requiring a wall is waived.
4. A street name plan shall be submitted to and approved by the Zoning Department prior to platting.
5. A waiver of Section 34-171 (B) which requires a minimum pavement width of 17 feet is approved.
6. A waiver of Section 38-1425 of the Orange County Code is granted to allow Bed and Breakfast home stays, Bed and Breakfast Inns, and Country Inns to be located less than 1000 feet from similar use on Lots 19, 20, and 30 of Block J.
7. Prior to approval of the final plat for Live Oak Village, a Developer's Agreement with Orange County will be executed which will insure a right-of-way equivalent to a four-lane road system for the north/south road from Alafaya Trail to the north boundary.

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 4:45 p.m.

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