

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, December 14, 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.

The Board paused for an invocation by Ragan Vandergriff, Assistant Pastor of Music at the First Baptist Church of Orlando, followed by the Pledge of Allegiance to the Flag.

COUNTY CONSENT AGENDA

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

- deferred County Administrator Item 2 for discussion (see pages 177 and 178 for discussion and subsequent approval);
- deleted County Attorney Item 1;
- deleted Administrative Support Department Item 5;
- deleted Growth Management and Environmental Resources Department Item 2;

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

County Administrator

1. Approval and execution of the grant agreement between Orange County and the Hispanic Business Initiative Fund of Greater Orlando, Inc., authorizing disbursement of \$100,000 (Office of Management and Budget).

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

2. Approval and execution of the annual disbursement of Community Redevelopment Agency (CRA) funds for fiscal year 1999-2000. Funds have been included in the fiscal year 1999-2000 budget in the following accounting lines: 0001-023-0420-8120, 0001-023-0420-8200, 0001-023-0420-8210, 0001-023-0420-8300, and 0001-023-0420-8310 (Office of Management and Budget).

(As stated in the above motion, this item was deferred for discussion; see pages 177 and 178 for subsequent approval.)

3. Approval of Budget Amendments 00-07, 00-08, and 00-09 (Office of Management and Budget).

(Budget Amendments 00-07, 00-08, and 00-09 are on file in the office of the Finance and Accounting Department.)

4. Approval of CIP Amendments 07-00, 08-00, and 09-00 (Office of Management and Budget).

(CIP Amendments 07-00, 08-00, and 09-00 are on file in the Office of Management and Budget.)

5. Approval of payment of intergovernmental claims for November 24, 1999, totaling \$93,000.30 (Risk Management Division).

6. Receipt and filing of the minutes for the November 18, 1999, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).
7. Approval and execution of resolutions to ratify issuance by the Orange County Housing Finance Authority of Multi-family Housing Revenue Bonds for the financing of West Pointe Village in an amount not to exceed \$11,500,000; and Buena Vista Gardens in an amount not to exceed \$11,750,000 (Orange County Housing Finance Authority).

(Resolutions 99-B-17 and 99-B-18 are on file in the Office of the Comptroller Clerk of the Board of County Commissioners.)

County Attorney

1. Approval of proposed First Amendment to the V.A. Hospital Litigation Settlement Agreement and Mutual Release among Howard R. Scharlin; Ralph Fisch; Robert A. Yeager; FOT; L.C.; Terrabrook Vista Lakes, L.P.; and Orange County (County Attorney).

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

2. Approval of agreement between the State of Florida Department of Children and Families and Orange County for provision of a grant to Orange County for the "Family Ties" Supervised Visitation Program operated by Court Administration (County Attorney).

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

Administrative Support Department

1. Approval to award Invitation for Bid Y0-119-SI to the low responsive and responsible bidder, H&H Liquid Sludge Disposal, Inc., for biosolids management for a two-year term contract. The annual estimated contract amount is \$309,504 ([Wastewater Division] Purchasing and Contracts Division).
2. Approval to increase the estimated value of Contract Y9-177 with J&J Baker Enterprises, Inc., for leachate hauling from \$53,950 to \$178,450 ([Utilities Engineering Division] Purchasing and Contracts Division).
3. Approval to ratify an emergency contract with Williams Contracting, Inc., for lot cleaning for mouse population reduction. The estimated contract amount is \$266,300 ([Code Enforcement Division] Purchasing and Contracts Division).
4. Approval and authorization to record instruments and disburse warrant to pay appropriate recording fees for Waterford Lakes Tract N23A - Tract F: deed and subordination of encumbrances, District 4 (Real Estate Management Division).
5. Approval and execution of recreational trail easement by County Chairman to show acceptance and authorization to disburse warrants, record instrument, and pay appropriate recording fees for West Orange Trail, Phase III, District 2 (Real Estate Management Division).

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

6. Approval and execution of resolutions by County Chairman and authorization to initiate condemnation proceedings for All American Boulevard (Clarcona-Ocoee Road to Forest City Road), District 2 (Real Estate Management Division).

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

7. Approval and authorization to disburse warrants, record instrument, pay appropriate closing costs and recording fees for Apopka-Vineland Road (Conroy Road to Old Winter Garden Road): warranty deed, District 1 (Real Estate Management Division).

