

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, May 13, 1997. The following were present:

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

Commissioner Ted Edwards was absent.

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

**WORKSESSION - POWER LINE MORATORIUM - DRAFT ORDINANCE**

A court reporter, John Morton, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Staff Report

Public Works Division Director Ajit Lalchandani stated that the purpose of the worksession is to discuss issues, options, and recommendations related to the placement of overhead power lines in County rights-of-way.

Mr. Lalchandani reviewed the discussion and background information from the worksession held on March 4, 1997. He recapped the following options which were presented to the Board as follows:

1. Maintain status quo.
2. Pay cost differential between overhead versus undergrounding of utilities.
3. Pass a siting ordinance.

Regarding Option 2, Mr. Lalchandani reviewed the findings of a study conducted by the Public Service Commission which addressed the cost differential between overhead and underground utilities and stated the Public Service Commission's position that rate payers should not bear the cost of undergrounding utilities.

Mr. Lalchandani presented Option 4, amend the Right-of-Way Utilization Regulations by:

- Restricting overhead powerlines to one side of the road
- Requiring utilities to colocate
- Restricting future overhead powerlines from crossing streets to serve future developments.

Mr. Lalchandani outlined the advantages of amending the regulations and pointed out that staff recommends that the Board authorize staff to draft amendments to the right-of-way utilization regulations and schedule a public hearing for adoption.

Mr. Lalchandani added, if the Board decides to amend the right-of-way utilization regulations, the adequacy of the permit application and inspection fees would be analyzed to determine if they need to be restructured.

**Appearances**

The following persons addressed the Board:

- Brad Shepherd, consultant for the County (no address given).
- Ken Cone, representing Florida Power Corporation (no address given).

**Discussion**

The Board discussed colocation of utilities, utilizing MSTU/BUs and franchise fees to pay cost differential between overhead and underground utilities, the Public Service Commission's position on paying for underground utilities, and the cost savings and other benefits relating to amending the Right-of-Way Utilization Regulations.

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board authorized staff to draft amendments to the Right-of-Way Utilization Regulations and schedule a public hearing for consideration of those amendments.

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

1. Approve award of contracts to provide computer/technical consultants for the Division of Information Technologies

(DoIT), RFP Y7-149-EW ([DoIT] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Johnson stated that she was present at the April 28, 1997, Procurement Review Committee meeting and reviewed the committee's recommendation to award contracts to provide computer/technical consultants for DoIT with the following firms listed alphabetically:

- Lots 1, 2, and 3
- Ciber, Inc.
- Elite Technical Services, Inc.
- Interim Technology
- SEI/Sykes
  
- Lot 4
- Resources International
- Tad Technical

and further, authorize execution of the final contracts by the Purchasing and Contracts Department.

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board awarded contracts to provide computer/technical consultants for the Division of Information Technologies, RFP Y7-149-EW as follows:

- Ciber, Inc.
- Elite Technical Services, Inc.
- Interim Technology
- SEI/Sykes
- Resources International
- Tad Technical

and further, authorized execution of the final contract by the Purchasing and Contracts Department.

**PLANNING AND DEVELOPMENT DIVISION - DISCUSSION AGENDA**

1. Approval to schedule a public hearing on the Falcon Trace Community Development District, contingent upon a successful

financial feasibility assessment by the County Comptroller, District 4 (Planning Department).

Staff Report

Deputy County Administrator Howard Tipton reported that this item has been withdrawn pending additional research on financial issues by the County Comptroller's Office.

COUNTY CONSENT AGENDA

Motion

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

- deleted Fiscal and Human Resources Division Items 2 and 8;
- added Planning and Development Division Item 4 (Planning and Development Division Item 2 from the May 6, 1997, Consent Agenda), subject to extension of the agreement for six months only; and further, at the end of six months, all moneys will be returned to fund other projects;

and further, approved the balance of the County Consent Agenda Items as follows including Administrative Support Division Addendum 1:

County Comptroller

1. Approval of the minutes of the April 29, 1997, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Acknowledge "File for the Record" document received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
  - Florida Public Service Commission notice of customer service hearings to Florida Power Corporation and all other interested persons re: Review of nuclear outage at Florida Power Corporation's Crystal River Unit 3; dated April 15, 1997

(Comptroller Clerk of the Board of County Commissioners).

