

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 2, 1999. The following were present:

- County Chairman Mel Martinez
- Commissioners Bob Freeman, Bob Sindler, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

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

NONAGENDA - VISITOR

County Chairman Martinez welcomed third graders from John Young Elementary School attending the meeting in celebration of Dr. Seuss' birthday.

NONAGENDA - MILDRED DIXON

Commissioners Sindler and Freeman acknowledged the many years of hard work and dedication of Mildred Dixon in the Winter Garden area (see page 426, Health and Family Services Department Consent Item 2).

COUNTY CONSENT AGENDA

Action

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

- deleted Administrative Support Department Items 10 and 14;
- deferred Growth Management and Environmental Resources Department Item 6 for discussion (see pages 429 and 430 for discussion and subsequent approval);

- amended Public Works Department Item 3 to revise the language on page 2 of the agreement to read, "... and approval of this First Amendment to the Developer's Agreement by March 2, 1999";

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

County Comptroller

1. Acknowledgment and filing of the Annual Financial Reports for the Convention Center, Water Utilities System, and Solid Waste System for the years ended September 30, 1998, and September 30, 1997 (Administrative/Fiscal Division).
2. Acknowledgment and filing of the Audit of the Orange County Tax Collector's Office Occupational Licensing Function (Administrative/Fiscal Division).
3. Acknowledgment and filing of the Annual Financial Report - Orange County Comptroller for the year ended September 30, 1998 (Administrative/Fiscal Division).
4. Acknowledgment and filing of the Orange County Comptroller - Receipts and Expenditures for Court Improvement Account of Orange County for the year ended September 30, 1998, as required by Statute (Administrative/Fiscal Division).
5. Approval of the disposition of tangible personal property:
 - a. Scrap and cannibalize assets for their usable parts.
 - b. Donate assets with an approximate value of \$2 to the Orange County Distribution Center, in lieu of selling at fair market value.
 - c. Sell assets through sealed bid and public auction.
 - d. Swap assets with vendor for even exchange for new assets.
 - e. Demolish assets in conjunction with Moss Park Development CIP

(Property Accounting Department).

6. Approval of the minutes of the February 9 and February 16, 1999, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
7. 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 February 12, 1999, to February 17, 1999; total of \$21,876,445.28.
 - Period from February 18, 1999, to February 24, 1999; total of \$13,340,875.56.
 - Period from February 25, 1999, to February 25, 1999; total of \$9,818,032.40.

County Administrator

1. Approval and execution of Title V Trust Fund Grant-in-Aid Agreement between the Office of State Courts Administrator and the County authorizing the Office of the State Courts Administrator to make payment to Orange County in the amount of \$119,703 for costs incurred in operating the state courts system (Office of Management and Budget).

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

2. Approval of Budget Amendments 99-29, 99-30, 99-31, 99-32, 99-33, and 99-34 (Office of Management and Budget).

(Budget Amendments 99-29 through 99-34 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval of Budget Transfers 99-320 and 99-321 (Office of Management and Budget).

(Budget Transfers 99-320 and 99-321 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval of CIP Amendments 20-99 and 21-99 (Office of Management and Budget).

(CIP Amendment 20-99 and 21-99 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval of payment of intergovernmental claims for December 31, 1998; January 7, 1999; January 14, 1999; and January 21, 1999, totaling \$553,211.01 (Risk Management Division).
6. Receipt and filing of the minutes of the December 31, 1998; January 7, 1999; January 14, 1999; and January 21, 1999, meetings of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Division).

Administrative Support Department

1. Approval to award Invitation for Bid Y9-146-RW to the low responsive and responsible bidder, US Office Products, for office supplies. The estimated contract amount is \$473,896.45 ([Purchasing and Contracts Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y9-156-HF to the low responsive and responsible bidder, Red Fox Trucking, Inc., for debris removal from retention ponds. The estimated contract amount is \$154,000 ([Roads and Drainage Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bid Y9-721-DB/PW to the low responsive and responsible bidder, Schuller Contractors, Inc., for Apopka-Vineland/Gotha Road intersection improvements. The total contract amount is \$317,000 ([Public Works Engineering Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bid Y9-724-BI to the low responsive and responsible bidder, Bradshaw Industrial Coatings, Inc., for Orange County South Water Reclamation Facility 2, 3, and 4 anaerobic digester tank coating. The total contract amount is \$225,851 ([Wastewater Division] Purchasing and Contracts Division).

5. Approval to award Invitation for Bid Y9-727-BI/CT to the low responsive and responsible bidder, The Roof Authority, Inc., for Orange County Eastern Service Area Maintenance Building roof replacement. The total contract amount is \$135,990 ([Wastewater Division] Purchasing and Contracts Division).
6. Approval to award Invitation for Bid Y9-730-BI/PW to the low responsive and responsible bidder, Schuller Contractors, Inc., for Clear Lake Retrofit, Phase I. The total contract amount is \$738,000.10 ([Stormwater Management Division] Purchasing and Contracts Division).
7. Approval to award Invitation for Bid Y9-731-BI/PW, CD 95-69 to the low responsive and responsible bidder, Allstate Paving, Inc., for West Crown Point Road paving and drainage improvements. The total contract amount is \$233,247.50 ([Housing and Community Development Division] Purchasing and Contracts Division).
8. Approval to extend Contract Y7-2075 with the Orlando Regional Healthcare System for one year for forensic physical exams/patient services for victims of sexual assault. The total amount is \$109,500 ([Medical Examiner/Emergency Medical Services] Purchasing and Contracts Division).
9. Ratification of emergency contract award to WLW Construction, Inc., for the rental of a dragline with operator for the Solid Waste Division. The estimated contract amount is \$349,200 ([Solid Waste Division] Purchasing and Contracts Division).
10. Approval of Amendment 3 to Contract Y7-2060 with the Local Health Council of East Central Florida, Inc., for fiscal agent services for Ryan White Title I grant contracts. Amendment 3 increases the contract award by \$2,464,950 for a total contract award of \$9,326,450.95. This extends the term of the contract for six months ([Health and Family Services Department] Purchasing and Contracts Division).

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

11. Approval of Amendment 3 to Contract Y6-800 with Post, Buckley, Schuh & Jernigan, Inc., for east Orange County transportation needs study. Amendment amount is \$608,028.05; new contract amount to date is \$1,345,396.95 ([Public Works Engineering Division] Purchasing and Contracts Division).

12. Approval of Amendment 1 to Task Authorization 32, Contract Y4-907 with CH2M Hill/G&R - Joint Venture, for engineering services for landfill gas collection system, in the amount of \$94,200 for a total amount of \$805,950 ([Utilities Engineering Division] Purchasing and Contracts Division).
13. Approval to enter into Contract Y8-814-MK with Transportation Consulting Group, for engineering services for a transportation system management study (Lake Underhill Drive from Conway Road to Dean Road and University Boulevard from Semoran Boulevard to Alafaya Trail). The contract amount is \$126,594.90 ([Public Works Engineering Division] Purchasing and Contracts Division).
14. Approval to award Invitation for Bid Y9-715-DB to the low responsive and responsible bidder, Masci Corporation, for S.R. 15, Conway Road utility improvements (Curry Ford to Hoffner Road). The total contract amount is \$2,688,740 ([Utilities Engineering Division] Purchasing and Contracts Division).

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

15. Approval to award emergency contract to Moore Integrated Systems, Inc., for PeopleSoft consulting services. The contract amount is not to exceed \$305,500 ([Comptroller's Office] Purchasing and Contracts Division).
16. Approval and authorization to record instruments: Tanner Road Phases 1 and 2 drainage and utility improvements, temporary drainage easement, temporary utility easement, and temporary access and utility easement, District 5 (Real Estate Management Division).
17. Approval and execution by County Chairman of notice of reservation and authorization to record instrument: West Highway 50 (between Pine Hills Road and Wilmer Road) Utility Reservation, District 6 (Real Estate Management Division).
18. Approval and authorization to record instruments and disburse warrants to pay appropriate recording fees and pro-rated taxes: Cypress Street, deed and affidavit, District 1 (Real Estate Management Division).

19. Approval and authorization to record instruments and disburse warrants to pay appropriate recording fees and pro-rated taxes: Cypress Street, deed, subordination of encumbrance to property rights and affidavit, District 1 (Real Estate Management Division).
20. Approval and authorization to disburse warrant to pay appropriate recording fees and record instrument: new north/south road in east Orange County, special warranty deed, District 4 (Real Estate Management Division).
21. Confirmation of the County Chairman's appointment of George Rodon, Jr., as Director of Economic, Trade, and Tourism Development (Human Resources Division).
22. Approval of Change Orders 4 and 5, Lump Sum Construction Contract Y8-747-BI, with GRI of Orlando, Inc., in the total lump sum amount of \$21,592.58 for Corrections Central Booking and Great Oaks Village (GOV) Little Red Schoolhouse roof replacement. Funds are available in account 1023 023 0263 0519 6210. Change Order 4 lump sum amount is \$12,821.78 and Change Order 5 lump sum amount is \$8,770.80 (Facilities Management Division).
23. Approval and execution of the authorizing resolution to ratify issuance of Orange County Housing Finance Authority Multi-family Housing Revenue Bonds, Series 1999, in an aggregate principal amount not to exceed \$6,500,000 for the Palms West Apartments (Orange County Housing Finance Authority).

(Resolution 99-B-04 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Health and Family Services Department

1. Approval to accept grant award in the amount of \$4,907,180 from the Federal Department of Human Services, Health Resources and Services Administration (HRSA). The award is continuation funding for the operation of an HIV Emergency Relief Project for the period of March 1, 1999, through February 29, 2000. There are no additional costs to the County, all districts (Health and Family Services Department).

2. Approval to name the Winter Garden activity center on West Crown Point Road the "Mildred Dixon Activity Center" and the Taft activity center on 4th Street the "Sphaler Activity Center," Districts 1 and 4 (Health and Family Services Department).
3. Approval and execution of Community Services Block Grant (CSBG) Modification of Agreement 1, 99SB-9C-12-00-01-020, between the State of Florida Department of Community Affairs and Orange County. The modification allows the County to receive additional funding in the amount of \$80,963, which will increase the total CSBG budget from \$594,817 to \$675,780. This is a cost reimbursement agreement not to exceed \$675,780. There will be no additional cost to the County, all districts (Health and Family Services Department).

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

4. Approval and execution of renewal Nonemergency Transportation License for Rural/Metro Corporation to provide wheelchair/stretchers service. Term of the license is March 1, 1999, through March 1, 2001. There is no cost to the County, all districts (Emergency Medical Services).
5. Approval and execution of renewal Public Convenience Necessity Certificate for the Apopka Fire Department to provide advanced life support and basic life support transport. Term of the certificate is April 30, 1999, through April 30, 2001. There is no cost to the County, Districts 1 and 2 (Emergency Medical Services).

Growth Management and Environmental Resources Department

1. Approval to file Claim of Special Assessment Lien by Resolution against property located at 138 N. Normandale Avenue, in the amount of \$3,964.19, District 1 (Building Division).

(Resolution 99-BUI-05 is on file in the office of Comptroller Clerk of the Board of County Commissioners.)

2. Approval to file Claim of Special Assessment Liens by Resolution against properties located as follows:
 - a. 38 Ferguson Drive, in the amount of \$3,256.34, District 6;
 - b. 2545 Fishermans Paradise Road, in the amount of \$13,882.42, District 2

(Building Division).

(Resolutions 99-BUI-06 and 99-BUI-07 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval of the Interlocal Agreement between Orange County and the Florida Department of Transportation for Lake Jennie Jewel Stormwater Monitoring Program, District 4 (Environmental Protection Division).

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

4. Receipt and filing of the minutes of the Lake Conway and Navigation Control District Advisory Board meeting of January 12, 1999, for the official County record, District 4 (Environmental Protection Division).

5. Approval of the Winter Park Community Redevelopment Plan Amendment/Resolution and Interlocal Agreement between the City of Winter Park and the County required by Resolution 98-M-37, District 5 (Planning Division).

(Resolution 99-M-04 and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Approval of the waiver of Section 30-48 of the Orange County Code to allow Hawthorne Groves to resubmit its rezoning application without waiting nine months and to direct staff to schedule this rezoning public hearing with the Board of County Commissioners after Development Review Committee review. The

rezoning shall be scheduled at the same public hearing as Petition to Vacate 98-45 and the discussion on the realignment of Old Winter Garden Road, District 1 (Planning Division).

(As stated in the above motion, this item was deferred for discussion; see pages 429 and 430 for subsequent approval.)

7. Approval of agreement between Orange Tree Master Maintenance Association on behalf of Orange Tree Golf Villas Section, Orange Tree Estate Homes Section One, and St. Ives at Orange Tree, and the County for traffic control on private roads located in the gated community of Orange Tree between Orange County and Orange Tree (Department Office).

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

Public Works Department

1. Approval to establish a "No Parking" zone on the south side of North Lane beginning at the east right-of-way line of Wendy Drive and extending east 510 feet, District 4 (Traffic Engineering Division).
2. Approval and execution of the resolution and corresponding property exchange agreement between the Orlando Southwest Partners and the County for relocation of the Shingle Creek Canal within the Millenia DRI; approval and execution of the interlocal agreement between the City of Orlando and the County regarding transfer of jurisdiction from the County to the City of all functionally classified County roads within the Millenia DRI; and approval to take any other related action to effectuate the property exchange and transfer of road jurisdiction, District 6 (Public Works Department).

(Resolution 99-M-05 and agreements are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval and execution of the first amendment to the Westland Terrace Planned Development Developer's Agreement between Roger Gamblin and the County for Segment 1 of the

Apopka-Vineland Road extension from S.R. 50 to Balboa Road, District 6 (Public Works Engineering Division).

(As stated in the above motion, this item was amended to revise the language on page 2 of the agreement to read, "... and approval of this First Amendment to the Developer's Agreement by March 2, 1999.")

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

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Growth Management and Environmental Resources Department

6. Approval of the waiver of Section 30-48 of the Orange County Code to allow Hawthorne Groves to resubmit its rezoning application without waiting nine months and to direct staff to schedule this rezoning public hearing with the Board of County Commissioners after Development Review Committee review. The rezoning shall be scheduled at the same public hearing as Petition to Vacate 98-45 and the discussion on the realignment of Old Winter Garden Road, District 1 (Planning Division).

Discussion

Commissioner Sindler stated that he deferred this item to allow time for the Board to discuss the extraordinary circumstances surrounding the requested waiver.

Planning Division Manager David Heath reviewed the Board's previous denial of the request by Hawthorne Groves and the resubmittal waiting period required by County Code. Mr. Heath stated that staff believes it is in the best interests of the County to grant the waiver so that the rezoning and related issues may be considered at the same meeting.

Commissioner Edwards declared a conflict of interest.

The Board discussed precedents, extenuating circumstances, and relevant issues not addressed at the previous public hearing.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with County Chairman Martinez and Commissioners Freeman, Sindler, Johnson, Hoenstine, and Hartage voting AYE by voice vote; Commissioner Edwards abstaining; the Board approved the waiver of Section 30-48 of the Orange County Code to allow Hawthorne Groves to resubmit its rezoning application without waiting nine months and directed staff to schedule this rezoning public hearing with the Board of County Commissioners after Development Review Committee review; the rezoning shall be scheduled at the same public hearing as Petition to Vacate 98-45 and discussion on the realignment of Old Winter Garden Road.

(Commissioner Edwards' Memorandum of Voting Conflict is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

1. Selection of one firm and two alternates for entering into contract negotiations to provide professional design services for the Oaks Day Treatment Center replacement, RFP Y9-808-MK ([Construction Administration Division] Purchasing and Contracts Division).

Deputy County Administrator Byron Brooks announced that this item has been deleted.

COMMISSIONER'S REPORT - DISCUSSION AGENDA ADDENDUM 1

1. Commissioner Hoenstine wishes to discuss the Light Rail Oversight Committee.

Commissioner's Report

Commissioner Hoenstine requested clarification and direction from the Board regarding the County's position on the proposed resolution regarding the Light Rail Oversight Committee that Lynx is prepared to adopt on March 25, 1999.

Discussion

The Board discussed the action of adopting a Light Rail Oversight Committee, appointing County Administrator Ajit Lalchandani to the Oversight Committee on behalf of the

County, and the County's relationship with Lynx. The Board further discussed the contingency of the Board's light rail resolution upon adoption by the City of Orlando, the membership of the International Drive Transit District Board, and representation of Districts 1 and 6 on that board.

Legal Counsel

In response to a question from Commissioner Freeman regarding the representation of both Districts 1 and 6 on the International Drive Transit District Board, County Attorney Tom Wilkes stated that the Board would need to adopt an ordinance amending the composition of that board.

Action

The Board did not take any action.

NONAGENDA - ORLANDO UTILITIES COMMISSION RATES

County Chairman Martinez reported that the deadline has passed for the addition of the Orlando Utilities Commission rate disparity issue to the County's list of legislative priorities for this year.

Commissioner Sindler stated that similar problems exist throughout the state and suggested that consumers affected by rate disparity issues address the Public Service Commission to determine if the rates are justified.

COMPREHENSIVE POLICY PLAN AMENDMENT, CYCLE 99-1, ADOPTION HEARING/ORDINANCE

Notice was given that the Orange County Board of County Commissioners would hold a public hearing to consider adoption 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 amendments to the CPP Future Land Use Map which would change the use of lands within the area identified on the maps;

2. Amendments to the Future Land Use Element regarding Policy 3.1.42 regarding development within the Community Village Center (CVC);
3. Amendments 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 with activity centers;
5. New Future Land Use Element Policy 4.1.4.1 regarding visual impact of development;
6. Amendments to 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. Amendments to the Capital Improvements Element regarding Policy 1.4.9 (Community Development Districts); and
9. Amendment to the Traffic Circulation Element regarding Map II.D-4 to reflect the alignment of the proposed S.R. 435/Kirkman Road extension as a new four (4)- lane facility.
10. Amendments related to the Zellwood Development District have been continued.

(The Amendment Booklet and maps are 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.)

(A copy of the Objections, Recommendations, and Comments [ORC] Report is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Division Manager David Heath informed the Board that this meeting is to consider the final adoption of the 1999 first regular cycle Comprehensive Policy Plan Amendments. Mr. Heath stated that the amendments to be considered were transmitted by the Board on October 6, 1998.

Mr. Heath reported that the Department of Community Affairs (DCA) has reviewed the proposed amendments and issued its ORC Report. He said staff and the applicants have prepared a response to the ORC Report and it has been available for review by the public since December 31, 1998. Mr. Heath stated that the Local Planning Agency conducted its review of the amendments at a public hearing on February 18, 1999.

Mr. Heath stated he is requesting 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 and policies and text on the expedited agenda as follows:

District 1

99-1-A-1-1 Miller Sellen Associates/Shuffield, Dykes et al./ Ellsworth Gallimore (page 1 of the amendment booklet)

99-1-A-1-3 Miller Sellen Conner Walsh/Hannah L. Smith (page 11 of the amendment booklet)

(Consideration of the adoption of this amendment has been continued to a future Comprehensive Policy Plan cycle.)

99-1-A-1-4 Commonwealth Engineering, Inc./Pablo Maralunda and Developers' Agreements (page 19 of the amendment booklet)

(Poinciana Boulevard Extension Road Network Agreement among Weston Orlando Park, Inc.; Weston Orlando Five, Inc.; and Weston Orlando Hotel, Inc.; Greenway Properties, Ltd.; Lake Buena Vista Joint Venture; Pasquale Rinaldi and the County regarding Future Land Use Map Amendments 99-1-A-1-4, 99-1-S-1-4, and 99-1-S-1-5; see page 435.)

(Developer's Agreement for Donation to a Housing Linkage Fund among Weston Orlando Park, Inc.; Weston Orlando Five, Inc.; Weston Orlando Hotel, Inc.; and the County.)

99-1-A-1-5 Jack Shannin/Mayo Properties (page 28 of the amendment booklet)

District 2

99-1-A-2-2 John R. Mills (page 35 of the amendment booklet)

99-1-A-2-4 Jack Freeman/Herrera Gonzalo Life Estate (page 42 of the amendment booklet)

District 4

99-1-A-4-2 Bowyer-Singleton & Associates, Inc./Shea, Caputo & Mason (page 57 of the amendment booklet)

District 5

99-1-A-5-1 Seybold Associates, Inc./Kenneth Gary, McCall and Developer's Agreements (page 64 of the amendment booklet)

(Developer's Agreement for Land Conveyance Contingency for the McCall Property between Suncharm Ranch, Inc., and the County.)

(Developer's Agreement for Land Conveyance contingency for the Gimeno Property among Fabian Gimeno; Jose Ruiz; Peter Quinn, as trustee; and the County.)

99-1-A-5-3 Fred G. Owles (page 73 of the amendment booklet)

District 6

99-1-A-6-1 Michael D. Young/Carl R. Julian (page 79 of the amendment booklet)

(Consideration of the adoption of this amendment has been continued to a future Comprehensive Policy Plan cycle.)

District 1

98-2-S-1-1 Rohland A. June/Willoughby T. Cox, Jr. (page 82 of the amendment booklet)

(Consideration of the adoption of this amendment has been continued to a future Comprehensive Policy Plan cycle.)

98-2-S-1-4 Ivey, Harris & Walls, Inc./Barriager, Spaziani & Kerben Trustee and Developer's Agreement (page 85 of the amendment booklet)

98-2-S-1-5 Ivey, Harris & Walls, Inc./Carol Bogan & David Kerben Trustee and Developer's Agreement (page 94 of the amendment booklet)

(Developer's Agreement for Donation to a Housing Linkage Fund between Greenway Properties, Ltd., and the County regarding Future Land Use Map Amendments 98-2-S-1-4 and 98-2-S-1-5.)

District 2

99-1-B-2-1 Orange County Planning/Zellwood Development District

(Consideration of the adoption of this amendment has been continued to a future Comprehensive Policy Plan cycle.)

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted and continued the amendments and approved the related agreements on the expedited agenda as outlined above.

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

Policy and Textual Amendments

- Traffic Circulation Element, amend Map II.D-4 to reflect alignment of proposed S.R. 435/Kirkman Road (page 1 of the amendment booklet)
- Future Land Use Element, revised Policy 3.1.42 (page 4 of the amendment booklet)
- Future Land Use Element, amend Policy 3.8.6 (page 7 of the amendment booklet)
- Future Land Use Element, new Policy 3.8.9 (page 11 of the amendment booklet)
- Future Land Use Element, new Policy 4.1.4.1 (page 14 of the amendment booklet)
- Capital Improvements Element, amend Policy 1.4.9 (page 17 of the amendment booklet)
- Potable Water Element, amend Policy 1.4.2

(Consideration of the adoption of this amendment has been continued to a future Comprehensive Policy Plan cycle.)

- Wastewater Element, amend Policy 1.4.3

(Consideration of the adoption of this amendment has been continued to a future Comprehensive Policy Plan cycle.)

- Future Land Use Element, new Objective 1.8, Policies 1.8.1 - 1.8.9

(Consideration of the adoption of this amendment has been continued to a future Comprehensive Policy Plan cycle.)

Mr. Heath stated that staff recommends further amending Policy 1.4.9 to add, "for residential development," after, "To be considered for approval, any proposed Community Development District (CDD)."

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted and continued the policies and text on the expedited agenda as outlined above and amended as follows:

- Policy 1.4.9, add, "for residential development," after, "To be considered for approval, any proposed Community Development District (CDD)."

Regular Agenda - Future Land Use Map Amendments and Policies/ Textual Amendments Public Hearings

Future Land Use Map Amendment 99-1-A-1-6, Bridgewater Development Corporation/Orange County Planning Department, Future Land Use Element, New Objectives 6.5, 6.6, 6.7, and Related Policies (page 1 of the amendment booklet)

Staff Report

Planning Division Manager David Heath noted that this amendment and the objectives and policies are related to the Bridgewater Specific Area Plan for Horizon West. He noted that staff and the Local Planning Agency recommend adoption of the amendment.

Mr. Heath stated that staff also recommends the following changes:

- Policy 6.6.1, add, "for impact fee credit," after, "The valuation for such adequate public facilities lands."
- Policy 6.1.6.2, add, "and high schools," after, "and the location of activity-based community parks."

Appearances

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

- Tom Cloud, Gray, Harris & Robinson, P.A. (no address given), for Bridgewater Development Corporation.
- Thomas Bohn, director of the West Orange Chamber of Commerce, 12184 West Colonial Drive, Winter Garden, Florida.
- Don Phillips, president of Horizon West, 219 Floral Street, Ocoee, Florida.

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

- George Coyle, 14527 Porter Road, Winter Park, Florida.

Legal Counsel

In response to a question from Commissioner Freeman regarding possible violations of the Florida Statutes, County Attorney Tom Wilkes stated that the County Attorney's Office is not aware of any.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote; the Board adopted Future Land Use Map Amendment 99-1-A-1-6, Bridgewater Development Corporation/Orange County Planning Department, Future Land Use Element, New Objectives 6.5, 6.6, 6.7, and Related Policies, amended as follows:

- Policy 6.6.1, add, "for impact fee credit," after, "valuation for such adequate public facilities lands."
- Policy 6.1.6.2, add, "and high schools," after, "and the location of activity-based community parks."

Future Land Use Objective 99-1-A-4-1, James G. Willard/Morgran Company, Inc., and Developer's Agreement, District 4 (page 31 of the amendment booklet)

Staff Report

Planning Division Manager David Heath noted that this objective addresses changing the future land use designation and bringing the property into the Urban Service Area. Mr. Heath noted that staff and the Local Planning Agency recommend adoption of the amendment with a future land use designation of Low-medium Density Residential/Commercial/Conservation/Parks and Recreation/Urban Service Area subject to approval and execution of the Developer's Agreement submitted February 8, 1999.

Assistant County Attorney Paul Chipok recommended amending the proposed developer's agreement as follows:

- page 6, add, "Notwithstanding the foregoing or any other provisions of the Agreement, in no event shall the date of valuation be later than July 1, 2000," after, "dedicated to the County."

Mr. Heath further recommended amending the proposed developer's agreement as follows:

- page 4, add, "for Single-family residential," after, "so conveyed in an amount equal to its appraised value."

Legal Counsel

In response to a question from Commissioner Edwards regarding severance and ancillary damage claims, County Attorney Tom Wilkes stated that this is just an anticipatory deal. Mr. Wilkes explained that the County should not expect to have to utilize this right-of-way because it has already secured right-of-way for the proposed road realignment. He noted that this agreement simply allows the County, at its option, to redesign the realignment of the roadway and obtain the necessary right-of-way at a cost that is set by agreement.

County Chairman Martinez left the meeting.

Appearances

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

- Jim Willard, Esquire (no address given), for the property owner.
- Jeff Linman, Eastwood resident, 13739 Waterhouse Way, Orlando, Florida.
- Bob McKinney, president of the East Orange Little League, 23152 Texwheeler Avenue, Christmas, Florida.
- Kathy Raue, board member of Central Florida United Soccer, 4042 Laurel Branch Lane, Orlando, Florida.

- Kenneth Raue, member of the Greater Central Florida Youth Soccer League, 4042 Laurel Branch Lane, Orlando, Florida.
- Keith Hastings, East Orange County soccer coach, 806 River Cove Avenue, Orlando, Florida.
- Nancy Hery, 450 Terrace Drive, Oviedo, Florida.
- Anna Diaz, principal of University High School, 6529 Hidden Beach Circle, Orlando, Florida.
- Cheryl Quatrano, owner and publisher of the East Orange Sun, 1009 Sweetbrook Way, Orlando, Florida.
- Cory Goodman, 258 S.C.R. 13, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

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

County Chairman Martinez rejoined the meeting.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board ended discussion on the proposed Future Land Use Objective 99-1-A-4-1, James G. Willard/Morgran Company, Inc., and the related developer's agreement and called the question.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Martinez and Commissioners Freeman, Sindler, Johnson, Hoenstine, and Hartage voting AYE by voice vote; Commissioner Edwards voting NO by voice vote; the Board adopted Future Land Use Objective 99-1-A-4-1, James G. Willard/Morgran Company, Inc.; and further, approved the related Developer's Agreement between Morgran Company amended as follows:

- page 6, add, "Notwithstanding the foregoing or any other provisions of the Agreement, in no event shall the date of valuation be later than July 1, 2000," after, "dedicated to the County";

- page 4, add, "for Single-family residential," after, "so conveyed in an amount equal to its appraised value."

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

NONAGENDA - AVALON PLANNED DEVELOPMENT

Commissioner Hoenstine requested that staff schedule a discussion item regarding the proposed Memorandum of Understanding between Avalon Associates of Delaware, Limited Partnership, and the County for March 16, 1999.

COMPREHENSIVE POLICY PLAN AMENDMENT, CYCLE 99-1, ADOPTION HEARING/ORDINANCE (CONTINUED)

Staff Report

Planning Division Manager David Heath informed the Board that this meeting is to consider the adoption of the 1999 first regular cycle Comprehensive Policy Plan Small Scale Amendments. Mr. Heath stated that these amendments are under ten acres each and that they are not required to be transmitted to the Department of Community Affairs (DCA). Mr. Heath said that the Local Planning Agency conducted its review of the amendments at a public hearing on February 18, 1999, and that this will be the only public hearing before the Board of County Commissioners.

Expedited Agenda

99-1S Small Scale Future Land Use Map Amendments

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

District 3

99-1-S-3-1 David E. Hall (page 1 of the amendment booklet)

District 5

99-1-S-5-2 Ron Howse, P.A./Aggarwal & Associates, Ltd. (page 8 of the amendment booklet)

99-1-S-5-3 Jay E. Folk/Technological Plaza East, Ltd. (page 14 of the amendment booklet)

99-1-S-5-4 Richard Dye/Development & Construction, Inc. (page 23 of the amendment booklet)

(Consideration of the adoption of this amendment has been continued to a future Comprehensive Policy Plan cycle.)

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted and continued the small scale amendments on the expedited agenda as outlined above.

Regular Agenda - Small Scale Future Land Use Map Amendment Public Hearings

Small Scale Future Land Use Map Amendment 99-1-S-2-1 Michael Marlow/Cotter & Zelman, District 2 (page 1 of the amendment booklet)

Staff Report

Planning Division Manager David Heath stated that consideration of this amendment has been continued to a future Comprehensive Policy Plan adoption cycle.

Small Scale Future Land Use Map Amendment 99-1-S-4-1, Robert T. Rosen, P.A./Broad & Cassel (page 9 of the amendment booklet)

Staff Report

Planning Division Manager David Heath stated that the applicant has withdrawn the application for this amendment.

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

The Board paused for an invocation by the Reverend Harold Tatum, pastor of Trinity International Worship Center, followed by the Pledge of Allegiance to the Flag.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF FEBRUARY 18, 1999

Action

Upon a motion by County Chairman Martinez, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of February 18, 1999, with the exception of Cases Z-99-009 and Z-99-014 and with the exception of the following:

- an ordinance amending the Village Planned Development Code for specific area plans within the Village Land Use Classification;
- an ordinance amending the Adequate Public Facilities/Transfer of Development Rights Code for specific area plans within the Village Land Use Classification;

which will be heard by the Board; subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling public hearings as follows:

- Case Z-99-009 in the name of Kenneth McCall on March 30, 1999;
- Case Z-99-014 in the name of Neil Frazee, Hanna Smith Property, to be scheduled at a future date.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of February 18, 1999, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

COMPREHENSIVE POLICY PLAN AMENDMENT, CYCLE 99-1 ADOPTION PUBLIC HEARINGS (CONTINUED FROM MORNING SESSION)

Regular Agenda - Small Scale Future Land Use Map Amendment Public Hearings (Continued)

Small Scale Future Land Use Map Amendment 99-1-S-5-1, Charles Evans Davis/Justus 1st, Inc., District 5 (page 10 of the amendment booklet)

Staff Report

Planning Division Manager David Heath stated that consideration of this amendment has been continued to a future Comprehensive Policy Plan adoption cycle.

Comprehensive Policy Plan Amendment Ordinances

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed Comprehensive Policy Plan Amendment Ordinance; and further, adopted the proposed Small Scale Comprehensive Policy Plan Ordinance.

(Ordinances 99-04 and 99-05 are on file in the office of the Comptroller Clerk of the Board of County Commissioners

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER, SEE PAGE 445 FOR APPEARANCES, DISCUSSION, AND ACTION.)

LAND USE ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38 (ZONING), ARTICLE VII VILLAGE PLANNED DEVELOPMENT CODE 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:

AMENDING CHAPTER 38 (ZONING) OF THE ORANGE COUNTY CODE, ARTICLE VII, THEREOF, (PD PLANNED DEVELOPMENT DISTRICT), DIVISION 7 (VILLAGE DEVELOPMENT CODE); AND PROVIDING AN EFFECTIVE DATE.

and

LAND USE ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 30 (PLANNING AND DEVELOPMENT), ARTICLE XIV, VILLAGE LAND USE CLASSIFICATION (ADEQUATE PUBLIC FACILITIES/TRANSFER DEVELOPMENT RIGHTS) 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:

AMENDING CHAPTER 30 (PLANNING AND DEVELOPMENT) OF THE ORANGE COUNTY CODE, ARTICLE XIV, THEREOF (VILLAGE LAND USE CLASSIFICATION IMPLEMENTATION), DIVISION 2 (ADEQUATE PUBLIC FACILITIES); AND DIVISION 3 (TRANSFER OF DEVELOPMENT RIGHTS); AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Chief Planner Kendell Keith stated that this is the first of two public hearings to consider the proposed ordinances. Mr. Keith reviewed the proposed ordinances and outlined their amendments. He announced the second of two public hearings to consider the proposed ordinances will be held on March 23, 1999, at 5:01 p.m.

Appearances

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

Discussion

County Chairman Martinez closed the hearings and opened the matters for Board discussion.

Action

The Board did not take any action.

NONAGENDA - COUNTY ATTORNEY'S OFFICE

County Attorney Tom Wilkes announced that Assistant County Attorney Paul Chipok has resigned from the County Attorney's Office to accept a position with Gray, Harris & Robinson, P.A. Mr. Wilkes and all Board members thanked Mr. Chipok for ten years of hard work and dedication.

Mr. Wilkes also introduced a new staff member, Assistant County Attorney Vivian Monaco.

**PLANNING AND ZONING COMMISSION APPEAL - APPELLANT/APPLICANT:
CHARLES E. DAVIS; CASE Z-98-103, OCTOBER 15, 1998; DISTRICT
5 (CONTINUED FROM JANUARY 5, 1999)**

By consensus, the Board reopened the public hearing to sit as a Board of Appeal 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), continued from the January 5, 1999, Board meeting.

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

Staff Report

Mr. Heath explained that this request is related to Future Land Use Map Amendment 99-1-S-5-1 which was continued by the Board earlier in the meeting. He asked the Board to continue this public hearing so that it may be rescheduled for consideration at the same time meeting as the proposed amendment.

Appearances

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

Discussion

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

By consensus, the Board continued the public hearing to consider a request by Charles E. Davis to rezone Mobile Home District (RT-1) (1977) to Wholesale Commercial District (C-3) which will be rescheduled for consideration at the same meeting as proposed Future Land Use Map Amendment 99-1-S-5-1.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - CYPRESS SPRINGS
PLANNED DEVELOPMENT/CYPRESS SPRINGS PARCELS P AND Q, AND CYPRESS
SPRINGS PARKWAY PRELIMINARY SUBDIVISION, DISTRICT 4 (CONTINUED
FROM FEBRUARY 16, 1999)**

By consensus, the Board reopened the public hearing to consider the Cypress Springs Planned Development/Cypress Springs Parcels P and

Q, and Cypress Springs Parkway Preliminary Subdivision Plan, continued from the February 16, 1999, Board meeting.

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

Staff Report

Planning Division Manager David Heath requested that the Board continue this public hearing until March 23, 1999, at 2:45 p.m.

Appearances

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

Discussion

County Chairman Martinez 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 members present and voting AYE by voice vote, the Board continued the public hearing to consider the Cypress Springs Planned Development/Cypress Springs Parcels P and Q, and Cypress Springs Parkway Preliminary Subdivision Plan until March 23, 1999, at 2:45 p.m.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: GARY D. SMITH, JR.; NO 98-06, PORTION OF 30.0-FOOT RIGHT-OF-WAY; DISTRICT 2 (CONTINUED FROM DECEMBER 8, 1998; JANUARY 26, 1999; AND FEBRUARY 16, 1999)

By consensus, the Board reopened the public hearing to consider a request by Gary D. Smith, Jr., Petition to Vacate 98-06, to vacate a portion of a 30.0-foot right-of-way known as Quenton Drive in Lake Pleasant Estates, continued from the December 8, 1998; January 26, 1999; and February 16, 1999, 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 Department Director Bill Baxter explained that the public hearing was continued to allow the applicant time to work with area residents.

Commissioner Sindler stated that area residents still oppose the request and asked the Board to continue the public hearing to allow additional time for another community meeting and further negotiations.

Appearances

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

Discussion

County Chairman Martinez 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 members present and voting AYE by voice vote, the Board continued the public hearing to consider Petition to Vacate 98-06, vacating a portion of a 30.0-foot right-of-way known as Quenton Drive in Lake Pleasant Estates until April 13, 1999, at 2 p.m.

NONAGENDA - PUBLIC HEARING SCHEDULES

County Chairman Martinez directed staff to reformat the public hearing schedule so that the hearings will be scheduled closer together and that large time gaps between hearings will be unlikely to occur.

NONAGENDA - EXECUTIVE SESSION

County Attorney Tom Wilkes announced an upcoming closed session as follows:

"On March 16, 1999, at the regular meeting of the Board of County Commissioners, the County Attorney's Office will ask the Board for advice regarding the following two cases that are now pending in the 9th Judicial Circuit in Orange County: Carlos Ahrens and George Henry Ahrens et al. vs. Orange County et al., which is consolidated with the case of Steven and Jennifer Weatherley vs. Orange County et al. These are the cases that you may know as the Pine Hills Landfill case.

"We are going to ask the Board to go into executive session. The Board will be asked to discuss the litigation in a session closed to the public, as is allowed under Florida Statute 286.011 (3)

and (8). The subject matter of the meeting will be confined strictly to settlement negotiations and strategy session related to litigation expenditures. The attorneys will request the Board's advice concerning the litigation.

"As is required by law, the entire session will be recorded verbatim by a certified court reporter. No portion of the session will be off the record. The court reporter's notes will be transcribed and, upon conclusion of the litigation, the transcript will be made part of the public record fully available for public inspection."

(NOTE: THE FOLLOWING TWO PUBLIC HEARING WERE CONSIDERED TOGETHER, SEE PAGE 450 FOR APPEARANCES, DISCUSSION, AND ACTION.)

PETITION TO VACATE PUBLIC HEARING - APPLICANT: TOBIN D. ANTPUSAT; NO. 99-04, 1.5-FOOT PORTION OF DRAINAGE AND UTILITY EASEMENT; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Tobin D. Antpusat, Petition to Vacate 99-04, to vacate a 1.5-foot portion of a 20.0-foot drainage and utility easement on Lot 157 in the Rio Pinar East Subdivision; the lot is generally located south of Lake Underhill Road and approximately one-half of a mile south of the Lake Underhill Road/Gran Paseo Drive intersection on property located at 1077 Gran Paseo Drive; District 3; Section 36, Township 22, Range 30; Orange County, Florida.

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

and

PETITION TO VACATE PUBLIC HEARING - APPLICANT: DOLORES GREENSTEIN; NO. 99-06, PORTION OF 5.0-FOOT UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dolores Greenstein, Petition to Vacate 99-06, to vacate a portion of a 5.0-foot utility easement on Lot 203 of the Lime Tree Subdivision; on property located at 10433 Jutland Court which is generally located west of

John Young Parkway and approximately one-half of a mile north of the Central Florida Parkway/Orangewood Boulevard intersection; District 1; Section 7, 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

Deputy Public Works Department Director Bill Baxter reviewed the requests and the recommendations for approval of the petitions to vacate as submitted.

Appearances

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

Discussion

County Chairman Martinez closed the public hearings and opened the matters 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 adopted the following:

- a resolution granting Petition to Vacate 99-04, vacating a 1.5-foot portion of a 20.0-foot drainage and utility easement on Lot 157 in the Rio Pinar East Subdivision on the above-described property;
- a resolution granting Petition to Vacate 99-06, vacating a portion of a 5.0-foot utility easement on Lot 203 of Lime Tree Subdivision on the above-described property.

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

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: TED BUCKLEY, EXPRESSWAY CENTER PLANNED DEVELOPMENT/LAND USE PLAN; AMEND THE LUP; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Ted Buckley, Expressway Center Planned Development/Land Use Plan (PD/LUP), to change office uses to either 190,000 square feet of

office uses or 304 multi-family units, pursuant to Orange County Code, Section 38-1207. The property is generally located on the northeast corner of Chickasaw Trail and the East-West Expressway; District 3; Section 25, Township 22, Range 30; 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 Division Manager David Heath stated that the district commissioner has requested that the Board continue the public hearing to allow time for an additional neighborhood meeting to be held.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the request by Ted Buckley, Expressway Center Planned Development/Land Use Plan (PD/LUP), until April 13, 1999, at 3:30 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: J. SCOTT HENDERSON, CYPRESS LAKES PLANNED DEVELOPMENT/LAND USE PLAN; AMEND THE LUP; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by J. Scott Henderson, Cypress Lakes Planned Development/Land Use Plan (PD/LUP), to revise Condition of Approval 4, approved by the Board of County Commissioners on August 11, 1998, to read as follows:

- Prior to the first certificate of occupancy, the developer will construct an additional southbound left-turn lane at the intersection of Chuluota Road and S.R. 50. Prior to development beyond 700 single-family residential units, the

developer will construct an eastbound left-turn lane at the intersection of Chuluota Road and S.R. 50. All traffic signal construction modifications are the responsibility of the developer;

pursuant to Orange County Code, Section 38-1207. The property is generally located east of C.R. 439, north of S.R. 50; District 5; Sections 16, 20, and 21, 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

Planning Division 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

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

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved the request by J. Scott Henderson, Cypress Lakes Planned Development/Land Use Plan (PD/LUP), to revise Condition of Approval 4, approved by the Board of County Commissioners on August 11, 1998, to read as follows:

- Prior to the first certificate of occupancy, the developer will construct an additional southbound left-turn lane at the intersection of Chuluota Road and S.R. 50. Prior to development beyond 700 single-family residential units, the developer will construct an eastbound left-turn lane at the intersection of Chuluota Road and S.R. 50. All traffic signal construction modifications are the responsibility of the developer;

which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - CYPRESS LAKES PLANNED DEVELOPMENT/PHASE 1 PRELIMINARY SUBDIVISION; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Cypress Lakes Planned Development/Phase 1 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 C.R. 439 and north of S.R. 50; District 5; Sections 16, 20, and 21, 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

Planning Division 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 Martinez closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the Cypress Lakes Planned Development/Phase 1 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Cypress Lakes Planned Development; Board of County Commissioners' (BCC) approvals; Phase 1 Preliminary Subdivision Plan, dated "Received October 16, 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.

Preliminary Subdivision Plan approval automatically expires on March 2, 2000, in accordance with the Orange County Subdivision Regulations as amended.

2. Master water and wastewater plans including preliminary calculations shall be approved prior to approval of construction plans.
3. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been reserved or obtained.
4. Prior to construction plan approval, a Conservation Area Impact Permit shall be submitted to and approved by the Environmental Protection Department.
5. The developer will construct an additional southbound left-turn lane and an additional eastbound left-turn at the intersection of Chuluota Road and S.R. 50, when deemed warranted.
6. Prior to development plan approval for each subsequent phase, a traffic review shall be conducted to determine if the developer will be responsible for off-site improvements caused by the impact of the additional phase.