Growth Management and Environmental Resources Department

1. Approval and execution of Alternative Road Impact Fee Agreement between UCF Hospitality Company, Inc. (for Marriott Residence Inn), and Orange County, District 5 (Building Division).

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

2. Approval and execution of a Multi-family Affordable Housing Funding and Program Administration Agreement between Orange County and Florida Community Capital Corporation (FCCC) (Division of Housing and Community Development).

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

3. Approval of In Kind Services Agreement between Orange County and CCC/GBI Keene's Point, L.P., for Phase 1 improvements to R.D. Keene Park for a density bonus of 44 additional lots to be developed within the Amon Planned Development, District 1 (Planning Division).

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

4. Approval to advertise resolutions to lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, resolutions to lien:

LC00-080; LC00-004; LC00-005; LC00-065; LC00-067; LC00-006;
LC00-078; LC00-024; LC00-027; LC00-079; LC99-349; LC99-350;
LC99-356; LC99-374; LC00-053; LC00-072; LC99-331; LC99-255;
LC00-011; LC00-014; LC00-073; LC00-074; LC00-013.

(Code Enforcement Division)

(Resolutions 99-ZON-278 through 99-ZON-300 are on file in the Office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval of the Amended Interlocal Agreement between Orange County and the Orange County School Board regarding the Navy Sound Laboratory and authorization for the Local Redevelopment Authority's (LRA) executive director to render the County's approval as to consistency under Section 10.A of the interlocal agreement, District 4 (Planning Division).

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

Health and Family Services Department

1. Approval and execution of commercial rental agreement between Osceola County, Florida, and Orange County, to continue providing social services and other needed services to eligible low-income residents in Osceola County. Funding for rent and utilities is received from the Community Services Block Grant and Osceola County. There will be no cost to the County. Term of the agreement is October 1, 1999, through September 30, 2000 (Office of Community Action).

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

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

County Administrator

2. Approval and execution of the annual disbursement of Community Redevelopment Agency (CRA) funds for fiscal year 1999-2000. Funds have been included in the fiscal year 1999-2000 budget in the following accounting lines: 0001-023-0420-8120, 0001-023-0420-8200, 0001-023-0420-8210, 0001-023-0420-8300, and 0001-023-0420-8310 (Office of Management and Budget).

Discussion

Commissioner Edwards stated that he deferred this item to allow time for the Board to discuss the future of the Downtown Community Redevelopment Agency (CRA).

The Board discussed the County's role in the Downtown CRA, revitalization, scheduling a tour of the area, and the possibility of legislation restricting the CRA.

Legal Counsel

In response to questions from Commissioner Edwards regarding payment to the CRA, County Attorney Tom Wilkes advised the Board that the County has little control over the Downtown CRA and that the requested action for payment is statutorily required. Mr. Wilkes explained that the City can incur debt without County approval; however, should the City attempt to revise their development plan and add projects, it would have to be submitted to the Board of County Commissioners for comments.

Action

Upon a motion by Commissioner Johnson, seconded by County Chairman Martinez, and carried with all members present and

voting AYE by voice vote, the Board approved execution of the annual disbursement of Community Redevelopment Agency (CRA) funds for fiscal year 1999-2000 from the following accounting lines: 0001-023-0420-8120, 0001-023-0420-8200, 0001-023-0420-8210, 0001-023-0420-8300, and 0001-023-0420-8310; and further, as amended below.

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 directed staff to enter into discussions with the City of Orlando regarding sunset provisions and expenditure limits; and further, to report to the Board in 60 days.

COUNTY CHAIRMAN'S DISCUSSION AGENDA

1. Election of Vice-chairman.

The Board made nominations for Vice-chairman as follows:

Commissioner Sindler nominated Commissioner Hartage.
Commissioner Hoenstine nominated Commissioner Freeman.

AYE votes were cast as follows:

Commissioner Hartage - County Chairman Martinez, and
Commissioners Sindler, Edwards,
and Hartage

Commissioner Hartage received a majority; no further votes were cast.

Action

By consensus, with all members present and voting AYE by voice vote, the Board affirmed Commissioner Hartage as Vice-chairman.

ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

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

Staff Report

Bud Brewer, vice-chairman of the Membership and Mission Review Board (MMRB), presented the recommendations of the MMRB. The Board took the following actions:

Agricultural Advisory Board

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board appointed James Brian Reinhardt to the Agricultural Advisory Board, to succeed Gary Lynn Hatley in the lawn spraymen/pest control category, for a term expiring December 31, 2000.

Animal Services Advisory Board

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 reappointed Constance Graham to the Animal Services Advisory Board for a term expiring December 31, 2001.

Animal Services Classification Committee

Action

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

Friedman to the Animal Services Classification Committee in the obedience trainer/handler category for a term expiring December 31, 2001.

Citizens' Commission for Children

Action

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

- Dr. Palmira P. Mora, To-Lan Trinh-Le, and David Robert Penn for a term expiring December 31, 2001;
- Richard Earl Morrison for a term expiring December 31, 2000;

to the Citizens' Commission for Children.

Citizens' Review Panel for Human Services

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 reappointed:

- Rufus Brooks in the youth advocate category;
- Marni Berger, Jan Tunnel, Utter Kran Riley, Sherry Mae Abbott, David Allen Dyer, and Joan White in the at-large category;
- Susan M. Wojtowicz in the State of Florida Department of Children and Families category;
- Yolanda Franco in the M/WBE spokesperson category;

for terms expiring December 31, 2002; and further, appointed:

- Robert A. Hughes, to succeed Bertha W. McGraw in the senior advocate category, for a term expiring December 31, 2002;

- Carlos A. Thillet, to succeed Danny I. Garcia as an at-large member, for a term expiring December 31, 2000;
- Debbie Loretta Wilson, to succeed Dennis Freytes as an at-large member, for a expiring December 31, 2002;

to the Citizens' Review Panel for Human Services.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Edwards, and carried with Commissioners Freeman, Sindler, Johnson, Edwards, Hoenstine, and Hartage voting AYE by voice vote, County Chairman Martinez voting NO by voice vote, the Board approved the appointment of Christine Moore to the Citizens' Review Panel for Human Services in the at-large member in training category, for a term expiring December 31, 2000.

Emergency Medical Services Advisory Council

Action

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

- Chief Mike Iacona and Chief Stephen A. Chancey in the fire rescue members category for terms expiring December 31, 2001;
- Chief William Ray Colburn and Chief Charlie B. Walker in the fire rescue members category for terms expiring December 31, 2000;
- Cynthia Ann Bell in the hospital member category for a term expiring December 31, 2000;
- Richard Earl Morrison in the hospital member category for a term expiring December 31, 2001;
- Matthew S. Zavadsky in the advanced life support transport member category for a term expiring December 31, 2000;

- Dr. Timothy B. Bullard in the licensed physician category with a term expiring December 31, 2000;
- Mary Ellen Levocz and Victor T. Thomas in the at-large category for terms expiring December 31, 2001;
- Joseph Bracero in the at-large category representing elder interests for a term expiring December 31, 2000;

to the Emergency Medical Services Advisory Council.

MetroPlan Orlando Citizens' Advisory Committee

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 appointed William Donegan to the MetroPlan Orlando Citizens' Advisory Committee for a term expiring December 31, 2003.

M/WBE Advisory Committee

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 appointed Valerie J. Clark, to succeed Michele Rene DeCaul on the M/WBE Advisory Committee, for a term expiring June 30, 2000.

Orange County/Lake Apopka Enterprise Zone Development Agency

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 reappointed James Humphrey in the Orange County Enterprise Zone area resident category for a term expiring June 30, 2003; and further, appointed:

- Jacquelyn J. Smith in the Orange County Enterprise Zone nonprofit organization category for a term expiring June 30, 2001;

- Herbert Aguirresaenz in the Lake Apopka Enterprise Zone nonprofit organization category for a term expiring June 30, 2000;
- Corey Lee Warner in the Lake Apopka Enterprise Zone Chamber of Commerce member category for a term expiring June 30, 2000;

to the Orange County/Lake Apopka Enterprise Zone Development Agency.

Urban Design Commission

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 reappointed Trevor Hall, Jr., and William C. Kercher, Jr., to the Urban Design Commission for terms expiring December 31, 2002.

2. Consideration of Membership and Mission Review Board recommendations regarding sunseting of the following boards (General Services Department/Agenda Development):

Staff Report

Bud Brewer, vice-chairman of the Membership and Mission Review Board (MMRB), presented the recommendations of the MMRB and the Board took the following action regarding the sunseting of the following boards:

- Agricultural Advisory Board
- Bikeways Advisory Board
- Parks and Recreation Advisory Board

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved extending the existence and specifying new sunset dates of 2005 for the following advisory boards:

- Agricultural Advisory Board
- Bikeways Advisory Board
- Parks and Recreation Advisory Board

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Approval of the Advisory Committee's recommendation for expenditure of the Local Law Enforcement Block Grant Funds (County Administrator).

Staff Report

Assistant to the Director of Public Safety Robert Spivey presented an overview of the grant funds to be distributed to various local entities.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the Advisory Committee's recommendation for expenditure of the Local Enforcement Block Grant Funds.

NONAGENDA - CANVASSING BOARD

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board appointed Commissioner Hartage to the Canvassing Board.

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 Sindler, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Commissioner Bob Freeman joined the meeting where indicated.

GREAT OAKS VILLAGE CHRISTMAS CAROLING

The children of Great Oaks Village sang Christmas carols and presented gifts to the Board.

DECEMBER 2, 1999, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of December 2, 1999; subject to:

- an additional condition for Item 13, American Tower Corporation, as follows: Applicant shall monitor a health risk of the tower pursuant to a reasonable request established by the Orange County Environmental Protection Department;
- Indemnification Agreement for Item 1, Victoria E. De Torres;
- the usual right of appeal by any aggrieved parties.

(Indemnification Agreement to be filed in the office of the Comptroller Clerk of the Board of County Commissioners.)

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of December 2, 1999, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: TOM SMITH, PARTNERS DEVELOPMENT SELF STORAGE; CASE Z-
99-080, NOVEMBER 18, 1999; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Tom Smith, Partners Development Self Storage, to rezone from Farmland Rural (A-2) to Planned Development (PD) to allow a 71,000 square-foot self storage mini-warehouse facility with 685 units and a 1,600 square-foot office and caretaker's residence, which is generally located approximately 0.75 miles southeast of the East Colonial Drive and Alafaya Trail intersection; District 4; Section 22, 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 Division Manager David Heath outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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 Johnson, and carried with all present members present voting AYE by voice vote; Commissioner Freeman was absent, the Board approved the request by Tom Smith, Partners Development Self Storage, to rezone from Farmland Rural (A-2) to Planned Development (PD) to allow a 71,000 square-foot self storage mini-warehouse facility

with 685 units and a 1,600 square-foot office and caretaker's residence, on the above-described property; subject to the following conditions:

1. Development shall conform to the Colonial Self Storage Land Use Plan, dated "Received October 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 Board of County Commissioners (BCC), or by action of the BCC.
2. Billboards and pylon signs shall be prohibited.
3. Outdoor storage is prohibited.
4. All development of the subject property must comply with the requirements of the Econlockhatchee River Protection Ordinance;

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

NONAGENDA - ORANGE COUNTY CONVENTION CENTER PARKING

Orange County Convention Center Executive Director Tom Ackert reported that several contract workers have distributed fliers regarding paying for parking at the Convention Center. Mr. Ackert stated that this item is being addressed by the Citizens' Oversight Committee at the beginning of January, and a decision regarding parking fees will be forthcoming after its meeting.

Commissioner Freeman joined the meeting.

Commissioner Johnson left the meeting.

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38
(ZONING) REGARDING TOURISM DISTRICT (2ND HEARING)**

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

AN ORDINANCE AFFECTING THE USE OF LAND IN UNINCORPORATED ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 ("ZONING") AND CHAPTER 31.5 ("SIGNS") OF THE ORANGE COUNTY CODE; AMENDING DEFINITION OF "TOURISM DISTRICT"; AMENDING MAP OF "TOURISM DISTRICT"; AMENDING RELATED SECTIONS OF ORANGE COUNTY CODE REFERENCING "TOURISM DISTRICT"; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Acting Zoning Division Manager Mitch Gordon stated that this is the second of two public hearings to consider the proposed ordinance and outlined its amendments.

Appearances

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

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 present members voting AYE by voice vote; Commissioner Johnson was absent; the Board adopted the proposed ordinance amending Orange County Code, Chapter 38 (Zoning) regarding Tourism District.

(Ordinance 99-21 is on file in the Office of the Comptroller Clerk of the Board of County Commissioners.)

Commissioner Johnson rejoined the meeting.

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 3,
THE ADULT ENTERTAINMENT ORDINANCE**

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

AN ORDINANCE AMENDING THE ORANGE COUNTY ADULT ENTERTAINMENT CODE, CODIFIED AT CHAPTER 3 OF THE ORANGE COUNTY CODE; AMENDING SECTION 3-10 ("REVIEW OF DECISIONS BY TAX COLLECTOR"); AMENDING SECTION 3-27 ("APPLICATION FOR LICENSE REQUIRED; . . ."); AMENDING SECTION 3-29 (GRANT [OF APPLICATION FOR LICENSE]; DENIAL"); AMENDING SECTION 3-30 ("CONTENTS OF LICENSE; . . ."); AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Senior Assistant County Attorney Joel Prinsell reviewed the proposed ordinance and outlined its amendments.

Court Reporter

A court reporter, Lyssa Fundora, Perry Reporting, 1026 McCully Court, Oviedo, Florida, was present.

Appearances

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

- Joseph Cocchiarella, Metropolitan Bureau of Investigation, 250 North Orange Avenue, Orlando, Florida.

No one appeared in opposition to the proposed ordinance.

The County Chairman accepted the following exhibit from Mr. Prinsell:

- Clerk's Exhibit 1, copy of letter to Lawrence Kosto, Esquire, representing Liberty Video, Adult Entertainment License, and renewal of License.

The County Chairman accepted the following exhibit from Mr. Cocchiarella:

- Clerk's Composite Exhibit 2, copies of letters from the Metropolitan Bureau of Investigation Ninth Judicial Circuit of Florida.

Discussion

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

Commissioner Hoenstine requested the following provision be added to the ordinance at Section 3-27(b) as Subsection 14:

- The applicant shall provide the name, address, and telephone number of the owner if the applicant is not the owner.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending the Orange County Adult Entertainment Code, Chapter 3, revised to include the following language after Section 3-27(b) Subsection 13.

- The applicant shall provide the name, address, and telephone number of the owner if the applicant is not the owner.

(Ordinance 99-22 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: PROFESSIONAL ENGINEERING CONSULTANTS, ISLEWORTH/GLENMUIR PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by

Professional Engineering Consultants, Inc., Isleworth/Glenmuir Planned Development/Land Use Plan (PD/LUP), for the following:

- Approval of an amendment to the LUP to eliminate the golf course, equestrian trails, and stables; add an institutional use (church/day care/adult congregate living facility (ACLF)/nursing home/school); and add one connection to Chase Road (a second connection is allowed if the institutional use is utilized);
- Approval of the developer's agreement for "Marty Pawlikowski of Professional Engineering Consultants, Inc.," for "Isleworth/Glenmuir PD/LUP" concerning road improvements for Chase Road and C.R. 535;

pursuant to Orange County Code, Section 38-1207; on property generally located east of C.R. 535 and north of Chase Road; District 1; Section 19, Township 23, and Range 28; Section 24, Township 23, Range 27; Section 19, Township 23, Range 28; Sections 19 and 20, 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 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. Mr. Heath recommended that conditions be revised as follows:

- Condition 8, revise the escrow amount from \$37,500 to \$50,000;
- Condition 9, revise language to read: The developer dedicates the right-of-way for C.R. 535 at no cost to Orange County and no impact fee credit. The conveyance of the right-of-way accomplished by right-of-way agreement to be approved prior to first subdivision submittal.

Court Reporter

A court reporter, Lyssa Fundora, Perry Reporting, 1026 McCully Court, Oviedo, Florida, was present.

Appearances

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

- Dwight Saathoff, Esquire; Akerman, Senterfitt & Eidson; P.A.; 255 South Orange Avenue, Orlando Florida; for the applicant.

No one appeared in opposition to the request.

The County Chairman accepted the following exhibits from Mr. Saathoff:

- Clerk's Exhibit 1, Planning Division staff report dated December 14, 1999, affidavit from Todd Rimmer of PEC, resumes of Todd Rimmer and Martin Pawlikowski.
- Clerk's Exhibit 2, Sandy Shore Homeowners' Development Agreement.

Discussion

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

Commissioner's Report

Commissioner Freeman requested that proposed conditions relating to transportation not be included.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved the request by Professional Engineering Consultants, Inc., Isleworth/Glenmuir Planned Development/Land Use Plan (PD/LUP), for the following:

- An amendment to the LUP to eliminate the golf course, equestrian trails, and stables; add an institutional use (church/day care/adult congregate living facility ACLF/nursing home/school); and add one connection to Chase Road (a second connection is allowed if the institutional use is utilized);
- The developer's agreement for "Marty Pawlikowski of Professional Engineering Consultants, Inc.," for "Isleworth/Glenmuir PD/LUP" concerning road improvements for Chase Road and C.R. 535;

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

1. Development shall conform to the Isleworth Planned Development, Orange County Board of County Commissioners' (BCC) approvals; West Village/Glenmuir Land Use Plan Amendment, dated "Received August 20, 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.
2. Prior to construction plan approval, a revised Master Drainage Plan to accommodate the revised land use shall be submitted to the County engineer for review and approval.
3. The project shall comply with the conditions of Resolution 96-M-22 for gated communities.
4. The developer shall obtain water service from Orange County subject to the County rate resolutions and ordinances.

5. A revised master water distribution plan including preliminary calculations shall be approved prior to approval of construction plans.
6. Permitted uses in the institutional parcel shall, in addition to church and school, include day care center, ACLF, and nursing home.
7. If the institutional parcel is used for an Orange County elementary school site, it shall not be used to relieve the requirements for school sites within the Horizons West areas.
8. Prior to construction plan approval beyond 82 lots, the developer shall escrow \$50,000 in the Town of Windermere for a period of not less than five years. Such escrow shall be used for improvements by the Town to improve the intersection of Conroy-Windermere Road and Main Street.
9. The developer dedicates the right-of-way for C.R. 535 at no cost to Orange County and no impact fee credits. The conveyance of the right-of-way is to be accomplished by right-of-way agreement to be approved prior to first subdivision submittal.
10. All conditions of approval for the LUP by the BCC on December 19, 1983, with modifications as follows:
 - Densities: There shall be a maximum of 271 quarter-acre lots in the entire Isleworth Golf and Country Club PD with a maximum of 100 quarter-acre lots in the East Village;
 - Prior condition regarding transportation: That unrestricted vehicular access for all residents of the Isleworth PD along the major collector road from Conroy-Windermere Road through East and West Villages to S.R. 535, be revoked;

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

Commissioner Sindler left the meeting.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: USI SOUTH CAMPUS; CASE Z-99-107, NOVEMBER 18, 1999;
DISTRICT 6**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Universal City Property Management Company III, USI South Campus, to rezone from Industrial (I-3), Industrial (I-4), and General Commercial (C-2) to Planned Development (PD) zoning district to allow development within the listed land use, unit, and acre parameters: attraction - 300 acres; commercial - 2,372,000 square feet; Convention Center - 2,000,000 square feet; golf course - 36 holes; hotel/motel - 10,400 rooms; timeshare - 700 units; maximum building height - 400 feet (building heights over 200 feet require FAA approvals), on property which is generally located south of West Sand Lake Road, north of the Beeline Expressway, east of International Drive and Universal Boulevard, and west of South John Young Parkway, District 6; Section 6, Township 24, Range 29; Orange County, Florida.

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

Staff Report

Planning Division Manager David Heath outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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

- Chris Kay, Esquire; Kay, Gronek, and Latham, LLP; 390 North Orange Avenue, Orlando, Florida; for the applicant.

- Al Anthony, 5006 Shoshone Street, Orlando, Florida.
- Derek Wallace, 30 South Ivey Lane, Orlando, Florida.
- Jack Glazier, president of Williamsburg Homeowners' Association; 11425 Sandy Hill Drive, Orlando, Florida.
- Reginald McGil, 1417 Addie Avenue, Orlando, Florida.

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

- Stephanie Jaeger (no address given).

Discussion

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

Commissioner Edwards recommended adding the following condition:

- Applicant agrees that the foregoing restrictions shall be enforceable against the property by Orange County for a period of 20 years from the date hereof regardless of whether the property remains in unincorporated Orange County.

Action

Upon a motion by Commissioner Hartage seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the request by Universal City Property Management Company III, USI South Campus, to rezone from Industrial (I-3), Industrial (I-4), and General Commercial (C-2) to Planned Development (PD) zoning district to allow development within the listed land use, unit, and acre parameters: attraction - 300 acres; commercial - 2,372,000 square feet; Convention Center - 2,000,000 square feet; golf course - 36 holes; hotel/motel - 10,400 rooms; timeshare - 700 units; maximum building height - 400 feet (building heights over 200 feet require FAA approvals), on the above-described property; subject to the following conditions:

1. Development shall conform to the USI South Campus Land Use Plan (LUP), dated "Received November 8, 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.
2. Billboards and pole signs shall be prohibited. All existing billboards shall be removed within five years of this approval.
3. Any communication tower requests shall be processed through the Board of Zoning Adjustment, following Section 38-1427, Orange County Code.
4. Prior to construction plan approval, master stormwater management, wastewater, and reclaimed water plans for this project shall be reviewed and approved by Orange County.
5. Swapping of property between the Orange County Convention Center Expansion Phase V PD/LUP and USI South Campus PD/LUP with overall uses/interests not being affected may occur as a nonsubstantial change, as reviewed and approved by Development Review Committee.
6. The Universal Studios South Campus LUP may be developed to a total daily trip generation equivalent to Universal's share of the design capacity of the proposed Universal Boulevard extension.
7. An additional 20,000 total daily trips may be generated by the Universal Studios Development upon completion of a four-lane connection between the proposed Universal Boulevard and John Young Parkway (east-west spur road), and the completion of the widening of John Young Parkway to six lanes from the Osceola County line to Interstate 4.

8. An additional 43,523 total daily trips may be generated upon the completion of the extension of Kirkman Road from Sand Lake Road to the Beeline Expressway and the interchange with the Beeline at the Kirkman Road Extension.
9. These two improvements (i.e., east-west spur road and the Kirkman extension) may be interchanged in their construction sequences if and to the extent that the same travel demand is met.
10. Any future use of fireworks requires a public hearing and is subject to Board of County Commissioners' (BCC) approval.
11. Prior to any Certificate of Occupancy, except for those parcels with direct frontage on roadways existing as of October 1, 1999, the Universal Boulevard Extension from the existing Universal Boulevard to the Beeline Expressway and the interchange at the Beeline Expressway shall be substantially complete.
12. No construction plan approval for vertical construction shall be permitted until a mitigation plan is approved for that parcel.
13. A Roadway Conceptual Analysis (RCA) shall be completed prior to September 1, 2000, for the Universal Boulevard/Beeline Expressway interchange. Such RCA shall be approved at a public hearing by the BCC. Traffic mitigation shall be included in the RCA to minimize impacts to the Williamsburg Subdivision.
14. The Environmental Protection Division (EPD) shall monitor this area during both construction and operation to ensure compliance with Orange County Code with regard to noise elevations in the area. In the event that noise readings exceed that which is allowed under current code requirements (i.e., the Noise Ordinance), EPD or the Public Works director may order construction activity halted from 7 p.m. until 7 a.m.

15. No searchlights or uplighting shall be allowed within 2,600 feet of all residential areas. Additional lighting shall be submitted with the proposed attraction area prior to approval.
16. All parking light poles shall be restricted to a maximum height of 30 feet.
17. Lighting, with the exception of landscape lighting, shall be directed in a downward direction and away from the Williamsburg neighborhood.
18. A waiver shall be granted from the Tourist Commercial Performance Standards to the extent indicated on the USI South Campus LUP;

further, made a finding of consistency with the Comprehensive Policy Plan; and further as amended below.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board amended the above motion to include a condition as follows:

19. Applicant agrees that the foregoing restrictions shall be enforceable against the property by Orange County for a period of 20 years from the date hereof regardless of whether the property remains in unincorporated Orange County.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: JOHN MORRIS, ORANGE COUNTY CONVENTION CENTER EXPANSION
PHASE V PLANNED DEVELOPMENT; CASE Z-99-114, NOVEMBER 18, 1999;
DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by John Morris, Orange

County Convention Center Expansion Phase V Plan Development, to rezone from General Commercial (C-2) and Industrial (I-4) Zoning Districts to Planned Development (PD) Zoning District to be developed with the listed uses: Convention Center 2,940,000 square feet; exhibition hall 1,000,000 square feet; meeting rooms 250,000 square feet; circulation 600,000 square feet; service and support 950,000 square feet; food service 125,000 square feet; administration 15,000 square feet; maximum height 200 feet; on property which is generally located north of the Beeline Expressway and east of International Drive; District 6; Section 1, Township 24, Range 28; Orange County, Florida.

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

Staff Report

Planning Division Manager David Heath outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area. Mr. Heath recommended that Condition 7 be revised as follows: After the words, "offsite traffic impacts," add the words, "and multi-modal transit systems."

Appearances

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

- Tom Ackert, Executive Director of the Orange County Convention Center (no address given).

No one appeared 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 Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the

request by John Morris, Orange County Convention Center Expansion Phase V Plan Development, to rezone from General Commercial (C-2) and Industrial (I-4) Zoning Districts to Planned Development (PD) Zoning District to be developed with the listed uses: Convention Center 2,940,000 square feet; exhibition hall 1,000,000 square feet; meeting rooms 250,000 square feet; circulation 600,000 square feet; service and support 950,000 square feet; food service 125,000 square feet; administration 15,000 square feet; maximum height 200 feet; on the above-described property; subject to the following conditions:

1. Development shall conform to the Orange County Convention Center Expansion Phase V Land Use Plan, dated "Received November 8, 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.
2. Billboards and pole signs shall be prohibited.
3. Master wastewater and reclaimed water plans, including preliminary calculations, shall be approved prior to approval of construction plans.
4. Swapping of property between the Orange County Convention Center Expansion Phase V Planned Development/Land Use Plan (PD/LUP) and USI South Campus PD/LUP with overall uses/interests not being affected may occur as a nonsubstantial change, as reviewed and approved by the Development Review Committee.
5. Prior to any Certificate of Occupancy for meeting/exhibit space, the Universal Boulevard extension from the existing Universal Boulevard to the Beeline Expressway and the interchange at the Beeline Expressway shall be substantially complete.

6. This project addresses Phase V. Prior to commencement of development beyond Phase V, the following improvements must be complete and addressed:
 - a. The completion of the widening of John Young Parkway to six lanes from the Osceola County line to Interstate 4.
 - b. The East-West connection spur from Universal Boulevard extension to John Young Parkway in a four-lane configuration.
 - c. The extension of Kirkman Road from Sand Lake Road to Universal Boulevard.
 - d. The extension of Kirkman Road from Universal Boulevard to the Beeline Expressway and the interchange at the Beeline Expressway.
7. Prior to Phase VI development, a traffic study shall be submitted that addresses offsite traffic impacts and multi-modal transit systems.
8. A Roadway Conceptual Analysis (RCA) shall be completed prior to September 1, 2000, for the Universal Boulevard/Beeline Expressway interchange. Such RCA shall be approved at a public hearing by the Board of County Commissioners. Traffic mitigation shall be included in the RCA to minimize impacts to the Williamsburg Subdivision.
9. No search lights or uplighting shall be allowed within 2,600 feet of all residential area.
10. Lighting, with the exception of landscape lighting, shall be directed in a downward direction and away from the Williamsburg neighborhood.
11. All parking light poles shall be restricted to a maximum height of 30 feet.

12. The Environmental Protection Division (EPD) shall monitor this area during both construction and operation to ensure compliance with Orange County Code with regard to noise elevations in the area. In the event that noise readings exceed that which is allowed under current code requirements (i.e., the Noise Ordinance), EPD or the Public Works director may order construction activity halted from 7 p.m. to 7 a.m.
13. Prior to construction plan approval, a mitigation plan shall be reviewed and approved by Orange County;

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

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: ROBERT M. BIANCHI, DON BELL INDUSTRIES, INC.; ITEM 3, NOVEMBER 4, 1999; DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Robert M. Bianchi of Don Bell Industries, Inc., of the recommendation of the Board of Zoning Adjustment, dated November 4, 1999, on a request by Robert M. Bianchi, for a variance in Planned Development zone to raise the height of existing pylon sign from 30 feet to 40 feet on property which is generally located on the west side of Turkey Lake Road, two miles south of Sand Lake Road; District 1; Section 11, Township 24, Range 28; Orange County, Florida.

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

Staff Report

Acting Zoning Division Manager Mitch Gordon outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended denial of the request.

Appearances

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

- Mark Waltripp, Westgate Lakes Resorts, 5601 Windover Drive, Orlando, Florida; for the applicant.

No one appeared in opposition to the request.

Discussion

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

Action

A motion by Commissioner Freeman, seconded by Commissioner Hoenstine, with Commissioners Freeman and Hoenstine voting AYE by voice vote; County Chairman Martinez and Commissioners Johnson, Edwards, and Hartage voting NO by voice vote; Commissioner Sindler was absent; to overrule the decision of the Orange County Board of Zoning Adjustment and approve the request by Robert M. Bianchi, for a variance in Planned Development zone to raise the height of existing pylon sign from 30 feet to 40 feet failed.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:45 p.m.

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator