

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 6, 2001. The following were present:

- County Chairman Richard Crotty
- 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 Father Miguel Gonzalez, St. John Vianney Catholic Church, followed by the Pledge of Allegiance to the Flag.

The County Chairman presented a certificate of recognition to Father Gonzalez.

**COUNTY CONSENT AGENDA****Action**

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

- **Deferred County Chairman's Report Consent Item 1 for discussion (see page 456 for discussion and further action).**
- **Deleted County Administrator Item 4.**
- **Deferred Administrative Support Department Item 6 for discussion (see pages 447 and 448 for discussion and subsequent approval).**
- **Deferred Growth Management and Environmental Resources Department Item 8 for discussion (see page 458 and 459 for discussion and subsequent approval);**

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

### County Chairman's Report

1. Adoption of resolution establishing the Orange County 2001 Redistricting Advisory Committee and appointing its members.

**(As stated in the above motion, this item was deferred for discussion; see page 456 for further action.)**

### County Comptroller

1. Acknowledgment of receipt of the following file for the record document:
  - West Orange Healthcare District fiscal year 2000 annual local government finance report.

(Comptroller Clerk of the Board of County Commissioners)

2. Approval of the minutes of the February 13 and 20, 2001, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
3. Approval of the disposition of tangible personal property:
  - Cannibalize assets for their useable parts.
  - Scrap assets.
  - Return assets to the vendor for a credit.
  - Return assets to the vendor for a replacement under a maintenance agreement.
  - Transfer ownership of assets to the Orange County Public School Board.
  - Donate assets with an approximate value of \$179 to the Apostolic Worship Child Development Center, Inc., in lieu of selling at fair market value.
  - Donate assets with an approximate value of \$80 to the Lisa Merlin House, Inc., in lieu of selling at fair market value.

(Property Accounting Department)

4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
  - Period from February 15, 2001, to February 21, 2001; total of \$24,396,564.70.
  - Period from February 22, 2001, to February 22, 2001; total of \$13,053,191.56.
  - Period from February 23, 2001, to February 28, 2001; total of \$20,399,736.37.

(Finance and Accounting Department)

**County Administrator**

1. Approval of Budget Amendments 01-25, 01-26, 01-27, 01-28, 01-29, 01-30, 01-31, 01-32, 01-33, and 01-34 (Office of Management and Budget).

(Budget Amendments 01-25 through 01-34 are on file in the Comptroller Finance and Accounting Department.)
2. Approval of CIP Amendments 16-01, 17-01, 18-01, and 19-01 (Office of Management and Budget).

(CIP Amendments 16-01 through 19-01 are on file in the Office of Management and Budget.)
3. Approve payment of intergovernmental claims for February 8 and 15, 2001, totaling \$372,877.47 (Risk Management Division).
4. Receipt and filing of minutes for February 1 and 8, 2001, meetings of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).

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

**Administrative Support Department**

1. Approval to award Invitation for Bid Y1-728-MK to the low responsive and responsible bidder, J.M. Construction & Associates, Inc., for Health Department American's with Disabilities Act (ADA) and restroom renovations. The total contract award amount is \$314,700 ([Construction Administration Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y1-733-NS to the low responsive and responsible bidder, M. Gay Constructors, Inc., for Downey Park ballfield lighting. The contract award amount is \$308,800 ([Construction Administration Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bid Y1-149-JS to the low responsive and responsible bidder, Allied Universal Corporation, to provide 25 percent liquid caustic soda. The estimated annual contract award amount is \$167,680 ([Water Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bid Y1-108-JS to the low responsive and responsible bidder, ELAB, Inc., for Pine Hills landfill groundwater monitoring program - laboratory services. The estimated contract annual amount is \$128,285 ([Public Works Engineering Division] Purchasing and Contracts Division).
5. Approval and execution by County Chairman of easement and authorization to record instrument for Keene's Park, District 1 (Real Estate Management Division).  
  
(Easement is on file in the Real Estate Management Division.)
6. Approval and execution by County Chairman of Option Agreement for Sale and Purchase for West Orange Trail, Phase III, between the Board of Trustees of the Internal Trust Fund of the State of Florida and the County, District 2 (Real Estate Management Division).

**(As stated in the above motion, this item was deferred for discussion; see pages 447 and 448 for subsequent approval.)**

7. Approval of drainage and utility easement and subordination of encumbrance to property rights and authorization to disburse warrant to pay recording fees and record instruments for Convention Center Expansion Phase V, District 6 (Real Estate Management Division).
8. Approval and execution by County Chairman of temporary access easement and authorization to disburse warrant to pay recording fees and record instrument for Convention Center Expansion Phase V, District 6 (Real Estate Management Division).  
  
(Easement is on file in the Real Estate Management Division.)
9. Approval of utility easement and authorization to record instrument for Petition to Vacate 00-27 (Arlington Road), District 5 (Real Estate Management Division).
10. Approval of drainage easement, temporary easement, and subordination of encumbrance to property rights and affidavit and authorization to disburse warrant to pay all recording fees and record instruments for Hertha Avenue drainage, District 5 (Real Estate Management Division).
11. Approval of purchase price above appraised value, Contract for Sale and Purchase, and warranty deed and authorization to disburse warrant to pay purchase price and closing costs, conduct closing, and record instruments for Holden Heights Improvements Phase II, District 6 (Real Estate Management Division).  
  
(Contact is on file in the Real Estate Management Division.)
12. Approval of utility easement and subordinations of encumbrances to property rights and authorization to record instruments for Valencia Village Apartments, District 3 (Real Estate Management Division).
13. Approval of utility easement and subordination of encumbrances to property rights and authorization to record instruments for Hilton Garden Inn at University of Central Florida (UCF), District 4 (Real Estate Management Division).

**Fire Rescue Department**

1. Approval of Modification of Agreement 00CP-07-16-58-01-118 between the State of Florida Department of Community Affairs and Orange County amending the grant amount from \$186,000 to \$46,950 and corresponding change to the scope of work for the relocation of the Orange County Emergency Operations Center (Office of Emergency Management).