**Administrative Support Division**

1. Approval and authorization to record instrument: Edgewater Drive, Deed, District 2 (Real Estate Management Department).
2. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Lancaster Road (Orange Blossom Trail to Orange Avenue), Resolution, District 4 (Real Estate Management Department).
3. Endorsement of the nomination of William Donegan to fill a vacancy on the Orlando Urban Area Transportation Study Citizens' Advisory Committee created by the resignation of Robert Nordin. The unexpired term is through December 31, 1999 (General Services Department/Agenda Development).

**Addendum 1**

4. Confirmation of the appointment of Stephen David Brice as Commissioner Staley's representative on the Membership and Mission Review Board (General Services Department/Agenda Development).

**Fiscal and Human Resource Division**

1. Approval of a "piggy-back" purchase under a City of Orlando contract with Metro Sewer Services, Inc., for installation of cured-in-place pipe lining at four locations. The total cost is \$126,330 ([Roads and Drainage Department] Purchasing and Contracts Department).
2. Approval to enter into a formal contract with Bowyer-Singleton & Associates, Inc., for Phase I engineering services for the North Tanner Road (Lake Pickett Road to McCulloch Road) construction project, RFP Y6-826-MK. The total cost is \$703,297 ([Engineering Department] Purchasing and Contracts Department).

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

3. Approval to expend approximately \$55,119 from Law Enforcement Impact Fee funds for the purchase of equipment for 32 vehicles (OMB).

4. Approval to disburse \$49,579 from Commissioner Butler's discretionary funds to the Boys and Girls Clubs of Central Florida (OMB).
5. Approval of Budget Transfers 97-412 and 97-413 (OMB).  
  
(Budget Transfers 97-412 and 97-413 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
6. Approval of Budget Amendments 97-61 and 97-62 (OMB).  
  
(Budget Amendments 97-61 and 97-62 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
7. Approval of CIP Amendments 61-97 through 63-97 (OMB).  
  
(CIP Amendments 61-97 through 63-97 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
8. Approval to increase Court Administration's Manning Table by four positions from 94 to 98 positions. Two positions to be assigned to the Court Interpreter Program and two positions to the Supervised Visitation Program (OMB).  
  
**(As stated in the above motion, this item was deleted from the agenda.)**
9. Approve payment of Intergovernmental claims of April 24, 1997, totaling \$133,408.41 (Risk Management Department).
10. Receipt and filing of the April 17, 1997, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).

**Planning and Development Division**

1. Approval to file Claim of Special Assessment Lien by Resolution against property located at 4210 Raleigh Street pursuant to Ordinance 96-23, District 6 (Building Department).  
  
(Resolution 97-BUI-12 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval and execution of two Settlement Agreements between Florida Department of Environmental Protection and the County for petroleum cleanup services, all districts (Environmental Protection Department).

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

3. Receipt and filing of the Windermere Water and Navigation Control District Advisory Board minutes, March 24, 1997, District 1 (Environmental Protection Department).
4. 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 added to the agenda and approved subject to the extension of the agreement for six months only; and further, at the end of six months, all moneys will be returned to fund other projects.)**

**Public Works Division**

1. Approval to adopt resolution to vacate a portion of the plat of Los Terranos, 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 enter into an agreement with the Orlando Utilities Commission (OUC) for construction of a water main by the County's contractor, Southland Construction Company, in conjunction with the Old Winter Garden Road improvement project (Orange Blossom Trail to Ferguson Road). By way of the agreement, OUC will pay the county \$367,145.88 for the water main construction, plus an additional five percent for contingency, District 6 (Highway Construction Department).

