

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 11, 1997. The following were present:

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

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

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION**County Attorney**

1. Approval to pay costs in the amount of \$2,797.63 to the law firm of James M. Russ, P.A., as ordered by Circuit Court Judge Dorothy Russell in State of Florida vs. Joseph Robert Spaziano, CR 75-1305 (County Attorney).

Commissioner's Report

Commissioner Staley requested that this consent agenda item be discussed. He stated that he is opposed to the County's payment of costs in the case of the State of Florida vs. Joseph Spaziano.

Legal Counsel

County Attorney Tom Wilkes stated that Assistant County Attorney George Dorsett has vigorously contested the payment of Mr. Spaziano's attorneys' fees. However, Mr. Wilkes stated, the County must approve payment of an invoice for expenses such as photocopying and travel in order to be reimbursed by the State.

Discussion

The Board discussed whether any money is going toward Mr. Spaziano's legal counsel, whether the County will be

reimbursed by the State, and the right of citizens to a defense under the criminal justice system.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; the Board approved payment of costs in the amount of \$2,797.63 to the law firm of James M. Russ, P.A., as ordered by Circuit Court Judge Dorothy Russell in State of Florida vs. Joseph Robert Spaziano, CR 75-1305.

COUNTY CONSENT AGENDA**Action**

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

- deferred County Attorney Item 1 for discussion (see page 253 for discussion and subsequent approval);
- corrected the date of "November 4, 1997," in County Comptroller Item 3 to "October 28, 1997" (see page 255);

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

County Administrator

1. Approval of proposed revisions to Administrative Regulations 10.01, Disaster Planning and Control; 10.01.01, Emergency Operations, Natural Disaster; 10.01.02, Emergency Operations, Manmade Disaster; and 10.01.03, Emergency Operations, Hazardous Materials (County Administrator).

County Attorney

1. Approval to pay costs in the amount of \$2,797.63 to the law firm of James M. Russ, P.A., as ordered by Circuit Court Judge Dorothy Russell in State of Florida vs. Joseph Robert Spaziano, CR 75-1305 (County Attorney).

(As stated in the above motion, this item was deferred for discussion and subsequently approved. See page 253.)

County Comptroller

1. Approval of the Disposition of Tangible Personal Property:
 - a. Trade in an asset for an allowance towards the purchase of new equipment.
 - b. In lieu of selling at fair market value, donate assets valued at approximately \$20 to Cornerstone Distribution Foundation.
 - c. Sell equipment to the highest bidder after request for at least three bids.

(Property Accounting Department)

2. Acknowledge the following "File for the Record" documents received in the office of the Comptroller Clerk of the Board of County Commissioners:
 - a. Florida Public Service Commission notice of hearing and prehearing; dated September 25, 1997, re:
 - Petition to resolve territorial dispute with Clay Electric Cooperative, Inc., in Baker County by Florida Power and Light Company; dated September 25, 1997.
 - b. Orange Soil and Water Conservation District Report on Public Meetings Schedule and District map; dated September 29, 1997.
 - c. West Orange Healthcare District resolution setting up millage in compliance with State law; dated October 2, 1997.

(Comptroller Clerk of the Board of County Commissioners)

3. Approval of the minutes of the October 28, 1997, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

(As stated in the above motion, the date of this item was corrected from "November 4, 1997," to "October 28, 1997.")

4. Authorize the disbursement of warrants, vouchers, and wire transfers,
 - Period from October 30, 1997, to November 5, 1997; total of \$7,133,384.26.

(Finance and Accounting Department)

Administrative Support Division

1. Approval and execution by County Chairman of easement termination in connection with development: Meadow Woods, Parcel 50, Easement Termination, District 4 (Real Estate Management Department).
2. Authorization for the County Chairman to enter into Artwork Loan Agreements as needed for the purpose of placing artwork in the Courthouse Tower (Division Office).

Fiscal and Human Resources Division

1. Approval of Task Authorization 51, Continuing Contract Y6-900A for construction materials testing services for Curry Ford Road extension (Young Pine Road to Alafaya Trail) with L.J. Nodarse and Associates. Total estimated cost is \$146,549 ([Highway Construction Department] Purchasing and Contracts Department).
2. Approval to provide prior authority to award a contract resulting from Invitation for Bid Y8-700-BI, Orange County Convention Center Phase II roof replacement, to the low responsive and responsible bidder, Weiss and Woolrich, Inc., for replacement of the existing Phase II roof. The total budget is \$1,800,000 ([Convention Center Construction Department] Purchasing and Contracts Department).
3. Confirmation of the County Chairman's staff reappointments for November 1997:
 - Jacqueline Torbert, Manager, Water Department, Utilities Division;
 - Ruby Rozier, Manager, Traffic Engineering Department, Public Works Division;

-

Thomas

(Human Resources Department)

4. Approval of Budget Amendment 98-04 (Office of Management and Budget).

(Budget Amendment 98-04 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval to disburse \$25,000 from Commissioner Freeman's discretionary funds to the Orlando Volleyball Academy (Office of Management and Budget).
6. Approval of payment of Intergovernmental claims for October 23, 1997, totaling \$83,727.90 (Risk Management Department).
7. Receipt and filing of the minutes of the October 16, 1997, meeting of the Intergovernmental Risk Management Committee, for the official county record (Risk Management Department).

Health and Community Services Division

1. Approval and execution of Renewal of Sovereignty Submerged Lands Lease for Trimble Park between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Orange County Board of County Commissioners, District 2 (Parks and Recreation Department).

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

Public Works Division

1. Approval and execution by the County Chairman of the Right-of-way Utilization Agreement between Orange County and Florida Power Corporation for construction of stormwater retention ponds within an existing Florida Power Corporation easement as part of a stormwater management capital improvements project in Cheney Heights Subdivision, District 3 (Stormwater Management Department).

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

HEALTH AND COMMUNITY SERVICES DIVISION DISCUSSION AGENDA**1. Presentation of Annual Report on the Seniors First Guardianship Program.**

Edward Casoria, Esquire, Seniors First board member and chairman of the Guardianship Program, addressed the Board and stated that he is fulfilling a Board update request following last year's reinstatement of the civil filing fees which fund the guardianship program. Mr. Casoria outlined services rendered to senior citizens through Meals on Wheels, the neighborhood lunch program, the home improvement program, homemaker shopping assistance, financial counseling, and adult day care.

Wayne R. Gardner, director, Guardianship for Senior Citizens, addressed the Board and reviewed the Seniors First guardianship program. Mr. Gardner explained that guardians care for and manage the property of incapacitated elderly people, or wards, who lack the capacity to do so on their own. He noted that guardians check on nursing home care the wards receive, that the program operates 24 hours per day, 365 days a year, and that emergency hospital and burial arrangements must sometimes be made. Mr. Gardner said that there are 46 wards currently in the guardianship program.

Discussion

The Board discussed the plight of elderly people without family members to care for them, court filing fees as the source of the program's funds, attorney pro bono services, and provision of reduced-fee burial services by local funeral directors.

Action

The Board did not take any action.

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA**1. Implementation of Public School Element of the Comprehensive Plan.**

Staff Report

Planning and Development Division Director Bruce McClendon updated the Board concerning County and School Board efforts

to implement the recently adopted Public School Facilities element of the Comprehensive Policy Plan. Mr. McClendon said the presentation would cover the school siting and construction programs, infill school location in the western County area, the linking and joint utilization of parks and schools, and interlocal agreements.

Superintendent of Schools Dr. Dennis Smith addressed the Board and stated that if the penny sales tax been approved, its revenue would have enabled needed school renovation and construction to meet the County's rapid school population growth. He said he was encouraged by a ground swell of concern for school issues, the display of municipal and County elected official and staff cooperation with the School Board, and recognition of the State Legislature's role in school funding.

Dr. Smith said the School Board is currently assessing available revenues, determining its priorities for new school construction and renovation, and seeking ways to reduce construction costs. He also noted that starting this week, school board management will be undergoing a state-funded performance audit to reorganize and maximize efficiency.

Dr. Michael Mekdeci, Assistant Superintendent for Governmental Affairs, addressed the Board and outlined the steps involved in the school siting selection process for both new planned developments and existing neighborhoods from potential location identification through property closing. Dr. Mekdeci reviewed three- and ten-year school construction planning and funding for the northwest County, Horizons West, southeast Orlando, and east County peripheral areas and construction to relieve over-capacity schools in existing Dr. Phillips and Gotha/Southwest neighborhoods.

Jon Martin, Senior Manager of Real Property, addressed the Board and noted that the Comprehensive Policy Plan calls for advance area-wide planning to link parks, walks, bikeways, and trails and to make them focal points before infrastructural work begins. Mr. Martin said the School Board desires to coordinate its capital improvement program with scheduled County road and utility construction.

Parks and Recreation Department Manager Christi Flood highlighted such successful partnership accomplishments as the

Wheatley and Bear Creek Elementary School parks, the Field of Dreams project to light playing fields, and after-school programs at Maxey Elementary and Liberty Middle Schools. Ms. Flood cited future joint plans for Belmere and Barber Parks, the West Orange project combining two schools, a future County park and YMCA, and the nine-mile Little Econ Greenway connecting neighborhood parks and over ten schools. She noted that the Parks Master Plan provides for the linkage of schools, parks, and trails that citizens have requested.

Mr. McClendon pointed out that interlocal agreements will be needed to establish formal relations between the School Board and the County for joint facility utilization, sharing of capital costs and operating expenses, and if necessary, implementation of school concurrency.

Discussion

The Board discussed the number of schools needed to handle the current student population, the costs and amount of money for school construction given to the County by the Legislature, the pressing need for renovation of older schools, the acreage required for new schools, and the optimum school size for the best learning environment.

The Board further discussed national standards used to determine funding per student, school vouchers, and the cost to build schools in other counties.

In response to a question from Commissioner Edwards concerning funding per student, School Board Chairman Susan Arkin stated that different accounting methods give varying, and sometimes incorrect, amounts.

Action

The Board did not take any action.

2. Approval of \$33,000 in County economic development incentives to Datametrics Corporation for participation in Florida's Qualified Target Industry Tax Refund Program and execution of the Qualified Target Industry Tax Refund Resolution (Division Office).

Staff Report

Economic Development Administrator John Lewis outlined the purpose of Datametrics Corporation's request for a matching

contribution to expand high value-added jobs. Mr. Lewis noted that Datametrics is an industry leader in thermal transfer technology desiring to expand, to relocate to Orlando Central Park, and to create 66 jobs with an annual average salary of \$34,575.

Discussion

The Board discussed whether Datametrics could request more incentive money if its corporate headquarters relocates to the county, the amount of money the State is contributing, the amount of the incentive compared to property taxes collected from the company's employees, and the company's supplying of high-tech products to Lockheed-Martin and Boeing.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Hoenstine, and Butler voting AYE by voice vote; Commissioner Edwards voting NO by voice vote; the Board approved \$33,000 in County economic development incentives to Datametrics Corporation for participation in Florida's Qualified Target Industry Tax Refund Program; and further, adopted the Qualified Target Industry Tax Refund Resolution.

(Resolution 97-M-49 and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NONAGENDA - FIRE RESCUE DIVISION REPORT ON INCREASED RESPONSE TIME

County Chairman's Report

County Chairman Chapin requested that Fire Chief Mike Iacona update the Board concerning fires in the northwest county area.

Staff Report

Fire Chief Mike Iacona reported on County firefighter response to four concurrent calls for emergency fire fighting services in the Apopka area. Chief Iacona stated that the need to answer multiple calls resulted in extended response times. He said he is evaluating response patterns in the area and that additional equipment has been ordered to enable personnel to respond to calls without changing clothing.

Chief Iacona stated that the long-standing joint response agreement between the County and the City of Apopka has expired,

and the City of Apopka wishes to replace it with a fee-for-service agreement. He said County firefighters have been responsible for servicing the Apopka area for about a month and need time to become familiar with the area's streets and roads.

Discussion

The Board discussed documentation of fire fighting response times in Apopka since the County assumed responsibility for the area, whether Apopka firefighters were called to respond to the fires, and the City of Apopka as the only municipality lacking a joint response agreement with the County.

The Board further discussed the area's equipment distribution and call volume, public perception of fire protection, the rural nature of the area, and emergency unit radio frequencies.

Action

The Board did not take any action.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center. The following were present:

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

The Board paused for an invocation by the Westridge Middle School Seventh and Eighth Grade Singing Warriors, directed by Karen Adderly, followed by the Pledge of Allegiance to the Flag.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 31.5, THE SIGN ORDINANCE, REGULATION OF BILLBOARDS IN ORANGE BLOSSOM TRAIL OVERLAY DISTRICT (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 CHANGING THE ACTUAL LIST OF PERMITTED, CONDITIONAL, OR PROHIBITED USES WITHIN ZONING CATEGORIES WITHIN UNINCORPORATED ORANGE COUNTY; AMENDING THE ORANGE COUNTY SIGN ORDINANCE, CODIFIED AT CHAPTER 31.5 OF THE ORANGE COUNTY CODE BY CREATING SECTION 31.5-128, ORANGE BLOSSOM TRAIL OVERLAY DISTRICT, PERTAINING TO THE REGULATION OF BILLBOARDS WITHIN SAID OVERLAY DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Chief Planner John Smogor stated that this is the first of two public hearings to consider the proposed ordinance. Mr. Smogor reviewed the proposed ordinance and outlined its provisions.

Appearances

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

- Randall Grief, executive director, Orange Blossom Trail Development Board (no address given).

No one appeared in opposition to the proposed ordinance.

Discussion

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

Mr. Smogor announced the second of two public hearings to consider the proposed ordinance will be held at 5:01 p.m. on December 2, 1997.

PRELIMINARY SUBDIVISION PUBLIC HEARING - STONEYBROOK PLANNED DEVELOPMENT/PARCELS 9, 13, AND 14 PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Stoneybrook Planned Development/Parcels 9, 13, and 14 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 Alafaya Trail, south of Golfway Boulevard; District 4; Section 1, Township 23, 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 request and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

- Frank Dolan, the applicant; division president, U.S. Home Corporation (no address given).

No one appeared in opposition to the plan.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; the Board approved the Stoneybrook Planned Development/Parcels 9, 13, and 14 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Stoneybrook Planned Development/Parcels 9, 13, and 14 Preliminary Subdivision Plan, dated "Received September 22, 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 November 11, 1998, in accordance with Orange County Subdivision Regulations, as amended.

2. The water main in Stoneybrook shall connect to the water main in Eastwood/Kensington Subdivision.
3. Development shall comply with the provisions of Resolution 96-M-22 concerning gated communities.
4. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this planned development.

PRELIMINARY SUBDIVISION PUBLIC HEARING - PEPPERMILL PLAZA PLANNED DEVELOPMENT/LOTS 1-3 PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Peppermill Plaza Planned Development/Lots 1, 2, and 3 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 John Young Parkway, north of Uracus Street; District 4; Section 21, Township 24, Range 29; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

- Bob Mandell, the applicant; president, Greater Construction Company (no address given).

No one appeared in opposition to the plan.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the Peppermill Plaza Planned Development Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Peppermill Plaza Planned Development Preliminary Subdivision Plan, dated "Received September 25, 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 November 11, 1998, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that the existing retention pond has the capacity to accommodate this project.
3. Billboards shall be prohibited.

PRELIMINARY SUBDIVISION PUBLIC HEARING - WESTIN PLANNED DEVELOPMENT/HERITAGE PLACE II PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Westin Planned Development/Heritage Place II 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 west of John Young Parkway, north of the Greeneway; District 1; Sections 20 and 29, Township 24, Range 29; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

- Steve Miller, president; Miller-Sellen Associates (no address given).

No one appeared in opposition to the plan.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; the Board approved the Westin Planned Development/Heritage Place II Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Westin Planned Development/Heritage Place II Preliminary Subdivision Plan, dated "Received September 17, 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 November 11, 1998, in accordance with Orange County Subdivision Regulations, as amended.

2. If wastewater capacity in the pump station and associated piping in Heritage Place does not exist, upgrades to the wastewater infrastructure will be at the developer's cost.

- *3. Prior to construction plan approval, location for water mains shall be determined.
4. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that the project is consistent with the approved Master Drainage Plan for this planned development.
5. When the connection to John Young Parkway is made, a southbound left turn on John Young Parkway will be installed; and prior to the issuance of a Certificate of Completion the developer shall escrow 25 percent of the cost of signalization of Town Center Boulevard.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: H. DOUGLAS MILLER, ORANGEWOOD NEIGHBORHOOD-9/S&B PROPERTY PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); TO AMEND THE LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by H. Douglas Miller, Oranewood Neighborhood-9/S&B Property Planned Development/Land Use Plan (PD/LUP), to change Lots 4 and 5 as shown on the Amended Land Use Plan from Industrial Use to Retail Commercial Use, pursuant to Orange County Code, Section 38-1207; on property generally located at the southwest corner of U.S. 441 and Taft-Vineland Road; District 1; Section 9, Township 24, Range 29; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request. Mr. Heath recommended that a condition be added as follows:

- Adult entertainment shall be prohibited.

Appearances

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

Revised February 4, 1998

- H. Douglas Miller, the applicant (no address given); for S&B Partnership, the property owners.

No one appeared in opposition to the request.

Revised February 4, 1998

Discussion

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

Legal Counsel

In response to a question from County Chairman Chapin concerning whether a condition may be added, County Attorney Tom Wilkes stated that a condition may be added or deleted if the applicant agrees.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote; the Board approved the request by H. Douglas Miller, Orangewood Neighborhood-9/S&B Property Planned Development/Land Use Plan (PD/LUP), to change Lots 4 and 5 as shown on the Amended Land Use Plan from Industrial Use to Retail Commercial Use; which constitutes a substantial change to the development on the above-described property; subject to the following condition:

1. Adult entertainment shall be prohibited.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: PAUL A. CURASI, D.V.M.; UNIVERSITY ANIMAL HOSPITAL
PLANNED DEVELOPMENT; CASE Z-97-077, SEPTEMBER 18, 1997; DISTRICT 5
(CONTINUED FROM NOVEMBER 4, 1997)

By consensus, the Board reopened the public hearing to consider a request by Paul A. Curasi, D.V.M., University Animal Hospital, to rezone Single Family Dwelling District (R-1A) (1957) to Planned Development District (PD), continued from the November 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

Planning Department Manager David Heath outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the Future Land Use Map designations in the area.

Appearances

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

- Paul Curasi, the applicant (no address given).

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

- Kimberly Depatie, 9360 Toby Lane, Orlando, Florida; for area residents.

Discussion

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

Commissioner Staley left the meeting.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board approved the request by Paul A. Curasi, D.V.M., University Animal Hospital, to rezone Single Family Dwelling District (R-1A) (1957) to Planned Development District (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the University Animal Hospital Planned Development/Land Use Plan, dated "Received September 3, 1997," Board of County Commission (BCC) approvals, 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. Prior to construction plan approval, certification with supporting calculations shall be submitted which indicates that the existing drainage system along University Boulevard has the capacity to accommodate this project;
3. The Development Plan is approved with the Land Use Plan. No construction plans shall be approved until the zoning appeal period has expired;

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

NONAGENDA - RECOGNITION OF COUNTY EMPLOYEE ACADEMY PARTICIPANTS

County Chairman Chapin recognized the first class to complete the County Employee Academy, a program designed to acquaint employees with work being performed throughout the County and to enable them to share this information with other employees and with citizens.

Commissioner Staley joined the meeting.

STREET NAME DESIGNATION BOARD-CALLED PUBLIC HEARING - INTERNATIONAL DRIVE EXTENSION, DISTRICT 1 (CONTINUED FROM OCTOBER 7, 1997 AND NOVEMBER 4, 1997)

By consensus, the Board reopened the public hearing to consider the International Drive extension and street name designation on property generally located where International Drive intersects with the Southern Connector heading west to S.R. 536 and continuing to Interstate 4; and, from the International Drive/Southern Connector intersection heading south and west through the World Gateway Planned Development/Development of Regional Impact to the Osceola County line; District 1; Sections 33, 34, and 35, Township 24, Range 28; Orange County, Florida.

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

County Chairman's Report

County Chairman Chapin outlined proposed street name designations as follows:

- That International Drive be renamed International Drive South beginning at Central Florida Parkway and continuing to its terminus in Osceola County, and that the portion of S.R. 536 now called International Drive be renamed World Center Parkway.

Appearances

The following persons addressed the Board in favor of the proposed street name designation:

- Mary Jane Arrington, Chairman, Board of County Commissioners, Osceola County (no address given).
- Nick Pope, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A., Orlando, Florida; for GCB Associates, owner of the

Green project; also representing the Century City project, in Osceola County.

The following persons addressed the Board in opposition to the proposed street name designation:

- Harry Stewart, Esquire (no address given); for Tamar Inns.
- Michael O'Quinn, Esquire; 2800 West Central Boulevard, Orlando, Florida; for AB Orlando One, Ltd., an area property owner.

The following persons addressed the Board with general comments:

- Maria Triscari, executive director, International Drive Resort Area Chamber of Commerce (no address given).
- Grant Downing, Esquire; Godbold, Downing, Sheahan, and Battaglia, P.A., Winter Park, Florida; for the Sierra Land Group.

Discussion

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

Legal Counsel

County Attorney Tom Wilkes advised that a street may be renamed for traffic safety and to avoid motorist confusion, but not to favor one set of business interests over another.

Mr. Wilkes stated for the record that there is no Florida law giving property owners any right to sue regarding the change in a street name. He noted that the Board has plenary power over County street names so long as it does not act arbitrarily or capriciously, although it is always possible for the court to change its mind and overturn centuries of law. Mr. Wilkes assured the Board that it does have the power to change names in the street system as it deems necessary for public health, safety, and welfare.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Staley, Johnson, and Hoenstine voting AYE by voice vote; Commissioners Freeman, Edwards, and Butler voting NO by voice vote; the Board approved street name designations as follows:

- That International Drive be renamed International Drive South beginning at Central Florida Parkway and continuing to its terminus in Osceola County, and that the portion of S.R. 536 now called International Drive be renamed World Center Parkway.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: HAL KANTOR, ESQUIRE; BELMERE PLANNED DEVELOPMENT/ LAND USE PLAN (PD/LUP); AMEND THE LUP, DISTRICT 1 (CONTINUED FROM JUNE 17, JULY 15, AND JULY 22, 1997, FOR DECISION ONLY)

By consensus, the Board reopened the public hearing to consider a substantial change request by Hal Kantor, Esquire, Belmere Planned Development, to amend the Land Use Plan (LUP) to allow for five (5) acres of retail commercial uses and to change the language under "Approved Number of Units" to read as follows:

1,074 total units subject to a maximum of 366 Single-family units for Parcels A-F and 708 units for Parcels G and H and subject to a maximum of 300 Multi-family units at a density not to exceed 15 units per acre and a maximum of 130 Assisted Community Living Facility (ACLF) units within Parcel H. Any number of the 366 allowed Single-family units within Parcels A-F can be transferred to Parcel H. Any number of the allowed 300 Multi-family units and 130 ACLF units may be converted and transferred to Parcel G based on a conversion ratio of one Multi-family unit per single family unit and 7 ACLF units per Single-family unit. Each of the foregoing transfers are subject to the aforementioned maximums,

pursuant to Orange County Code, Chapter 30, Section 38-1207; continued from the June 17, July 15, and July 22, 1997, Board meetings.

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

Court Reporter

A court reporter, Victoria Ann Millonig, Victoria Ann Millonig and Associates, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

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 DRC recommended approval of the

request subject to conditions. He recommended that a condition be added as follows:

- ACLF or ALF uses shall be limited to those services related to senior citizens.

Appearances

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

- Janet Resnick, director of community relations for the City of Ocoee (no address given).
- Hal Kantor, Esquire, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Hal Kantor, Esquire, Belmere Planned Development, to amend the Land Use Plan (LUP) to allow for five (5) acres of retail commercial uses and to change the language under "Approved Number of Units" to read as follows:

Currently the site is approved for 366 Single-family units within Parcels A-F. The request is to recognize the addition of 708 units approved by the Comprehensive Policy Plan Amendment on May 7, 1996. The total number of units will not exceed 1,074. This includes a maximum of 180 Multi-family units and 130 Assisted Community Living Facility (ACLF) units. In addition, the plan includes five (5) acres of support commercial located in Parcel H. If the City of Ocoee approves commercial within the city limits, the Multi-family will be converted to ACLF/Single-family; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Belmere Planned Development/Land Use Plan, BCC approvals, and the Land Use Plan Amendment 01/97 dated "Received October 10, 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 approval of Multi-family occurs only if the City of Ocoee fails to grant five (5) acres of commercial uses within the Westridge Planned Development by June 1998;
3. Prior to Development Plan approval, the Developer's Agreement for the additional five (5)- acre park site shall be modified to allow for the optional clause to be extended from 1998 to 2000;
4. Commercial is limited to C-1 commercial uses;
5. ACLF or ALF uses shall be limited to those services related to senior citizens;

and further, approved the First Amendment to the Developer's Agreement for the Belmere Project.

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

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: PAUL CURTIS; GRAND OAKS PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 1 (CONTINUED FROM AUGUST 5 AND 19, 1997)

By consensus, the Board reopened the public hearing to consider a substantial change request by Paul Curtis, Grand Oaks Planned Development (PD/LUP), to amend the Land Use Plan to reduce the amount of Professional-Office (P-O) use from 60,000 square feet to 35,000 square feet, to allow an ACLF (Adult Congregate Living Facility) as a permitted use within the P-O area and increase the size of the commercial parcel with no increase in the allowable commercial square footage pursuant to Orange County Code, Section 38-1207, continued from the August 5 and August 19, 1997, Board meetings.

(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 stated that the applicant has withdrawn the request.

Action

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

NONAGENDA - DESERET RANCHES' CONSUMPTIVE WATER USE PERMIT

County Attorney's Report

County Attorney Tom Wilkes requested Board approval to file a motion to intervene in an administrative proceeding concerning a consumptive water use permit that the St. Johns River Water Management District (SJRWMD) was about to issue to Deseret Ranches. Mr. Wilkes stated that the County was notified by the SJRWMD six days ago that it was going to issue a permit to allow Deseret Ranches to increase its withdrawal of water from its property to 41 million gallons per day from the currently authorized 6.5 million gallons of per day. He explained that Deseret Ranches is a Florida Public Service Commission certified utility, and that, based on objections from the County and the City of Cocoa, the SJRWMD has postponed the hearing that was to have been held today.

Discussion

The Board discussed whether the purpose for the increase is known, whether potable water is to be withdrawn from the aquifer, and whether the City of Cocoa is also withdrawing water from the same aquifer.

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the filing of a motion for the County to intervene and to become a party to the St. Johns River Water Management District administrative proceeding regarding the application by Deseret Ranches to increase its withdrawal of water to 41 million gallons per day.

NONAGENDA - VETERANS' DAY OBSERVANCE

Commissioner's Report

Commissioner Johnson stated that she appreciated the ceremony at

the Courthouse in honor of Veterans' Day and hopes that it will become an annual event.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:30 p.m.

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator

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