**Growth Management and Environmental Resources Department**

1. Approval to advertise Resolutions 2001-CED-068 through 2001-CED-077 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 01-110; LC 01-024; LC 01-025; LC 01-124; LC 01-101; LC 01-105;  
LC 00-214; LC 01-106; LC 01-107; LC 01-109;

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

2. Receipt and filing of the minutes of the Windermere Water and Navigation Control District Advisory Board meetings of November 20 and December 18, 2000, for the official County record, District 1 (Environmental Protection Division).
3. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meetings of September 21, November 2, and December 15, 2000, for the official County record, District 4 (Environmental Protection Division).
4. Receipt and filing of the minutes of the Lake Holden Water Advisory Board meeting of October 16, 2000, for the official County record, District 4 (Environmental Protection Division).
5. Receipt and filing of the minutes of the Lake Killarney Advisory Board meeting of November 16, 2000, for the official County record, District 5 (Environmental Protection Division).

6. Approval of Resolution 2001-M-03 regarding the authorization for manager, assistant manager, and laboratory administrator of the Orange County Environmental Protection Division to sign documents submitted on the Division's behalf to the State of Florida Bureau of Alcohol, Tobacco, and Firearms, all districts (Environmental Protection Division).
7. Approval of the Fifth Amended Development Order (DO) for the Summit (fka "Maitland Summit") between Orange County and ASP WT, L.L.C, for the notice of proposed change to the Maitland Summit Development of Regional Impact (DRI), District 2 (Planning Division).
8. Approval of a developers agreement between ZP No. 60, Limited Partnership, and Orange County for a "Pay-As-You-Go" fee payment for Goldenrod Road (PD) - Kash N' Karry Store 1850, District 4 (Planning Division).

**(As stated in the above motion, this item was deferred for discussion; see page 458 and 459 for subsequent approval.)**

#### **Health and Family Services Department**

1. Approval of State of Florida Department of Health, Bureau of Emergency Medical Services, grant award application and Resolution 2001-M-05 authorizing the application for funding in the amount of \$274,501.97 (Emergency Medical Services Office).
2. Approval of the renewal Certificate of Public Convenience and Necessity for Orlando Fire Department to provide advanced life support transport. The term of this certificate is from March 1, 2001, through March 1, 2003. There is no cost to the County (Emergency Medical Services Office).
3. Approval of the Health Resources and Services Administration Grant Award for the Ryan White Title I funding in the amount of \$6,497,014 for the period of March 1, 2001, through February 28, 2002 (Health and Family Services Department).
4. Approval of the Community Action Board bylaw revisions pertaining to the increase in membership from seven to eight members per sector (Office of Community Action).

5. Approval of the total grant award in the amount of \$1,498,911. The term of the grant is from September 30, 2000, through September 29, 2003. Approval of the first amendment to the Ivey Lane Targeted Capacity Expansion Program Agreement between The Center for Drug Free Living and Orange County to amend the amount of funding to be provided directly to The Center for Drug Free Living from \$485,647 to \$470,643. The amendment becomes effective upon execution by both parties (Youth and Family Services Division).
6. Approval of the agreement between Lakeside Alternatives, Inc., and Orange County in the amount of \$45,756. These funds will provide a 25 percent match for mental health overlay services at the Orange Juvenile Detention Center as required by the State of Florida Department of Juvenile Justice. The term of this agreement is from October 1, 2000, through June 30, 2001 (Youth and Family Services Division).

#### **Public Works Department**

1. Authorization to record the plat of Olson Tire Total Car Care Site, District 6 (Development Engineering Division).
2. Approval to issue Right-of-Way Utilization Permit 01-R-0546, District 1 (Development Engineering Division).
3. Approval to establish a "No Parking" zone on the north side of Oriente beginning 200 feet from the west right-of-way line of Econlockhatchee Trail and extending west 600 feet and on the south side of Oriente beginning at the west right-of-way line of Econlockhatchee Trail and extending west 800 feet, District 3 (Traffic Engineering Division).
4. Approval to establish a "No Parking" zone on the west side of Balcombe Road beginning at the north right-of-way line to Town Center Boulevard and extending north 600 feet, District 4 (Traffic Engineering Division).
5. Approval to install "4-Way Stop" signs at the intersection of Lake Avenue and West Myrtle Street in Apopka until the signs are replaced with installation of a permanent traffic circle, District 2 (Traffic Engineering Division).

6. Approval to install multi-way "Stop" signs at the intersections of Beatrice Drive and Eggleston Avenue and Beatrice Drive at Weirwood Avenue in the Kingswood Manor Neighborhood, District 2 (Traffic Engineering Division).
7. Approval to install a traffic signal at the intersection of Town Center Boulevard and Balcombe Road/Hawkeye Drive, District 4 (Traffic Engineering Division).
8. Approval of the State of Florida Department of Transportation Highway Illumination Services Agreement for roadway lighting facilities on S.R. 436, District 3 (Public Works Department).

#### **Utilities Department**

1. Approval of commercial refuse license for West Orange Waste to provide solid waste hauling services in Orange County, all districts (Solid Waste Division).
2. Approval of commercial refuse license for Russo & Sons, Inc., to provide solid waste hauling services Orange County, all districts (Solid Waste Division).

#### **CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION**

#### **Administrative Support Department**

6. Approval and execution by County Chairman of Option Agreement for Sale and Purchase for West Orange Trail, Phase III, between the Board of Trustees of the Internal Trust Fund of the State of Florida and the County, District 2 (Real Estate Management Division).

#### Discussion

Commissioner Sindler explained that Phase III of the West Orange Trail is designed to cut through a portion of the Apopka Middle School property and will interfere with the soccer goals. He stated that he deferred this item for discussion so that he could make the public aware that all parties involved are

meeting to discuss this issue and resolution is expected by the end of the day. Commissioner Sindler pointed out that no more disruption than necessary will be caused to the school.

#### **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 and authorized execution by the County Chairman of the Option Agreement for Sale and Purchase for West Orange Trail, Phase III, between the Board of Trustees of the Internal Trust Fund of the State of Florida and the County.**

### **HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA**

1. Approval of the recommendations of the Interim Commission on Aging and approval to establish a permanent Commission on Aging and an Office of Aging (Health and Family Services Department).