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

3. Approval to issue Change Order 14-PWM to Contract Y2-703, John Young Parkway Phase I Roadway Improvements, Environmental Mitigation Area and Utility Relocation at Mitigation Area, to

Hewitt Contracting Company, Inc., in the increased amount of \$16,475, District 6 (Highway Construction Department).

4. Approval to enter into an agreement with the City of Orlando for construction of a sanitary sewer system by the county's contractor, Southland Construction Company, in conjunction with the Old Winter Garden Road improvement project (Orange Blossom Trail to Ferguson Road). By way of the agreement, the City of Orlando will pay the county \$477,923 for the sanitary sewer system construction, plus an additional five percent for contingency, District 6 (Highway Construction Department).

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

**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, Clarence Hoenstine, and Mable Butler
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioner Bob Freeman joined the meeting where indicated.

Commissioners Mary Johnson and Ted Edwards were absent.

The Board paused for an invocation by Pamela Fortson of the General Services Department, followed by the Pledge of Allegiance to the Flag.

**Presentation of Employee Service Awards.**

County Chairman Chapin presented service awards and pins to the following employees:

- Curtis M. Croly of the Fire Rescue Division for 20 years of service.

- Paul A. Ward of the Fire Rescue Division for 25 years of service.
- Mitchell R. Ramsey of the Health and Community Services Division for 25 years of service.
- William W. Northey of the Public Works Division for 20 years of service.

**MAY 1, 1997, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS**

**Motion**

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Freeman, Johnson, and Edwards were absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of May 1, 1997, with the exception of Item 13, subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Item 13 in the name of Gates Mobile Home Park on June 24, 1997.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of May 1, 1997, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellants: Julia and Brenda Rogers; Applicant: West Orange Girls Club, Item 2; public hearing date: June 17, 1997.

(NOTE: THE FOLLOWING SIX PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 213 FOR THE APPEARANCES, DISCUSSION, AND MOTION.)

**MSTU/BU PUBLIC HEARING - AMEND BUTLER BAY UNIT 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 Butler Bay Unit 2 Subdivision; Section 12, Township 23, 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**

MSTU Supervisor Elizabeth Godwin reported that this request from the property owners has an annual cost of \$203 per lot for streetlighting.

and

**MSTU/BU PUBLIC HEARING - AMEND BUTLER BAY UNIT 1 AND LAKE BUTLER ESTATES 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 Butler Bay Unit 1 and Lake Butler Estates Subdivisions; Section 7, 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 homeowners' association has an annual cost of \$142 per lot for streetlighting.

and

**MSTU/BU PUBLIC HEARING - ESTABLISH BILTMORE SHORES SECOND SECTION MSTU/BU, 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 at Biltmore Shores Second Section Subdivision; Section 11, Township 22, 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 Orlando Utilities Commission has a cost of \$21 per lot for the first year; and thereafter, an annual cost of \$14 per lot for streetlighting.

and

**MSTU/BU PUBLIC HEARING - ESTABLISH ALBERT LEE RIDGE FIRST AND SECOND ADDITIONS AREA MSTU/BU, STREETLIGHTING, DISTRICT 2**

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 Albert Lee Ridge First and Second Additions Area;

Section 2, Township 22, 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 property owners has a cost of \$58 per lot for the first year; and thereafter, an annual cost of \$39 per lot for streetlighting.

and

**MSTU/BU PUBLIC HEARING - ESTABLISH BUNKER PLACE MSTU/BU, ROAD IMPROVEMENTS, 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 road improvements on Bunker Place; Section 11, Township 22, 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 property owners for road improvements has a total principal cost of \$3,166 and an estimated annual cost of \$464 (including principal, interest, and administrative fees) for 10 years.

and

**MSTU/BU PUBLIC HEARING - ESTABLISH NINA ROSA DRIVE MSTU/BU, ROAD IMPROVEMENTS, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for road improvements on Nina Rosa Drive; Section 13, 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 property owners for road improvements has a total principal cost per parcel of \$3,034 and an estimated annual cost per parcel

of \$445 (including principal, interest, and administrative fees) for 10 years.

Chief Engineer Joe Kunkel explained a proposal to use open graded cold surface for the Nina Rosa Drive road improvement project. Mr. Kunkel explained that use of this surface was recently approved by the South Florida Water Management District. He informed the Board of results on the test surface. Mr. Kunkel explained advantages of using the surface as reduced cost and durability.

**Appearances**

The following persons addressed the Board regarding the Albert Lee Ridge MSTU/BU:

- Rick Dye, 2277 Lee Road, Orlando, Florida.
- Patricia Brittion, 1030 Early Avenue, Orlando, Florida.
- John Houlihan, 2318 Atomic Court, Winter Park, Florida.
- Mike Gottlieb (no address given).

The following person addressed the Board regarding the Nina Rosa Drive MSTU/BU:

- Marty Sharpe, 6530 Nina Rosa Drive, Orlando, Florida.

The following person addressed the Board with general comments:

- R. P. Mohnacky, Ocoee, Florida.

**Discussion**

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

**Commissioner Freeman joined the meeting.**

**Motion**

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board denied establishment of the Albert Lee Ridge First and Second Additions Area MSTU/BU for streetlighting.

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner

Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board:

- Continued the public hearings to consider the Nina Rosa Drive and Bunker Place road improvement MSTU/BUs until May 20, 1997;

and further, adopted resolutions as follows:

- Amending Butler Bay Unit 2 MSTU/BU, annual cost of \$203 for streetlighting.
- Amending Butler Bay Unit 1 and Lake Butler Estates MSTU/BU, annual cost of \$142 for streetlighting.
- Establishing Biltmore Shores Second Section MSTU/BU, cost of \$21 for the first year; and thereafter; annual cost of \$14 for streetlighting.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - KEENE'S POINTE PLANNED DEVELOPMENT/PRELIMINARY SUBDIVISION PLAN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Keene's Pointe Planned Development/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 Winter Garden-Vineland Road and between Lake Burden and Lake Tibet Butler; District 1; Section 28, 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

- Charlie True, McIntosh and Associates; 2200 Park Avenue North, Winter Park, Florida; for the developer.

- Neal Harris (no address given), for Casper & Cook, Inc.; the developer.

The following person addressed the Board with general comments:

- R. P. Mohnacky, Ocoee, Florida.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board approved the Keene's Pointe Planned Development/Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Keene's Pointe Planned Development, BCC approvals, and Keene's Pointe Preliminary Subdivision/Development Plan, dated "Received April 7, 1997," 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 13, 1998, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan submittal, a master stormwater management plan shall be submitted for review and approval by the County engineer.
3. Rear-yard environmental swales or upland buffers to be owned and maintained by the individual lot owners shall be provided for all lakefront lots and shall be constructed as part of the infrastructure.

4. Prior to construction plan approval, the size and location for water mains shall be determined.
5. Sidewalks shall be provided on both sides of internal roads.
6. Development shall comply with Resolution 96-M-22 for gated communities.
7. Prior to construction plan approval a Conservation Area Impact Permit shall be required from the Environmental Protection Department.
8. Developer shall show all the proposed phases and stormwater management plan on one sheet for quick future reference.
9. The developer shall pay a prorated share of the signalization at S.R. 535 and Chase Road intersection when that signal is warranted.

**PLANNING AND ZONING COMMISSION APPEAL - APPELLANT: PATRESE LOVECRAFT; APPLICANT: ROGER SMITH, ORANGE CENTER; Z-97-017, MARCH 20, 1997; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider an appeal by Patrese Lovcraft of the recommendation of the Orange County Planning and Zoning Commission, dated March 20, 1997, on a request by Roger Smith, Orange Center, for approval to rezone Rural Country Estate (RCE) (1957) to Residential District (R-2), on property generally located on the west side of Commercial Street, 50 feet north of Second Street; District 1; Section 15, 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 and Development Division Director Bruce McClendon outlined the request and identified the subject property, the surrounding zoning classifications, and noted that the Planning and Zoning Commission recommended approval of the request.