CONSERVATION AREA IMPACT PUBLIC HEARING - APPLICANT: CYPRESS LAKES INVESTMENTS, LTD.; PERMIT FOR CYPRESS LAKES DEVELOPMENT OF REGIONAL IMPACT; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Cypress Lakes Investments, Ltd., for a Conservation Area Impact Permit for Cypress Lakes Development of Regional Impact, on property generally located near the intersection of S.R. 419 and S.R. 50; District 5; Sections 15 and 21, 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

Ecosystems Management Program Manager Pam Thomas outlined the request; identified the subject property; and further, stated that staff recommends approval of the permit.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the request by Cypress Lakes Investments, Ltd., for a Conservation Area Impact Permit, on the above-described property; subject to the following conditions:

1. The hydrological connection between Wetland Areas 1 and 2 must be maintained through the use of culverts.
2. Once the enhancement project in Wetland Area 14 has been completed, photos of the completed project must be submitted to the Orange County Environmental Protection Division.
3. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions are not met, the permit becomes null and void.

**BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING -
APPLICANT: MICHAEL VAIL; ITEM 1, JANUARY 7, 1999; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Michael Vail for a special exception in Agricultural District (A-2) to allow a bed and breakfast homestay and a variance to allow homestay on 1.3 acres of land in lieu of two acres minimum, on property located on the east

side of Arrowhead Boulevard, one-fourth of a mile north of U.S. 192, on the shores of Lake Osage or 16814 Arrowhead Boulevard; District 1; Section 31, Township 24, Range 27; Orange County, Florida.

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

Staff Report

Zoning Division Manager Melvin Pittman outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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

- Victor Chapman, 255 South Orange Avenue, Suite 750, Orlando, Florida, for the applicant.
- Michael Vail, the applicant, 16814 Arrowhead Boulevard, Winter Garden, Florida.

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

- Charlotte Sagona, 16935 Arrowhead Boulevard, Winter Garden, Florida.
- Richard Charles, 16919 Arrowhead Boulevard, Winter Garden, Florida.
- Terri Myshiu, 16920 Arrowhead Boulevard, Winter Garden, Florida.
- David Shultek, 16927 Arrowhead Boulevard, Winter Garden, Florida.
- Joe Sagona, 16935 Arrowhead Boulevard, Winter Garden, Florida.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board denied the request by Michael Vail for a special exception in Agricultural District (A-2) to allow a bed and breakfast homestay and a variance to allow homestay on 1.3 acres of land in lieu of two acres minimum, on the above-described property.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - STONEYBROOK PLANNED DEVELOPMENT/STONEYBROOK PARCEL 15 PRELIMINARY SUBDIVISION; DISTRICT 4 (CONTINUED FROM JANUARY 26, 1999)

By consensus, the Board reopened the public hearing to consider the Stoneybrook Planned Development/Stoneybrook Parcel 15 Preliminary Subdivision Plan, continued from the January 26, 1999, Board meeting.

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

Staff Report

Planning Division 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 Martinez closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved the Stoneybrook Planned Development/Stoneybrook Parcel 15 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Stoneybrook Planned Development; Board of County Commissioners' (BCC) approvals; Stoneybrook Parcel 15 Preliminary Subdivision Plan, dated "Received October 28, 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.

Preliminary Subdivision Plan approval automatically expires on March 2, 2000, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, certifications with supporting calculations shall be submitted which demonstrate that this project is consistent with the approved master drainage and master water and wastewater plan for this planned development.
3. A Conservation Area Impact Permit modification must be approved prior to construction plan approval.
4. Development shall comply with Resolution 96-M-22 relating to gated communities.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: MICHELE RENCORET, COLONIAL SUNFLOWER PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 4 (CONTINUED FROM FEBRUARY 2, 1999)

By consensus, the Board reopened the public hearing to consider a substantial change request by Michelle R. Rencoret, Colonial Sunflower Planned Development/Land Use Plan (PD/LUP), to change the design of a required landscape berm, continued from the February 2, 1999, Board meeting.

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

Staff Report

Planning Division Manager David Heath explained that the public hearing was continued so that more information could be supplied to the district commissioner. Mr. Heath reviewed the change request and the Development Review Committee's determination of substantial change. He stated the DRC recommended approval of the request.

Commissioner Hoenstine recommended approval of the redesigned landscape berm as follows:

- the landscape berm shall be ten feet (10') wide by three feet (3') high and shall have a six foot (6') PVC solid fence on top.

He explained that he has met with the applicant and area residents and that everyone has agreed to his recommended change.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the request by Michelle R. Rencoret, Colonial Sunflower Planned Development/Land Use Plan (PD/LUP), to change the design of a required landscape berm as follows:

- The landscape berm shall be ten feet (10') wide by three feet (3') high and shall have a six foot (6') PVC solid fence on top;

which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: CHARLES TRUE; STONEYBROOK PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 4 (CONTINUED FROM FEBRUARY 9, 1999)

By consensus, the Board reopened the public hearing to consider a substantial change request by Charles True, Stoneybrook Planned Development/Land Use Plan (PD/LUP), to change the easternmost access point for Stoneybrook Boulevard from accessing Alafaya Trail to accessing adjacent to the school site into Avalon PD, with Parcel 20 only having access to Alafaya Trail, continued from the February 9, 1999, Board meeting.

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

Staff Report

Planning Division Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change. Mr. Heath stated the DRC recommended approval of the request.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board approved the request by Charles True, Stoneybrook Planned Development/Land Use Plan (PD/LUP), deleting a section of Stoneybrook Boulevard from the south boundary line of Parcel 17 to Alafaya Trail and replacing it with a road located at the south boundary line of Parcel 17 east to the planned development boundary, which will provide access to the proposed school site and a connection to the Avalon Planned Development; which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan.

ROADWAY CONCEPTUAL ANALYSIS STUDY PUBLIC HEARING - IMPROVEMENTS TO OLD WINTER GARDEN ROAD FROM S.R. 50 TO APOPKA-VINELAND ROAD, DISTRICT 1 (CONTINUED FROM FEBRUARY 9, 1999)

By consensus, the Board reopened the public hearing to consider a Roadway Conceptual Analysis (RCA) Study for improvements to Old Winter Garden Road from S.R. 50 to Apopka-Vineland Road, continued from the February 9, 1999, Board meeting.

(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 Department Director Bill Baxter requested that the Board continue this public hearing until March 23, 1999, at 2:45 p.m.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a Roadway Conceptual Analysis (RCA) Study for improvements to Old Winter Garden Road from S.R. 50 to Apopka-Vineland Road until March 23, 1999, at 2:45 p.m.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:00 p.m.

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator