

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 5, 1999. The following were present:

- Vice-chairman Ted Edwards
- Commissioners Bob Sindler, Mary Johnson, Clarence Hoenstine, and Homer Hartage
- County Attorney Tom Wilkes
- Deputy County Administrator Byron Brooks
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

County Chairman Mel Martinez and Commissioner Bob Freeman were absent.

There being a quorum, the Vice-chairman called the meeting to order at 1:30 p.m. The Board paused for an invocation by Jesse Blocker, founder of Foundation for Life, followed by the Pledge of Allegiance to the Flag.

Presentation of Employee Service Awards

Vice-chairman Edwards presented service awards and pins to the following employees:

- Barbara A. Mills, Corrections Division, for 20 years of service.
- Catherine Roberts, Corrections Division, for 20 years of service.
- Michael D. Chapman, Fire Rescue Division, for 25 years of service.
- Richard N. Schultz, Fire Rescue Division, for 30 years of service.
- Paul E. Murphy, Division of Information Technologies, for 25 years of service.
- Ann M. Farrow, Health and Family Services Division, for 30 years of service.
- Monroe Woods, Health and Family Services Division, for 25 years of service.
- Carrie L. Johnson, Health and Family Services Division, for 20 years of service.

COUNTY CONSENT AGENDA

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board:

- deleted Fiscal and Human Resources Division Item 5;
- corrected Fiscal and Human Resources Division Item 7, Budget Transfers 99-184 and 99-213, to reflect a revised total of \$205,552;

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

County Comptroller

1. Approval to pay the Property Appraiser's second quarter billing in the amount of \$2,066,798.56 (Administrative/Fiscal Division).
2. Approval to pay Clerk of the Courts' invoices in the total amount of \$307,604.70 for services rendered during the month of November 1998 (Administrative/Fiscal Division).
3. Approval for disposition of tangible personal property as follows:
 - a. Dispose of assets that were removed, returned to the vendor under a maintenance agreement, and/or removed by the vendor for no value.
 - b. Transfer assets to the Sheriff's Office and the Orange County Public Library.
 - c. Dispose of two fuel facilities in conjunction with the 33rd Street tank removal project.
 - d. Destruction of an asset in conjunction with a renovation.
 - e. Transfer a truck from Utilities Wastewater to Fleet Management for \$700.

f. Trade-in assets for an allowance toward the purchase of new equipment.

g. Sale of assets through sealed bid.

(Property Accounting Department)

4. Board acknowledgment of receipt of the following file for the record documents:

a. Copy of the minutes of the October 21, 1998, meeting of the Falcon Trace Community Development District Board of Supervisors; dated November 20, 1998.

b. Copy of the Community Action Board Bylaws as adopted October 28, 1998; dated November 6, 1998.

c. Florida Public Service Commission Notice of Change of Hearing Date re: Proposed amendment of Rule 25-30.420, Florida Administrative Code (FAC) and Rule 25-30.425, FAC, dated November 18, 1998

(Comptroller Clerk of the Board of County Commissioners).

5. Approval of the minutes of the December 1, December 8, and December 15, 1998, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

(The minutes of December 1, 1998, were previously approved on December 15, 1998.)

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 December 10, 1998, to December 16, 1998; total of \$79,983,231.60.

- Period from December 17, 1998, to December 22, 1998; total of \$29,273,436.28.

- Period from December 23, 1998, to December 30, 1998; total of \$35,098,561.80

(Finance and Accounting Department).

County Sheriff

1. Approval of the United States Department of Juvenile Justice grant award in the amount of \$41,250 for funding for the Alternative Center for Truancy. A local match of \$8,250 will be provided by the Sheriff's Office, Orlando Police Department, and Family Services Department (County Sheriff).