Appearances

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

- Patrese Lovecraft, the appellant (no address given).

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

- Roger Smith, 5300 South Orange Avenue, Orlando, Florida.

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 Staley, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board continued the public hearing to consider an appeal by Patrese Lovecraft of the recommendation of the Orange County Planning and Zoning Commission, dated March 20, 1997, on the request by Roger Smith, Orange Center, for approval to rezone Rural Country Estate (RCE) (1957) to Residential District (R-2) on the above-described property until June 17, 1997, at 2 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: JEFFREY I. SHERRIN, TRUSTEE, ISLES OF BUENA VISTA/THE GREENWAY PLANNED DEVELOPMENT; Z-97-014, MARCH 20, 1997; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jeffrey I. Sherrin, trustee, Isles of Buena Vista/The Greenway Planned Development (PD), to rezone Farmland Rural District (A-2) (1957) to Planned Development District (PD), on property generally located approximately 600 feet south of west S.R. 535, on the southeast corner of the Southern Connector and Apopka-Vineland Road; District 1; Section 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

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

Appearances

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

- Borron Owen, Esquire; Gray, Harris & Robinson (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 Butler, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board approved the request by Jeffrey I. Sherrin, trustee, Isles of Buena Vista/The Greenway Planned Development (PD), to rezone Farmland Rural District (A-2) (1957) to Planned Development District (PD) on the above-described property subject to the following conditions:

1. Development shall conform to the Greenway Planned Development/Land Use Plan, dated "Received March 3, 1997," 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.
2. The Stormwater management system shall be designed to ensure that there is not any increase in the flood levels of the upstream and downstream properties. Additionally the stormwater management system shall be consistent with the approved master drainage plans for the International Drive extension.
3. To the extent required to comply with the consistency provision 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 the development approvals.

- b. If the housing linkage program is in place prior to development plan approval, development of the nonresidential development shall be conditioned upon the development of residential units within the area designated 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 owner 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. Twenty-foot (20') wide pedestrian/landscape/utility easement 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 the shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.

4. Billboards shall be prohibited;

and further, made a finding of consistency with the Comprehensive Policy Plan.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: BURT VORSTMAN, TRUSTEE, BV PLANNED DEVELOPMENT; Z-97-015, MARCH 20, 1997; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bert Vorstman, trustee, BV Planned Development, to rezone Farmland Rural District (A-2) (1957) to Planned Development District (PD), on property generally located on the east side of S.R. 535, approximately 375 feet north of the Central Florida Greenway; 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.)

**Staff Report**

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

**Appearances**

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

- Borron Owen, Esquire; Gray Harris & Robinson (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 Butler, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board approved the request by Bert Vorstman, trustee, BV Planned Development, to rezone Farmland Rural District (A-2) (1957) to Planned Development District (PD) on the above-described property subject to the following conditions:

1. Development shall conform to the BV Planned Development/Land Use Plan, dated "Received January 6, 1997," 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.

2. Stormwater management system shall be designed to retain the 100-year/24-hour storm event on site unless documentation with supporting calculations is submitted which indicates that a positive outfall is available.
3. Side- and rear-yard setbacks shall be consistent with International Drive Activity Center Strategic Plan requirements.
4. Waiver of Sections 38-1272(a)(3) and 38-1603 of the County Code is granted to permit the front-yard setback to be 35 feet pursuant to the International Drive Activity Center Strategic Development Plan.
5. A master sign plan shall be submitted for review and approval concurrent with the first development plan submittal.
6. 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 the development approvals.
  - b. If the housing linkage program is in place prior to development plan approval, development of the nonresidential development shall be conditioned upon the development of residential units within the area designated 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 owner 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. Twenty-foot (20') wide pedestrian/landscape/utility easement 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 the shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.