#### Staff Report

Staff presented a report on the Interim Commission on Aging's focus and timeline.

Bill Coleman, chairman of the Interim Commission on Aging, recognized the 28 members of the commission, outside contributors from the community, and Commissioner Johnson and thanked everyone for their hard work and dedication. Mr. Coleman also highlighted the Commission's committees.

Richard Morrison, vice-chairman of the Interim Commission on Aging, presented a report on the Commission's findings

#### Discussion

The Board discussed increased awareness of challenges faced by senior citizens, the quantity and quality of community service provided by seniors,

nursing home problems, the importance of providing protection for seniors, and the numerous grant programs available to fund programs for seniors.

**Action**

**Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Interim Commission on Aging as follows:**

- 1. Establish a permanent Orange County Office on Aging and a Commission on Aging.**
- 2. Develop a three-digit information and referral plus system to assist the community in finding support services and volunteer opportunities.**
- 3. Increase accessibility to services through the creation of an integrated "continuum of care" system that focuses on coordination of services.**
- 4. Implement a fee-based senior transportation system as part of the community coordinated transportation system.**
- 5. Establish senior assessment centers and an Orange County Coalition for Optimal Mental Health and Aging.**
- 6. Employ the media to communicate services and programming to older adults.**
- 7. Expand community partnerships in an effort to expand services, leisure programs, and volunteer opportunities at the neighborhood level.**
- 8. Address workforce and funding issues.**
- 9. Track community indicators.**

10. **Conduct a market study on elder housing needs that can be used to support the creation of incentives for additional elder housing units;**

**further, authorized the establishment of a permanent Commission on Aging; and further, authorized the establishment of an Office of Aging.**

#### **ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA**

1. Selection of agencies to provide health and support services for persons with HIV Spectrum Disease (Ryan White-Title I), RFP Y1-128-HF, in the amount of \$4,883,559.97 ([Health and Family Services Department] Purchasing and Contracts Division) as follows:

- Orange County Health Department
- Osceola County Health Department
- Seminole County Health Department
- Hug-me
- Pro-care
- Kinsman
- Hope & Help
- Reach Out
- Miracle of Love
- NEED
- Open Center
- Florida Hospital
- Food with Care
- CENTAUR
- Turning Point

#### Staff Report

Staff reviewed the Ryan White Title 1 Grant Program, overviewed the time line for funding requirements, and the procurement process. Staff requested approval of the recommended provider agencies.

#### Legal Counsel

In response to a question from the County Chairman regarding the procedure for receiving late bid proposals, the County Attorney explained that the County's Procurement Ordinance clearly states that all Information for Bids and Requests for Proposals establish a filing deadline and that all proposals received after that deadline be returned to the proposer unopened. He noted that staff has no discretion to accept any late proposal. Mr. Wilkes also clarified that if a proposal is received after the filing deadline and returned unopened to the submitting agency, that agency is not qualified to submit a grievance.

In response to a question by Commissioner Jacobs regarding complete bid package requirements, the County Attorney stated that requests for proposals allow staff to request additional information regarding missing documentation and clarification of information submitted.

#### Discussion

The Board discussed late bid proposals, the official clock used for determining the timeliness of proposals, the County's procurement ordinance guidelines, the procurement review process, the process to provide grant funding for HIV/AIDS related health services, the procurement grievance process, and notification of the procurement review committee's results.

The Board further discussed not-for-profit status requirements, incomplete proposals, prebid conferences, the continuing need to improve the procurement process, whether quality service levels will be reduced to clients currently being served by the providers who filed late proposals, and the contract negotiation process for selected providers.

The County Chairman directed staff to send the Board members a status report on the transition of services currently being provided by agencies who were not awarded funds because of late proposals within 90 days to ensure that clients continue to receive the services they deserve and need.

#### Action

**Upon a motion by Commissioner Edwards, seconded by Commissioner Hartage, and carried with County Chairman Crotty and Commissioners Jacobs, Johnson, Edwards, and Hartage voting AYE by voice vote;**

**Commissioners Sindler and Hoenstine voting NO by voice vote; the Board approved the selection of agencies to provide health and support services for persons with HIV Spectrum Disease (Ryan White-Title I), RFP Y1-128-HF, in the amount of \$4,883,559.97 as follows:**

- Orange County Health Department
- Osceola County Health Department
- Seminole County Health Department
- Hug-me
- Pro-care
- Kinsman
- Hope & Help
- Reach Out
- Miracle of Love
- NEED
- Open Center
- Florida Hospital
- Food with Care
- CENTAUR
- Turning Point

2. Selection of one firm and two alternates to provide engineering services for the Eastern Water Reclamation Facility Expansion, RFP-Y1-808-PH ([Utilities Engineering Division] Purchasing and Contracts Division).

**Discussion**

Commissioner Edwards, present at the February 14, 2001, Procurement Review Committee meeting, reviewed the committee's recommendation from the following firms listed alphabetically:

- Black & Veatch Corporation
- Boyle Engineering Corporation
- PBS&J

**Action**

**Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the short list ranked as follows:**

- #1 Boyle Engineering Corporation
- #2 Black & Veatch Corporation
- #3 PBS&J

and further, authorized staff to enter into contract negotiations for engineering services for the Eastern Water Reclamation Facility Expansion, RFP Y1-808-PH.

3. Selection of one firm and two alternates to provide continuing engineering services for geotechnical and materials testing, RFP Y1-900-PH ([Utilities Engineering Division] Purchasing and Contracts Division).

Discussion

Commissioner Edwards, present at the February 7, 2001, Procurement Review Committee meeting, reviewed the committee's recommendation from the following firms listed alphabetically:

- Ardaman/GPA Joint Venture
- Nodarse & Associates, Inc.
- Universal Engineering Sciences, Inc.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Sindler, and carried with Commissioners Jacobs, Sindler, Hoenstine, and Edwards voting AYE by voice vote; County Chairman Crotty and Commissioners Johnson and Hartage voting NO by voice vote; the Board selected three firms:

- Ardaman/GPA Joint Venture
- Nodarse & Associates, Inc.
- Universal Engineering Sciences, Inc.

with Ardaman/GPA Joint Venture receiving 50 percent of the contract work and Nodarse & Associates, Inc., and Universal Engineering Sciences, Inc., each receiving 25 percent of the contract work; and further, authorized staff to enter into contract negotiations for continuing engineering services for geotechnical and materials testing, RFP Y1-900-PH (see pages 478 and 479 for reconsideration).

**Action**

**A motion by Commissioner Hoenstine, seconded by Commissioner Hartage, with Commissioners Sindler, Hoenstine, and Hartage voting AYE by voice vote; County Chairman Crotty and Commissioners Jacobs, Johnson, and Edwards voting NO by voice vote; to amend the above motion to select three firms:**

- Ardaman/GPA Joint Venture
- Nodarse & Associates, Inc.
- Universal Engineering Sciences, Inc.

**and further, authorized staff to enter into contract negotiations for continuing engineering services for geotechnical and materials testing, RFP Y1-900-PH, failed.**

4. Selection of three firms to provide continuing professional consulting program and project management services, RFP Y1-901-MK ([Construction Administration Division] Purchasing and Contracts Division).

**Discussion**

Commissioner Edwards, present at the February 14, 2001, Procurement Review Committee meeting, reviewed the committee's recommendation from the following firms listed alphabetically:

- Kha Le-Huu & Partners, P.A.
- SA-3D/I
- ZHA, Inc.

**Action**

**Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board selected three firms:**

- Kha Le-Huu & Partners, P.A.
- SA-3D/I
- ZHA, Inc.

**and further, authorized staff to enter into contract negotiations for continuing professional consulting program and project management services, RFP Y1-901-MK.**

**NONAGENDA - RETIREMENT**

The County Chairman presented a proclamation to Darrell Kelley, director of the Economic Development Commission, recognizing his commitment, outstanding leadership, and contributions to the community upon his retirement.

**OFFICE OF ECONOMIC, TRADE AND TOURISM DEVELOPMENT DISCUSSION AGENDA**

1. Approval of Mitsubishi Heavy Industries America Qualified Target Industry Tax Refund Resolution 2001-M-04 (Office of Economic, Trade and Tourism Development).

Staff Report

Staff overviewed the proposed resolution and requested its adoption.

Discussion

The Board discussed the importance of bringing quality jobs to the community, the tax base that Mitsubishi will provide, and whether management positions will be filled from within the company or the community.

**Action**

**Upon a motion by County Chairman Crotty, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the Mitsubishi Heavy Industries America Qualified Target Industry Tax Refund Resolution 2001-M-04.**

**ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA (CONTINUED)**

5. Discussion regarding Fleet Management.

Staff Report

Staff announced that this item has been deleted from the agenda and will be presented at a later date.

**CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION**

**County Chairman's Report**

1. Adoption of resolution establishing the Orange County 2001 Redistricting Advisory Committee and appointing its members.

**Staff Report**

Staff overviewed the proposed resolution's legal basis, criteria, proposed committee members, and stakes and risks.

**Discussion**

The Board discussed increasing the number of committee members, the role of the proposed judges on the committee, and the importance of maintaining an odd number of members on a committee for voting purposes.

**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 approved restructuring the proposed Orange County 2001 Redistricting Advisory Committee as follows:**

- Two district members as recommended by each commissioner.
- Three members as recommended by the County Chairman.
- Two judges to serve in an ex officio capacity;

**as amended below.**

**Action**

**Upon a motion by County Chairman Crotty, seconded by Commissioner Johnson, and carried with County Chairman Crotty and Commissioners Jacobs, Sindler, Johnson, and Hartage voting AYE by voice vote; Commissioners Hoenstine and Edwards voting NO by voice vote; the Board amended the above motion to include authorization for the proposed judges to have voting power.**

**NONAGENDA - BRYANT APPLGATE**

The County Attorney announced that Assistant County Attorney Bryant Applegate has been asked to serve as special legal counsel to United States Secretary of Housing and Urban Development in Washington, D.C.

**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 Richard Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Clarence Hoenstine, and Homer Hartage
- Chief Deputy Comptroller as Clerk Jim Moye
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Commissioners Mary Johnson and Ted Edwards joined the meeting where indicated.

**FEBRUARY 15, 2001, PLANNING AND ZONING COMMISSION RECOMMENDATIONS**

**Action**

**Upon a motion by Commissioner Jacobs, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of February 15, 2001, with the exception of Cases Z-00-053, Z-00-078. Z-00-090, Z-00-112, and Z-01-007; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings as follows:**

- Case Z-00-053 in the name of Gifford Anglim, Goodings Plaza, on April 17, 2001.
- Case Z-00-078 in the name of SYC Civil Engineering, Vista Del Lago, on April 17, 2001.
- Case Z-00-090 in the name of Paul Shakespeare, Lake Burden Neighborhood, on May 1, 2001.
- Case Z-00-112 in the name of Larry Godwin, Lake Austin Planned Development, on April 17, 2001.
- Case Z-01-007 in the name of Paul Shakespeare, Lake Sawyer West, on May 1, 2001.

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commission under date of February 15, 2001, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant: Vincent A. Marchetti; Applicant: Gifford Anglim, Goodings Plaza, Case Z-00-053; public hearing date: April 17, 2001 (also a board-called-hearing).

### **CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION**

#### **Growth Management and Environmental Resources Department**

8. Approval of a developers agreement between ZP No. 60, Limited Partnership, and Orange County for a "Pay-As-You-Go" fee payment for Goldenrod Road (PD) - Kash N' Karry Store 1850, District 4 (Planning Division).

#### Discussion

Commissioner Hoenstine explained that he deferred this item so that he could have time to review the traffic impact and cost analysis related to the proposed agreement. He stated that he has no objection to the item's approval.