Administrative Support Division

1. Approval and authorization to record instruments in connection with development: Walgreens at Lake Underhill Road and Chickasaw Trail, sidewalk easement and subordinations of encumbrances, District 3 (Real Estate Management Department).
2. Approval and execution by County Chairman to show acceptance of License Agreement between Orange County and the Florida Trail Association, Inc., in connection with the hiking trail: Florida National Scenic Trail, District 5 (Real Estate Management Department).

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

3. Approval and authorization to disburse warrant and record instrument in connection with road right-of-way on east Orange County high school site: new north/south road in east Orange County, special warranty deed, District 4 (Real Estate Management Department).
4. Approval and authorization to record instrument in connection with development: Falcon Trace Unit 2, temporary drainage and utility easement, District 4 (Real Estate Management Department).
5. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Lakes Lotta, Rose, and Sherwood; resolution, District 1 (Real Estate Management Department).

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

6. Approval and authorization to conduct closing, disburse warrant, record instruments, and pay appropriate closing costs and recording fees: south parcel acquisition from Orlando Plaza Partners for Convention Center expansion, contract for sale and purchase and special warranty deed, District 6 (Real Estate Management Department).

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y9-117-RW to the low responsive and responsible bidder, Vulcan Aluminum, Inc., for aluminum sign blanks. The estimated contract amount is \$131,188.80 ([Traffic Engineering Department] Purchasing and Contracts Department).
2. Approval of Amendment 1 to Contract Y6-816 with Professional Engineering Consultants for Phase II final design for Landstreet Road (U.S. 441 - Orange Avenue). Amendment amount is \$353,844 for a total contract amount to date of \$1,073,830 ([Public Works Engineering Department] Purchasing and Contracts Department).
3. Approval of amendment to increase the contract for purchase of local mitigation strategy services from Emergency Response Planning and Management, Inc., for an integrated, countywide emergency management plan. Amendment amount is \$113,000 for a total contract amount not to exceed \$208,000 ([Office of Emergency Management] Purchasing and Contracts Department).
4. Approval to renew software license/support for Vision software products with SHL Systemhouse, Inc., from November 1, 1998, through October 31, 1999. The amount is \$132,425 ([Network and Systems Department] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y9-709-BI to the low responsive and responsible bidder, Specialty Contracting & Construction, Inc., for Orange County Administration Center parking canopy and appurtenances. The contract amount is \$130,900 ([Construction Administration Department] Purchasing and Contracts Department).

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

6. Approval for \$75,000 grant to WMFE for general operating expenses and process payment from fiscal year 98-99 nondepartmental expenditures (Office of Management and Budget).
7. Approval of Budget Transfers 99-184, 99-203, 99-204, and 99-213 (Office of Management and Budget).

(Budget Transfers 99-184, 99-203, 99-204, and 99-213 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(As stated in the above motion, Budget Transfers 99-184 and 99-213 were corrected to reflect a revised total of \$205,552.)

Health and Family Services Division

1. Approval and execution of renewal Public Convenience and Necessity certificate for Maitland Fire Department to provide advanced life support services. Term of the Certificate is January 31, 1999, through January 31, 2001. There is no cost to the County, Districts 2 and 5 (Emergency Medical Services).

Public Works Division

1. Approval of "Yield" sign installations in the Live Oak Park Subdivision, District 2 (Traffic Engineering Department).
2. Approval of "Stop" and "Yield" sign installations in the Harbor Bend Subdivision, District 4 (Traffic Engineering Department).
3. Approval to change existing "Yield" signs to "Stop" signs on Drake Drive and Greenleaf Drive at their approaches to Doncaster Road, District 2 (Traffic Engineering Department).
4. Approval to establish a "No Parking" zone on both sides of Gore Street beginning from the east right-of-way line of Campanella Avenue and extending east 500 feet, District 6 (Traffic Engineering Department).

5. Approval and execution of the interlocal agreement between Orange County and the St. Johns River Water Management District for the Little Wekiva River bank stabilization project, District 2 (Stormwater Management Department).

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

6. Approval and execution of the cost-sharing agreement between Orange County and the City of Apopka for Lakes McCoy, Coroni, and Prevatt drainage retrofit, District 2 (Stormwater Management Department).

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

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates to provide a court alternatives software system for the Community Corrections Department, RFP Y8-621-SI ([Community Corrections Department] Purchasing and Contracts Department).

Staff Report

Acting Chief of Purchasing and Contracts Johnny Richardson reported that the ranked vendors have been procured under normal procurement procedures. Mr. Richardson stated that staff members that served on the procurement committee for this item will present an overview of the committee's findings.

Community Corrections Department Manager Don Bjoring overviewed the complex nature of the system that is needed and the systems offered by each of the ranked vendors. Mr. Bjoring stated that Tiburon offers the most comprehensive package, it has an excellent track record and outstanding references, and that the company has admittedly overbid the project to ensure that it can meet all of the County's needs.

Division of Information Technologies Systems Development Project Leader Bill Staffeld compared the functional ability of each proposed system and emphasized the need to have a working, debugged program installed and running by the year's end.

Discussion

The Board discussed the sensitive time schedule for instituting a new system, the timetable for rebidding the request for proposal (RFP), the importance of Equal Employment Opportunity figures from each ranked vendor being available for the Board's review, and Minority/Women Business Enterprise (M/WBE) scoring deficiencies. The Board further discussed updating the current system for Year 2000 compliance, operating the current system in a manual mode, inherent subcontracting limitations, the current vendor's performance record, and vendor response to the RFP.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Bob Freeman were absent; the Board continued consideration of the request to select one firm and two ranked alternates to provide a court alternatives software system for the Community Corrections Department, RFP Y8-621-SI, until January 12, 1999.

2. Selection of one firm and one alternate for entering into contract negotiations to provide a five-year lease/purchase of a 911 emergency system for the Orange County Fire Rescue Division and the Orange County Sheriff, RFP Y9-400-HF ([Fire Rescue Division] Purchasing and Contracts Department).

Deputy County Administrator Byron Brooks announced that this request for proposal is an emergency situation because the previously selected vendor is unable to perform. Mr. Brooks noted a settlement agreement has been reached with the previous vendor.

Commissioner's Report

Commissioner Johnson stated that she was present at the December 7, 1998, Procurement Review Committee meeting and reviewed the committee's recommendation on the selection of one firm and one ranked alternate to provide a five-year lease/purchase of a 911 emergency system for the Orange County Fire Rescue Division and the Orange County Sheriff from the following firms listed alphabetically:

- BellSouth
- Sprint

Staff Report

Acting Chief of Purchasing and Contracts Johnny Richardson reviewed the procurement committee's scoring and the emergency situation. Mr. Richardson stated that the previous vendor has refunded all monies distributed on the earlier contract.

Discussion

The Board discussed the lack of adequate Minority/Women Business Enterprise participation.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with Vice-chairman Edwards and Commissioners Sindler, Johnson, and Hoenstine voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board approved the following short list ranked as follows:

- #1 BellSouth
- #2 Sprint

and further, authorized staff to enter into contract negotiations to provide a five-year lease/purchase of a 911 emergency system for the Orange County Fire Rescue Division and the Orange County Sheriff, RFP Y9-400-HF.

3. Approval to enter into a formal contract with Bowyer-Singleton & Associates, Inc., for Nova Road bridge improvements, RFP Y8-801-MK. The total contract amount is \$228,115 ([Engineering Department] Purchasing and Contracts Department).

Deputy County Administrator Byron Brooks stated that this item has been deleted from the agenda.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: THOMAS AMRHEIN; NO. 98-48, PORTION OF A 10.0-FOOT UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Thomas Amrhein, Petition to Vacate 98-48, to vacate a portion of a 10.0-foot utility easement in Lot 48 Windermere Downs, which is generally located west of Hemple Avenue, also known as South Gotha Road, and

approximately 1,400 feet south of the Hemple Avenue/Westover Roberts Road intersection; District 1; Section 4, Township 23, Range 28; Orange County, Florida.

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

Staff Report

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

- Patrick Magill, Esquire (no address given); for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Edwards closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board adopted a resolution granting Petition to Vacate 98-48, vacating a portion of a 10.0-foot utility easement on the above-described property.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: ORLANDO PLAZA PARTNERS, NO. 98-38; PORTION OF PEDESTRIAN, UTILITIES, AND UNDERGROUND UTILITY EASEMENT; DISTRICT 1 (CONTINUED FROM DECEMBER 1, 1998, AND DECEMBER 15, 1998)

By consensus, the Board reopened the public hearing to consider a request by Orlando Plaza Partners, Petition to Vacate 98-38, to vacate a portion of a pedestrian, utilities, and underground drainage easement, continued from the December 1 and 15, 1998, Board meetings.

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

Staff Report

Deputy Public Works Division Director Bill Baxter explained that the public hearing was continued to allow time for commissioners to obtain additional information and for Lynx to be contacted about this vacation. Mr. Baxter stated that Lynx has submitted a letter of no objection regarding this issue. He reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

Discussion

Vice-chairman Edwards 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 Martinez and Commissioner Freeman were absent; the Board adopted a resolution granting Petition to Vacate 98-38, vacating a portion of a pedestrian, utilities, and underground utility easement on the above-described property.

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

**SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: CCC/GBI
KEENE'S POINTE, L.P.; CONSTRUCTION OF SEA WALL; LAKE BURDEN
AT KEENE'S POINTE SUBDIVISION; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by CCC/GBI Keene's Pointe, L.P., for a permit to construct a bulkhead below the normal high-water elevation of Lake Burden pursuant to Orange County Code Chapter 15, Article VI, on property located at 11101 Chase Road and adjacent to Lake Burden, District 1; Sections 20, 29, 30, and 31, 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

Eco Systems Management Program Manager Pam Thomas outlined the request and recommendation for approval subject to conditions.

Appearances

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

Discussion

Vice-chairman Edwards closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board approved a request by CCC/GBI Keene's Pointe, L.P., for a permit to construct a bulkhead below the normal high-water elevation of Lake Burden, subject to the following conditions:

1. The Environmental Protection Department will be notified by the applicant of the date the activity will begin and upon completion of the work.
2. Construction of the sea wall shall be consistent with the plans submitted to the Orange County Environmental Protection Department.
3. During construction, turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth, etc.) unless it can be demonstrated that the State water quality standards on turbidity are not being violated. If turbid water is found outside of the work area or confining screens, the Department shall be notified and construction shall stop and may not resume until corrected to the satisfaction of the Environmental Protection Department.
4. This permit must be posted in a conspicuous place on site before activity begins and shall remain until completion of the project.

5. The applicant must plant the adjacent shoreline with Bald Cypress and Sand Cord grass to mitigate for the .06-acre loss of shoreline vegetation due to construction of the sea wall.
6. This permit does not release the permittee from complying with all federal, state, and local rules and regulations. If these conditions conflict with those of any department or agency, the permittee must comply with the strictest conditions.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ROBERT P. MANLEY; AVALON PLANNED DEVELOPMENT/LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT (PD/LUP/DRI); NONSUBSTANTIAL DEVIATION TO THE DRI AND AMEND THE DEVELOPMENT ORDER; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Ronald P. Manley, Avalon Planned Development/Development of Regional Impact/Land Use Plan (PD/DRI/LUP), for the following:

- amendment of the LUP to further clarify the design guidelines for traditional neighborhood development; major revisions in the road network, especially the north-south roadway; and reconfiguration of the parcels. The development program is for: 3,031 low-density residential; 800 high-density residential; 180,000 square feet of town center; 23,720 square feet of village commercial; 17,900 square feet of neighborhood centers; 300 hotel rooms; 124,698 square feet of light industrial; 124,699 square feet of warehousing; and one elementary school;
- approval of a Nonsubstantial Deviation to the DRI;
- authorization for the County Chairman to execute the Amended Development Order incorporating the changes;

pursuant to Orange County Code, Section 38-1207. The property is generally located east of Alafaya Trail, four miles south of Lake Underhill Road; District 4; Sections 5, 6, 7, and 8, Township 23, Range 32; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Tom Ross, Esquire (no address given); for the applicant.

The following persons addressed the Board with general comments:

- Cory Goodman (no address given).
- Melvin Miller (no address given).

No one appeared in opposition to the request.

Discussion

Vice-chairman Edwards closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board approved the request by Ronald P. Manley, Avalon Planned Development/Development of Regional Impact/Land Use Plan (PD/DRI/LUP) for the following:

- an amendment to the LUP to further clarify the design guidelines for traditional neighborhood development; major revisions in the road network, especially the north-south roadway; and reconfiguration of the parcels. The development program is for: 3,031 low-density residential; 800 high-density residential; 180,000 square feet of town center; 23,720 square feet of village commercial; 17,900 square feet of neighborhood centers; 300 hotel rooms; 124,698 square feet of light industrial; 124,699 square feet of warehousing; and one elementary school;
- a Nonsubstantial Deviation to the DRI;

- authorization for the County Chairman to execute the Amended Development Order incorporating the changes;

which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Avalon Park DRI/PD; Board of County Commissioners' (BCC) approvals; amended LUP, 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 BCC or by action of the BCC.
2. Prior to the first preliminary subdivision plan, a revised master stormwater management system to accommodate the proposed revisions will be submitted for review and approval by the County engineer.
3. Billboards and pole signs shall be prohibited.
4. Development shall be consistent with the Traditional Neighborhood Principles (Appendix 1) and Building Setback Matrix (Appendix 2).
5. Section 38-1229 of the Zoning Code is waived to allow for traditional neighborhood design, including narrow pavement and a grid pattern of streets.
6. Section 38-1230 of the Zoning Code is waived to allow on-street parking to meet the parking requirements.
7. Any future proposed communication towers shall abide by the Communication Tower Ordinance. For the purposes of interpreting the Ordinance, all three "centers" and the "workplace" as designated on the LUP shall be considered nonresidential zoned lands; the low-density areas on the LUP shall be considered single-family or R-1 zoned lands; the high-density areas on the LUP shall be considered multi-family or R-3 zoned lands. Any noncompliance issues

relating to the placement of any proposed communication towers shall be processed through the Board of Zoning Adjustment utilizing the special exception criteria as dictated by the Communication Tower Ordinance;

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

(Amended Development Order is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

JOINT PLANNING AREA AGREEMENT PUBLIC HEARING - SECOND AMENDMENT TO THE JOINT PLANNING AREA AGREEMENT WITH THE CITY OF OCOEE; DISTRICTS 1 AND 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Second Amendment to the Joint Planning Area Agreement between Orange County and the City of Ocoee; Districts 1 and 2; 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

Assistant Planning Department Manager Chris Testerman outlined the agreement; identified the subject property; and noted that the amendment includes a textual revision that clarifies how property located within the Clarcona and Gotha rural settlements will be processed in the future.

Appearances

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

- Lee Marshall, property owner (no address given)

The following person addressed the Board with general comments:

- R.P. Mohnacky, 1820 Prarie Lake Boulevard, Ocoee, Florida.

No one appeared in opposition to the request.

Discussion

Vice-chairman Edwards closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board approved the Second Amendment to the Joint Planning Area Agreement between Orange County and the City of Ocoee.

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

PLANNING AND ZONING COMMISSION APPEAL - APPELLANT/APPLICANT:
CHARLES E. DAVIS; CASE Z-98-103, OCTOBER 15, 1998; DISTRICT
5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Charles E. Davis of the recommendation of the Planning and Zoning Department, dated October 15, 1998, on a request by Charles E. Davis to rezone Mobile Home District (RT-1) (1977) to Wholesale Commercial District (C-3), on property generally located on the southwest corner of the 11th Avenue and 8th Street intersection; District 5; Section 27, Township 22, Range 32; Orange County, Florida.

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

Staff Report

Deputy County Administrator Byron Brooks stated that the applicant has requested that the public hearing be continued until March 2, 1999. Planning Department Manager David Heath explained that prior to approval of this zoning request, an amendment to the Comprehensive Policy Plan (CPP) must be adopted. He noted that the CPP amendments are scheduled on March 2, 1999.

Appearances

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

Discussion

Vice-chairman Edwards closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Vice-chairman Edwards, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were

absent; the Board continued the public hearing to consider an appeal by Charles E. Davis of the recommendation of the Planning and Zoning Commission, dated October 15, 1998, on a request by Charles E. Davis to rezone Mobile Home District (RT-1) (1977) to Wholesale Commercial District (C-3), until March 2, 1999, at 2 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ROBERT ROSEN; THE VILLAGE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP FOR ORANGE COUNTY PUBLIC SCHOOLS; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Robert Rosen, Orange County Public Schools, The Village Planned Development/Land Use Plan (PD/LUP), to change a condition of approval requiring the six-foot (6') wall to be placed within ten feet (10') of the eastern property line to be allowed to be placed 25 feet from the eastern property line, pursuant to Orange County Code, Section 38-1207; on property generally located at the northeast corner of Apopka-Vineland Road and Conroy-Windermere Road; District 1; 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

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Carl Madsen (no address given), abutting property owner.
- Peter Dunn, 4410 Willow Shade Court, Orlando, Florida.

The following person addressed the Board with general comments:

- Teresa Jacobs (no address given), for the Citizens' Advisory Committee.

No one addressed the Board in favor of the request.

Discussion

Vice-chairman Edwards closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board approved the request by Robert Rosen, Orange County Public Schools, The Village Planned Development/Land Use Plan (PD/LUP), to change a condition of approval requiring the six-foot (6') wall to be placed within ten feet (10') of the eastern property line to be allowed to be placed 25 feet from the eastern property line; which constitutes a substantial change to the development on the above-described property; further, made a finding of consistency with the Comprehensive Policy Plan; and further, as amended below.

Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board amended the above motion to require the six-foot (6') wall to be placed 25 feet from the entire eastern property line with the exception of the conservation area.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: EDNA S. PIERCE; CASE Z-98-096, SEPTEMBER 17,
1998; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Edna S. Pierce to rezone Single-family Dwelling District (R-1) (1987) to Mobile Home District (RT-1), on property generally located on the northeast corner of 1st Avenue and 5th Street or 9521 1st Avenue; District 4; Section 1, 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

Chief Planner John Smogor 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.

Commissioner Hoenstine requested that the following condition, which the applicant has agreed to, be added:

- Only one mobile home shall be placed on the property.

Appearances

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

Discussion

Vice-chairman Edwards 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 Martinez and Commissioner Freeman were absent; the Board approved the request by Edna S. Pierce to rezone Single-family Dwelling District (R-1) (1987) to Mobile Home District (RT-1), on the above-described property, subject to the following condition:

- Only one mobile home shall be placed on the property;

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

(THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER; SEE PAGES 255, 256, AND 257 FOR APPEARANCES, DISCUSSION, AND ACTION.)

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: GARY W. WALLACE, WAL-MART WOODBERRY PLANNED DEVELOPMENT; CASE Z-97-065, NOVEMBER 19, 1998; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Gary W. Wallace, Wal-Mart Woodberry Planned Development, to rezone Farmland Rural District (A-2) (1957) and Retail Commercial District (C-1) (1957) to Planned Development District (PD), on property generally located on the southeast corner of East Colonial Drive and Lake Berge Road; District 4; Section 21, Township 22, Range 31; Orange County, Florida.

and

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WAL-MART
SUPERCENTER PLANNED DEVELOPMENT/WAL-MART SUPERCENTER 890-01
PRELIMINARY SUBDIVISION; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Wal-Mart Supercenter Planned Development/Wal-Mart Supercenter 890-01 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 State Road 50, east of Lake Berge Road; District 4; Section 21, 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 outlined the requests and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Mr. Heath also reviewed the Development Review Committee's recommendation for approval of the preliminary subdivision plan subject to conditions. He recommended that Condition 1 be corrected to: "... dated 'Received January 4, 1999'"; and further, recommended that conditions be added as follows:

- Section 38-1272 of the Zoning regulations shall be waived to allow 80 percent impervious coverage in lieu of 70 percent. A stormwater master plan shall be submitted and approved by Orange County with the construction plan which complies with Orange County Subdivision Regulations.
- A defined access way shall be constructed from the main entrance at S.R. 50 to a point on Armone Street at the La-Z-Boy entrance. The access way shall remain open and shall be maintained by Wal-Mart or its successors. No direct access parking spaces shall be permitted along the access way.

Commissioner Johnson requested that another condition be added as follows:

- No outdoor loud speakers shall be permitted.

Appearances

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

- Hal Kantor, Esquire; Lowndes, Drosdick, Doster, Kantor & Reed, P.A. (no address given); for the applicant.
- Gary Wallace, the applicant; Kimley-Horn and Associates, Inc. (no address given).
- Steve Godfrey, Professional Traffic Engineer; Kimley-Horn and Associates, Inc. (no address given); for the applicant.
- Dwight Saathoff, Esquire; Holland & Knight (no address given); for La-Z-Boy Furniture Galleries.

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

- Unidentified woman (no address given).
- Deanna Gugel, 1442 Pon Pon Court, Orlando, Florida.

The following person addressed the Board with general comments:

- Gar Loch (no address given), area resident.

Discussion

Vice-chairman Edwards closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board approved the request by Gary W. Wallace, Wal-Mart Woodberry Planned Development, to rezone Farmland Rural District (A-2) (1957) and Retail Commercial District (C-1) (1957) to Planned Development District (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Wal-Mart Supercenter Planned Development Land Use Plan (PD/LUP), dated "Received October 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 (BCC), or by action of the BCC.

2. Development shall comply with the Commercial Design Standards Ordinance adopted by the BCC on October 20, 1998;

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Freeman were absent; the Board approved the Wal-Mart Supercenter Planned Development/Wal-Mart Supercenter 890-01 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Wal-Mart Supercenter 890-01 Planned Development; Board of County Commissioners' (BCC) approvals; Wal-Mart Supercenter Preliminary Subdivision Plan, dated "Received January 4, 1999," 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 BCC, or by action of the BCC

Preliminary Subdivision Plan approval automatically expires on January 5, 2000, in accordance with the Orange County Subdivision Regulations as amended.

2. Orange County shall not own, operate, or maintain the on-site water and wastewater systems.
3. A private easement agreement addressing ownership and maintenance of the common private utilities will be required prior to construction plan approval.

4. Prior to construction plan approval, certification with supporting calculations shall be submitted which indicates that the existing drainage system along Lake Berge Road has the capacity to accommodate this project.
5. Development shall comply with Commercial Design Standards as adopted by the BCC on October 20, 1998.
6. Section 38-1272 of the Zoning regulations shall be waived to allow 80 percent impervious coverage in lieu of 70 percent. A stormwater master plan shall be submitted and approved by Orange County with the construction plan which complies with Orange County Subdivision Regulations.
7. A defined access way shall be constructed from the main entrance at S.R. 50 to a point on Armone Street at the La-Z-Boy Furniture Gallery entrance. The access way shall remain open and shall be maintained by Wal-Mart or its successors. No direct access parking spaces shall be permitted along the access way.
8. No outdoor loud speakers shall be permitted.

MEETING ADJOURNED

There being no further business, the Vice-chairman adjourned the meeting at 4:45 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator