

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 28, 2000. The following were present:

- County Chairman Mel Martinez
- Commissioners Teresa Jacobs, 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 Pamela Mann, president and CEO of ESTEEM, Inc., followed by the Pledge of Allegiance to the Flag.

COUNTY CONSENT AGENDA

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:

- Deferred County Administrator Item 8 for discussion (see pages 101 and 102 for discussion and subsequent approval);

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

County Chairman's Report

1. Confirmation of the County Chairman's appointment of Carl Plaughter as director and chief of the Orange County Fire Rescue Department and approval of employment agreement, between Carl Plaughter and Orange County.

2. Confirmation of the County Chairman's appointment of Commissioner Teresa Jacobs to MetroPlan Orlando.

County Comptroller

1. Acknowledgment and filing of the follow-up review of county field purchase order processing procedures (Administrative/Fiscal Division).
2. Approval to pay the Property Appraiser's first quarter billing, October 1 through December 31, 2000, in the amount of \$844,727.90 (Administrative/Fiscal Division).
3. Approval of agreement between DBC-PI Development, Inc., and Orange County for reimbursable drainage improvements and maintenance (Administration/Fiscal Division).
4. Approval of the disposition of tangible personal property as follows:
 - a. Dispose of assets sold to Hunter's Creek Community Association, Inc., for \$395,000. The sale was previously approved by the Board on March 1, 2000.
 - b. Cannibalize assets for their useable parts.
 - c. Scrap assets.
 - d. Trade in assets for an allowance towards the purchase of new equipment.
 - e. Dispose of an asset that was stolen. The department was reimbursed a portion of the cost from insurance proceeds.
 - f. Dispose of assets that have been donated to other county emergency response organizations through interlocal agreements in case of a terrorist attack. The interlocal agreements were previously approved by the Board on September 26, 2000.

(Property Accounting Department)

5. Acknowledgment of receipt of the following file for the record documents:

- a. Copy of fiscal year 2001 budget, Orange Soil and Water Conservation District.
- b. Minutes of the March 3, 2000, meeting of the Board of Supervisors of the Stoneybrook West Community Development District.

(Comptroller Clerk of the Board of County Commissioners)

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

- Period from November 9, 2000, to November 15, 2000; total of \$11,219,727.94.
- Period from November 16, 2000, to November 16, 2000; total of \$11,991,535.59.
- Period from November 17, 2000, to November 21, 2000; total of \$9,489,391.47.

(Finance and Accounting Department)

County Administrator

- 1. Approval of the fiscal year 2000-2001 interlocal agreement between Orange County and Osceola County for medical examiner services (Office of Management and Budget).
- 2. Approval of Budget Amendment 01-07 (Office of Management and Budget).

(Budget Amendment 01-07 is on file in the Comptroller Finance and Accounting Department).

3. Approval of CIP Amendment 03-01 (Office of Management and Budget).

CIP Amendment 03-01 is on file in the Office of Management and Budget).

4. Approval of payment of intergovernmental claims October 26 and November 2, 2000, totaling \$296,982.78 (Risk Management Division).
5. Receipt and filing of minutes for the October 19 and October 26, 2000, meetings of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).
6. Approval of the Florida Faithful Performance Bond for Commissioner Teresa Jacobs (Risk Management Division).
7. Approval of the Settlement Agreement and Mutual Release in Case No. CI98-1659, Division 40, Ismael San Juan vs. Orange County, Florida, resolving all claims (Risk Management Division).
8. Approval of the Advisory Committee's recommendations for expenditure of the local law enforcement block grant funds (County Administrator).

(As stated in the above motion, this item was deferred for discussion; see pages 101 and 102 for subsequent approval).

County Sheriff

1. Approval of the State of Florida Department of Law Enforcement's Edward Byrne Memorial Funded Grant Projects for fiscal year 2000-2001 in the amount of \$665,236 for the following projects (matching funds are the responsibility of the implementing agency):
 - a. Apopka Police-Criminal Justice Field Reporting/MCT Project (\$30,000).

- b. Criminal Justice Programs Office (\$66,523).
- c. Criminal and Special Investigations Information Sharing (\$91,173).
- d. Juvenile Probation Truancy Tracking (\$21,000).
- e. Oakland Police Mobile Reporting and Data System(\$20,000).
- f. Operation Safe City (\$19,875).
- g. Maitland Police Elementary School Resource Officer(\$27,331).
- h. Winter Garden Police Department Drug Enforcement(\$20,000).
- i. Firearms Injury Prevention and Dangerous Person Awareness (\$25,000).
- j. Crime Location and Offense Site Enforcement (\$33,724).
- k. Orange County Substance Abuse Diversion Program (\$35,308).
- l. Security Threat Group Management (\$15,150).
- m. Threat Management through Crime Analysis (\$100,000).
- n. Ocoee Police Department's Crime Analysis (\$26,250).
- o. Orlando Police Department's Special Investigations (\$48,000).
- p. Edgewood Mobile Communications (\$11,437).
- q. Windermere Computerized Criminal Information System (\$20,510).
- r. Metropolitan Bureau of Investigation Surveillance and Report Computerized Assistance (\$24,833).
- s. Eatonville Drug Tactical Team (\$9,122)(Grants).

Administrative Support Department

1. Approval to award Invitation for Bid Y0-198-BI to the low responsive and responsible bidder, C.A. Meyer Paving and Construction Company, for construction term contract for countywide restoration of roadway shoulders. The total contract award amount is \$3,628,190.92 ([Roads and Drainage Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y1-600-RW to the low responsive and responsible bidder, Ace Electrical

Service, Inc., for generator replacement at Sea World. The total contract award amount is \$102,447 ([Wastewater Division] Purchasing and Contracts Division).

3. Approval to award Invitation for Bid Y0-638-RW to the low responsive and responsible bidder, Atlantic Painting & Sandblasting, for exterior painting of three water facilities. The total contract award amount is \$104,700 ([Water Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bid Y0-750-MK to the low responsive and responsible bidder, RKS Construction, Inc., for customer service offices and storage at the Orange County Convention Center. The total contract award amount is \$186,800 ([Convention Center Construction Division] Purchasing and Contracts Division).
5. Approval to award Invitation for Bid Y0-1019-BI to the low responsive and responsible bidder, Pavex Corporation, for construction term contract for countywide asphalt resurfacing. The total contract award amount is \$9,900,443 ([Roads and Drainage Division] Purchasing and Contracts Division).
6. Approval to award Invitation for Bid Y0-795-MK to the low responsive and responsible bidder, Grinnel Fire Protection, for Phase II fire protection upgrade at the Orange County Convention Center. The total contract award amount is \$135,771 ([Convention Center Construction Division] Purchasing and Contracts Division).
7. Approval of Amendment 4, Contract Y5-805, with Dyer Riddle Mills and Precourt for engineering services for Hiawassee Road (Clarcona-Ocoee Road to U.S. 441) in the amount of \$73,935.55 for a total contract amount to date of \$1,824,102.67 ([Public Works Engineering Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division).

8. Approval of Amendment 2, Contract Y9-809, with C.T. Hsu & Associates, Inc., for architectural/engineering services for the west entrance upgrade at the Orange County Convention Center in the amount of \$35,270.68 for a total contract amount of \$879,506.67 ([Convention Center Construction Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division).
9. Approval of sole source purchase of ESRI GIS software from Environmental Systems Research Institute (ESRI) in the total amount of \$179,014 ([Planning Division] Purchasing and Contracts Division).
10. Approval to increase expenditures for Term Contract Y9-189 with Commercial Communications Systems, Inc., for labor to install telecommunications cabling from \$298,580.80 to \$640,406.60 for an increase of \$341,825.80 ([Information Systems and Services Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division).
11. Approval to renew software maintenance for the AMS Financial System with American Management Systems, Inc., in the amount of \$160,157 ([Information Systems and Services Division] Purchasing and Contracts Division).
12. Approval of amendment to proprietary software and maintenance agreement with American Management Systems, Inc., (AMS) in the amount of \$335,200 to purchase integrated budget software (BRASS) ([Office of Management and Budget] Purchasing and Contracts Division).

(Agreement is on file in the Purchasing and Contracts Division).

13. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings for Landstreet Road (Orange Blossom Trail to Orange Avenue), District 4 (Real Estate Management Division).
14. Approval and execution by County Chairman of supplemental easement agreement and authorization to record instrument for Sandy Springs retention pond, Florida Power Corporation Structure CFW-171, District 1 (Real Estate Management Division).
15. Approval and execution by County Chairman of Site License and Memorandum of Site License Agreement between SpectraSite Communications, Inc., and the County and authorization to record instrument for telecommunication tower site development at the Meadow Woods Water Treatment Plant, District 4 (Real Estate Management Division).
16. Approval of sanitary wastewater line easement and authorization to record instrument for Sea World of Florida District 1 (Real Estate Management Division).
17. Approval of utility easement and authorization to record instrument for Sea World of Florida - Discovery Cove, District 1 (Real Estate Management Division).
18. Approval of utility easement and authorization to record instrument for Country Run Unit 4B, District 2 (Real Estate Management Division).
19. Approval of utility easement and authorization to record instrument for Fieldstream West Phase 1, District 4 (Real Estate Management Division).
20. Approval of utility easement and authorization to record instrument for Romano's Macaroni Grill at Waterford Lakes Town Center, District 4 (Real Estate Management Division).

21. Approval of utility easement and authorization to record instrument for Petition to Vacate 00-11 (Cheney Heights Unit 1 Replat), District 3 (Real Estate Management Division).
22. Approval of utility easement and subordination of encumbrance to property rights and authorization to record instruments for Starchild Academy, District 2 (Real Estate Management Division).
23. Approval of contracts for sale and purchase and warranty deeds and authorization to disburse warrant to pay purchase prices, conduct closings, and record instruments for Shingle Creek Mitigation, District 1 (Real Estate Management Division).

(Contracts are on file in the Real Estate Management Division).

Fire Rescue Department

1. Approval of Modification Number Two to the Emergency Management Preparedness Assistance Competitive Grant Agreement 00CP-07-16-58-01-118 between the State of Florida Department of Community Affairs and Orange County extending the due date from December 31, 2000, to May 15, 2001, to perform the relocation of the Emergency Operations Center (Office of Emergency Management).

Growth Management and Environmental Resources Department

1. Approval of Alternative Road Impact Fee Agreement between Byblos Development, Inc., and Orange County for Cedar Plaza, District 3 (Building Division).
2. Approval of the developer's agreement for "pay-as-you-go" fee payment for Woodbury Cove Preliminary Subdivision Plan between Orange County and Rink Development & Management, Inc., District 4 (Planning Division).

3. Approval to advertise Resolutions 2000-ZON-475 through 2000-ZON-498 and 2000-ZON-523 for special assessment liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Resolutions for special assessment liens:

LC 00-404; LC 00-451; LC 00-458; LC 00-459; LC 00-471;
LC 00-476; LC 00-097; LC 00-359; LC 00-467; LC 00-468;
LC 00-479; LC 00-453; LC 00-455; LC 00-481; LC 00-352;
LC 00-434; LC 01-005; LC 00-371; LC 00-383; LC 00-449;
LC 00-438; LC 00-461; LC 00-465; LC 00-473; LC 00-475

Districts 1, 2, 3, 4, 5, and 6 (Code Enforcement Division).

4. Approval of a developer's agreement between Orange County and Grande Pointe Associates, Ltd., for the discounts of impact fees and wastewater capital charges, District 6 (Housing and Community Development Division).

Health and Family Services Department

1. Approval of the Contract Agreement for the Low-income Home Energy Assistance Program (LIHEAP) between the State of Florida Department of Community Affairs and Orange County, Florida. The term of the agreement is from March 1, 2001, through March 31, 2002. There is no cost to the County (Youth and Family Services Division).

Public Works Department

1. Approval to establish a "No Parking" zone on both sides of Beard Road beginning from the west right-of-way line of Beulah Road extending west 320 feet, District 1 (Traffic Engineering Division).
2. Approval to establish a "No Parking" zone on the west side of Silverton Street beginning from the south right-of-way line of Old Winter Garden Road extending south 800 feet, District 6 (Traffic Engineering Division).

3. Approval of a Construction and Reimbursement Agreement for Phase 1A of Moss Park Road improvements between Orange County and Lake Hart, Inc., District 4 (Public Works Engineering Division).
4. Approval of the Joint Project Agreement between the Orlando Utilities Commission and Orange County for water main construction on Lancaster Road and authorization for the Chairman to execute the agreement on behalf of the County, District 4 (Public Works Engineering Division).
5. Approval of the agreement between Orange County and the St. Johns River Water Management District for augmentation of the St. Johns Lake Basin Master Stormwater Management Study, District 1 (Stormwater Management Division).

NONAGENDA - INTRODUCTION OF NEW FIRE CHIEF

The County Chairman introduced the new Fire Chief, Carl Plaughter and his wife.

NONAGENDA - INTRODUCTION OF COMMISSIONER JACOBS

The County Chairman welcomed newly-elected District 1 Commissioner Teresa Jacobs and re-elected Commissioners Johnson and Edwards to the Board of County Commissioners.

COUNTY ADMINISTRATOR CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

8. Approval of the Advisory Committee's recommendations for expenditure of the Local Law Enforcement Block Grant Funds.

Discussion

Commissioner Edwards stated that he requested this be deferred for discussion due to the amount of overtime being expended by the Sheriff's department and stated that in the future the overtime should be taken into account when dealing with the budget process.

The County Chairman directed staff to investigate the matter.

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 approved the recommendations of the Advisory Committee for expenditure of the Local Law Enforcement Block Grant Funds.

**GROWTH MANAGEMENT AND ENVIRONMENTAL RESOURCES DEPARTMENT
DISCUSSION AGENDA**

1. Update on TM Ranch land acquisition, District 4 (Environmental Protection Division).

Staff Report

Staff updated the Board regarding acquisition of the TM Ranch property.

Discussion

The Board discussed the benefits of acquiring the property, the importance of keeping mitigation in Orange County, and the time frame.

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 authorized staff to proceed with the appraisal process for the TM Ranch property.

2. Approval of the proposed Safe Neighborhood Program funding allocation, all districts (Growth Management and Environmental Resources Department Office).

Staff Report

Staff presented a report on the Safe Neighborhood Program, and requested Board approval of the funding allocation.

Discussion

The Board discussed prioritized funding for implementation of the plan's schedule and seeking additional funding sources and inclusion of other areas in the program.

Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the proposed Safe Neighborhood Program funding allocation.

The County Chairman 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 Teresa Jacobs, Bob Sindler, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

NOVEMBER 16, 2000, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

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 accepted the recommendations of the Orange County Planning and Zoning Commission under date of November 16, 2000, with the exception of Cases Z-00-071; Z-00-077; and Z-00-101 subject to the usual right of appeal of any aggrieved parties; and further, authorized scheduling public hearings for the following:

- Case Z-00-071, in the name of Jorge Del Rio, Lancaster Development, on January 2, 2001.

- Case Z-00-077, in the name of Brian T. Lower, Orange Lake Country Club, on December 19, 2000.
- Case Z-00-101, in the name of Spurgeon Brown, Brown's Auto Detail, on January 30, 2001.

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commission under date of November 16, 2000, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None.

**PETITION TO VACATE PUBLIC HEARING APPLICANT: DONALD BELOAT;
NO. 00-11, PORTION OF 66.0-FOOT-WIDE RIGHT-OF-WAY; DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Donald BeLoat, Petition to Vacate 00-11, to vacate a portion of a 66.0-foot-wide right-of-way known as Mavis Street; on property located at 1517 and 1601 Gattis Drive, which is generally located south of Colonial Drive and east of North Econlockhatchee Trail; District 3; Section 19, Township 22, Range 31; Orange County, Florida (the legal property description is on file.)

Staff Report

Staff reviewed the request and the recommendation for approval of the petition to vacate as submitted.

No one addressed the Board regarding the request.

Discussion

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

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 00-11, vacating a portion of a 66.0-foot-wide right-of-way known as Mavis Street; on the above-described property.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARINGS ORANGEWOOD PLANNED DEVELOPMENT-LIBERTY PARK AT SOUTH CENTER PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Orangewood Planned Development-Liberty Park at South Center Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located west of U.S. 441, south of Taft-Vineland Road; District 1; Section 9, Township 24, Range 29; Orange County, Florida (the legal property description is on file.)

Staff Report

Staff reviewed the plan and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

The following person addressed the Board regarding the request:

- Jeff Einhouse, 918 Lucerne Terrace, Orlando, Florida, for the developer.

Discussion

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

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the Orangewood Planned Development-

Liberty Park at South Center Preliminary Subdivision Plan, on the above-described property, subject to the following conditions:

1. Development shall conform to the Orangewood Planned Development (PD); Orange County Board of County Commissioners' (BCC) approvals; Portion of N-9/Liberty Park at South Center Preliminary Subdivision dated, "Received August 16, 2000," 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.

This Preliminary Subdivision Plan approval automatically expires on November 28, 2001, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master drainage and utility plans for this PD.
3. Pole signs and billboards are prohibited.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - RUBY LAKE RANCH
PLANNED DEVELOPMENT-MARBELLA PHASE 2 PRELIMINARY SUBDIVISION,
DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Ruby Lake Ranch Planned Development-Marbella Phase 2 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 and west of Palm Parkway,

northwest of Interstate 4; District 1; Section 15, Township 24, Range 28; Orange County, Florida (the legal property description is on file.)

Staff Report

Staff stated that the applicant requested a continuance in order to pursue other alternatives.

Appearances

No one addressed the Board regarding the request.

Discussion

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

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the Ruby Lake Ranch Planned Development-Marbella Phase 2 Preliminary Subdivision Plan until January 2, 2001, at 3 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: BOWYER-SINGLETON & ASSOCIATES, INC.; GRANADA PLANNED DEVELOPMENT-SAND LAKE PROPERTY PRELIMINARY SUBDIVISION; MULTIPLE CHANGES; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Bowyer-Singleton & Associates, Inc.; Granada Planned Development-Sand Lake Property Preliminary Subdivision; for a waiver of the five-foot pool screen setback on Lots 9 through 30 of Block "C" to eliminate the sidewalk on one side of the boulevard from the clubhouse to the condominiums and to convert Lots 46 and 47 of Block "B" to townhomes; pursuant to Orange County Code, Section 34-27; on property generally located south of Sand Lake Road, east of Apopka-Vineland Road; District 1; Sections 34 and 35, Township 23, Range 28; Orange County, Florida (the legal property description is on file.)

Staff Report

Staff recommended approval of the waiver to reduce the screen enclosure setback but denial of the proposed waiver of the sidewalk and denial of the conversion of the townhouses.

Appearances

The following persons addressed the Board regarding the request:

- Bethany Prendergast, 8269 Burgos Court, Orlando, Florida.
- Craig Mettinger, 111 North Crayon Avenue, Orlando, Florida.
- Joe Kolb, ABD/Bowyer-Singleton & Associates, Inc., 520 South Magnolia Avenue, Orlando, Florida.
- R. P. Mohnacky, 1820 Prairie Lake Boulevard, Ocoee, Florida.

Discussion

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

Action

Upon a motion by Commissioner Jacobs, 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 request by Bowyer-Singleton & Associates, Inc.; Granada Planned Development-Sand Lake Property Preliminary Subdivision; for a waiver of the five-foot pool screen setback on Lots 9 through 30 of Block "C" to eliminate the sidewalk on one side of the boulevard from the clubhouse to the condominiums and to convert Lots 46 and 47 of Block "B" to townhomes; until January 23, 2001, at 3:30 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING
APPLICANT: ADAM DIONNA, EAST COAST IMPEX; CASE Z-00-088,
SEPTEMBER 21, 2000; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Adam Dionna, East Coast Impex, to rezone from Farmland Rural (A-2) (1957) to Planned

Development (PD), on property generally located on the east side of S.R. 535, one-half mile north of World Center Parkway; District 1; Section 27, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

The following person addressed the Board regarding the request:

- Rick Blecha, One South Orange Avenue, Suite 306, Orlando, Florida, for the applicant.

Discussion

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

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Adam Dionna, East Coast Impex, to rezone from Farmland Rural (A-2) (1957) to Planned Development (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the South County Land Use Plan dated, "Received September 1, 2000," 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. Prior to construction plan approval, a master plan for stormwater, water, wastewater, and reclaimed water shall be submitted for review and approval.
3. Pole signs, billboards, and outdoor storage and display are prohibited. A master sign plan for the planned development shall be submitted with the first Development Plan.
4. Commercial use of motorized boats or jet skis shall be prohibited on Lake Bryan (see page 116 for reconsideration of this condition).
5. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center.
 - b. If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon either the development of residential units within the areas designated Activity Center Residential on the Future Land Use Map or the payment into a housing linkage fund.
 - c. The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation, and location orientation, and location of parking lots.

- d. The property owner shall be required to participate in a property owners' association upon its creation.
 - e. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
 - f. Twenty-foot-wide pedestrian/landscape/utility easement plus a 15-foot-wide transit easement along C.R. 535 for a total of 35 feet (with the transit easement along C.R. 535) shall be included in the development plan.
 - g. The development plan shall provide for interconnection of adjacent development by either cross access easement or public right-of-way.
 - h. Electrical distribution lines shall be underground.
 - i. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.
6. A waiver is approved to reduce the westerly setback not fronting S.R. 535 to 30 feet.

(See pages 112, 113, and 116 through 118 for further action).

Commissioner Johnson left the meeting.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: MILLER SELLEN CONNER & WALSH; SAND LAKE INVESTMENT,
LTD.; CASE Z-99-014, APRIL 20, 2000; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Miller Sellen Conner & Walsh; Sand Lake Investment, Ltd.; to rezone from Country Estate District (RCE) (1968) to Planned Development (PD), on property generally located west of Interstate 4, southeast of Fenton Street; District 1; Section 14, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

Staff stated that the applicant has requested a continuance so that this public hearing can be heard on the same date as the public hearing for the Buena Vista North District Standards.

Appearances

No one addressed the Board regarding the request.

Discussion

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

Commissioner Johnson rejoined the meeting.

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the request by Miller Sellen Conner & Walsh; Sand Lake Investment, Ltd.; to rezone from Country Estate District (RCE) (1968) to Planned Development (PD), until January 23, 2001, at 3 p.m.

NONAGENDA - REQUEST TO RECONSIDER

Commissioner Jacobs stated that she would like the Board members to reconsider the request by Adam Dionna, East Coast Impex, to rezone from Farmland Rural (A-2) (1957) to Planned Development (PD).

Action

Upon a motion by Commissioner Jacobs, seconded by County Chairman Martinez, and carried with all members present and voting AYE by voice vote, the Board approved reconsideration of the request by Adam Dionna, East Coast Impex; to rezone from Farmland Rural (A-2) (1957) to Planned Development (PD) (see pages 113 and 116 through 118 for further action).

Discussion

Commissioner Jacobs requested the word "commercial" be stricken from Condition 4.

Commissioner Hartage requested staff contact the applicant and readdress the request later in the day (see pages 116 through 118 for further action).

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - COLONIAL SUNFLOWER
PLANNED DEVELOPMENT-WATERFORD TRAILS (AKA EAST VILLAGE)
PRELIMINARY SUBDIVISION, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Colonial Sunflower Planned Development-Waterford Trails Preliminary Subdivision Plan (aka East Village Preliminary Subdivision) submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of East Colonial Drive, west of Sunflower Trail; District 4; Sections 19, 24, and 30, Township 22, Ranges 31 and 32; Orange County, Florida (the legal property description is on file.)

Staff Report

Staff reviewed the plan and the Development Review Committee's recommendation of approval subject to conditions.

In response to Commissioner Hoenstine's observation regarding construction traffic access on Old Cheney Highway, staff recommended that Condition 5 be revised to read as follows: "After the initial construction setup, ongoing construction access will be on Avalon Boulevard."

Appearances

The following persons addressed the Board regarding the plan:

- Hugh W. Harling, Harling Locklin & Associates; 850 Courtland Street, Orlando, Florida; for the property owners.
- Robert E. Carrigan, 18716 East Colonial Drive, Orlando, Florida.

Discussion

The County Chairman 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 Colonial Sunflower Planned Development-Waterford Trails (aka East Village) Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Colonial Sunflower Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Waterford Trails Preliminary Subdivision Plan (aka East Village Phase I and II) Preliminary Subdivision Plan dated, "Received October 25, 2000"; 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.

This Preliminary Subdivision Plan approval automatically expires on November 28, 2001, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, a master stormwater management plan for the planned development, including a drainage study to establish the 100-year flood elevation, shall be submitted to the County engineer for review and approval.
3. The first plat in Phase 2 shall not be recorded until the park site in the western village is constructed.
4. A certificate of completion of the subdivision shall not be issued until the substantial completion of Avalon Boulevard.

5. After the initial construction setup, ongoing construction access will be on Avalon Boulevard.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: MARK CHERNEGA, FLORIDA ROCK INDUSTRIES; ITEM 1, SEPTEMBER 8, 2000; DISTRICT 1 (CONTINUED FROM OCTOBER 10, 2000)

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Mark Chernega, Florida Rock Industries, of the recommendation of the Board of Zoning Adjustment, dated September 8, 2000, on a request by Mark Chernega, Florida Rock Industries, for approval of a special exception in Citrus Rural Zone (A-1) to construct a concrete batch plant, continued from the October 10, 2000, Board meeting.

Staff Report

Staff stated the applicant has requested a continuance to allow staff more time to pursue alternatives.

Appearances

No one appeared before the Board regarding this request.

Discussion

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

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider an appeal by Mark Chernega, Florida Rock Industries, of the recommendation of the Board of Zoning Adjustment, dated September 8, 2000, on a request by Mark Chernega, Florida Rock Industries, for approval of a special exception in Citrus Rural Zone (A-1) to construct a concrete batch plant until January 30, 2001, 2 p.m.

NONAGENDA - REQUEST TO RECONSIDER (CONTINUED)

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Adam Dionna, East Coast Impex; to rezone from Farmland Rural (A-2) (1957) to Planned Development (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the South County Land Use Plan dated, "Received September 1, 2000," 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. Prior to construction plan approval, a master plan for stormwater, water, wastewater and reclaimed water shall be submitted for review and approval.
3. Pole signs, billboards, and outdoor storage and display are prohibited. A master sign plan for the planned development shall be submitted with the first development plan.
4. Use of motorized boats or jet skis shall be prohibited on Lake Bryan (see page 112 for motion to reconsider this condition).
5. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:

- a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center.
- b. If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon either the development of residential units within the areas designated Activity Center Residential on the Future Land Use Map or the payment into a housing linkage fund.
- c. The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation, and location orientation, and location of parking lots.
- d. The property shall be required to participate in a property owner's association upon its creation.
- e. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
- f. Twenty-foot-wide pedestrian/landscape/utility easement plus a 15-foot wide transit easement along C.R. 535 for a total of 35 feet (with the transit easement along C.R. 535) shall be included in the development plan.
- g. The development plan shall provide for interconnection of adjacent development by either cross access easement of public right-of-way.
- h. Electrical distribution lines shall be underground.

- i. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.
6. A waiver is approved to reduce the westerly setback not fronting S.R. 535 to 30 feet.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING
APPLICANT: CANIN ASSOCIATES, MORGRAN PLANNED DEVELOPMENT;
CASE Z-00-040, JUNE 15, 2000; DISTRICT 4 (CONTINUED FROM AUGUST
15, AND OCTOBER 10, 2000)

By consensus, the Board reopened the public hearing to consider a request by Canin Associates, Morgran Planned Development; to rezone Farmland Agriculture (A-2) (1957) to Planned Development (PD) continued from the August 15 and October 10, 2000, Board meetings.

Staff Report

Staff explained that the public hearings were continued to allow the involved parties time to review and prepare for the public hearing. Staff outlined the request, identified the subject property and the surrounding zoning classifications; and further, noted that the Planning and Zoning Commission recommended denial of the request.

Court Reporter

A court reporter, Betsy J. Sobrino, First Choice Reporting Services, Inc., was present.

Legal Counsel

For the record, the County Attorney stated that the staff report basing the recommendation of denial on Policy 3.5.1, as it was originally presented to the Board, was a staff error. The County Attorney clarified that the recommendation of denial of this project is based on home rule power by the Board of County Commissioners.

In response to Commissioner Sindler's request for further clarification, the County Attorney stated that home rule power was never a grant of authority by the Legislature, but a restriction placed to stop cities and counties from issuing development orders in areas without adequate facilities and services. He further stated that counties and cities under constitutional and statutory home rule have always had the power to deny development permits when public works was not adequate.