**Action**

**Upon a motion by Commissioner Hoenstine, seconded by Commissioner Hartage and carried with all present members present voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board approved a developers agreement between ZP No. 60, Limited Partnership, and Orange County for a "Pay-As-You-Go" fee payment for Goldenrod Road (PD) - Kash N' Karry Store 1850.**

**PETITION TO VACATE PUBLIC HEARING APPLICANT: BRADLEY ASHER; NO. 01-01, 5.0-FOOT PORTION OF A 10.0-FOOT UTILITY EASEMENT; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bradley A. Asher, Petition to Vacate 01-01, to vacate a 5.0-foot portion of a 10.0-foot utility easement; on property generally located west of the Florida Turnpike, and north of the Central Florida Parkway District 4; Section 14, Township 24, Range 29; 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.

**Appearances**

No one appeared regarding the request.

**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 present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board adopted a resolution granting Petition to Vacate 01-01 vacating a 5.0-foot portion of a 10.0-foot utility easement on the above-described property.**

**PETITION TO VACATE PUBLIC HEARING APPLICANT: LOUIS PEARLMAN;  
NO. 01-02, 5.0-FOOT UTILITY EASEMENT; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Louis J. Pearlman, Petition to Vacate 01-02, to vacate a 5.0-foot utility easement on Lot 30, Chain Du Lac Subdivision, on property generally located east of McKinnon Road, and south of Lake Butler Boulevard; District 1; Section 12, Township 23, Range 27; 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.

**Appearances**

No one appeared 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 Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Edwards were absent; the Board adopted a resolution granting Petition to Vacate 01-02 vacating a 5.0-foot utility easement on Lot 30, Chain Du Lac Subdivision.**

**SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: DICK WOLFE,  
DREDGE AND FILL PERMIT, LITTLE LAKE CONWAY, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dick Wolfe for a shoreline alteration/dredge and fill permit to remove approximately 51 cubic yards of muck pursuant to Orange County Code, Chapter 15, Article 218, on property adjacent to Little Lake Conway, which is located at 4268 Tidewater Drive; District 4; Section 17, Township 23, Range 30; Orange County, Florida (the legal property description is on file).

Staff Report

Staff outlined the request and recommendations for approval subject to conditions.

**Commissioner Johnson joined the meeting.**

Appearances

The following person addressed the Board regarding the request:

- Ron Cray, Cray Marine; 4575 Kissimmee Park Road, St. Cloud, Florida; for the applicant.
- Dick Wolfe, the applicant; 4268 Tidewater 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 Sindler, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board approved a request by Dick Wolfe for a shoreline alteration/dredge and fill permit to remove approximately 51 cubic yards of muck, on Little Lake Conway, subject to the following conditions:**

- 1. Turbidity must be confined to the permitted area of work by the use of best management practices, such as screens, filter cloth, etc.**
- 2. The Environmental Protection Division (EPD) must be notified by the applicant or contractor of the start and completion dates of the project.**
- 3. After the completion of the muck removal, the shoreline must be replanted with a minimum of 700 native, aquatic plants on two-foot (2') centers, allowing for a 30-foot access corridor.**
- 4. Construction shall be performed using the criteria set forth in Section 373.14 (5). This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department, division, or agency, the permittee must comply with the most stringent conditions.**

**(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 465 FOR DISCUSSION AND ACTION.)**

**BOAT RAMP PUBLIC HEARING - APPLICANT: CCC/GBI KEENE'S POINTE, LP; SEMI-PRIVATE PERMIT, LAKE BURDEN; DISTRICT 1 (CONTINUED FROM DECEMBER 5, 2000, AND JANUARY 30, 2001)**

By consensus, the Board reopened the public hearing to consider a request by CCC/GBI Keene's Pointe, LP, for a permit to construct a boat ramp, pursuant to Orange County Code, Chapter 15, Article XV, continued from the December 5, 2000, and January 30, 2001, Board meetings (the legal property description is on file).

and

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: CASTLE AND COOK, KEENE'S POINTE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP, DISTRICT 1 (CONTINUED FROM DECEMBER 5, 2000, AND JANUARY 30, 2001)**

By consensus, the Board reopened the public hearing to consider a substantial change request by Castle & Cooke, Keene's Pointe Planned Development/Land Use Plan (PD/LUP), to amend the LUP to clarify a condition of approval placed on Keene's Pointe on February 25, 1997, restricting the development of a boat ramp within Keene's Pointe. The clarification would continue to prohibit a ramp accessing Lake Tibet-Butler from Keene's Pointe while allowing a ramp to be installed accessing Lake Burden from Keene's Pointe continued from the December 5, 2000, and January 30, 2001, Board meetings (the legal property description is on file).

**Staff Report**

Staff stated that the applicant has requested that the public hearings be continued to allow time for the applicant to record the plat prior to Board consideration.

**Appearances**

No one appeared regarding the requests.

**Discussion**

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

**Action**

**Upon a motion by Commissioner Jacobs, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board continued the public hearings to consider the following:**

- A request by CCC/GBI Keene's Pointe, LP, for a permit to construct a boat ramp on Burden.
- A request by Castle & Cooke, Keene's Pointe Planned Development/Land Use Plan (PD/LUP), to amend the LUP to clarify a condition of approval placed on Keene's Pointe on February 25, 1997, restricting the development of a boat ramp within Keene's Pointe (the clarification will continue to prohibit a ramp accessing Lake Tibet-Butler from Keene's Pointe while allowing a ramp to be installed accessing Lake Burden from Keene's Pointe);

until March 20, 2001, at 3 p.m.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: LOWNDES, DROSDICK, ET AL., P.A.; EXPRESSWAY CENTER/CENTRUST PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; Expressway Center/Centrust Planned Development/Land Use Plan (PD/LUP); to amend the LUP to establish a 150-foot monopole telecommunications tower within the Expressway Center/Centrust PD, pursuant to Orange County Code, Section 38-1207, on property generally located at the southeast corner of Chickasaw Trail and the East-West Expressway; District 3; Section 25, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff Report

Staff 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.

**Commissioner Edwards joined the meeting.**

Court Reporter

A court reporter, Toni D. Murray, CSR; Broadway Reporting, Inc; was present.

Appearances

The following persons addressed the Board regarding the request:

- Eddie Francis, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A. (no address given); for BellSouth.
- R.P. Mohnacky, 1820 Prarie Lake Boulevard, Ocoee, Florida.

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

- Composite Clerk's Exhibit 1, reports and maps.

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 approved the request by Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; Expressway Center/Centrust Planned Development/Land Use Plan (PD/LUP); to amend the LUP to establish a 150-foot monopole telecommunications tower within the Expressway Center/Centrust PD; which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan.**

**(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 456 and 457 FOR DISCUSSION AND ACTION.)**

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ROYAL CUSTOM BUILDERS, CYPRESS POINT PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP, DISTRICT 1 (CONTINUED FROM FEBRUARY 13, 2001)**

By consensus, the Board reopened the public hearing to consider a substantial change request by Royal Custom Builders, Cypress Point Planned Development/Land Use Plan (PD/LUP), to amend the LUP to reduce the size of Lots 42 through 71 from 90 feet by 140 feet to 80 feet by 122 feet, continued from the February 13, 2001, Board meeting (the legal property description is on file).

and

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ROYAL CUSTOM BUILDERS, CYPRESS POINT PLANNED DEVELOPMENT-CYPRESS POINT PHASE IV PRELIMINARY SUBDIVISION PLAN, AMEND PLAN, DISTRICT 1 (CONTINUED FROM FEBRUARY 13, 2001)**

By consensus, the Board reopened the public hearing to consider a substantial change request by Royal Custom Builders, Cypress Point Planned Development - Cypress Point Phase IV Preliminary Subdivision, to change the minimum lot size from 90 feet by 140 feet to 80 feet by 122 feet, continued from the February 13, 2001, Board meeting (the legal property description is on file).

**Staff Report**

Staff reviewed the change requests and the Development Review Committee's determination of substantial change. Staff stated the DRC recommended approval of the requests.

**Appearances**

The following persons addressed the Board regarding the requests:

- George Garrett, 544 West Par Street, Orlando, Florida, for the applicant.
- Scott Henderson, 9003 Kilgore Road, Orlando, Florida.

### Discussion

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

Commissioner Jacobs requested that conditions be added as follows for the request regarding Cypress Point Planned Development – Cypress Point Phase IV Preliminary Subdivision Plan:

- An eight-foot (8') brick wall shall be constructed along Lots 46 through 50.
- Prior to platting, a landscape plan for tree plantings along the western edge of the retention pond shall be approved.

### 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 following:**

- **The request by Royal Custom Builders, Cypress Point Planned Development/Land Use Plan (PD/LUP), to amend the LUP to reduce the size of Lots 42 through 71 from 90 feet by 140 feet to 80 feet by 122 feet; which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan;**
- **The request by Royal Custom Builders, Cypress Point Planned Development - Cypress Point Phase IV Preliminary Subdivision to change the minimum lot size from 90 feet by 140 feet to 80 feet by 122 feet; which constitutes substantial changes to the developments on the above-described properties; subject to the following conditions:**
  1. **Development shall conform to the Cypress Point Planned Development; Orange County Board of County commissioners' (BCC) approvals; Cypress Point Phase IV Preliminary Subdivision, dated "Received November 29, 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 my 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. An eight-foot (8') brick wall shall be constructed along Lots 46 through 50.
3. Prior to platting, a landscape plan for tree plantings along the western edge of the retention pond shall be approved;

as amended below.

**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 amended the above motion to revise Condition 3 for the request regarding Cypress Point Planned Development - Cypress Point Phase IV Preliminary Subdivision as follows:

- Prior to platting, a landscape plan for tree plantings of three-inch caliber oak trees planted 40 inches on center along the western edge of the retention pond shall be approved.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: HARLING LOCKLIN & ASSOCIATES, INC.; COLONIAL SUNFLOWER PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP; DISTRICT 4 (CONTINUED FROM JANUARY 2, 2001)**

By consensus, the Board reopened the public hearing to consider a substantial change request by Harling Locklin & Associates, Inc.; Colonial Sunflower Planned Development/Land Use Plan (PD/LUP); to amend the LUP for the following changes:

- Convert 1,200 approved single-family units to 600 single-family units, 364 mobile home lots, and 600 apartment units, for a total of 1,564 units.
- Identify a school site in the East Village and relocate the park site from the East to West Village.

- Realign the north-south connector road to line up with the south connection.
- Delete collector road "B" from previous LUP;

continued from the January 2, 2001, Board meeting (the legal property description is on file).

#### Staff Report

Staff stated that the applicant has withdrawn the request.

#### Appearances

No one appeared regarding the request.

#### Discussion

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

#### Action

**By consensus, the Board accepted the withdrawal of the request by Harling Locklin & Associates, Inc.; Colonial Sunflower Planned Development/Land Use Plan (PD/LUP); to amend the LUP for the following changes:**

- **Convert 1,200 approved single-family units to 600 single-family units, 364 mobile home lots, and 600 apartment units, for a total of 1,564 units.**
- **Identify a school site in the East Village and relocate the park site from the East to West Village.**
- **Realign the north-south connector road to line up with the south connection.**
- **Delete collector road "B" from previous LUP.**

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: APPLICANT: MERWAN NAIME, MONACO PRELIMINARY SUBDIVISION PLAN, AMEND PLAN, DISTRICT 3 (CONTINUED FROM FEBRUARY 13, 2001)**

By consensus, the Board reopened the public hearing to consider a substantial change request by Merwan Naime, Monaco Preliminary Subdivision, for a change relating to the stormwater discharge system, continued from the February 13, 2001, Board meeting (the legal property description is on file).

**Staff Report**

Staff reviewed the change request and the Development Review Committee's determination of substantial change. Staff stated the DRC recommended approval of the request.

**Appearances**

The following person addressed the Board regarding the request:

- Max Sabeti; 128 East Colonial Drive, Orlando, Florida; for the applicant.

**Discussion**

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

**Commissioner Jacobs left the meeting.**

**Action**

**Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved the request by Merwan Naime, Monaco Preliminary Subdivision, for a change relating to the stormwater discharge system which constitutes a substantial change to the development on the above-described property; subject to the following condition:**

- **Development shall conform to the Monaco Preliminary Subdivision, dated "Received October 2, 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 donctions, or by action approved by the Orange County Board of County Commissioners (BCC), or by action of the BCC.

**Commissioner Hartage left the meeting.**

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -  
APPLICANT: LAKE CYPRESS COVE 2, INC.; LAKE CYPRESS COVE; CASE  
Z-00-094, JANUARY 18, 2001; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Lake Cypress Cove 2, Inc.; Lake Cypress Cove Phases 2 and 3; to rezone Rural Country Estate (RCE) (1998) to Planned Development (PD), on property generally located north of Winter Garden-Vineland Road on the northwest side of Marleon Drive; District 1; Section 13, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

**Staff Report**

Staff outlined the request and identified the location of the subject property and the surrounding zoning classifications.

**Commissioner Jacobs rejoined the meeting.**

**Appearances**

The following person addressed the Board regarding the request:

- Randy June, 71 East Church Street, Orlando, 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 present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved the request by Lake Cypress Cove 2, Inc.;**

**Lake Cypress Cove Phases 2 and 3; to rezone Rural Country Estate (RCE) (1998) to Planned Development (PD), on the above described property; subject to the following conditions:**

- 1. Development shall conform to the Lake Cypress Cove, Phases 2 and 3 Land Use Plan, dated "Received December 14, 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 action of the BCC.**
- 2. Prior to construction plan approval, a master stormwater management plan shall be submitted to the County engineer for review and approval.**

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -  
APPLICANT: KAREN J. BAKEWELL; CASE Z-01-003, JANUARY 18, 2001;  
DISTRICT 2**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Karen Bakewell to rezone Residential Single-family Dwelling District (R-1A)(1957) to Industrial District (I-2/I-3), on property generally located on the west side of John Young Parkway south of Friendly Avenue, 3003 Friendly Avenue; District 2; Section 9, Township 22, Range 29; Orange County, Florida (the legal property description is on file).

**Commissioner Hartage rejoined the meeting.**

**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.

Staff stated that, in response to permitted uses in the requested rezoning district, Commissioner Sindler has requested that the Board consider modifying the requested zoning district to Restricted Industrial District (I-1A) and that staff does not object to the modification.

Appearances

No one appeared regarding the request.

Discussion

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

Commissioner Sindler requested that the Board approve the rezoning to Restricted Industrial District (I-1A) subject to prohibition of the following uses:

- Temporary mobile homes.
- Travel trailers.
- Recreational vehicles.
- Crisis center.
- Juvenile correction home.
- Training schools for delinquents.
- Drug rehabilitation center.
- Juvenile group homes.
- Privately run adult correctional facilities and prisons.
- Adult entertainment.
- Outdoor storage.

**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 request by Karen Bakewell to rezone Residential Single-family Dwelling District (R-1A)(1957) to Restricted Industrial District (I-1A), on the above described property, subject to prohibition of the following uses:**

- **Temporary mobile homes.**
- **Travel trailers.**
- **Recreational vehicles.**
- **Crisis center.**
- **Juvenile correction home.**
- **Training schools for delinquents.**
- **Drug rehabilitation center.**
- **Juvenile group homes.**

- Privately run adult correctional facilities and prisons.
- Adult entertainment.
- Outdoor storage.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - RUBY LAKE RANCH  
PLANNED DEVELOPMENT-MARBELLA PHASE 2 PRELIMINARY SUBDIVISION,  
DISTRICT 1 (CONTINUED FROM NOVEMBER 28, 2000; JANUARY 2, 2001; AND  
FEBRUARY 13, 2001)**

By consensus, the Board reopened the public hearing to consider the Ruby Lake Ranch Planned Development-Marbella Phase 2 Preliminary Subdivision Plan continued from the November 28, 2000; January 2, 2001; and February 13, 2001, Board meetings.

**Staff Report**

Staff explained that this public hearing was continued pending approval of the Buena Vista North District Standards. Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

**Appearances**

The following persons addressed the Board regarding the plan:

- Jim Hall, Canin Associates, 500 Delaney Avenue, Orlando, Florida.
- David Plavin, 10226 Emerald Woods Avenue, Orlando, Florida.
- Robert Kelly, 10034 Crystallin Court, Orlando, Florida.
- Kathy Keller, 124 East Colonial Drive, Orlando, Florida; for Corrina, Inc.

**Discussion**

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

For the record, Commissioner Jacobs stated that the subject property was rezoned in 1997 and one of the conditions of approval reads as follows:

- Development Guidelines for the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal including, but not limited to, lighting standards, sign regulations, open space standard, building orientation, and location of parking lots.

#### Legal Counsel

In response to a question by Commissioner Jacobs regarding the County's ability to impose the Buena Vista North District Standards on the proposed project, the County Attorney reported that nothing in those standards would exempt any property that does not already have development plan approval. He noted that the project's sign plan may be exempt because that development plan had been approved. Mr. Wilkes stated that it is the position of the County Attorney's Office that the proposed project is subject to the Buena Vista North District Standards.

#### 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 April 10, 2001, at 3 p.m.**

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: BRITTANY CONSTRUCTION, INC.; BRIDLE PATH PLANNED DEVELOPMENT/LAND USE PLAN (PD/ LUP), AMEND LUP, DISTRICT 2 (CONTINUED FROM JANUARY 30, 2001)**

By consensus, the Board reopened the public hearing to consider a substantial change request by Brittany Construction, Inc.; Bridle Path Planned Development/Land Use Plan (PD/LUP); to amend the LUP to introduce a bed and breakfast homestay as a new use within the planned development (an additional public hearing before the Board of Zoning Adjustment regarding individual site requirements is required), continued from the January 30, 2001, Board meeting (the legal property description is on file).

#### Staff Report

Staff explained that the public hearing was continued to allow time to hold a community meeting. Staff reviewed the change request and the Development Review Committee's determination of substantial change. Staff stated the DRC recommended approval of the request.

### Appearances

The following persons addressed the Board regarding the request:

- Paul Novak, Brittany Construction, 1996 Gotha Road, Windermere, Florida.
- Wanda MacLarty, 7022 Delora Drive, Orlando, Florida.

### Discussion

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

### Action

**Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board denied the request by Brittany Construction, Inc.; Bridle Path Planned Development/Land Use Plan (PD/LUP); to amend the LUP to introduce a bed and breakfast homestay as a new use within the planned development, on the above-described property.**

### **BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: DEMETRIUS METTELUS; ITEM 12, JANUARY 4, 2001; DISTRICT 6**

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Demetrius Metellus of the recommendation of the Board of Zoning Adjustment, dated January 4, 2001, on a request by Demetrius Metellus for a special exception in a Single-family Dwelling District to convert residence to child day care center (29 children proposed) and variances as follows:

- Eliminate ten-foot (10') buffer requirement between day care center and adjoining residential districts (all boundaries).
- Provide less than the minimum of six (6) parking spaces required.
- Allow ground sign four feet (4') from front of property line in lieu of ten feet (10');

on property generally located on the north side of Montview Street, 525 feet west of Rio Grande Avenue; District 6; Section 3, Township 23, Range 29; Orange County, Florida (the legal property description is on file).

#### Staff Report

Staff 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 persons addressed the Board regarding the request:

- Demetrius Mellutus, the applicant, 1629 Moutview Street, Orlando, Florida.
- Niva Filus, 4614 Alrix Drive, Orlando, Florida.
- Von Misamore 13716 Calla De Ora Court, Clermont, Florida.
- Denise Mellutus (no address given).

#### Discussion

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

#### Action

**Upon a motion by Commissioner Hartage, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Demetrius Metellus for a special exception in a Single-family Dwelling District to convert residence to child day care center (29 children proposed) and variances as follows:**

- **Eliminate ten-foot (10') buffer requirement between day care center and adjoining residential districts (all boundaries).**
- **Provide less than the minimum of six (6) parking spaces required.**
- **Allow ground sign four feet (4') from front of property line in lieu of ten feet (10');**

**on the above-described property.**

**JOINT PLANNING AGREEMENT PUBLIC HEARING - SIXTH AMENDMENT  
BETWEEN ORANGE COUNTY AND THE CITY OF MAITLAND; DISTRICTS 2,  
5 (CONTINUED FROM JANUARY 30, 2001)**

By consensus, the Board reopened the public hearing to consider the Sixth Amendment to the Orange County/Maitland Joint Planning Area (JPA) Agreement; Districts 2 and 5; Orange County, Florida.

**Staff Report**

Staff requested that the public hearing be continued.

**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 Sindler, 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 Sixth Amendment to the Orange County/Maitland Joint Planning Area (JPA) Agreement until April 17, 2001, at 3 p.m.**

**BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING -  
APPLICANT: WESTGATE LAKES PLANNED DEVELOPMENT; NOVEMBER 2, 2000,  
ITEM 5; DISTRICT 1 (APPEAL FILED BY DAVID SIEGEL, ADDITIONALLY)  
(CONTINUED FROM JANUARY 23, 2001)**

By consensus, the Board reopened the public hearing to consider a request by Westgate Lakes Planned Development (PD), of the zoning manager's determination that the Westgate Lakes PD prohibits all vessels with internal combustion engines whether rented through a commercial enterprise or privately owned, except for one emergency rescue boat, continued from the January 23, 2001, Board meeting (the legal property description is on file).

Staff Report

Staff stated that the applicant has requested a continuance because he was called out of town on a legal matter.

Appearances

No one appeared 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 request by Westgate Lakes Planned Development (PD), of the zoning manager's determination that the Westgate Lakes PD prohibits all vessels with internal combustion engines whether rented through a commercial enterprise or privately owned, except for one emergency rescue boat, on the above-described property until April 17, 2001, at 3:30 p.m.; subject to the condition that the Board will not entertain another motion for a continuance.**

**NONAGENDA - REQUEST TO RECONSIDER**

Commissioner Jacobs stated she would like the Board members to reconsider Administrative Support Department Discussion Item 3 regarding the selection of one firm and two alternates to provide continuing engineering services for geotechnical and materials testing, RFP Y1-900-PH.

Discussion

The Board discussed the overall cost of the contract.

**Action**

**Upon a motion by Commissioner Jacobs, seconded by Commissioner Johnson, and carried with County Chairman Crotty and Commissioners Jacobs, Johnson, and Hartage voting AYE by voice vote; Commissioners Sindler, Hoenstine, and Edwards voting NO by voice vote; the Board approved reconsideration of the selection of three firms:**

- Ardaman/GPA Joint Venture
- Nodarse & Associates, Inc.
- Universal Engineering Sciences, Inc.

with Ardaman/GPA Joint Venture receiving 50 percent of the contract work and Nodarse & Associates, Inc., and Universal Engineering Sciences, Inc., each receiving 25 percent of the contract work; and further, authorized staff to enter into contract negotiations for continuing engineering services for geotechnical and materials testing, RFP Y1-900-PH.

**Action**

A motion by Commissioner Jacobs, seconded by Commissioner Johnson, with County Chairman Crotty and Commissioners Jacobs and Johnson voting AYE by voice vote; Commissioners Sindler, Hoenstine, Edwards, and Hartage voting NO by voice vote; to continue consideration of the selection of one firm and two alternates to provide continuing engineering services for geotechnical and materials testing, RFP Y1-900-PH, for 30 days failed.

**Action**

Upon a motion by Commissioner Edwards, seconded by Commissioner Sindler, and carried with County Chairman Crotty and Commissioners Sindler, Hoenstine, Edwards, and Hartage voting AYE by voice vote; Commissioners Jacobs and Johnson voting NO by voice vote; the Board selected three firms:

- Ardaman/GPA Joint Venture
- Nodarse & Associates, Inc.
- Universal Engineering Sciences, Inc.

with Ardaman/GPA Joint Venture receiving 50 percent of the contract work and Nodarse & Associates, Inc., and Universal Engineering Sciences, Inc., each receiving 25 percent of the contract work; and further, authorized staff to enter into contract negotiations for continuing engineering services for geotechnical and materials testing, RFP Y1-900-PH.

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 5:15 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

\_\_\_\_\_  
County Chairman

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Minutes Coordinator