

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 10, 1998. The following were present:

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

Commissioner Bob Freeman joined the meeting where indicated.

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

**COUNTY CONSENT AGENDA****Action**

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

- deleted Administrative Support Division Item 8;
- deferred Fiscal and Human Resources Division Item 8, Budget Transfer 98-182 only, for discussion (see pages 517 and 518 for discussion and subsequent approval);

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

**County Administrator**

1. Approval to extend Commissioner Butler's term on the Lynx Governing Board to February 28, 1998.

**County Comptroller**

1. Approval and execution by the County Chairman of the Rio Pinar East MSTU Agreement between Rio Pinar East Homeowners' Association and the County. The purpose of the agreement is

to provide for direct landscape maintenance costs for common landscaped entries, rights-of-way, and internal street medians, District 3 (Administrative/Fiscal Division).

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

2. Approval and execution by the County Chairman of the agreement between East Orlando Sanctuary Homeowners' Association and the County for the MSTU/BU for Sanctuary and Sanctuary Phase 2. This agreement is necessary to establish an MSTU/BU in order to provide the developer and/or the association with funding for the minimum maintenance services to be performed in the retention areas, District 5 (Administrative/Fiscal Division).

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

3. Acknowledgment and filing of the annual financial reports for the Convention Center, Water Utilities System, and Solid Waste System for the years ended September 30, 1996, and September 30, 1997 (Administrative/Fiscal Division).
4. 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 re: fuel and purchased power cost recovery clause and generating performance incentive factor, conservation cost recovery clause, purchased gas adjustment true-up, and environmental cost recovery clause, dated January 13, 1998.
- b. Copy of letter from Gloria Sheffield, internal auditor, St. Johns River Water Management District, to the Department of Community Affairs, regarding the creation of water management districts, in compliance with Section 189.418, Florida Statutes; dated January 12, 1998.

(Comptroller Clerk of the Board of County Commissioners)

5. Approval of the minutes of the January 27, 1998, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
6. 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 January 22, 1998, to January 28, 1998, total of \$12,489,700.63.
  - Period from January 29, 1998, to February 4, 1998, total of \$28,629,457.77.

(Finance and Accounting Department)

#### **Administrative Support Division**

1. Approval and authorization to record instruments in connection with development: Hunter's Creek Tract 535, Temporary Drainage Easement and Utility Easement, District 1 (Real Estate Management Department).
2. Approval and authorization to record instruments in connection with development: Hunter's Creek Tract 415, Temporary Wastewater Line Easement, Temporary Utility Easement, District 1 (Real Estate Management Department).
3. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Eastern Regional Water/Wastewater Transmission System Improvements Contract No. 3, Resolution, District 4 (Real Estate Management Department).

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

4. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceeding: Landstreet Road, Resolution, District 4 (Real Estate Management Department).

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

5. Approval and authorization to record instrument in connection with development: Bloomfield Drive, Deed, District 4 (Real Estate Management Department).
6. Approval of purchase price above appraised value and authorization to conduct closing, disburse warrant, record instrument, and pay appropriate closing costs and any additional recording fees not to exceed \$15: Paul Street and Amelia Street, Warranty Deed, Parcel 101, District 1 (Real Estate Management Department).
7. Approval and authorization to record instrument in connection with the settlement of an inverse condemnation suit: International Drive, L. Ireland, as Trustee vs. Orange County, Florida, CI94-3121, Quit Claim Deed, District 1 (Real Estate Management Department).
8. Approval and execution by County Chairman of grant of easement and authorization to record instrument: BellSouth Easement, Grant of Easement, District 3 Real Estate Management Department).  
  
**(As noted in the above motion, this item was deleted.)**
9. Approval and authorization to record instruments and pay appropriate recording fees: Eastwood Golf Course, Utility Easement and Subordinations, District 4 (Real Estate Management Department).
10. Confirmation of the appointment of Richard Swoszowski as the Chairman's representative on the Disability Advisory Board with a term expiring June 30, 1998 (Agenda Development Department).

**Fiscal and Human Resources Division**

1. Approval to award Invitation for Bid Y8-108-HF to the low responsive and responsible bidder, Equifax Credit Information Services, Inc., to furnish services for the collection of delinquent traffic and criminal justice debts. The contractor will be paid 17 percent of all debts collected. The estimated value of the contract will be approximately \$4,000,000 ([Office of Management and Budget] Purchasing and Contracts Department).

2. Approval to award Invitation for Bid Y8-703-BI to the low responsive and responsible bidder, B&S Diversified, Inc., for the Orange County health department facility fire alarm replacement. The total cost is \$132,896 ([Facilities Management Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y8-717-PW to the low responsive and responsible bidder, HM2 Corporation, for White Heron Lake pump station improvements. The total cost is \$105,000 ([Highway Construction Department] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y8-718-PW to the low responsive and responsible bidder, HM2 Corporation, for Dwarf Lake and Lake Sparling stormwater pump station improvements. The total cost is \$249,000 ([Highway Construction Department] Purchasing and Contracts Department).
5. Approval to disburse \$26,809 from Commissioner Johnson's discretionary funds to the Sheriff's Office (Office of Management and Budget).
6. Approval to disburse \$100,000 to the Hispanic Business Initiative Fund (HBIF) from fiscal year 1997-98 nondepartmental expenditures (Office of Management and Budget).
7. Approval of Budget Amendment 98-13 (Office of Management and Budget).  
  
(Budget Amendment 98-13 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
8. Approval of Budget Transfers 98-182, 98-193, and 98-200 (Office of Management and Budget).

**(As noted in the above motion, Budget Transfer 98-182 was deferred for discussion and subsequently approved; see pages 517 and 518.)**

(Budget Transfers 98-182, 98-193, and 98-200 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

9. Approval of CIP Amendments 12-98 and 13-98 (Office of Management and Budget).  
  
(CIP Amendments 12-98 and 13-98 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
10. Approval of payment of intergovernmental claims for January 15, 1998, and January 22, 1998, totaling \$345,882.77 (Risk Management Department).
11. Receipt and filing of the minutes of the January 8, 1998, and January 15, 1998, meetings of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).

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

1. Approval and execution of a resolution authorizing the acquisition and transfer of properties under the Affordable Housing Foreclosed Property Program (Department of Housing and Community Development).  
  
(Resolution 98-M-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
2. Receipt and filing of the Lake Conway Water and Navigational Control District Advisory Board minutes of December 9, 1997, for the official County record, District 4 (Environmental Protection Department).
3. Receipt and filing of the Lake Jessamine Water Advisory Board minutes of December 18, 1997, for the official County record, District 4 (Environmental Protection Department).
4. Receipt and filing of the Lake Killarney Advisory Board minutes of December 4, 1997, and January 8, 1998, for the official County record, District 5 (Environmental Protection Department).
5. Receipt and filing of the Lake Holden Water Advisory Board minutes of November 17, 1997, and December 15, 1997, for the official County record, District 4 (Environmental Protection Department).

6. Approval and execution by the County Chairman of Amendment 1 to the Florida Recreation Development Assistance Program Project Grant Agreement for Tibet-Butler Preserve overlook, extending the construction completion date from November 30, 1997, to November 30, 1998, between the Department of Environmental Protection and Orange County (Parks and Recreation Department).

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

7. Approval and execution by the County Chairman of the Florida Department of Environmental Protection Office of Greenways and Trails Multi-party Acquisition Agreement among Orange County, the State of Florida, and the Office of Greenways and Trails of the Florida Department of Environmental Protection for reimbursement of acquisition costs for Phase 3 of the West Orange Trail (Parks and Recreation Department).

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

8. Confirmation of the County Chairman's appointment of Sherell J. Cockrell to the position of deputy director in the Planning and Development Division Office (Division Office).

#### **Public Works Division**

1. Approval to adopt a resolution to vacate a portion of the plat of Plan of Block "Q," Prosper Colony (Control No. VA 9801), District 1 (Development Engineering Department).

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

2. Approval to adopt a resolution to vacate a portion of the plat of Plan of Block "2," Prosper Colony together with a portion of the plat of Southpark Unit One, District 6 (Development Engineering Department).

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

3. Approval to issue Excavation Permit 98-E1-253, District 1 (Development Engineering Department).

4. Approval to renew Excavation Permit 78-E2-134, District 2 (Development Engineering Department).
5. Approval of "Stop" sign installation at North Goldenrod Commerce Park, District 5 (Traffic Engineering Department).
6. Approval of "Yield" sign installations in the Waterford Lakes Tract N22, Phase II Subdivision, District 4 (Traffic Engineering Department).
7. Approval to establish a "No Parking" zone on the north and south sides of Gaylord Street from the east right-of-way line of South Apopka-Vineland Road to the west right-of-way line of Galaxy Way between the hours of 7:00 and 9:30 a.m. and 2:00 and 4:30 p.m. Monday through Friday, District 1 (Traffic Engineering Department).
8. Approval to establish a "No Parking" zone on both sides of the bridge on Clapp Simms Duda Road beginning from the west side of the bridge and extending 100 feet east, District 4 (Traffic Engineering Department).
9. Approval to establish a "No Parking" zone on the east side of Colfax Avenue from the north right-of-way line of Lee Road to the south right-of-way line of Albert Lee Parkway, District 5 (Traffic Engineering Department).
10. Approval and execution of County resolution and agreement among the State of Florida Department of Transportation, CSX Transportation, and Orange County for upgrading the crossing signal at Fairway Woods Boulevard and Orange Avenue, District 4 (Traffic Engineering Department).

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

#### **ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA**

1. Consideration of Membership and Mission Review Board recommendations for appointments/reappointments to the following advisory boards (General Services Department/Agenda Development):

Staff Report

Membership and Mission Review Board (MMRB) member Earl Denton presented the MMRB's recommendations, and the Board took the following actions:

Affordable Housing Advisory Committee

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board appointed Bob Harrell to the Affordable Housing Advisory Committee, to succeed Frederick Ward in the Labor category, for a term expiring June 30, 1998.

Agricultural Advisory Board

Action

Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board reappointed Scott Boyd, Robbie Roberson, Kathrein Markel, and James Knox to the Agricultural Advisory Board for terms expiring December 31, 1999.

Bikeways Advisory Board

Action

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

- reappointed Randy Van Cleave;
- appointed Richard Thomas Ross to succeed Bruce Martin;

to the Bikeways Advisory Board for terms expiring June 30, 1999.

Commissioner Freeman joined the meeting.

Children and Family Services Board**Action**

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

- appointed Elaine Mello, to succeed Cindy Frongello, for a term expiring December 31, 1998;
- appointed W.D. Morris, Renee Alivento, and Wendy Ludlow, to succeed Anthony Adams, Laura Myers, and Ed Soistman, for terms expiring December 31, 1999;
- reappointed Susan Khoury and Wilfredo Martinez for terms expiring December 31, 1999;
- confirmed the Chief Judge's reappointment of Judges Daniel P. Dawson and Jose R. Rodriguez for terms expiring December 31, 1998;

to the Children and Family Services Board.

Citizens' Commission for Children**Action**

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board reappointed Richard Earl Morrison, To-Lan Trinh-Le, and Dr. Ana M. Leon to the Citizens' Commission for Children for terms expiring December 31, 1999.

Citizens' Review Panel for Human Services**Action**

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

- reappointed Johnny Calloway and John Risper for terms expiring December 31, 1999;
- appointed Joan White, to succeed Ron Pecora, for a term expiring December 31, 1999;

- appointed Ernestine Mosley, to succeed Daisy Manbach, for a term expiring December 31, 1999;
- appointed Utter Kran Riley, Sharon DeRidder, and Gregory Edwards, as At Large Members in Training, for terms expiring December 31, 1999;

to the Citizens' Review Panel for Human Services.

Development Advisory Board

Action

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

- appointed Karl Lotspeich, to succeed Yassi Myers who has resigned, for a term expiring June 30, 1999;
- appointed Jack Amon to fill a vacancy in the Environmental Conservation Organization category for a term expiring June 30, 1998;

to the Development Advisory Board.

Educational Facilities Authority

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board reappointed Elizabeth Sterchi to the Educational Facilities Authority for a term expiring January 1, 2003.

Fire and Life Safety Code Board of Adjustments and Appeals

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board appointed Kenny Hanks to the Fire and Life Safety Code Board of Adjustments and Appeals, to succeed Roy Brand, for a term expiring December 31, 1999.

Health Facilities Authority

Action

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

- reappointed Hal P. Marston, III, for an additional four-year term expiring December 31, 2001;
- appointed Dr. Juan Lopez, to succeed Tico Perez, for a term expiring December 31, 2001;
- appointed Tyrone W. Nabbie, to succeed Royce Walden who has resigned, for a term expiring December 31, 2000;

to the Health Facilities Authority.

Orange Blossom Trail Development Board

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:

- appointed John J. Davis, to succeed Irwin Shargaa;
- appointed Sybil M. Adkins, to succeed Thomas Murphy;

to the Orange Blossom Trail Development Board for terms expiring January 14, 2002.

Underground Utility Pipeline Contractors Board of Examiners

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 appointed William Finch to the Orange Blossom Trail Development Board, to succeed Donald Silbernagel, for a term expiring December 31, 1999.

NONAGENDA - MEMBERSHIP AND MISSION REVIEW BOARD (MMRB) RECOGNITION DINNER

Commissioner Staley suggested that the Board occasionally sponsor a dinner to recognize the outstanding performance of all appointed

advisory board members. He stated that he served on several of these boards prior becoming a County Commissioner and noted his appreciation for past Board-sponsored recognition dinners.

**ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA**

2. Approval of agreement among Huber/TDS/P&D/MDI, a Joint Venture; the Joint Venture's sureties; and Orange County for retainage release to close out subcontractors - Courthouse Construction Project (Division Office).

**Staff Report**

Administrative Support Division Director John Terwilliger reviewed the issue of unpaid courthouse construction subcontractors. Mr. Terwilliger stated that the proposed agreement will allow all subcontractors who have filed claims to be paid. He pointed out that no additional funding will be necessary.

He noted that the exceptions to this agreement are eight subcontractors who have not yet filed claims and two subcontractors who have already filed lawsuits.

**Discussion**

The Board discussed unfiled claims, pending lawsuits, and the financial needs of small businesses.

**Action**

**Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved the agreement between Huber/TDS/T&D/MDI, a Joint Venture; the Joint Venture's sureties; and Orange County for retainage release to close out subcontractors.**

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

**COMMISSIONER'S REPORT - DISCUSSION AGENDA - ADDENDUM 1**

1. Commissioner Edwards wishes to discuss extension of water and sewer service in east Orange County.

#### Commissioner's Report

Commissioner Edwards reviewed the original proposal for utility line construction in east Orange County and noted that the original project proposal was to be funded completely by the County. He stated that he requested the original item be deleted from the agenda until all benefiting parties were willing to offer substantial contributions to the project.

Commissioner Edwards explained that the developers and the school board have worked together to offer a substantial contribution for the utility project and noted that Hal Kantor, Esquire, is prepared to present the offer to the Board for consideration.

Hal Kantor, Esquire, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., addressed the Board regarding east Orange County utility services and reviewed previous Board actions taken, east Orange County development projects, the proposed substantial contribution, and overall public policy implications.

Mr. Kantor stated that the developers are requesting the Board:

- declare an emergency, if required;
- enter into an agreement with Martin K. Eby Construction Company, Inc., as originally contemplated;
- enter into a developer's agreement to facilitate payment to the County of \$1,025,000, payment of expedition costs, and other developer commitments.

#### Appearances

The following persons addressed the Board:

- Bob Carrigan; 18350 East Colonial Drive, Orlando, Florida.
- Frank Kruppenbacher, Esquire (no address given); for the School Board.

#### Discussion

The Board discussed development order subsidization requirements, additional funding necessary to extend utilities beyond proposed development, increased student population generated by development, the availability of County funds for project completion, maintenance costs of the proposed park, and water and sewer impact fees.

The Board further discussed oversized utility line requirements, a possible error in the original bid from the Martin K. Eby Construction Company, Inc., and project overrun costs.

#### Action

A motion by Commissioner Edwards, seconded by Commissioner Hoenstine, with Commissioners Edwards and Hoenstine voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman, Staley, Johnson, and Butler voting NO by voice vote; to approve extension of the utility lines to C.R. 419 subject to:

- the subject matter set forth in the correspondence of Hal Kantor, P.A., dated January 30, 1998;
- the developers agreeing not to seek approval for Multi-family units in the proposed subdivisions;
- the contractor, as decided by County staff, agreeing to have the water and sewer service available to the middle school prior to Labor Day 1998;
- the parties entering into a developer's agreement approved by the County Legal Department and Utilities Division incorporating the terms of approval;
- the agreement being approved by the school board

failed.

#### COMMISSIONER'S REPORT - DISCUSSION AGENDA

1. Commissioner Edwards wishes to discuss the Economic Development Commission of Mid-Florida.

#### Commissioner's Report

Commissioner Edwards stated that, without measurable performance standards, it is difficult to determine the extent of the Economic Development Commission's (EDC) role in the economic development of the county. He cited staff's inconsistent findings on the role the EDC played in their business development upon contacting the three businesses highlighted in the EDC October 1997 monthly report.

Commissioner Edwards suggested that staff develop measurable performance standards; then the Board could consider, based upon performance, whether the County wishes to continue its relationship with the EDC.

#### Appearances

The following persons addressed the Board:

- David McKinney, chairman, Economic Development Commission (no address given).
- Dick Nunis, vice-chairman, Enterprise Florida (no address given).
- Rick Tesch, Campus Crusade for Christ (no address given).
- Dan Lynch, president, Economic Development Commission (no address given).

#### Discussion

The Board discussed the Economic Development Commission's (EDC) funds devoted to the television/film industry and travel expenses, County staff attendance at EDC meetings, and the need for an audit of the EDC.

The Board further discussed the EDC's reporting methods and whether quality services are being provided in return for its annual funding commitment.

#### Action

**By consensus, the Board directed staff to work with the Economic Development Commission (EDC) to establish performance standards, raise accountability, and increase communication between the County and the EDC.**

#### COUNTY ATTORNEY DISCUSSION AGENDA

1. Discussion concerning the Board's position on payment of East Central Florida Regional Planning Council membership fees in consideration of imminent litigation.

#### Staff Report

Assistant County Attorney Paul Chipok reviewed the Board's previously stated position on paying the East Central Florida Regional Planning Council's (ECFRPC) membership fees. Mr.

Chipok explained the statutory language regarding membership and payment of assessed membership fees. He outlined the legal consequences of unpaid assessed fees.

#### Discussion

The Board discussed the legal issues, the statutory requirements of a county's participation in the ECFRPC, and the payment of legal fees in a lawsuit.

The Board further discussed pending legislation regarding mandatory participation by counties in the ECFRPC, the ECFRPC's dependence on assessed fees, and the methodology and assessment of fees.

#### Action

A motion by County Chairman Chapin, seconded by Commissioner Edwards, with County Chairman Chapin and Commissioner Edwards voting AYE by voice vote; Commissioners Freeman, Staley, Johnson, Hoenstine, and Butler voting NO by voice vote; to approve payment of the East Central Florida Regional Planning Council's membership fees in the amount of \$202,165 and opt out next year failed.

#### Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved payment to the East Central Florida Regional Planning Council of \$1000, the minimum dues as outlined by the Rules and Regulations of the East Central Florida Regional Planning Council.

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Discussion concerning ABC Liquor - local bill.

#### Staff Report

County Administrator Jean Bennett announced that this item has been deleted from the agenda.

#### FISCAL AND HUMAN RESOURCES DIVISION CONSENT AGENDA ITEM 8, BUDGET TRANSFER 98-182 - DEFERRED FOR DISCUSSION

8. Approval of Budget Transfers 98-182 (Office of Management and Budget).

**Commissioner's Report**

Commissioner Edwards stated that he requested that this item be deferred for discussion because he has questions regarding direct funding versus in-kind contribution.

**Staff Report**

County Administrator Jean Bennett stated that this request will clarify and codify the County's contribution. Ms. Bennett further explained that in-kind contributions have been historically used for maintenance services and that this request will establish a definitive contribution. She noted that this contribution will be brought to the Board each year as part of the budgeting process.

**Discussion**

The Board discussed increased funding, historic in-kind contributions, the need for Board support of children's programs, and contributions from cities.

**Action**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members voting AYE by voice vote, the Board approved Budget Transfer 98-182.

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, Ted Edwards, and Mable Butler
- Deputy County Administrator Byron Brooks
- Assistant County Attorney Joel Prinsell
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by the Reverend Deacon Jack Martin, Holy Cross Catholic Church, followed by the Pledge of Allegiance to the Flag.

Presentation of Proclamation designating the month of February as "Black History Month."

County Chairman Chapin presented a proclamation designating the month of February as "Black History Month" to Jennie Thompson, aide to Commissioner Butler.

Ms. Thompson addressed the Board and reviewed the calendar of events in celebration of "Black History Month."

**(NOTE: THE FOLLOWING SIX PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 521 and 522 FOR THE APPEARANCES, DISCUSSION, AND ACTION.)**

**MSTU/BU PUBLIC HEARING - AMEND SOUTHCHASE PHASE 1B VILLAGES 9, 10, 11A, 11B, 11C, AND 12A MSTU/BU; STREETLIGHTING, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for streetlighting at Southchase Phase 1B Villages 9, 10, 11A, 11B, 11C, and 12A; Section 23, Township 24, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$49 per lot for streetlighting.

and

**MSTU/BU PUBLIC HEARING - AMEND LAKESIDE PLACE AND LAKESIDE PLACE ANNEX MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for streetlighting and maintenance of retention pond(s) at Lakeside Place and Lakeside Place Annex; Section 10, 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 developer has an annual cost of \$164 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

**MSTU/BU PUBLIC HEARING - ESTABLISH HUNTER'S CREEK TRACT 545 MSTU/BU, STREETLIGHTING, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Hunter's Creek Tract 545; Section 31, Township 24, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$98 per lot for streetlighting.

**MSTU/BU PUBLIC HEARING - ESTABLISH CARLTON OAKS MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), 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 and maintenance of retention pond(s) at Carlton Oaks; Section 2, Township 21, Range 28; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$51 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

and

**MSTU/BU PUBLIC HEARING - ESTABLISH CYPRESS LAKES PHASE TWO MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting and maintenance of retention pond(s) at Cypress Lake Phase Two; Section 28, Township 22, Range 31; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$55 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

and

**MSTU/BU PUBLIC HEARING - ESTABLISH SOUTHERN ACRES MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting and maintenance of retention pond(s) at Southern Acres; Section 14, 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 developer has an annual cost of \$76 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

Appearances

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

Discussion

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

**Action**

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

- Amending Southchase Phase 1B Villages 9, 10, 11A, 11B, 11C, and 12A MSTU/BU; annual cost of \$49 per lot for streetlighting.
- Amending Lakeside Place and Lakeside Place Annex MSTU/BU, annual cost of \$164 per lot for streetlighting and \$54 per lot for maintenance of retention pond(s).
- Establishing Hunter's Creek Tract 545 MSTU/BU, annual cost of \$98 per lot for streetlighting.
- Establishing Carlton Oaks MSTU/BU, annual cost of \$51 per lot for streetlighting and \$27 per lot for maintenance of retention pond(s).
- Establishing Cypress Lakes Phase Two MSTU/BU, annual cost of \$55 per lot for streetlighting and \$27 per lot for maintenance of retention pond(s).
- Establishing Southern Acres MSTU/BU, annual cost of \$76 per lot for streetlighting and \$54 per lot for maintenance of retention pond(s).

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

**ORDINANCE/RESOLUTION PUBLIC HEARING - PERTAINING TO WATER AND WASTEWATER, RE-ENACTING AND/OR EXTENDING THE APPLICABILITY OF EMERGENCY ORDINANCE 97-26 AND RESOLUTION REGARDING RATES FOR: UNIVERSITY SHORES WATER AND WASTEWATER SYSTEM; AND HOLIDAY HEIGHTS, LAKE CONWAY, DAETWYLER SHORES, AND WESTMONT WATER SYSTEMS**

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

AN ORDINANCE PERTAINING TO WATER AND WASTEWATER IN ORANGE COUNTY, FLORIDA; PROVIDING FOR FINDINGS; RE-ENACTING AND/OR EXTENDING THE APPLICABILITY OF EMERGENCY ORDINANCE NO. 97-26 THROUGH FEBRUARY 28, 1998, WHICH ESTABLISHED INTERIM WATER AND WASTEWATER SYSTEM CHARGE SCHEDULES, AND INTERIM WATER AND WASTEWATER CAPITAL CHARGES AND ADOPTED CERTAIN COUNTY RULES FOR CUSTOMERS SERVED BY THE UNIVERSITY

SHORES WATER AND WASTEWATER SYSTEM, HOLIDAY HEIGHTS, LAKE CONWAY, DAETWYLER SHORES AND WESTMONT WATER SYSTEMS ("THE SIX UTILITY SYSTEMS"); EFFECTIVE MARCH 1, 1998, ESTABLISHING THE APPLICABILITY OF CHAPTER 37 OF THE ORANGE COUNTY CODE AND ALL COUNTY RULES AS THE GOVERNING LAW FOR ALL COUNTY CUSTOMERS PREVIOUSLY PROVIDED WATER AND/OR WASTEWATER SERVICE BY THE SIX UTILITY SYSTEMS; RATIFICATION OF ORANGE COUNTY UTILITIES DIVISION STAFF ACTIONS; PROVIDING FOR RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

and resolution:

A RESOLUTION OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE RATES FOR THE UNIVERSITY SHORES WATER AND WASTEWATER SYSTEM AND THE HOLIDAY HEIGHTS, LAKE CONWAY, DAETWYLER SHORES, AND WESTMONT WATER SYSTEMS.

Staff Report

Utilities Division Director Alan Ispass reviewed the proposed ordinance and resolution and outlined their provisions.

Appearances

No one appeared in favor of or in opposition to the proposed ordinance.

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 adopted the proposed ordinance pertaining to water and wastewater, re-enacting and/or extending the applicability of Emergency Ordinance 97-26.

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 adopted the proposed resolution regarding rates for: University Shores water and wastewater system; and

**Holiday Heights, Lake Conway, Daetwyler Shores, and Westmont water systems.**

(Ordinance 98-04 and Resolution 98-SW-02 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - MEADOW WOODS PLANNED DEVELOPMENT/SHOPPING CENTER PRELIMINARY SUBDIVISION, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Meadow Woods Planned Development/ Shopping Center 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 Landstar Road, north of Rhode Island Woods Circle; District 4; Sections 25 and 36, 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. Mr. Heath recommended that conditions be added as follows:

- The lighting shall be shielded from the adjacent residential area (blindners or shoe box lights to deflect toward parking lot).
- All deliveries shall be encouraged between the hours of 7 a.m. and 10 p.m.
- A six-foot (6')-high wall shall be provided along the west property line.
- Deed covenants and restrictions shall be submitted that prohibit the dry sweeping of the parking lot. Parking lot sweeping shall be by wet application only.
- All compressors, exhaust fans, and other equipment shall be located on the roof and shielded from the adjacent residential area; or extend the exhaust ventilators to redirect the sound away from the homes, toward the front of the property.

- The dumpster will be a free-standing sealed compactor. The trash will be picked up during the daylight hours.

Appearances

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

- Ron Dilorio, the developer; Zev Cohen & Associates, Inc.; 55 Seton Trail, Ormond Beach, Florida.

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 all members present and voting AYE by voice vote, the Board approved the Meadow Woods Planned Development/Shopping Center Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Meadow Woods Planned Development; Board of County Commission approvals; the Meadow Woods Shopping Center Preliminary Subdivision Plan/Development Plan and the Grocery Store Development Plan, dated "Received December 15, 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.

Preliminary Subdivision Plan approval automatically expires on February 10, 1999, in accordance with the Orange County Subdivision Regulations as amended.

2. Section 34-152 (c) of the subdivision regulations shall be waived to allow a lot access by way of an ingress/egress easement since this is a commercial subdivision.

3.

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 the planned development.

4. This property shall be platted prior to the issuance of commercial permits for vertical construction.
5. The lighting shall be shielded from the adjacent residential area (blindners or shoe box lights to deflect toward parking lot).
6. All deliveries shall be encouraged between the hours of 7 a.m. and 10 p.m.
7. A six-foot (6')-high wall shall be provided along the west property line.
8. Deed covenants and restrictions shall be submitted that prohibit the dry sweeping of the parking lot. Parking lot sweeping shall be by wet application only.
9. All compressors, exhaust fans, and other equipment shall be located on the roof and shielded from the adjacent residential area; or extend the exhaust ventilators to redirect the sound away from the homes, toward the front of the property.
10. The dumpster will be a free-standing sealed compactor. The trash will be picked up during the daylight hours.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WATERFORD POINTE PHASE III  
PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Waterford Pointe Phase III 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 south of Windermere Road, east of Reaves Road; District 1; Sections 35 and 36, Township 22, Range 27 and Section 1, 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**

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:

- Larry Ray, P.E., the developer; Engineering & Environmental Design; 807 South Orlando Avenue, Suite C, Winter Park, Florida.

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 Butler, and carried with all members present and voting AYE by voice vote, the Board approved the Waterford Pointe Phase III Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Waterford Pointe Phase III Preliminary Subdivision Plan, dated "Received December 12, 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.

Preliminary Subdivision Plan approval automatically expires on February 10, 1999, in accordance with the Orange County Subdivision Regulations as amended.

2. A variance from Orange County Code Section 34-250 (c) to allow sheet flow across the retention pond berm is approved since runoff is from rear yard only.

3. Pursuant to Section 38-558 of the Orange County Code, the developer is proposing to utilize a density bonus to exceed the maximum permitted density of one (1) dwelling unit/acre. Prior to construction plan approval, a developer's agreement shall be submitted and approved. The proposed density is 1.10 units per acre.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - NATIONAL SPA AND RESORT PLANNED DEVELOPMENT/LOTS 1-3 PRELIMINARY SUBDIVISION, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the National Spa and Resort Planned Development/Lots 1-3 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 west of Turkey Lake Road and Interstate 4, south of Sand Lake Road; District 1; Section 2, Township 24, Range 28; Orange County, Florida.

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

**Staff Report**

Planning Department Manager David Heath stated that the applicant has requested a continuance to allow time to return to the Development Review Committee to resolve a technical difficulty.

**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.

**Action**

By consensus, the Board continued the public hearing to consider the National Spa and Resort Planned Development/Lots 1-3 Preliminary Subdivision Plan until February 24, 1998, at 3:30 p.m.

DEVELOPMENT ORDER PUBLIC HEARING - APPLICANT: HAL KANTOR, ESQUIRE; BONNET CREEK PLANNED DEVELOPMENT/DEVELOPMENT OF REGIONAL IMPACT; FIRST AMENDMENT OF THE DEVELOPMENT ORDER; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Hal Kantor, Bonnet Creek Resort, to amend the development order for Bonnet Creek Planned Development/Development of Regional Impact (First Amendment), which was approved by the Board of County Commissioners on December 16, 1997, on property located north of the Osceola County line, west of Interstate 4, and south of Epcot Center Drive; District 1; Sections 29 and 32, Township 24, Range 28; Orange County, Florida.

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

Staff Report

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

Appearances

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

- Hal Kantor, Esquire, the applicant; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; 215 North Eola Drive, Orlando, Florida.

No one appeared in pposition to the request.

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 Butler, and carried with all members present and voting AYE by voice vote, the Board approved the request by Hal Kantor, Bonnet Creek Resort, to amend the development order for Bonnet Creek Planned Development/Development of Regional Impact (First Amendment), which was approved by the Board of County Commissioners on December 16, 1997; and further, made a finding of consistency with the Comprehensive Policy Plan.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - EASTWOOD PLANNED DEVELOPMENT/PARCEL 24/RIVIERA POINTE PRELIMINARY SUBDIVISION, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Eastwood Planned Development/ Parcel 24/Riviera Pointe 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 Woodbury Road, south of Golfway Boulevard; District 4; Section 36, Township 22, Range 31; Orange County, Florida.

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

**Staff Report**

Planning Department Manager David Heath reviewed the 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:

- Luscius Cushman, Jr., P.E., the developer; Dyer, Riddle, Mills, and Precourt, Inc. (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 all members present and voting AYE by voice vote, the Board approved the Eastwood Planned Development/Parcel 24/Riviera Pointe Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Eastwood Planned Development; Board of County Commission approvals; the Riviera Parcel 24 Preliminary Subdivision Plan, dated "Received December 4, 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.

Preliminary Subdivision Plan approval automatically expires on February 10, 1999, in accordance with the Orange County Subdivision Regulations as amended.

- 2. 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 the planned development.
- 3. Development shall comply with Resolution 96-M-22 concerning gated communities.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WATERFORD LAKES PLANNED DEVELOPMENT/PARCEL 9 PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Waterford Lakes Planned Development/Parcel 9 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 north of Lake Underhill Road, west of Alafaya Trail; District 4; Section 27, Township 22, Range 31; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the 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:

- Alan Bumberg, the developer; Fog Development, Inc.; 1745 West Fletcher Avenue, Tampa, Florida.

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 all members present and voting AYE by voice vote, the Board approved the Waterford Lakes Planned Development/Parcel 9 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Waterford Lakes Planned Development; Board of County Commission approvals; the Parcel 9 Preliminary Subdivision Plan, dated "Received December 23, 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.

Preliminary Subdivision Plan approval automatically expires on February 10, 1999, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, a master stormwater management system for this portion of the Waterford Lakes Planned Development shall be submitted to the County engineer for review and approval.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: JAMES R. HALL, OUTER CIRCLE PLANNED DEVELOPMENT; Z-97-099, DECEMBER 18, 1997; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by James R. Hall, Outer Circle Planned Development, to rezone Planned Development District (PD) (1992) and Farmland Rural District (A-2) (1956) to Planned Development District (PD), on property generally located south of

S.R. 536, south and north of S.R. 417 (Greeneway), primarily east of proposed International Drive extension; 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 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:

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

No one appeared in opposition to the request.

#### Discussion

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

#### Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board approved the request by James R. Hall, Outer Circle Planned Development, to rezone Planned Development District (PD) (1992) and Farmland Rural District (A-2) (1956) to Planned Development District (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the International Drive Outer Circle Planned Development; Development/Land Use Plan, dated "Received November 6, 1997"; Board of County Commission (BCC) approvals; 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 references, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by the

conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners, and the Activity Center expansion of Future Land Use Element Policy 3.1.17.1.

2. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of development plans.
3. To the extent required to comply with the consistency provisions of the Growth Management Act, the following conditions shall be added to the conditions of approval:
  - a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
  - b. If the housing linkage program is in place prior to development plan approval, the development of 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 development plan submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction programs, access management controls, transit access design standards, building orientation, and location of parking lots.
  - d. The property owner shall be required to participate in an International Drive 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. In recognition that the International Drive master roadway plan, adopted as part of the Orange County Comprehensive Policy Plan, designates a roadway network that is necessary to support the increased

densities/intensities allowed in the International Drive Activity Center, the property owner shall coordinate development within the project to accommodate, to the greatest extent possible, the proposed roadway plan, as applicable to the subject property. Specifically, the road right-of-way for the new International Drive extension and spur roads shall be depicted on this development plan either as shown on the master roadway plan or in a different alignment provided such alignment is consistent with the intent of the master roadway plan for the Activity Center.

- g. A 20-foot-wide pedestrian/landscape/utility easement and a 15-foot-wide transit easement (for a total of 35 feet) along International Drive and Poinciana Boulevard shall be included in the development plan.
  - h. The developer shall provide for interconnection of adjacent developments either by cross-access easement or public right-of-way.
  - i. Sidewalks shall be a minimum of ten feet wide along all major roads.
  - j. Electrical distribution lines shall be underground.
  - k. Participation in shuttle service connecting area attractions, major transportation centers, and on-site development shall be provided.
  - l. Development permits shall be subject to Orange County Concurrency Management requirements.
4. The property shall be platted prior to issuance of commercial permits if fee simple transfer of property is proposed;

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

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: HARLING, LOCKLIN, AND ASSOCIATES; LAKE BRYAN SHORES PLANNED DEVELOPMENT; Z-97-105, DECEMBER 18, 1997; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Harling, Locklin, and

Associates; Lake Bryan Shores Planned Development; to rezone Farmland Rural District (A-2) (1956) to Planned Development District (PD), on property generally located approximately 153 feet east of Bryan Beach Boulevard, one-fourth mile west of International Drive; District 1; Section 27, Township 24, Range 28; Orange County, Florida.

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

#### Staff Report

Planning Department Manager David Heath 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.

#### Court Reporter

A court reporter, Deborah L. Waldrop, Zacco and Associates, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

#### Appearances

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

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

No one appeared in opposition to the request.

#### Discussion

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

#### Action

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Harling, Locklin, and Associates; Lake Bryan Shores Planned Development; to rezone Farmland Rural District (A-2) (1956) to Planned Development District (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Lake Bryan Shores Planned Development; Development/Land Use Plan, dated "Received November 21, 1997"; Board of County Commission (BCC)

approvals; 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, and the Activity Center expansion criteria of Future Land Use Element Policy 3.1.17.1.

2. To the extent required to comply with the consistency provisions of the Growth Management Act, the following conditions shall be added to the conditions of approval:
  - a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
  - b. If the housing linkage program is in place prior to development plan approval, the development of 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 development plan submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction programs, access management controls, transit access design standards, building orientation, and location of parking lots.
  - d. The property owner shall be required to participate in an International Drive 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. The development plan shall provide for interconnection of adjacent developments either by cross-access easement or public right-of-way. This shall include connection into the continuation of an area-wide transportation plan for the International Drive Activity Center.
- g. Electrical distribution lines shall be underground.
- h. Participation in shuttle service connecting area attractions, major transportations centers, and on-site development shall be provided;

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

COMMUNITY DEVELOPMENT DISTRICT PUBLIC HEARING - APPLICANT: FALCON TRACE PARTNERS, LTD.; FALCON TRACE CDD AND ADOPTION ORDINANCE; DISTRICT 4

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

AN ORDINANCE ESTABLISHING THE FALCON TRACE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1997); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath stated that the applicant has requested a continuance to allow more time to work with the School Board on locating an elementary school site.

Appearances

No one appeared in favor of or in opposition to the proposed ordinance.

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 continued the public hearing to consider the proposed ordinance adopting the Falcon Trace Community Development District until March 31, 1998, at 3:30 p.m.

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 3:35 p.m.