7. Billboards shall be prohibited;

and further, made a finding of consistency with the Comprehensive Policy Plan.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: HUGH W. HARLING, PHILLIPS BOULEVARD VILLAGE; Z-97-019, MARCH 20, 1997; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Hugh W. Harling, Jr., Phillips Boulevard Village, to rezone Rural Country Estates (RCE) (1968) to Planned Development District (PD), on property generally located on the west side of Dr. Phillips Boulevard, approximately 1/2 mile south of Conroy Road; District 1; Section 15, 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

Planning and Development Division Director Bruce McClendon stated the applicant has requested a continuance of the public hearing to resolve issues regarding Pin Oak Drive. Mr. McClendon added that the continuance will allow the applicant to work with the adjacent neighborhood on traffic issues. He said that the adjacent property owners support the continuance.

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 Freeman, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board continued the public hearing to consider the request by Hugh W. Harling, Jr., Phillips Boulevard Village, to rezone Rural Country Estates (RCE) (1968) to Planned Development District (PD), on the above-described property until June 10, 1997, at 2 p.m.

NONAGENDA - COMMISSIONER'S REPORT

Commissioner Freeman announced that the Dr. Phillips High School Golf Team won the State Golf Championship and the Florida Gators won the Eastern Conference Baseball Championship.

NONAGENDA - REQUEST TO RESCIND

Commissioner Butler announced her intent to make a motion at the Board meeting on June 3, 1997, to rescind the Board's action of April 15, 1997, regarding the substantial change request by Robert B. Paymayesh, Villas at Club Caribe (fka Lake Bryan Square) Planned Development/Land Use Plan.

WORKSESSION-PROPOSED SETTLEMENT AGREEMENT - VETERANS ADMINISTRATION HOSPITAL LITIGATION

Staff Report

County Attorney Tom Wilkes stated the purpose of the worksession is to highlight the main provisions of two documents:

- the Settlement Agreement and Mutual Release in connection with the Veterans Administration (VA) litigation (Howard R. Scharlin, as Trustee; Ralph Fisch, as Trustee; and Robert A. Yeager, as Trustee v. Orange County, Florida, Case CI93-6315).
- Amendment One to the 1994 Orlando/Orange County Joint Planning Area Agreement.

Mr. Wilkes explained the location of the subject property, the present and planned roadway system in the area, and the current and proposed development in the area. He also outlined the chronology of the VA Hospital litigation.

Mr. Wilkes explained the multi-party arrangement of the agreements among the County, the City of Orlando, the Expressway Authority, and the developers and identified the advantages of the proposed settlement agreement to all the parties.

Mr. Wilkes described the details of the settlement agreement relating to Lee Vista Boulevard, the Greenway Interchange, Econlockhatchee Trail, and Chickasaw Trail and defined the County's obligation relating to each road project. He also pointed out the obligations of the County and the developer relating to water and wastewater trunk lines and park funding.

Mr. Wilkes specified the deadlines contained in the agreements and pointed out miscellaneous items concerning Chickasaw Trail, reclaimed water lines, and annexations. He explained judicial matters regarding dismissal and reinstatement of the litigation, retention of the court's jurisdiction, and remedies in the event the agreements are breached.

Mr. Wilkes addressed the Orlando/Orange County Joint Planning Area Agreement and explained the annexation provisions relating to the Vista East properties, the Brunetti Tract, and Ardsley Manor/Post.

Mr. Wilkes stated that the proposed settlement is reasonable in that it eliminates the litigation costs and risks, provides a road network for East Orange County, and protects the Utility Division's territory. In conclusion, he announced that the public hearing to consider the Settlement Agreement and Mutual Release and Amendment One to the 1994 Orlando/Orange County Joint Planning Area Agreement is scheduled for June 3, 1997, at 3:30 p.m.

Appearances

The following person addressed the Board:

- Cheryl Anderson (no address given).

Discussion

For the record, Commissioner Hoenstine stated he will not support the agreements because they will advance development and growth beyond the capability of the area to handle it.

The Board discussed the proposed road system and development in the area, the advantages to the County, and the cost savings of ending the litigation.

**MEETING ADJOURNED**

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