The County Attorney stated that concurrency was an act by the Legislature in the mid-80s to force cities and counties to start exercising that power and to start denying development when public works are not in place. He further clarified that concurrency is not a grant of power to cities and counties, but a restriction on the exercise of their powers and that the Board does not need concurrency to withhold zoning approvals based on lack of schools or roads or anything else.

In response to a question by Commissioner Sindler regarding compatibility and the County's obligation to pay for needed infrastructure, the County Attorney stated if the infrastructure is over-burdened that becomes grounds for a city or county to deny rezonings on that basis even though adjacent land may have been rezoned a year earlier.

Appearances

The following persons addressed the Board regarding the request:

- Dr. Dan Buckman, Orange County Public Schools (no address given).
- James G. Willard, Esquire; 300 South Orange Avenue, Suite 1000, Orlando, Florida (for Morgran, Inc., Shutts & Bowen).
- Deborah L. Martohue, Esquire; Beacon & Radell; 200 South Biscayne Boulevard, Miami, Florida.
- Frank Kruppenbacher, Esquire; attorney for Orange County Public Schools (no address given).

- Pam Robinson, Discovery Middle School, PTSA President, 13619 Dornoch Drive, Orlando, Florida.
- Erin Schornagle, 10706 Spring Buck Trail, Orlando, Florida.
- Kira Boyer, 1753 Lady Slipper Circle, Orlando, Florida.
- Beverly Rublutilus, 2222 Stone Abbey Boulevard, Orlando, Florida.
- Christine Schornagle, 10706 Spring Buck Trail, Orlando, Florida.
- Michael Napoli, 14244 Nottingham Way Circle, Orlando, Florida.
- Karrie Navigato, 10121 Elmer Street, Orlando, Florida.
- Eric Trinidad, 3067 Holland Drive, Orlando, Florida.
- James Meade, 5359 Young Pine Road, Orlando, Florida.

The County Chairman accepted the following exhibit from Dr. Buckman:

Clerk's Exhibit 1: Orange County School Board presentation.

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

Clerk's Exhibit 2: The Morgran Company presentation.

The County Chairman accepted the following exhibit from Ms. Schornagle:

Clerk's Exhibit 3: Essay.

The County Chairman accepted the following exhibit from Ms. Boyer:

Clerk's Exhibit 4: Essay.

The County Chairman accepted the following exhibit from Staff:

Clerk's Exhibit 5: Summary of Housing Projects in Progress affecting Cypress Springs Elementary School.

Clerk's Exhibit 6: Supplement to revised Staff Report dated November 28, 2000.

Clerk's Exhibit 7: Orange County Public Schools Capacity Report.

Action

Upon a motion by County Chairman Martinez, seconded by Commissioner Johnson, and carried with County Chairman Martinez and Commissioners Jacobs, Johnson, Edwards, and Hartage voting AYE by voice vote; Commissioners Sindler and Hoenstine voting NO by voice vote; the Board denied the request by Canin Associates, Morgran Planned Development, to rezone Farmland Agriculture (A-2) (1957) to Planned Development; based on the following findings of fact:

- Because the size of the project, with 1,600 residential units, calls for a road network, not just a road that dead-ends at a power plant, the requested rezoning is premature until Alafaya Trail is extended south to the Beeline Expressway.
- Orange County Public Schools has determined and has advised the County that Cypress Springs Elementary School is overcrowded now, there is no capacity to serve the 300-plus elementary school students who are expected to be generated by this project, and funds are not available in the current Orange County Public Schools five-year capital improvements program to increase capacity at Cypress Springs. Therefore, the requested rezoning is premature until additional elementary school capacity becomes available.
- The proposed rezoning is inconsistent with the Future Land Use Element Policy 1.1.14 of the Comprehensive Policy Plan, which addresses the timing of zoning and adequate public facilities.

- The proposed rezoning is inconsistent with Public Schools Facilities Element Goal 4, which addresses the availability of adequate capital facilities for public schools.
- The proposed rezoning is inconsistent with Public Schools Facilities Element Objective Goal 4.3, which addresses timing of new development and adequate school capacity.
- The County's professional planning staff recommended denial of the proposed rezoning based on these reasons.
- The Development Review Committee (DRC) recommended denial of the proposed rezoning based on these reasons.
- The Planning and Zoning Commission unanimously recommended denial of the proposed rezoning based on these reasons.

MEETING ADJOURNED

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

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator