

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, October 6, 1998. 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
- Deputy County Attorney Jeff Newton
- Deputy Clerk Rosilyn Stapleton

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 members present and voting AYE by voice vote, the Board:

- deleted Fiscal and Human Resources Division Item 1;
- deleted Fiscal and Human Resources Division Item 2;
- deleted Budget Amendment 99-02 from Fiscal and Human Resources Division Item 6;
- deleted Fiscal and Human Resources Division Item 11;
- deleted Planning and Community Services Division Item 8;

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

County Comptroller

1. Authorization to make monthly payments to Lynx as follows: for October 1, 1998, through September 30, 1999, equal amounts of \$1,400,000. Please note that County staff is proceeding with development of a contractual agreement with Lynx (Administrative/Fiscal Division).
2. Acknowledgment of receipt of the following "file for the record" documents:

- a. City of Orlando notice of ordinance annexing property located at 2800 South Orange Avenue to the corporate limits of the city; dated August 31, 1998.
- b. Copy of 1999 budget for the West Orange Healthcare District; dated August 31, 1998.
- c. Copy of the Orange County Tax Collector's final budget for fiscal year 1998-99, as submitted to the Florida Department of Revenue; dated September 1, 1998.
- d. Minutes of the June 30, 1998, Landowners' Meeting and minutes of the June 30, July 14, and July 28, 1998, Board of Supervisors' meetings; Falcon Trace Community Development District; dated September 4, 1998.
- e. Florida Public Service Commission Case Assignment and Scheduling Record, re: Resolution by the Orange County Board of County Commissioners for extended area service between the Mount Dora exchange and the Apopka, Orlando, Winter Garden, Winter Park, East Orange, Reedy Creek, Windermere, and Lake Buena Vista exchanges; dated September 9, 1998.
- f. Florida Public Service Commission Notices of Hearing:
 - AllTel Florida, Inc.; AT&T Communications of the Southern States, Inc.; BellSouth Telecommunications, Inc.; E. Spire Communications, Inc.; Florida Cable Telecommunications, Inc.; Florida Cable Telecommunications Association, Inc.; Florida Competitive Carriers Association; Frontier Communications International, Inc.; GTC, Inc.; GTE Florida, Inc.; ITS Telecommunications Systems, Inc.; MCI Telecommunications Corporation; Northeast Florida Telephone Company, Inc.; Office of the Public Counsel, Office of the Attorney General, Sprint-Florida, Inc.; Supra Telecommunications and Information Systems; TDS Telecom/Quincy Telephone; Time Warner Communications; Vista-United Telecommunications; Worldcom Technologies, Inc.; re: Determination of the cost of basic local telecommunications service, pursuant to Section 364.025, Florida Statutes; dated September 15, 1998.

- Supra Telecommunications and Information Systems and BellSouth Telecommunications, Inc., re: Petition for emergency relief by Supra Telecommunications and Information Systems against BellSouth Telecommunications, Inc., concerning collation and interconnection agreements; dated September 15, 1998.

(Comptroller Clerk of the Board of County Commissioners.)

3. Approval of the minutes of the following Board of County Commissioners' meetings:

- September 22, 1998;
- September 24, 1998.

(Comptroller Clerk of the Board of County Commissioners)

4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:

- Period from September 24, 1998, to September 29, 1998; total of \$23,835,535.13.

County Administrator

1. Approval of a resolution regarding Article V of the Constitution of the State of Florida and the use of County funds.

(Resolution 98-M-46 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Administrative Support Division

1. Approval and execution by County Chairman of corrective special warranty deed; Corrective Joint Use, Drainage Pond, And Access Easement Agreement with APU Cypress Springs, Inc., Landstar Cypress Springs, Limited, and the County; quit claim deed; and authorization to record instruments in connection with the acquisition of right-of-way, retention pond sites,

and compensating storage areas for construction of the extension of Curry Ford Road: Curry Ford Road (Eastern Beltway to Alafaya Trail), District 4 (Real Estate Management Department).

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

2. Approval and authorization to record instrument in connection with development: Hunter's Creek Tract 160 Apartments, utility easement, and affidavit, District 1 (Real Estate Management Department).
3. Approval and authorization to record instruments in connection with development: Orlando Tile and Marble at North Orlando Commerce Park, Access Easement, and Subordinations of Encumbrances, District 5 (Real Estate Management Department).

Fire Rescue Division

1. Approval and execution of Local Mitigation Strategy Development Agreement between Orange County and the City of Ocoee and authorization for the manager of the Office of Emergency Management to execute remaining Local Mitigation Strategy development agreements with Orange County municipalities (Office of Emergency Management).

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

2. Approval and execution of the Emergency Management, Preparedness, and Assistance Trust Fund (grant agreement) for fiscal year 1998-99 with the State of Florida Department of Community Affairs through the Division of Emergency Management. The amount of the grant is \$105,275, less \$6,000 for the County's portion of the statewide satellite costs. This is a cost reimbursement agreement. No matching funds are required (Office of Emergency Management).

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

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y8-1031-HF to the low responsive and responsible bidder, Dade Paper Company, to furnish toilet tissue and paper towels for the Convention Center. The estimated annual cost is \$192,810 ([Convention Center] Purchasing and Contracts Department).

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

2. Approval to award Invitation for Bid Y8-1028-HF to the low responsive and responsible bidder, Premier Janitorial Supply, Inc., to furnish toilet paper and paper towels for countywide use. The total estimated annual cost is \$104,801.42 for toilet tissue and \$51,426 for paper towels ([Purchasing and Contracts Department] Purchasing and Contracts Department).

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

3. Approval to award Invitation for Bid Y8-1035-HF to the low responsive and responsible bidder, R&R Turf Farms, for purchase and installation of rolled sod. The estimated annual cost is \$176,400 ([Solid Waste Department] Purchasing and Contracts Department).

4. Approval to negotiate and execute a contract, Y9-800-JO, with The Collage Companies Construction, to provide design-build services for a 200 bed corrections housing. At a total cost not to exceed \$2,241,953 ([Construction Administration Department]) Purchasing and Contracts Department).

5. Confirmation of the County Chairman's staff reappointments for the month of October 1998:

- Ben Hardcastle, manager, Communications Department, Administrative Support Division
- William M. Hicks, manager, Construction Administration Department, Administrative Support Division
- Venetta O. Denis, manager, Facilities Management Department, Administrative Support Division
- Anna M. Hacha-Long, manager, Environmental Protection Department, Planning and Community Services Division
- Raymond E. Hanson, manager, Wastewater Department, Utilities Division

- Joseph E. Gray, manager, Community Affairs Department, Planning and Community Services Division
- Albert Frederick Fasano, manager, Service and Support Department, Division of Information Technologies

(Human Resources Department).

6. Approval of Budget Amendments 98-88, 99-01, and 99-02 (Office of Management and Budget).

(As stated in the above motion, Budget Amendment 99-02 was deleted.)

(Budget Amendments 98-88 and 99-01 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

7. Approval and execution of the 1998-1999 Fiscal Year Funding Agreement between Orange County and the International Drive Master Transit and Improvement District to provide payment of the ad valorem taxes collected by the County through three MSTU's established for the International Drive Master Transit and Improvement District (Division Office).

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

8. Approval and execution of the agreement for Local Minority and Women Owned Business Enterprises Loan Initiative between Orange County and NationsBank of Florida, N.A. (Business Development Department).

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

9. Approval and execution of a Uniform Certification Agreement between Orange County, the City of Orlando, and the Minority/ Women Business Enterprise Alliance (Business Development Department).

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

10. Approval and execution of a resolution approving the issuance of Orange County Industrial Development Authority Industrial Development Revenue Bonds (Trinity Preparatory School of Florida, Inc., project), Series 1998, in an aggregate principal amount of not to exceed \$6,500,000 (Orange County Industrial Development Authority).

(Resolution 98-B-17 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

11. Approval of International Association of Fire Fighters (IAFF) Promotion Article (Division Office).

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

12. Approval of the International Association of Fire Fighters (IAFF) Renegotiated Contract Articles (Division Office).

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

Health and Family Services Division

1. Approval and execution of Amendment 1 to Contract GH638 between the State of Florida Department of Children and Families and Orange County which reduces the amount of the contract by \$4,945. The amendment becomes effective the date it is signed by both parties. There is no additional cost to the County, all districts (Department of Human Services).

(Amendment to contract/agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval and execution of a renewal Public Convenience and Necessity Certificate for Winter Garden Fire Department to provide basic life support services. Term of the certificate is October 1, 1998, through October 1, 2000. There is no cost to the County, District 1 (Emergency Medical Services).
3. Approval and execution of agreement for Early Childhood Development Services and Head Start between Orange County and the School Board of Orange County. The agreement provides for continuation of the Head Start Program and other needed services to eligible low-income families residing in Orange

County at 16 elementary school sites. Term of the agreement is July 1, 1998, through June 30, 1999, all districts (Head Start Section).

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

4. Approval and execution of City of Winter Park/Orange County Head Start lease agreement renewal for the continuation of the Head Start program for low-income individuals at the Hannibal Community Center, District 5 (Head Start Section).

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

5. Approval and execution of Reeves Terrace Head Start lease agreement renewal between the Housing Authority of the City of Orlando and Orange County for the continuation of the Head Start program for low-income families residing at Reeves Terrace, District 3 (Head Start Section).

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

6. Approval and execution of annual standard contract between the Florida Department of Health and Orange County for fiscal year 1998-1999 in the amount of \$20,455,099 of which \$3,124,576 reflects Orange County's local contribution to the Health Department. This contract is a continuation of the contracting provisions set forth in Florida Statute 154 and has been previously reviewed by all necessary state and local entities, all districts (Division Office).

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

Planning and Community Services Division

1. Approval of the renewal of the Florida Department of Environmental Protection Cooperative Aquatic Control Grant Agreement, all districts (Environmental Protection Department).

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

2. Receipt and filing of the minutes of the Lake Killarney Advisory Board meeting of April 16, 1998, and September 3, 1998, for the official County record, District 5 (Environmental Protection Department).
3. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meeting of August 13, 1998, District 4 (Environmental Protection Department).
4. Receipt and filing of the minutes of the Windermere Water and Navigation Control District Advisory Board meetings of June 19, 1998, and August 21, 1998, District 1 (Environmental Protection Department).
5. Approval of the revised 1998-1999 manning table to increase contract staff by three for the Petroleum Cleanup contract GC 536 with the Florida Department of Environmental Protection (FDEP), all districts (Environmental Protection Department).
6. Approval and execution of the fifth amendment to the Joint Planning Area Agreement between Orange County and the City of Maitland, Districts 2 and 5 (Planning Department).

(Amendment 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 developer's agreement between Orange County and Circle K Stores, Inc., which stipulates that Circle K will not seek compensatory damages from Orange County or the Florida Department of Transportation (for gas pump islands) if future right-of-way taking occurs along S.R. 50 or Chuluota Road, District 5 (Zoning Department).

(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
8. Approval of the master agreement between Orange County and the Economic Development Commission of Mid-Florida, Inc., for fiscal year 1998-1999 and approval of the fiscal year 1998-1999 agreement between Orange County and the Economic

Development Commission of Mid-Florida to service the Orange County Industrial Development Authority, all districts (Division Office).

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

HEALTH AND FAMILY SERVICES DIVISION DISCUSSION AGENDA

- 1. Update on the progress of the Special Care, Inc., Partnership Project (Division Office).

County Chairman's Report

County Chairman Chapin announced that this item has been continued.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, ARTICLE III, SECTION 17, THE M/WBE ORDINANCE

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

AN ORDINANCE PERTAINING TO THE PROCUREMENT OF GOODS AND SERVICES IN ORANGE COUNTY, FLORIDA; AMENDING ORANGE COUNTY'S MINORITY/WOMEN BUSINESS ENTERPRISE ORDINANCE AS CODIFIED IN ARTICLE III CHAPTER 17 OF THE ORANGE COUNTY CODE; AMENDING SECTION 17-319 OF THE COUNTY CODE TO REVISE CERTAIN DEFINITIONS; AMENDING SECTION 17-321 TO CLARIFY THE MINIMUM ANNUAL CONTRACT DOLLAR PARTICIPATION, CORRECT THE RELEVANT MARKET FOR SERVICES, SET FORTH THE PROPER STANDARD FOR REVIEW, AND CLARIFY OR OTHERWISE AMEND PROVISIONS OF THAT SECTION; AMENDING SECTION 17-324 TO SET FORTH CRITERIA AND REQUIREMENTS FOR UTILIZATION OF BID PREFERENCE; AMENDING SECTION 17-325 TO SET FORTH CRITERIA AND REQUIREMENTS FOR UTILIZATION OF "RESERVED PROCUREMENT"; AMENDING 17-326 TO PROVIDE AN ADDITIONAL PENALTY; AMENDING SECTION 17-329, TO DELETE APPEALS OF CERTIFICATION DENIALS; CREATING SECTION 17-333, TO PROVIDE FOR APPEAL OF CERTIFICATION DENIALS; CREATING SECTION 17-334, TO PROVIDE CRITERIA FOR GRADUATION; AMENDING AND RENUMBERING SECTION 17-332 TO PROVIDE FOR REVIEW OF THE ORDINANCE DURING THE YEAR 1999; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Business Development Department Manager Fitz Long reviewed the proposed ordinance and outlined its amendments.

Deputy County Attorney Jeff Newton further outlined recommended changes to the proposed ordinance as follows:

Section 17-334. Review.

Subsection (a), page 16, line 664

after, "... chairman on an annual basis," add, "A full sunset review shall be conducted within seven (7) years of the adoption of this division";

Subsection (b), page 16, line 667

after, "The Board," insert, "of County Commissioners";

Subsection (b), page 16, line 672

after, "... by the Board shall occur during the year," delete, "1999," and insert, "2000."

Appearances

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

- Sharon Wyle, vice-president of the NAACP of Central Florida and advisor to the M/WBE Board (no address given).
- Patrick Barnes; Barnes, Ferland, and Associates (no address given).

The following persons addressed the Board with general comments:

- Malik Ali; 545 Vern Drive, Orlando, Florida; for the National Minority Supplier Development Counsel.
- Kevin Jackson, Advanced Information Systems Group (no address given).
- Mr. Sewell, Sewell Masonry Company (no address given).
- Chet Cederam, Chet's Landscaping (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.

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 adopted the proposed ordinance amending Orange County Code, Article III, Section 17, the M/WBE Ordinance to include revisions as outlined by staff as follows:

Section 17-334. Review.

Subsection (a), page 16, line 664

after, "... chairman on an annual basis," add, "A full sunset review shall be conducted within seven (7) years of the adoption of this division";

Subsection (b), page 16, line 667

after, "The Board," add, "of County Commissioners";

Subsection (b), page 16, line 672

after, "... by the Board shall occur during the year," delete, "1999," and add, "2000."

(Ordinance 98-25 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

CONVENTION CENTER DISCUSSION AGENDA

1. Convention Center issues.

Staff Report

Convention Center Executive Director Tom Ackert reviewed the long range Tourist Development Tax (TDT) plan and recommendations of the Tourist Development Council (TDC). Mr. Ackert stated that the presentation will focus on design concepts, land acquisition, and finance plans for the proposed expansion of the Convention Center. He explained that transportation issues are vital to the expansion plans and presented an overview of the recommended transportation enhancements.

Jeff Sachs, president of Strategic Advisory Group, highlighted the County's strategic plan for the Convention Center and various surveys of convention centers throughout the Country. Mr. Sacks stated that three major convention centers have recently announced expansion plans and that expanding the Convention Center is necessary to keep it competitive.

Andy McLean, senior principal of Thompson, Ventulett, Stainback, and Associates (TVSA), reported on the master plan for the proposed expansion project and optional development sites. Mr. McLean stated that the property currently under contract by Universal Studios is the recommended expansion location; presented a conceptual architectural drawing; and noted cost estimates of the Phase V program.

David Miller, senior managing consultant with Public Financial Management (PFM), presented a financial capacity analysis of the TDT fourth and fifth cent. Mr. Miller explained that bonds can be issued to finance land acquisition and construction improvements to the existing facility as well as the proposed expansion. He pointed out that the projected coverage ratio of revenues over debt service for the proposed bond indenture is between 1.4 and 1.5 times the amount of bonds issued.

Discussion

The Board discussed on-site versus off-site expansion development; wetland mitigation; acquisition of land for reduced cost, by donation, or through condemnation; and sunseting of the fifth cent of the TDT. The Board also discussed parking issues, the proposed light-rail project, transportation issues, the hotel/motel industry's support of the TDC recommendations, and a proposal to work on a land-swap deal with the owners of the Peabody Hotel.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with County Chairman Chapin and Commissioners Staley, Johnson, and Butler voting AYE by voice vote; Commissioners Freeman, Hoenstine, and Edwards voting NO by voice vote; the Board approved the Tourist Development Council's recommendations to amend the Tourist Development Plan to provide for the following:

- improvements to the existing Convention Center's facility;
- expansion of the Convention Center to accommodate three million square feet of exhibition space (Phases V and VI);
- acquisition of masterplan land;
- Phase V design and construction (including transportation);
- improvements to the Citrus Bowl;
- additional annual funding for the Convention and Visitors Bureau;
- additional annual funding for operation and maintenance of the Convention Center;
- increase the goal for annual funding of the Convention Center's renewal and replacement accounts (R&R).

(See pages 44, 45, and 46 for public hearing regarding the Tourist Development Plan.)

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
- County Attorney Tom Wilkes
- Deputy County Administrator Byron Brooks
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by the Reverend Shelby Wilson-Davis, pastor of Zellwood United Methodist Church, followed by the Pledge of Allegiance to the Flag.

NONAGENDA - GIFT FROM CAMPAIGN FUND

Commissioner Freeman presented County Chairman Chapin with a check for \$8,166.40. He stated that the money is a donation from his campaign fund to the Parks and Recreation Department for restroom facilities at the West Orange Soccer Field.

Presentation of Employee Service Awards

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

- Willis E. Strickland of the Development Engineering Department, Public Works Division, for 25 years of service.
- Cle E. Clark of the Roads and Drainage Department, Public Works Division, for 25 years of service.
- Joseph E. Glynn of the Real Estate Management Department, Administrative Support Division, for 25 years of service.
- James A. Bryant, III, Fire Fighter, of the Fire Rescue Division, for 20 years of service.
- Johnny H. Stiles, EMT/Engineer, of the Fire Rescue Division, for 25 years of service.
- Frank R. Walker of the Central Booking Department, Corrections Division, for 20 years service.
- Phillip L. Mays of the Central Booking Department, Corrections Division, for 25 years of service.
- Jesse L. Walker of the Main Facility, Corrections Division, for 30 years of service.

Presentation of Florida Association of Counties' Award to Assistant County Attorney Jim Moreland

County Chairman Chapin presented an award from the Florida Association of Counties to Assistant County Attorney Jim Moreland for his efforts to protect the eminent domain rights of all Florida counties.

NONAGENDA - FLORIDA ASSOCIATION OF COUNTIES' AWARD TO COUNTY ATTORNEY TOM WILKES

County Chairman Chapin presented an award from the Florida Association of Counties to County Attorney Tom Wilkes for his efforts to protect sovereign immunity rights of all Florida counties.

NONAGENDA - PROPOSED CONSTITUTIONAL REVISION 7

County Chairman Chapin reviewed the adoption of Article V of the State of Florida Constitution. She stated that when Article V was adopted in 1972, the State agreed to pay the cost of the criminal

justice system. County Chairman Chapin explained that because the State has failed to pay those costs, utilization of local tax dollars has been necessary.

County Attorney Tom Wilkes explained that the criminal justice system is a function of State government over which local government does not have any control. Mr. Wilkes stated that the Florida Association of Counties has funded an informational advertising campaign on the proposed revision that will run through November 3, 1998.

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA

- 1. Selection of one firm and one alternate to provide continuing professional environmental consulting services for implementing ecosystem improvements including lake and water quality issues throughout Orange County, RFP Y8-907-MK ([Environmental Protection Department] Purchasing and Contracts Department).

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 approved the following short list ranked as follows:

- #1 Parsons Engineering Science, Inc.
- #2 Camp Dresser & McKee, Inc.

and further, authorized staff to enter into contract negotiations to provide continuing professional environmental consulting services for implementing ecosystem improvements including lake and water quality issues throughout Orange County, RFP Y8-907-MK.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF OCTOBER 1, 1998

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 accepted the recommendations of the Orange County Board of Zoning Adjustment under date of October 1, 1998; subject to:

- Developer's Agreement for Item 1 in the name of Our Sacred Heart School;
- Indemnification Agreement for Item 2 in the name of Clay K. Glenn;
- Indemnification Agreement for Item 11, continued from August 6, 1998, in the name of Harry and Lois Huffman;
- the usual right of appeal by any aggrieved parties.

(Indemnification and Developer's agreements to be filed in the office of the Comptroller Clerk of the Board of County Commissioners.)

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of October 1, 1998, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant: Don Leach and Michael J. Etchison; Applicant: The Windermere School Project, Continued Item 2; public hearing date: December 1, 1998.
- Appellant: Salim Jiwa; Applicant: Clay K. Glenn, Item 2; public hearing date: December 1, 1998.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - MABLE GLEN PRELIMINARY SUBDIVISION, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Mable Glen 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 Willie Mays Parkway, south of College Drive; District 6; Section 32, Township 22, Range 29; Orange County, Florida.

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

Staff Report

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

Appearances

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

Discussion

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

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 Mable Glen Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Mable Glen Preliminary Subdivision Plan, dated "received August 27, 1998," 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 October 6, 1999, in accordance with the Orange County Subdivision Regulations as amended.

2. A waiver of Section 34-209 to allow a four-foot-high (4') concrete wall with landscaping, instead of six-foot-high (6'), along Willie Mays Parkway is approved.
3. A waiver of Section 34-151(c) of the Orange County Code to allow Lots 45 through 66 to have direct access onto Carter Street is approved.
4. Prior to construction plan approval, certification with supporting calculations shall be submitted which indicates that the existing outfall system has the capacity to accommodate this project.
5. Prior to construction plan approval, a drainage study to establish the 100-year flood elevation shall be submitted to the County engineer for review and approval.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - ROBINSON HILLS PRELIMINARY SUBDIVISION, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Robinson Hills 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 Clarcona-Ocoee Road and west of Hiawassee Road; District 2; Sections 2 and 3, Township 22, 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 subject to conditions.

Appearances

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

- Tom Shutts (no address given); for Laurel Homes, Inc.

The following person addressed the Board with general comments:

- Unidentified man (no address given).
- Herb Sully; 7925 Sully Drive, Orlando, Florida.
- Kiki Freeman, president of the Hiawassee Oaks Homeowners' Association (no address given).

No one addressed the Board 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 Staley, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the Robinson Hills Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Robinson Hills Preliminary Subdivision Plan, dated "Received August 19, 1998," 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 October 6, 1999, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, a Conservation Area Impact Permit shall be submitted to and approved by the Environmental Protection Department.
3. Prior to construction plan approval, a master stormwater management plan for the entire project needs to be submitted to the County engineer for review and approval.
4. Master water and wastewater plans addressing phasing and including preliminary calculations shall be approved prior to approval of construction plans.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WATERFORD LAKES PLANNED DEVELOPMENT/WATERFORD LAKES TOWN CENTER 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/Waterford Lakes Town 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 east of Alafaya Trail and north of the East-West Expressway; District 4; Sections 22 and 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.

Deputy Public Works Division Director Bill Baxter reviewed the planned access points and recommended that a seventh condition be added as follows:

-Access to Alafaya Trail shall be one full access at the connector road to Woodbury Road; one full access at the on-ramp to the East-West Expressway; one full access at the main entrance to the mall; one full access between the mall main entrance and the connector road; and one right-in, right-out entrance south of the connector road.

Court Reporter

A court reporter, Brandea Herrell, Landmark Reporting, Inc., was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

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

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 Waterford Lakes Planned Development/Water Lakes Town Center 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 Commissioners' approvals; the Waterford Lakes Town Center Preliminary Subdivision Plan, dated "Received September 2, 1998"; 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 October 6, 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 this planned development.
3. This project shall comply with the approved master water and wastewater utilities plan.
4. One off-site directional sign shall be permitted at the intersection of the connector road and Woodbury Road. This sign shall not exceed 16 square feet and shall be setback ten feet (10') from the right-of-way.
5. Prior to the first Certificate of Occupancy for the Town Center, the signalization of Alafaya Trail and the connector road and Alafaya Trail and the on-ramp to the East-West Expressway shall be operational. Signalization of the main entrance shall be completed when warrants are met using existing and committee tenants in the Town Center or in Parcel 7. All costs for signalization shall be the responsibility of the developer and completed at no cost to Orange County.
6. The Certificate of Completion for Alafaya Trail six-lane construction and the connector road to Woodbury Road shall be issued prior to issuance of a Certification of Occupancy for the first structures in the Town Center.
7. Access to Alafaya Trail shall be one full access at the connector road to Woodbury Road; one full access at the on-ramp to the East-West Expressway; one full access at the main entrance to the mall; one full access between the mall main entrance and the connector road; and one right-in, right-out entrance south of the connector road.

DEVELOPMENT REVIEW COMMITTEE APPEAL - APPELLANT/APPLICANT: JAMES G. WILLARD, WATERFORD LAKES TOWN CENTER ROAD IMPACT FEE AGREEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by James G. Willard, Waterford Lakes Town Center, regarding the Development Review Committee's (DRC) decision of denial of to modify the Waterford Lakes Town Center Road Impact Fee Agreement by paying impact fees prior to October 1998.

Staff Report

Planning Department Manager David Heath stated that the applicant has withdrawn the request.

Appearances

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

Discussion

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

Action

By consensus, the Board accepted the withdrawal of the request by James G. Willard, Waterford Lakes Town Center, for approval to modify the Waterford Lakes Town Center Road Impact Fee Agreement by allowing payment of impact fees prior to October 1998.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: JIM HALL; SAND LAKE GROVES PLANNED DEVELOPMENT; CASE Z-97-098, MAY 21, 1998; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jim Hall, Sand Lake Groves, to rezone Country Estate District (RCE) (1968) to Planned Development District (PD), on property generally located on the west side of I-4, three-fourths of a mile east of South Apopka-Vineland Road; District 1; Section 11, 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. Mr. Heath explained that the requested action will consummate the settlement agreement that the Board approved on September 19, 1998.

Appearances

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

-Jim Holland; Canin Associates Urban and Environmental Planners and Landscape Architects (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 Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Jim Hall, Sand Lake Groves, to rezone Country Estate District (RCE) (1968) to Planned Development District (PD), on the above described property; subject to the following conditions:

1. Development shall conform to the Sand Lake Groves Planned Development/Land Use 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 federal, state, and county 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. Development shall comply with all provisions of the developer's agreement for the Activity Center Turkey Lake Road Extension.

3. Billboards shall be prohibited. All signage shall comply with Chapter 31.5 of the County Code and the master sign plan as approved by the Planning and Zoning Departments.
4. The following International Drive strategic conditions shall apply:
 - 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. The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal.
 - c. The property owner shall be required to participate in an I-Drive Activity Center Property Owners' Association upon its creation.
 - d. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
 - e. The development plan shall provide for interconnection of adjacent developable parcels either by cross-access easement or public right-of-way. This shall include connection into and continuation of an areawide transportation plan for the International Drive Activity Center.
 - f. Electrical distribution lines shall be underground.
 - g. Participation in shuttle service connecting area attractions, major transportation centers, and on-site development shall be provided.
5. The use of motorized watercraft by new development (e.g. powerboats, jet skis, etc.) shall be prohibited on Big Sand Lake. Motorized vessels shall not be launched from the property.

6. Orange County designates the property as a convention and resort hotel development pursuant to International Drive Comprehensive Policy Plan (CPP) Policy 1.1.10, and in consideration of this designation, this condition of zoning is placed on the property and shall run with the property as follows: Unless and until a hotel, hotels, or rooms on the property have been designated by the owner reserving to the Convention Center an option to book and/or reserve 54,750 Convention Center hotel room nights per year (determined by multiplying 150 rooms by 365 nights), the following restriction shall apply: After the construction of the first 900 hotel rooms, every subsequent hotel facility on the property shall reserve ten (10) percent of its room nights for Convention Center hotel room purposes with a right of first booking designated to the Convention Center. The Convention Center shall have the absolute right to exercise its option to book and/or reserve such designated Convention Center hotel room nights until 24 months prior to the room night date. If the room night (group room block) is not booked and/or reserved and the maximum group rate agreed to by the Convention Center or its designee by 24 months prior to the room night date, then the Convention Center's right to first booking is released and the hotel facility may rent or lease the room nights. Nothing herein shall prohibit an individual hotel or hotels from exceeding the ten (10) percent requirement.
7. The per acre valuation of the right-of-way dedicated and easement area granted by the owners of the property to Orange County under that certain Activity Center Turkey Lake Road Network Agreement recorded at Official Records Book 5138, Page 1988, in the Public Records of Orange County for impact fee credit purposes shall be \$203,246.64.
8. The agricultural use shall be permitted to continue until approval of construction plans;

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

COMPREHENSIVE POLICY PLAN AMENDMENT, CYCLE 2, SPECIAL SMALL SCALE AMENDMENTS ADOPTION HEARING/ORDINANCE

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

Proposed amendments to the CPP which would change the uses of lands within the areas identified on the maps on file.

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

(The parcels of property that are subject to possible land use changes identified by the general location descriptions, acres, and tax parcel identification numbers are on file in the office of the Comptroller Clerk of the Board of County Commissioners. Also, the currently adopted land uses and requested land use changes are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

and

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

Staff Report

Planning Department Manager David Heath informed the Board that this meeting is to consider the adoption of 1998 second cycle small scale Comprehensive Policy Plan Amendments. Mr. Heath stated that the Local Planning Agency conducted its review of the amendments at a public hearing on September 17, 1998.

Mr. Heath reviewed the elements of small scale amendments and reported that this is the only public hearing before the Board of County Commissioners. He explained that these amendments will not

be transmitted to the State of Florida Department of Community Affairs (DCA) but will be forwarded to the DCA to be effective within 30 days.

Mr. Heath requested approval of the items listed under the expedited agenda in one motion, unless a Board member or someone in the audience requests that the item be placed on the public hearing agenda.

Expedited Agenda

Future Land Use Map Amendments

Staff Report

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

- 98-2-S-1-1 Rohland A. June/Willoughby T. Cox, Jr., Holston Properties and Development, Inc., District 1
- 98-2-S-1-2 Canin Associates/John D. Holloway Trust, District 1
- 98-2-S-1-4 Ivey, Harris & Walls, Inc./Barriager, Spaziani & Kerben Trustee, District 1
- 98-2-S-1-5 Ivey, Harris & Walls, Inc./Carol, Bogan & David Kerben Trustee, District 1
- 98-2-S-2-1 Stephen J. Bozarth/Constance, Drury & Douglas, District 2
- 98-2-S-2-2 Boyd Development Corporation/John Isaacson & Lena Isaacson, District 2
- 98-2-S-2-3 Boyd/K&B Associates and Church of Family Parntership, District 2 (including current rezoning: Z-98-082)
- 98-2-S-4-1 Gray, Harris & Robinson/Charles Hoequist, District 4
- 98-2-S-4-2 Akerman, Senterfitt & Eidson, P.A./Olympia Development, Inc., District 4
- 98-2-S-4-3 Titan Properties, Inc., Stanley Pietkiewicz/Kathleen Will, District 4
- 98-2-S-4-4 The Performance Group/Haynes and Smith Partnership, Inc., District 4
- 98-2-S-5-1 Kenneth W. Wright/Silver City Properties, Ltd.,- Costco, District 5
- 98-2-S-5-2 John Rife, Jr., Trustee/Winter Park Memorial Hospital Association, Inc., District 5

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 adopted amendments on the expedited agenda as follows:

- 98-2-S-2-1 Stephen J. Bozarth/Constance, Drury & Douglas, District 2;
- 98-2-S-2-2 Boyd Development Corporation/John Isaacson & Lena Isaacson, District 2;
- 98-2-S-2-3 Boyd/K&B Associates and Church of Family Partnership, District 2 (including current rezoning: Z-98-082);
- 98-2-S-4-1 Gray, Harris & Robinson/Charles Hoequist, District 4;
- 98-2-S-4-2 Akerman, Senterfitt & Eidson, P.A./Olympia Development, Inc., District 4;
- 98-2-S-4-4 The Performance Group/Haynes and Smith Partnership, Inc., District 4;
- 98-2-S-5-1 Kenneth W. Wright/Silver City Properties, Ltd.,- Costco District 5;
- 98-2-S-5-2 John Rife, Jr., Trustee/Winter Park Memorial Hospital Association, Inc., District 5;

further, the Board approved transmitting items on the expedited agenda to the Florida Department of Community Affairs as follows:

- 98-2-S-1-1 Rohland A. June/Robert Holston, Holston Properties and Development, Inc., District 1;
- 98-2-S-1-4 Ivey, Harris & Walls, Inc./Barriager, Spaziani & Kerben Trustee, District 1;
- 98-2-S-1-5 Ivey, Harris & Walls, Inc./Carol, Bogan & Davis Kerben Trustee, District 1;

subject to the execution of developer's agreements; and further, authorized public hearings for items on the expedited agenda as follows:

- 98-2-S-1-2 Canin Associates/John D. Holloway Trust, District 1;
- 98-2-S-4-3 Titan Properties, Inc., Stanley Pietkiewicz/Kathleen Will, District 4.

(Developer's agreements will be submitted to the Board of County Commissioners as a later date.)

Item Withdrawn:

99-1-A-1-2 Akerman, Senterfitt & Eidson, P.A./Thomas T. Ross, Esquire,
District 1

Regular Agenda - Future Land Use Map Amendment Public Hearings

Future Land Use Map Amendment 98-2-S-1-2, Canin Associates/John D. Holloway Trust, District 1 (page 7 of the amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request. Mr. Heath noted that staff and the Local Planning Agency recommended transmittal with a land use designation of Activity Center Mixed Use.

Appearances

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

- Jim Hall; Canin Associates Urban and Environmental Planners and Landscape Architects; the applicant; 500 Delaney Avenue, Orlando Florida

No one addressed the Board 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 Butler, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Edwards, and Butler voting AYE by voice vote; Commissioner Hoenstine voting NO by voice vote; the Board adopted Future Land Use Map Amendment 98-2-S-1-2, Canin Associates/John D. Holloway Trust.

Future Land Use Map Amendment 98-2-S-4-3, Titan Properties, Inc., Stanley Pietkiewicz/Kathleen Will, District 4 (page 66 of the amendment booklet)

Staff Report

Chief Planner Carol Stricklin reviewed the request. Ms. Stricklin explained that the applicant has submitted a revised legal

description for the subject property and noted that staff and the Local Planning Agency recommend adoption with a land use designation of Commercial/Planned Development/Conservation.

Appearances

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

- Ray Braddock; Bowyer-Singleton & Associates, Inc. (no address given).

No one addressed the Board 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 Butler, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Edwards, and Butler voting AYE by voice vote; Commissioner Hoenstine voting NO by voice vote; the Board adopted Future Land Use Map Amendment 98-2-S-4-3, Titan Properties, Inc., Stanley Pietkiewicz/Kathleen Will; subject to the revised legal description as noted by staff.

Comprehensive Policy Plan Amendment Ordinance

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 adopted the proposed ordinance pertaining to Comprehensive Planning providing for Future Land Use Map Amendments.

(Ordinance 98-26 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COMPREHENSIVE POLICY PLAN AMENDMENT, CYCLE 1, TRANSMITTAL PUBLIC HEARINGS

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

1. Proposed amendment to the CPP Future Land Use Map which would change the use of lands within the areas identified on the map on file.
2. Amendments to the Future Land Use Element regarding Policy 3.1.42 regarding development within the Community Village Center (CVC).
3. Amendment to the Future Land Use Element regarding deletion of Policy 3.8.6 regarding locational criteria for commercial uses within Planned Developments.
4. New Future Land Use Element Policy 3.8.9 encouraging a mixture of land uses within activity centers.
5. New Future Land Use Element Policy 4.1.4.1 regarding visual impacts of development.
6. Amendments to the Future Land Use Element Policies 6.1.1 through 6.1.13 and adoption of new Policy 6.1.14 (Horizon West Village).
7. New Future Land Use Element Objectives 6.5, 6.6, and 6.7 with corresponding policies regarding the Bridgewater Specific Area Plan of the Horizon West Village classification.
8. Amendment to the Capital Improvements Element regarding Policy 1.4.9 (Community Development Districts).
9. New Future Land Use Element Objective 1.8, Policies 1.8.1 through 1.8.9 to provide for employment opportunities in the Zellwood area.
10. Amendments to the Wastewater Element Policy 1.4.3 regarding the extension of water lines into the rural service area for the Zellwood Development District.
11. Amendments to the Potable Water Element Policy 1.4.2 regarding the new extension of water lines into the rural service area for the Zellwood Development District.

- 12. Expansion of the Zellwood Rural Settlement area (see Future Land Use Map Amendment 99-1-B-2-1).

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

(The parcels of property that are subject to possible land use changes identified by the general location descriptions, acres, and tax parcel identification numbers are on file in the office of the Comptroller Clerk of the Board of County Commissioners. Also, the currently adopted land uses and requested land use changes are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath stated this is the transmittal public hearing for the first cycle of Comprehensive Policy Plan (CPP) Amendments for 1999. Mr. Heath explained that this is the first of two public hearings before the Board of County Commissioners and stated that the Local Planning Agency (LPA) considered all of the CPP amendments at its public hearing on September 17, 1998.

Mr. Heath asked the Board to request that an Objections, Recommendations, and Comments (ORC) Report from the Florida Department of Community Affairs (DCA) be issued within 60 days on all amendments transmitted. He added the final adoption public hearings are scheduled on February 16, 1999.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board authorized staff to request that an Objections, Recommendations, and Comments (ORC) Report from the Florida Department of Community Affairs (DCA) be issued within 60 days on all amendments transmitted.

Expedited Agenda

Future Land Use Map Amendments

Planning Department Manager David Heath explained that, within the context of the following amendments, staff and the LPA have tried to work with the Public Works Division and the applicants to

coordinate future rights-of-way due to escalating costs. Mr. Heath reported that, as a result of those efforts, several of the recommendations are subject to the execution of developer's agreements for those future rights-of-way. He also noted the available Urban Service Area acreage both before and after the Board's approval to transmit the proposed amendments.

Mr. Heath said the items listed under the expedited agenda will be approved in one motion unless a Board member or someone in the audience requests that the item be placed on the public hearing agenda.

Chief Planner Carol Stricklin announced the expedited agenda, as follows:

- 99-1-A-1-1 Miller-Sellen Associates/Shuffield, Dykes/Gallimore, District 1
- 99-1-A-1-3 Miller, Sellen, Conner & Walsh/Hannah L. Smith, District 1
- 99-1-A-1-4 Commonwealth Engineering/Pablo Maralunda, District 1
- 99-1-A-1-5 Jack Shannin/Mayo Properties, Inc., District 1
- 99-1-A-2-1 Harling, Locklin & Associates, District 2
- 99-1-A-2-2 John R. Mills, District 2
- 99-1-A-2-4 Jack Freeman/Herrera Gonzalo Life Estate, District 2
- 99-1-A-5-1 Seybold Associates, Inc./Kenneth Gary, McCall, District 5
- 99-1-A-5-3 Fred G. Owles, District 5

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 approved transmittal of items on the expedited agenda to the Florida Department of Community Affairs as follows:

- 99-1-A-1-1 Miller-Sellen Associates/Shuffield, Dykes/Gallimore, District 1;
- 99-1-A-1-3 Miller, Sellen, Conner & Walsh/Hannah L. Smith, District 1;
- 99-1-A-1-4 Commonwealth Engineering/Pablo Maralunda, District 1;
- 99-1-A-1-5 Jack Shannin/Mayo Properties, Inc., District 1;
- 99-1-A-2-2 John R. Mills, District 2;
- 99-1-A-2-4 Jack Freeman/Herrera Gonzalo Life Estate, District 2;
- 99-1-A-5-3 Fred G. Owles, District 5;

subject to the execution of a developer's agreement for Future Land Use Map Amendment 99-1-A-1-4, Commonwealth Engineering/Pablo Maralunda, and with the exception of Future Land Use Map Amendment 99-1-A-5-1, Seybold Associates, Inc./Kenneth Gary, McCall, which was placed on the public hearing agenda; and further, continued Future Land Use Map Amendment 99-1-A-2-1, Harling, Locklin & Associates.

(Developer's agreement will be submitted to the Board of County Commissioners at a later date.)

Item Withdrawn:

99-1-A-1-2 Akerman, Senterfitt & Eidson, P.A./Thomas T. Ross, Esquire,
District 1

Future Land Use Map Amendment Public Hearings

Future Land Use Map Amendment 99-1-A-5-1 Seybold Associates, Inc./ Kenneth Gary, McCall, District 5 (page 86 of the amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request. Mr. Heath noted that staff and the Local Planning Agency recommended transmittal with a land use designation of Low-medium Density Residential/Commercial Planned Development to bring the subject property into the Urban Service Area subject to conditions.

Appearances

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

- Louis Seybold, the applicant; Post Office Box 508, Winter Park, Florida.

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 Edwards, seconded by Johnson, and carried with all members present and voting AYE by voice vote, the Board

approved transmittal of Future Land Use Map Amendment 99-1-A-5-1; Seybold Associates, Inc./Kenneth Gary, McCall; to the Florida Department of Community Affairs, subject to the following conditions:

- the project shall be developed as a Planned Development;
- the Commercial designation shall be limited to approximately 17 acres;
- prior to final adoption in February 1999, a Developer's Agreement shall be entered into with the County to provide for a right-of-way along S.R. 50 to dovetail with the Board's commitment to work out an agreement with the State of Florida Department of Transportation for the widening of S.R. 50.

(Developer's agreement will be submitted to the Board of County Commissioners at a later date.)

Regular Agenda - Future Land Use Map Amendment Public Hearings

Future Land Use Map Amendment 99-1-A-2-3, Paul Novak/Ken Tapley, District 2; (page 50 of the amendment booklet)

Staff Report

Planning Department Manager David Heath stated that the request has been withdrawn.

Appearances

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

Discussion

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

Action

By consensus, the Board accepted the withdrawal of Future Land Use Map Amendment 99-1-A-2-3, Paul Novak/Ken Tapley.

County Chairman Chapin left the meeting.

Future Land Use Map Amendment 99-1-A-4-1, James G. Willard/Morgran Company, District 4; (page 72 of the amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request. Mr. Heath noted that staff and the Local Planning Agency (LPA) recommended denial of transmittal with a land use designation of

Low-medium Density Residential/Commercial/Conservation/Urban Service Area. He explained that the LPA had concerns regarding the amount of Urban Service Area that would be utilized by the proposed project. He reported that the applicant and staff have worked together, at the direction of the LPA, to reach a compromise, and noted that the staff report reflects the revised recommendation.

Appearances

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

- Jim Willard (no address given), for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Butler 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 present members voting AYE by voice vote; County Chairman Chapin was absent; the Board approved transmitting Future Land Use Map Amendment 99-1-A-4-1, James G. Willard/Morgran Company, to the Florida Department of Community Affairs with the exception of the southern one-half of the property, which shall be included within the Urban Service Area and designated Low-medium Density and Parks and Recreation; subject to the applicant working with staff to provide a park on the site prior to final adoption in February 1999.

County Chairman Chapin joined the meeting.

Future Land Use Map Amendment 99-1-A-4-2, Bowyer-Singleton & Associates/Shea, Caputo, and Mason, District 2; (page 80 of the Amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the request. Mr. Heath noted that staff and the Local Planning Agency recommended that the proposed amendment be transmitted for a land use designation of Planned Development/Conservation.

Appearances

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

- Kerry Godwin, Bowyer-Singleton & Associates (no address given); for the property owner.
- Richard Stone; 1587 O'Berry Hoover Road, Orlando, Florida.

The following person addressed the Board with general comments:

- Tim Rounds; 1490 O'Berry Hoover Road, Orlando, Florida.

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 Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved transmitting Future Land Use Map Amendment 99-1-A-4-2; Bowyer-Singleton & Associates/Shea, Caputo, and Mason; to the Florida Department of Community Affairs, subject to the applicant submitting an application for Planned Development rezoning which shall specify the following:

- maximum density;
- units shall be limited fee-simple ownership or townhouse;
- roadway access to the residential units from O'Berry Hoover road shall be prohibited;
- natural buffers along the western and northern property lines as shown in the conceptual plan;

prior to final adoption in February 1999 for adoption concurrently with the amendment.

Future Land Use Map Amendment 99-1-A-6-1 Michael D. Young/Carl Julian, District 6 (page 100 of the amendment booklet)

Staff Report

Chief Planner Carol Stricklin reviewed the request. Ms. Stricklin noted that staff and the Local Planning Agency recommended denial of transmittal with a land use designation of Commercial. She reviewed the road-widening projects scheduled for

Apopka-Vineland and Silver Star Roads and the surrounding Commercial designations. Ms. Stricklin stated that approval of future land use changes is not to be based solely on the widening of a road and pointed out that the proposed use of the property raises some incompatibility issues.

Appearances

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

- Fred Leonhardt, Esquire; Gray, Harris, and Robinson, P.A.; 201 Pine Street, Suite 1200, Orlando, Florida; for the applicant.
- Joan Randolph (no address given), for the applicant.
- Carlene Julian (no address given).

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

- Peggy Lantz, 2020 Red Gate Road, Orlando, Florida.
- Marty Tetlow (no address given).

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 Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved transmitting Future Land Use Map Amendment 99-1-A-6-1, Michael D. Young/Carl Julian, to the Florida Department of Community Affairs, subject to the following conditions:

- execution of an agreement with the County which stipulates that the additional right-of-way on Silver Star Road will be exchanged with the County for impact fee credits at the existing Low-density Residential valuation;
- submission of a Planned Development application for the proposed land use plan;

prior to final adoption in February 1999.

Future Land Use Map Amendment 99-1-B-2-1, Orange County Planning Department/Zellwood Development District; Policy Amendment: New Future Land Use Element Objective 1.8; Policies 1.8.1 through 1.8.9 and 2.1.18; revised Wastewater Element Policy 1.4.3; revised Potable Water Element Policy 1.4.2; District 2 (page 1 of the amendment booklet)

Staff Report

Aide to Commissioner Staley Patsy McClure reviewed the amendment and policies. Ms. McClure explained that the objective and policies are related Vision Northwest and redevelopment of the Zellwood area.

Chief Planner Carol Stricklin noted that staff and the Local Planning Agency recommended approval of transmittal of the amendment with a land use designation of Rural Settlement (Zellwood Development District) and the related objective/policies.

Appearances

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

- Vivian Goetz, area resident (no address given).

The following persons addressed the Board with general comments:

- Shane Barksdale, former owner of the area airport (no address given).
- Jeff DeBitetto, Lou Haubner Realty, Inc. (no address given).

No one appeared in favor of the request.

Commissioner Butler left the meeting.

Discussion

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

Action

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board accepted the Vision Northwest Framework Plan; further, approved transmitting Future

Land Use Map Amendment 99-1-B-2-1 (Zellwood Map Amendment) with direction to staff to conduct an airport compatibility study for the proposed residential land to be completed prior to final adoption in February 1999; and further, approved transmitting Future Land Use Element Objectives and Policies as follows:

- New Future Land Use Element Objective 1.8;
- Policies 1.8.1 through 1.8.9 and 2.1.18;
- revised Wastewater Element Policy 1.4.3;
- revised Potable Water Element Policy 1.4.2

Commissioner Butler joined the meeting.

Future Land Use Map Amendment 99-1-A-1-6, Bridgewater Development Corporation/Orange County Planning Department, Village of Bridgewater Specific Area Plan; approval of Orange County/State of Florida Department of Community Affairs Horizon West Processing Agreement; Policy Amendment: Revised Future Land Use Policy 6.1.1 through 6.1.13; New Policy 6.1.14; and New Future Land Use Objectives 6.5, 6.6, and 6.7 and related policies (page 1 of the Village of Bridgewater Specific Area Plan amendment booklet)

Staff Report

Planning Department Manager David Heath reviewed the amendment, specific area plan, processing agreement, objectives, and policies. Mr. Heath explained that the amendment, agreement, objectives, and policies are related to Bridgewater Village. He noted that staff and the Local Planning Agency recommended approval of transmittal of the amendment, objectives, and policies.

Appearances

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

- Kurt Ardaman, Esquire; 170 East Washington Street, Orlando, Florida; for Bridgewater Development Corporation.
- Jim Sellen; Miller-Sellen Associates, Inc. (no address given), for Bridgewater Development Corporation.
- Don Phillips, president of Bridgewater Development Corporation (no address given).
- Thomas Bohn, executive director of the West Orange Chamber of Commerce (no address given).

- Wayne Rich, Orlando-Orange County Expressway Authority Chairman (no address given).

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

- George Coyle; 14527 Porter Road, Winter Garden, Florida.

The following person addressed the Board with general comments:

- Eric Bolves (no address given), area resident.

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 all members present and voting AYE by voice vote, the Board approved the First Amendment to the Orange County/Florida Department of Community Affairs Horizon West Processing Agreement; further, approved transmitting amended Horizon West Policies and new Bridgewater Future Land Use Objectives and Policies to the Florida Department of Community Affairs as follows:

- Revised Future Land Use Policies 6.1.1 through 6.1.13
- New Future Land Use Policy 6.1.14;
- New Future Land Use Objectives 6.5, 6.6, and 6.7 and related policies;

subject to the following conditions:

- the Developer's Agreement required by Policy 6.1.1 shall specify that the valuation for adequate facilities is \$22,500 per acre;
- the following language shall be added to Policy 6.5.2 (Bridgewater Policy):

"Utilities

Notwithstanding anything contained herein to the contrary, Orange County shall not be obligated to extend utility services at Orange County's expense. Prior to Orange County

constructing a new sewer treatment plant for Bridgewater or extending County utilities to Bridgewater, Orange County may, at its discretion, require the developer to prepay connection fees necessary to fund the required improvements;"

and further, approved transmitting Future Land Use Map Amendment 99-1-A-1-6, Bridgewater Development Corporation/Orange County Planning, to the Florida Department of Community Affairs, subject to the execution of the required Developer's Agreement.

(Developer's agreement will be submitted to the Board of County Commissioners at a later date.)

Regular Agenda - Policies/Textual Amendment Public Hearings

Planning Department Manager David Heath explained the expedited agenda/public hearing format for the meeting. He said the items listed under the expedited agenda will be approved in one motion unless a Board member or someone in the audience requests that the item be placed on the public hearing agenda.

Chief Planner Carol Stricklin announced the expedited agenda, as follows:

- Amend Future Land Use Element Policy 3.1.42
- Delete Future Land Use Element Policy 3.8.6
- New Future Land Use Element Policy 3.8.9
- New Future Land Use Element Policy 4.1.4.1
- Amend Capital Improvements Element Policy 1.4.9

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 transmitting items on the expedited agenda to the Florida Department of Community Affairs as follows:

- Amend Future Land Use Element Policy 3.1.42;
- Delete Future Land Use Element Policy 3.8.6;
- New Future Land Use Element Policy 3.8.9;
- New Future Land Use Element Policy 4.1.4.1;
- Amend Capital Improvements Element Policy 1.4.9.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board amended the above motion to delete: "off-site segments," from the language of Capital Improvements Element Policy 1.4.9 so that the policy will read, "... for the financing of public recreation facilities and public school."

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTION 25-140; TOURIST DEVELOPMENT PLAN

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

AN ORDINANCE PERTAINING TO FINANCING IN ORANGE COUNTY, FLORIDA; AMENDING CERTAIN SUBSECTIONS OF SECTION 25-140 OF THE ORANGE COUNTY CODE AMENDING THE "TOURIST DEVELOPMENT PLAN" TO AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX REVENUES (i) TO FUND THE FURTHER EXPANSION OF THE ORANGE COUNTY CONVENTION CENTER, (ii) TO FUND ADDITIONAL OPERATIONS AND MARKETING AT THE ORLANDO/ORANGE COUNTY CONVENTION CENTER AND VISITORS BUREAU, (iii) TO FUND ADDITIONAL OPERATING EXPENSES OF THE ORANGE COUNTY CONVENTION CENTER, (iv) TO FUND CAPITAL EXPENDITURES FOR TRANSPORTING CONVENTION CENTER PATRONS BETWEEN THE CONVENTION CENTER AND ITS PARKING FACILITIES, (v) TO FUND FURTHER RENOVATIONS AT THE FLORIDA CITRUS BOWL, (vi) TO REORDER PRIORITIZATION OF CERTAIN EXPENDITURES, AND (vii) TO MAKE CERTAIN NONSUBSTANTIVE EDITING CHANGES TO UPDATE THE PLAN; PROVIDING FOR THE RATIFICATION OF PAST EXPENDITURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Appearances

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

Chief Deputy Comptroller Jim Moye and David Miller, senior managing consultant with Public Financial Management (PFM), clarified that the recommendation before the Board regarding bond coverage is to maintain coverage at 1.5 times the amount of bonds issued for a minimum of one year with the option to lower the coverage to 1.33 times the issue value after that.

Discussion

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

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Orange County Code, Section 25-140; Tourist Development Plan; to include revisions as outlined by staff as follows:

Section 25-136.1, Subsection (d), add:

"Provided, however, it is the intention of the Board of County Commissioners that, after the defeasance of all bonds issued to finance sport franchise facilities to which the tax revenues attributable to the tax rate set under Subsections 25-136 (a), (b), (c), and (d) of this article have been pledged, then, subject to the rights of the owners of any tourist development tax revenue bonds issued or to be issued by the County:

- (1) in the event the tax revenues attributable to the tax rate set under Subsections 25-136 (a), (b), (c), and (d) of this article are sufficient to pay the costs of all expenses authorized in Section 25-140 of this article with only the portion of the proceeds attributable to the additional tax rate set under Subsection (a) that would have been received at an additional tax rate of only one-half of one percent, then Subsection (a) should be amended, to the extent permitted by law, to reduce the additional tax rate set thereunder to a rate of one-half of one percent, and
- (2) in the event the tax revenues attributable to the tax rate set under Subsections 25-136 (a), (b), (c), and (d) of this article are sufficient to pay the costs of all expenses authorized in Section 25-140 of this article without the use of any of the proceeds attributable to the additional tax rate set under Subsection (a), as amended, then this Section should be repealed;"

subject to Board consideration on October 20, 1998, of the final sale and purchase of the identified Convention Center expansion site; and further, subject to approval by a majority plus one vote.

(Ordinance 98-24 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - ESTABLISHING ARCHITECTURAL AND SITE DESIGN STANDARDS FOR COMMERCIAL DEVELOPMENT (1ST HEARING)

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

AN ORDINANCE AMENDING THE ACTUAL LIST OF PERMITTED, CONDITIONAL, OR PROHIBITED USES WITHIN ZONING CATEGORIES IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS"), ARTICLE V ("BUILDING CODE") BY CREATING DIVISION 2 ENTITLED, "ARCHITECTURAL STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS"; AMENDING CHAPTER 24 ("LANDSCAPING, BUFFERING, AND OPEN SPACE"), AND CREATING NEW REQUIREMENTS FOR FENCED MERCHANDISE DISPLAY AREAS; AND AMENDING CHAPTER 38 ("ZONING"), ARTICLE VII ("COMMERCIAL DISTRICTS") BY CREATING SECTIONS 38-833, 38-868, AND 38-883, REGARDING PEDESTRIAN ACCESS TO COMMERCIAL BUILDINGS.

Staff Report

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

Appearances

The following person addressed the Board with general comments:

- Tom Ross (no address given), east Orange County resident.

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.

County Chairman Chapin announced the second of two public hearings to consider the proposed ordinance will be held October 20, 1998, at 2:45 p.m.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 6:30 p.m.