

MEETING OPENED

There being a quorum, the County Chairman called the meeting of the Orange County Board of County Commissioners to order at 9 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, August 26, 2003. The following were present:

- County Chairman Richard Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mary I. Johnson, Linda Stewart, Ted Edwards, and Homer Hartage
- Deputy County Administrator Tom Weinberg
- County Attorney Tom Drage
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

The Board paused for the invocation by the Reverend Arturo Parra of the Conway Methodist Church, followed by the Pledge of Allegiance to the Flag. The County Chairman presented a certificate of appreciation to Pastor Parra.

PRESENTATIONS

Presentation of Proclamation designating the week of August 25 through August 30, 2003, as "Fire Fighters Appreciation Week" to Jerry Polk, president of the Orange County Firefighters Union; Claudia Smith, MDA chairperson; and Orange County Fire Chief Carl Plaughter.

Presentation of Proclamation recognizing Ericka Dunlap, the new Miss Florida.

COUNTY CONSENT AGENDA

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

- Deleted County Administrator Item 3
- Deferred County Attorney Item 1 for a separate vote (see page 351 for subsequent approval)
- Deferred Administrative Services Department Item 11 until later in the day (see page 375 for subsequent approval)

- Amended Community and Environmental Services Department Item 5 to authorize Commissioner Stewart to sign the Memorandum of Understanding for the St. Johns River Alliance at the September 15, 2003, meeting in Jacksonville.

and further, approved the balance of the County Consent Agenda items as follows, including Commissioner's Report Addendum 1:

#### County Comptroller

1. Approval of the minutes of the July 15, 22, 23, and 24, 2003, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Approval of the disposition of tangible personal property as follows:
  - a. Scrap assets.
  - b. Dispose of assets that were demolished.
  - c. Return assets to the vendor for a full refund.

(Property Accounting Department).

3. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for periods as follows:
  - August 8, 2003, to August 14, 2003; total of \$23,028,085.24
  - August 15, 2003, to August 21, 2003; total of \$13,582,397.89

(Finance and Accounting Department).

#### County Administrator

1. Approval and execution of the original Grant-in-Aid Agreement authorizing the State Courts Administrator to make payments to Orange County in the amount of \$33,475 to support the Orange County Dispute Resolution Parent Coordination Program (Office of Management and Budget).

2. Approval to spend \$235,901 from the Law Enforcement Impact Fee fund for enhancements to the Tiburon Records Management System (Office of Management and Budget).
3. Approval of the \$125,000 budget detail and spending plan of the Orange Blossom Trail Safe Neighborhood Improvement District, and approval for staff to reimburse expenditures throughout the year for the Orange Blossom Trail Safe Neighborhood Improvement District for fiscal year 2003-04 up to the approved budget amount in accordance with the expenditure detail (Office of Management and Budget).

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

4. Approval of 2004 Safe Neighborhood Funding Distribution (Office of Management and Budget), in the total amount of \$172,000 as follows:

Pine Hills	\$ 10,000
Pinecastle/Skylake	10,000
South Apopka	19,000
Tildenville	38,000
Bellamy/Eatonville	19,000
Northwest Winter Park	19,000
Azalea Park	19,000
Kingswood Manor	19,000
Orlo Vista	19,000

5. Approval of 2004 ReNew projects list, all districts (Office of Management and Budget).

<u>Project Name</u>	<u>District or Countywide</u>	<u>Budget</u>
Parks & Recreation-Park Construction & Enhancement		
Rose Place Park	1	\$40,000
Shadow Bay Park	1	10,000
Lake Mann Park	6	75,000
Wadsworth/East		
Tangerine Park	2	100,000
NOCIA Quarter		

<u>Project Name</u>	<u>District or Countywide</u>	<u>Budget</u>
Midget Racetrack	2	70,000
Downey Park	3	150,000
Housing & Community Development-Community & Housing Projects		
Paint the Town	n/a	\$ 20,000
Washington Park/Lake Mann	6	80,000
Landscaping & Yard Mtnc.	Countywide	25,000
Housing repairs for Senior & Disabled Citizens	Countywide	50,000
Code Enforcement-Community Cleanup Programs		
Lot Cleanings	Countywide	\$ 75,000
Crackhouse Demolitions	Countywide	140,000
Utilities-Sewer & Water Programs		
Retrofit Program	Countywide	\$120,000
Water Conservation	Countywide	117,000
Public Works-Traffic & Sidewalk Improvements		
Sidewalk repairs	Countywide	\$ 370,000
Crosswalks(Countdown Devices)	Countywide	40,000
ROW Clean up Pilot	Countywide	350,000
Neighborhood Gateways	Countywide	100,000
Winter Park Pines	5	50,000
Hiwassee Retaining Wall Rehab	6	60,000
Raised School Crossings	Countywide	45,000
Environmental Protection-Tank Removal & Lake Projects		
Lakeshore Revegetation Video	Countywide	\$ 10,000
Home Heating Oil/Tank Removal	Countywide	50,000
Spanish Language Environmental	Countywide	14,000
Oakland Nature Preserve	1	50,000
Little Sand Lake	1	20,000
Lake Bell	2	7,500
Lake Willis	1	12,000

<u>Project Name</u>	<u>District or Countywide</u>	<u>Budget</u>
Lake Lucy Preserve	6	19,500
Cooperative Extension-Landscape Programs		
Landscaping Design Classes	Countywide	\$ 15,000
Streetscape	Countywide	150,000
Youth Community Conferences	Countywide	10,000
Youth Gardening & Nutrition Program	Countywide	10,000
Neighborhood Services-Community Improvement Grants		
Neighborhood Enhancement Grants		
Grants	Countywide	400,000
Capital Project Grants	Countywide	250,000
Planning Grants	Countywide	50,000
Community Cleanups	Countywide	45,000
Community Design Assistance	Countywide	100,000
ReNEW-Administration		
Administrative Costs	n/a	\$200,000
TOTAL		\$3,500,000

6. Approval of budget amendments 03-79, 03-80, 03-81, and 03-82 (Office of Management and Budget).

(Budget amendments are on file in the Comptroller Finance and Accounting Department.)

7. Approval of budget transfer 03-1687 (Office of Management and Budget).

(Budget transfer is on file in the Comptroller Finance and Accounting Department.)

8. Approval of the payment of intergovernmental claims of August 7, 2003, totaling \$177,963.86 (Risk Management Division).

9. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official County record \* see page 346-A (Agenda Development Office).
10. Confirmation of the County Chairman's staff reappointments for the 4th Quarter (July-September) fiscal year 2002-03 (Human Resources Division) as follows:
  - Thomas P. Breaud, Manager, Mosquito Control, Health and Family Services
  - Roger D. Cain, Manager, Development Engineering, Public Works
  - Jerry L. Demings, Director, Office of Public Safety, Public Safety
  - Thomas B. Drage, Jr., County Attorney, County Administration
  - Eric D. Gassman, Director of Fiscal Management, County Administration
  - Renzy Hanshaw, Manager, Civil Emergency Management, Fire Rescue
  - James E. Harrison, Manager, Engineering, Public Works
  - Joseph C. Kunkel, Manager, Highway Construction, Public Works
  - Barry H. Luke, Deputy Chief Comm. REG, Emergency Communications, Fire Rescue
  - Thomas J. Lyon, Deputy Chief Operations SRk, Fire Operations, Fire Rescue
  - William H. Potter, Jr., Manager, Parks and Recreation, Community and Environmental Services
  - Ruby Rozier, Manager, Traffic Engineering, Public Works
  - Sara K. Van Arsdel, Manager, Historical Museum, Health and Family Services
  - Michael A. Walker, Manager, Information Services, Convention Center
  - Marilyn Ward, Manager, Public Safety Communications, Public Safety

#### County Attorney

1. Ratification of the Mediation Settlement Agreement dated February 5, 2003, between Next Outdoor, Inc., and Orange County, Florida.

(As stated in the above motion, this item was deferred for a separate vote; see page 351 for subsequent action).

#### Administrative Services Department

1. Approval to award Invitation for Bids Y3-1054-HF, exterior landscape management at the Solid Waste Division (Landfill), to the low responsive and responsible bidder, P&L Lawn Maintenance, Inc. The estimated contract award amount is \$102,095 ([Solid Waste Division] Purchasing and Contracts Division).

- Animal Services Advisory Board on June 12, 2003
- Building Codes Board of Adjustments and Appeals on June 25, 2003
- Children and Family Services Board on June 30, 2003
- Citizen Review Board on June 2, 2003
- Citizen Review Board on June 23, 2003
- Commission on Aging on April 14, 2003
- Disability Advisory Board on June 3, 2003
- Orange County Emergency Medical Services Advisory Council on May 21, 2003
- Emergency Medical Services Medical Control Committee on April 2, 2003
- Environmental Protection Commission on June 25, 2003
- Lake Butler Water Quality Ad Hoc Committee on May 27, 2003
- International Drive Community Redevelopment Area CRA Advisory Committee on February 5, 2003
- International Drive Community Redevelopment Area CRA Advisory Committee on April 15, 2003
- Intergovernmental Risk Management Committee on July 10, 2003
- Intergovernmental Risk Management Committee on July 17, 2003
- Intergovernmental Risk Management Committee on July 24, 2003
- Intergovernmental Risk Management Committee on July 31, 2003
- Lake Bell Advisory Board on March 24, 2003
- Lake Conway Water and Navigation Control District Advisory Board on April 8, 2003
- Lake Conway Water and Navigation Control District Advisory Board on May 13, 2003
- Lake Conway Water and Navigation Control District Advisory Board on June 10, 2003
- Lake Holden Water Advisory Board on June 18, 2003
- Lake Jessamine Advisory Board meeting on April 17, 2003
- Lake Jessamine Advisory Board meeting on May 15, 2003
- Lake Killarney Advisory on March 20, 2003
- Lake Mary Jess Advisory Board on June 5, 2003
- Membership and Mission Review Board on June 20, 2003
- OBT Development Board on April 7, 2003
- Orange County Library System Board of Trustees on June 12, 2003
- Windermere Water and Navigation Control District Advisory Board on March 17, 2003

- Windermere Water and Navigation Control District Advisory Board on April 21, 2003
- Windermere Water and Navigation Control District Advisory Board on June 16, 2003

2. Approval to award Invitation for Bids Y3-756-SB, Eastern Regional Park construction, to the low responsive and responsible bidder, United Enterprises of Seminole County, Inc. The total contract award amount is \$931,100 ([Capital Projects Division] Purchasing and Contracts Division).
3. Approval of Sole Source Contract Y3-652-GH, Northwest Water Reclamation Facility Clarifier Drive unit replacement, with Dorr-Oliver Eimco, in the contract award amount of \$336,454 ([Utilities Engineering Division] Purchasing and Contracts Division).
4. Approval of Sole Source Contract Y3-647-LC, klampress high solids filter press, with Ashbrook Corporation, in the contract award amount of \$489,141 ([Utilities Engineering Division] Purchasing and Contracts Division).
5. Approval of Sole Source Contract Y3-501, consulting services for Customer Information System Project, with Langham Consulting Services, Inc., in the contract award amount of \$639,000 over 4 years ([Utilities Department] Purchasing and Contracts Division).
6. Approval of Amendment 3, Contract Y6-813, final engineering design services for Rock Springs Road (from Kelly Park Road to Ponkan Road) Phase II with Dyer, Riddle, Mills, and Precourt, Inc., in the amount of \$587,856.46 for a total contract amount to date of \$1,423,827.06 ([Public Works Engineering Division] Purchasing and Contracts Division).
7. Approval of Amendment 6, Contract Y5-809, additional engineering services for Old Winter Garden Road (from Apopka-Vineland Road to Hiawassee Road) with URS Corporation-Southern, in the amount of \$53,319.19 for a total contract amount to date of \$934,564.34 ([Public Works Engineering Division] Purchasing and Contracts Division).
8. Approval and execution by County Chairman of Second Amendment to Office Lease Expansion and Modification Agreement between ABB/Dickinson Partnership, LTD, and Orange County for office space for Value Adjustment Board located at 455 South Orange Avenue, Suite 100, Orlando, Florida, District 3 (Real Estate Management Division).

9. Approval and execution by County Chairman of County deed and authorization to disburse warrant to pay recording fees and record instrument for Eunice Avenue Transfer, District 2 (Real Estate Management Division).
10. Approval and execution by County Chairman of Encroachment Agreement for Meadow Woods Park, District 4 (Real Estate Management Division).
11. Approval and execution by County Chairman of drainage easement and authorization to record instrument for Stonehedge Preliminary Subdivision Plan, District 5 (Real Estate Management Division).

(As stated in the above motion, this item was deferred until later in the day (see page 375 for subsequent approval).

12. Approval of deed and authorization to record instrument for Oranole Way, District 2 (Real Estate Management Division).

#### Community and Environmental Services Department

1. Approval of an Orange County Proposed Consent Agreement in the case of Bryant Brown for failure to control turbid water on his construction site, failure to obtain a dredging permit, and causing a water quality violation in Lake Cawood. Administrative penalty in the amount of \$4,000 has been made payable to the Conservation Trust Fund, District 1 (Environmental Protection Division).
2. Approval of the Addendum to the Conceptual Approval Agreement between Orange County and Florida Communities Trust for the post-acquisition reimbursement of \$998,000 for the parcel informally known as the Natural Resource Center, District 5 (Environmental Protection Division).
3. Approval of the Addendum to the Conceptual Approval Agreement between Orange County and Florida Communities Trust for the post-acquisition reimbursement of \$2,038,162.80 for the parcel informally known as Parcel 105, District 5 (Environmental Protection Division).
4. Approval of the expenditure of \$75,000 from the Lake Holden Water Advisory Board MSTU for mechanical removal of noxious vegetation, District 4 (Environmental Protection Division).

5. Approval of the Memorandum of Understanding for the St. Johns River Alliance, all districts (Environmental Protection Division).

(As stated in the above motion, this item was amended to authorize Commissioner Stewart to sign the Memorandum of Understanding for the St. Johns River Alliance at the September 15, 2003, meeting in Jacksonville).

6. Approval of the Settlement Agreement between Florence Alexander, Trustee, and Orange County Code Enforcement for a fine and code violation resolution on CEB 00-172z, District 2 (Code Enforcement Division).
7. Approval to file claims of special assessment liens by Resolutions CEDD-042 through CEDD-046 for unsafe structures demolished by Orange County, pursuant to Ordinance Number 2000-04 as follows:

District	Property Located	Amount
1	348 13th Avenue	\$ 4,379.42
2	308 East 13th Street	\$ 2,666.92
4	237 Baron Road	\$ 2,380.42
6	1627 Grand Street	\$ 3,105.67
6	1309 West Kaley Street	\$ 2,875.52

(Code Enforcement Division).

8. Approval to advertise Resolutions 2003-CED-163 through 2003-CED-179 for special assessment liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning:

LC 03-386; LC 03-389; LC 03-395; LC 03-397; LC 03-402; LC 03-346;  
 LC 03-351; LC 03-352; LC 03-353; LC 03-362; LC 03-363; LC 03-366;  
 LC 03-370; LC 03-378; LC 03-380; LC 03-381; LC 03-383

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

## Growth Management Department

1. Approval of an Impact Fee Grant in the amount of \$10,000 to be used for the traffic, law, and fire impact fees for the Central Church of the Nazarene Incorporated, District 3 (Planning Division).

## Health and Family Services Department

1. Approval of the Child Care Food Program Application/Contract between the State of Florida Department of Health and Orange County for the continued provision of nutritional meals for eligible preschool children. There will be no cost to the County (Head Start Division).

INFORMATIONAL ITEMS\*

## County Comptroller

1. Receipt of the following file for the record documents:
  - a. Florida Public Service Commission notice of hearing and prehearing re: complaint by Supra Telecommunications and Information Systems Inc., against BellSouth Telecommunications, Inc., regarding BellSouth's alleged use of carrier to carrier information.
  - b. Florida Public Service Commission notice of hearing and prehearing re: petition for arbitration of unresolved issues in negotiation of Interconnection Agreement with BellSouth Telecommunications, Inc., by ITC^Deltacom Communications, Inc., dba ITC^Deltacom.
  - c. Minutes for a meeting of County Chairman Richard T. Crotty and Orlando City Commissioner Daisy Lynum with Reverend Zachery Tims, Sr., Pastor, New Destiny Christian Center, on July 29, 2003.
  - d. Designation of the Registered Agent and Registered Office for the Tohopekaliga Water Authority.
  - e. Special Act creating the Tohopekaliga Water Authority and map of the District.

- f. Orlando/Orange County Convention and Visitors Bureau, Inc., audit of financial statements for years ended December 31, 2002, and 2001.

(Comptroller Clerk of the Board of County Commissioners).

#### COUNTY CONSENT AGENDA ITEM DEFERRED

##### County Attorney

1. Ratification of the Mediation Settlement Agreement, dated February 5, 2003, between Next Outdoor, Inc., and Orange County, Florida.

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with County Chairman Crotty and Commissioners Sindler, Johnson, Stewart, Edwards, and Hartage voting AYE by voice vote; Commissioner Jacobs voting NO by voice vote; the Board approved the Ratification of the Mediation Settlement Agreement, dated February 5, 2003, between Next Outdoor, Inc., and Orange County, Florida.

#### ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of 1 firm and 2 alternates to provide continuity of operations plan (COOP), Request for Proposals Y3-1043-JS ([Civil Emergency Management Division] Purchasing and Contracts Division).

Staff stated that Commissioner Jacobs attended the August 6, 2003, Procurement Review Committee meeting for the selection of 1 firm and 2 alternates to provide continuity of operations plan (COOP), from the following firms listed alphabetically:

- DRC
- E R P & M
- Greenhorne & O'Mara
- ICF
- Laurie Besikof Lapidus & Company
- Space Imaging
- Vigilant Services Group

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

- #1 ERP&M
- #2 ICF
- #3 DRC

and further, authorized staff to enter into contract negotiations to provide continuity of operations plan (COOP), Request for Proposals Y3-1043-JS.

2. Selection of 1 firm and 2 alternates to provide construction, engineering, and inspection (CEI) services for Little Econ Greenway Phase II, Request for Proposals Y3-820-SB ([Capital Projects Division] Purchasing and Contracts Division).

Staff stated that Commissioner Hartage attended the July 23, 2003, Procurement Review Committee meeting for the selection of 1 firm and 2 alternates to provide construction, engineering, and inspection (CEI) services for Little Econ Greenway Phase II, from the following firms listed alphabetically:

- International Engineering Consultants, Inc.
- KCCS, Inc.
- ZHA, Inc.

Upon a motion by Commissioner Hartage, 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 KCCS, Inc.
- #2 International Engineering Consultants, Inc.
- #3 ZHA, Inc.

and further, authorized staff to enter into contract negotiations to provide construction, engineering, and inspection (CEI) services for Little Econ Greenway Phase II, Request for Proposals Y3-820-SB.

3. Selection of 1 firm and 1 alternate to provide general consulting and capital improvements program management, Request for Proposals Y3-904-PH ([Utilities Engineering Division] Purchasing and Contracts Division).

Staff stated that Commissioner Hartage attended the July 30, 2003, Procurement Review Committee meeting for the selection of 1 firm and 1 alternate to provide general consulting and capital improvements program management, from the following firms listed alphabetically:

- Jacobs Civil, Inc.
- PBS&J

Upon a motion by Commissioner Hartage, 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 PBS&J
- #2 Jacobs Civil, Inc.

and further, authorized staff to enter into contract negotiations to provide general consulting and capital improvements program management, Request for Proposals Y3-904-PH.

#### CONVENTION CENTER DISCUSSION AGENDA

1. Convention Center Grand Opening.

Staff presented a report on this item; Board discussion ensued. No action was taken.

#### COMMUNITY AND ENVIRONMENTAL RESOURCES DEPARTMENT DISCUSSION AGENDA

1. Overview of the Windermere Water and Navigation Control District Special Assessment budget, with particular attention to the Windermere Boat Patrol (Environmental Protection Division).

Staff presented a report on this item. Captain Ron Stucker, with the Orange

County Sheriff's Office, and Bob Burke, president of the Windermere Water and Navigation Control District, addressed the Board and contributed to the report. Board discussion ensued; Sergeant Gibbs, with the Orange County Sheriff's Office, contributed to the discussion. No action was taken.

PUBLIC WORKS DEPARTMENT/OFFICE OF EMERGENCY MANAGEMENT DISCUSSION  
AGENDA ADDENDUM 1

1. Discussion concerning status of potential flooding countywide.

Staff presented a report on this item; Board discussion ensued. No action was taken.

COMMISSIONER'S REPORT DISCUSSION AGENDA ADDENDUM 1

1. Approval for the Big Sand Lake Advisory Board to spend up to \$20,000 from the Big Sand Lake MSTU/BU to reimburse the Public Works Department for the cost of renting additional pumps to reduce the chance of flooding on Big Sand Lake.

Commissioner Jacobs presented a report and requested approval of this item.

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 to spend up to \$20,000 from the Big Sand Lake MSTU/BU to reimburse the Public Works Department for the cost of renting additional pumps to reduce the chance of flooding on Big Sand Lake.

The County Chairman adjourned the morning session.

MEETING CONVENED

The Board of County Commissioners convened as the Library District Governing Board in Commission Chambers on the First Floor, Orange County Administration Center. There being a quorum the Chairman called the meeting to order. The following were present:

- County Chairman Richard Crotty
- County Commissioners Teresa Jacobs, Bob Sindler, Mary I. Johnson, Linda Stewart, Ted Edwards, and Homer Hartage
- Deputy Clerk Rosilyn Stapleton

Commissioner Hartage and City of Orlando Commissioner Patty Sheehan were absent.

ORANGE COUNTY LIBRARY CONSENT AGENDA

1. Authorization and direction for the County Chairman and the Clerk, acting respectively, as Chairman of and Clerk to the Governing Board of the Orange County Library District, to execute and attest the resolution of the Governing Board of the Orange County Library District regarding the SunTrust Bank Line of Credit (Orange County Library District).

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; City of Orlando Commissioner Patty Sheehan was absent; the Library District Governing Board authorized the County Chairman and the Clerk, acting respectively, as Chairman of and Clerk to the Governing Board of the Orange County Library District, to execute and attest Resolution 2003-M-31 of the Governing Board of the Orange County Library District regarding the SunTrust Bank Line of Credit.

The Board adjourned as the Library District Governing Board and reconvened as the Board of County Commissioners.

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, Mary I. Johnson, Linda Stewart, and Ted Edwards
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioner Hartage joined the meeting where indicated.

AUGUST 21, 2003, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board accepted the recommendations of the Orange County Planning and

Zoning Commission under date of August 21, 2003, with the exception of Cases Z-03-010, Z-03-060, and Z-03-052; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings as follows:

- Case Z-03-010 in the name of WSG Development Company, Waterford Park II, on October 7, 2003
- Case Z-03-060 in the name of Aaron Gorovitz, Noah's Ark Self Storage PD, on October 7, 2003
- Case Z-03-052 in the name of Geoffrey Soloven, 6052 Turkey Lake Road PD, on October 7, 2003

PETITION TO VACATE PUBLIC HEARING-APPLICANT: ANNIE C. CASADONA; NO. 03-17, PORTION OF UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Annie C. Casadona, Petition to Vacate 03-17, to vacate a utility easement on lots in the Spring Villas Subdivision, on property located at 7317, 7313, 7309, 7305, 7301, 7279, 7275, 7271, 7267, 7263, 7259, 7255, 7251, and 7247 Spring Villas Circle; which is generally located south of Wallace Road, and west of Turkey Lake Road; Parcel IDs 26-23-28-8257-00-360, 26-23-28-8257-00-370, 26-23-28-8257-00-380, 26-23-28-8257-00-390, 26-23-28-8257-00-400, 26-23-28-8257-00-410, 26-23-28-8257-00-420, 26-23-28-8257-00-430, 26-23-28-8257-00-440, 26-23-28-8257-00-450, 26-23-28-8257-00-460, 26-23-28-8257-00-470, 26-23-28-8257-00-480, and 26-23-28-8257-00-490; District 1; Section 26, Township 23, Range 28; Orange County, Florida (the legal description is on file).

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

No one appeared regarding the request.

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

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 adopted a resolution granting Petition to Vacate 03-17 vacating a utility easement on lots in the Spring Villas Subdivision on the above-described property.

PETITION TO VACATE PUBLIC HEARING- APPLICANT: ROY HARRIS; NO. 03-19, PORTION OF UTILITY EASEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider request by Roy Harris, Petition to Vacate 03-19, to vacate a portion of a utility easement in the Deer Run South Phase 1 Subdivision, on property located at 212 Prairie Dune Way; which is generally located south of West Colonial, and west of Golfway Boulevard; Parcel ID 35-22-31-2005-00-840; District 4; Section 35, Township 22, Range 31; Orange County, Florida (the legal description is on file).

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

No one appeared regarding the request.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board adopted a resolution granting Petition to Vacate 03-19 vacating a portion of a utility easement in the Deer Run South Phase 1 Subdivision, on the above-described property.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-LAKE CYPRESS COVE PLANNED DEVELOPMENT-PHASE 2 AND 3 PSP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Lake Cypress Cove Planned Development-Phase 2 and 3 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 north of CR 535, west of Marleon Drive; Parcel ID 13-23-27-0000-00-004; District 1; Sections 13 and 24, Township 23, Range 27; Orange County, Florida This plan proposes the development of a 20.48-acre site for 16 residential units with a minimum living area of 2,000 square feet. The zoning is PD (the legal description is on file).

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

The following person addressed the Board regarding the request:

- Randy June, for the developer, 71 East Church Street, Orlando, Florida

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

Commissioner Jacobs requested the following language be added to proposed Condition 2: "If it is demonstrated that a positive outfall is available, then the developer shall comply with all applicable state, and local stormwater requirements and regulations."

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 Lake Cypress Cove Planned Development (PD) Phase 2 and 3 Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Lake Cypress Cove PD; Orange County Board of County Commissioners' (BCC) approvals; Phases 2 and 3 PSP, dated "Received July 14, 2003"; 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.

PSP approval automatically expires on August 26, 2004, in accordance with the Orange County Subdivision Regulations as amended.

2. The stormwater management system shall be designed to retain the 100-year/24-hour storm event on site, unless documentation with supporting calculations are submitted which demonstrates that a positive outfall is available. If it is demonstrated that a positive outfall is available, then the developer shall comply with all applicable state and local stormwater requirements and regulations.
3. Prior to earthwork or construction, the developer shall provide a copy of the

completed Florida Department of Environmental Protection National Pollution Discharge Elimination System Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division.

Commissioner Hartage joined the meeting

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING-CYPRESS LAKES PLANNED DEVELOPMENT-PHASE III TRACTS D AND L PSP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Cypress Lakes Planned Development-Phase III Tracts D and L Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of C.R. 419, north of S.R. 50; Parcel ID 16-22-32-0000-00-002; District 5; Section 16, Township 22, Range 32; Orange County, Florida. This plan proposes the development of an 87.58-acre site for 206 residential units with a minimum living area of 1,100 square feet. The zoning is PD (the legal description is on file).

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

The following persons addressed the Board regarding the request:

- William Carr, for the developer, 2828 Edgewater Drive, Orlando, Florida
- Bobby Beagles, 21302 Fort Christmas Road, Christmas, Florida
- Brenda Rogers, 2445 4th Street, Orlando, Florida
- Carmen Johnson, 18637 Bellmore Avenue, Orlando, Florida
- Lisa DeShriver (no address given)

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

Commissioner Edwards requested the minimum living area be increased to 1,200 square feet.

Upon a motion by Commissioner Edwards, seconded by Commissioner Hartage, and carried with County Chairman Crotty, and Commissioners Sindler, Johnson, Edwards, and Hartage voting AYE by voice vote; Commissioners Jacobs and Stewart voting NO by

voice vote; the Board approved the Cypress Lakes Planned Development (PD) Phase III Tracts D and L Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Cypress Lakes PD; Orange County Board of County Commissioners' (BCC) approvals; Phase III, Tracts D and L PSP, dated "Received May 28, 2003"; 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.

PSP approval automatically expires on August 26, 2004, 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 development is consistent with approved master drainage and utility plan for this PD.
3. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollution Discharge Elimination System Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division.
4. Cypress Lakes Boulevard shall be completed prior to the issuance of a Certificate of Completion for this PSP.
5. The minimum living area be increased to 1,200 square feet.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING-CYPRESS LAKES PLANNED DEVELOPMENT-PHASE IV TRACTS H AND I PSP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Cypress Lakes Planned Development-Phase IV-Tracts H and I Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of C.R. 419, north of S.R. 50; Parcel ID 16-22-32-0000-00-002;

District 5; Section 16, Township 22, Range 32; Orange County, Florida. This plan proposes the development of an 88.41-acre site for 164 residential units with a minimum living area of 1,200 square feet. The zoning is PD (the legal description is on file).

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

The following persons addressed the Board regarding the request:

- William Carr, for the developer, 2828 Edgewater Drive, Orlando, Florida
- Carmen Johnson, 18637 Bellmore Avenue, Orlando, Florida
- Brenda Rogers, 2445 4th Street, Orlando, Florida
- Bobby Beagles, 21302 Fort Christmas Road, Christmas, Florida
- Robert Kupke, 19733 Lake Pickett Road, Orlando, Florida

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

Upon a motion by Commissioner Edwards, seconded by Commissioner Sindler, and carried with County Chairman Crotty and Commissioners, Sindler, Johnson, Edwards, and Hartage voting AYE by voice vote; Commissioners Jacobs, and Stewart voting NO by voice vote; the Board approved the Cypress Lakes Planned Development (PD) Phase IV-Tracts H and I Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Cypress Lakes Planned Development PD; Orange County Board of County Commissioners' (BCC) approvals; Phase IV, Tracts H and I PSP, dated "Received May 22, 2003"; 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.

PSP approval automatically expires on August 26, 2004, 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 development is consistent with approved master drainage and utility plan for this PD.
3. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollution Discharge Elimination System Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division.
4. Cypress Lakes Boulevard shall be completed prior to the issuance of a Certificate of Completion for this PSP.

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, CHAPTER 9, THE DEVELOPMENT, ARCHITECTURAL, DESIGN, AND LANDSCAPING STANDARDS AND GUIDELINES

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

AN ORDINANCE AFFECTING THE USE OF LAND IN UNINCORPORATED ORANGE COUNTY; AMENDING PROVISIONS OF THE ORANGE COUNTY CODE PERTAINING TO DEVELOPMENT, ARCHITECTURAL, DESIGN AND LANDSCAPING STANDARDS FOR CERTAIN COMMERCIAL BUILDINGS, STRUCTURES, AND PROJECTS BY AMENDING CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS"), ARTICLE XIII ("ARCHITECTURAL STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS") BY AMENDING SECTION 9-551 ("INTENT AND PURPOSE"); AMENDING SECTION 9-552 ("APPLICABILITY"); AMENDING SECTION 9-553 ("DEFINITIONS"); AMENDING SECTION 9-554 ("BUILDING ORIENTATIONS; PRIMARY AND SECONDARY FACADES"); AMENDING SECTION 9-555 ("BUILDING DESIGN"); AMENDING SECTION 9-556 ("ROOF TREATMENTS"); AMENDING SECTION 9-559 ("DRIVE-THROUGH WINDOWS AND LANES"); CREATING SECTION 9-560 ("SERVICE AREA, LOADING DOCK AND DUMPSTER SCREENING"); CREATING SECTION 9-561 ("STORMWATER RETENTION PONDS"); AND CREATING SECTION 9-562 ("CURB STOPS; BUILDING PERIMETER CROSSWALKS"); BY ALSO AMENDING CHAPTER 24 ("LANDSCAPE, BUFFERING AND OPEN SPACE"), ARTICLE I ("IN GENERAL") BY AMENDING SECTION 24-4 ("GENERAL DESIGN AND DEVELOPMENT STANDARDS"); AND PROVIDING AN EFFECTIVE DATE.

Staff reviewed the proposed ordinance and outlined its provisions.

Staff requested that the Board affirmatively determine that:

- The proposal will not have a substantial economic impact
- Sufficient information has been provided for the Board to assess the economic impact
- An economic impact study is not practical for the proposed change under consideration
- Make a finding of consistency with the Comprehensive Policy Plan
- Adopt the Ordinance Amending the Architectural Standards Code

No one appeared regarding the proposed ordinance.

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

After Board discussion, staff outlined the changes to the proposed ordinance as follows:

- Section 9-552 (a)(1), to add on Line 102, "except for subsection 9-555 (c)(1) dayglow are prohibited in the exterior of buildings", after the word, "regulation."
- Section 9-554 (f), to add on Line 210, "However, such perimeter landscaping requirement shall allow for reasonable breaks for pedestrian access," after the word, "facade."
- Section 9-555 (c)(3), to add on Line 425, "consistent with Orange County Code, Chapter 31.5, the sign ordinance," before the word, "signage."

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

- The proposal will not have a substantial economic impact
- Sufficient information has been provided for the Board to assess the economic impact
- An economic impact study is not practical for the proposed change under consideration
- Make a finding of consistency with the Comprehensive Policy Plan

and further, adopted Ordinance 2003-11 amending the Development, Architectural, Design, and Landscaping Standards and Guidelines to include revisions as outlined by staff as follows:

- Section 9-552 (a)(1), to add on Line 102, "except for subsection 9-555 (c)(1) dayglow are prohibited in the exterior of buildings," after the word, "regulation."
- Section 9-554 (f), to add on Line 210, "However, such perimeter landscaping requirement shall allow for reasonable breaks for pedestrian access," after the word, "facade."
- Section 9-555 (c)(3), to add on Line 425, "consistent with Orange County Code, Chapter 31.5, the sign ordinance," before the word, "signage."

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT: JACK METALLO; ITEM 1, JULY 3 2003; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jack Metallo for a variance in County Estate District (RCE) zone to construct a swimming pool with screen enclosure 20 feet from the normal high water elevation of Lake Tibet Butler in lieu of 50 feet, on property generally located on the north side of Lone Tree Lane, 3/4 mile east of Winter-Garden Vineland Road; Parcel ID 32-23-28-1874-00-130; District 1; Section 33, Township 23, Range 28; Orange County, Florida (the legal description is on file).

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.

The following persons addressed the Board regarding the request:

- Lucy Cogswell, 10553 Down Lakeview Circle, Windermere, Florida
- Jack Metallo, the applicant, 9923 Lone Tree Lane, Orlando, Florida
- Ann Connolly, 4226 Down East Lane, Windermere, Florida

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

Commissioner Edwards requested adding the following condition: "Applicant must install an environmental standard reverse berm and swale approved by the Environmental Protection Department".

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with County Chairman Crotty and Commissioners Jacobs, Stewart, and Edwards voting AYE by voice vote, Commissioners Sindler, Johnson, and Hartage voting NO by voice vote; the Board approved the request by Jack Metallo for a variance in County Estate District (RCE) zone to construct a swimming pool with screen enclosure, on the above described property; subject to the following conditions:

1. The pool and pool enclosure shall be constructed no closer than 30 feet from the normal high water elevation of Lake Tibet Butler in lieu of 50 feet.
2. Prior to the issuance of any permits, the property owner shall record an Indemnification Agreement which indemnifies Orange County from any damages caused by the rise of the lake water level.
3. Pursuant to Environmental Protection Department comments dated June 20, 2003, turbidity must be confined to the permitted area of work by the use of best management practices, such as screens, filter cloth, etc., to prevent sediment from eroding into Lake Tibet Butler.
4. Applicant must install an environmental standard reverse berm and swale approved by the Environmental Protection Department.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT:  
SHANNON DECKER; ITEM 17, JULY 3 2003; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing regarding the determination of the Zoning manager that the subject property is not a farm on a request by Shannon Decker on property generally located on the south side of Fort Christmas Road, approximately 1,000 feet south of Reindeer Road, approximately 1/2 mile west of Phillips Road; Parcel ID 18-22-33-6217-00-002; District 5; Section 18, Township 22, Range 33; Orange County, Florida (the legal description is on file).

A court reporter, Patricia Eldridge, Landmark Reporting, Inc., was present.

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.

The following persons addressed the Board regarding the request:

- Shannon Decker, the applicant, 2811 Fort Christmas Road, Christmas, Florida
- Charlie Martin, for the applicant, Post Office Box 950, Apopka, Florida
- Robert Kupke, 19733 Lake Pickett Road, Orlando, Florida
- A. Kurt Ardaman, for the Orange County Farm Bureau, 170 East Washington Street, Orlando, Florida
- Dale Mudrak, 21522 Hobby Horse Lane, Christmas, Florida
- Bobby Beagles, 21302 Fort Christmas Road, Christmas, Florida
- Cory Goodman, 258 S.R. 13, Orlando, Florida

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

#### Composite Clerk's Exhibit 1

- Orange County Code provisions governing agricultural land
- Photographs of animals on subject property
- Sections 604.40, 604.50, and 604.60 Florida Statutes
- Sections 823.14, 163.3162, 581.011, and 193.461 Florida Statutes
- Kupke vs. Orange County, 838 So.2d 598 (Fla. 5th DCA 2003); Robbins vs. Racetrack Training Center, 833 So.2d306 (Fla. 3rd. DCA 2003); Markham vs. PPI, Inc., 843 So.2d 922 (Fla. 4th DCA 2003)
- Orange County Board of Zoning Adjustment's decision overruling Zoning Manager and determining that the subject property is a farm
- Letters from Shannon Decker's attorney to Zoning Manager and Letters from Zoning Manager to Shannon Decker's attorney
- Letters to Orange County from Shannon Decker
- John J. Lewis vs. Orange County, Florida, CVA1-00-80 (Fla. 9th Cir. Ct. Apr. 22, 2002)-Order Denying Motion for Reconsideration/Rehearing and Final Order and Opinion Reversing Lower Tribunal
- Private Farmers' Association of Orange County letter to Orange County produced at Board of Zoning Adjustment hearing on July 3, 2003
- Orange Property Appraiser printout showing Property zoned as A-2
- Zoning Division Agenda-dated August 26, 2003
- Sections 38-3, 38-77, and 38-79 Orange County Code

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

Composite Clerk's Exhibit 2, 13 photographs of subject site

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

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board overruled the recommendation of the Board of Zoning Adjustment and upheld the Zoning Manager's determination that the subject property, as described above, is not a farm.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: HAGEN CUSTOM HOMES, TANGLED OAK; CASE Z-02-081, JANUARY 16,  
2003; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Hagen Custom Homes to rezone Citrus Rural (A-1)(1957) to Tangled Oak Planned Development (PD), on property generally located on the south side of Orlando-Winter Garden Road and 1/2 mile south of Colonial Drive; Parcel ID 27-22-28-4880-00-320; District 1; Section 27, Township 22, Range 28; Orange County, Florida (the legal description is on file).

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 requested that proposed Condition 4 be replaced with the standard school enforcement condition.

The following persons addressed the Board regarding the request:

- Gregory Lee, for the applicant, 215 North Eola Drive, Orlando, Florida
- A. Kurt Ardaman, 170 East Washington Street, Orlando, Florida

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

Commissioner Jacobs requested adding a condition: "The applicant shall make every attempt to preserve all the mature existing trees and submit that tree preservation plan at the time they submit the Subdivision plan.

Commissioner Jacobs requested proposed Condition 6 read as follows:

"Project limited to 27 total lots, consisting of the following:

- Five 100-foot lots on the western perimeter of the property
- Four 85-foot lots
- Eighteen 75-foot lots"

Upon a motion by Commissioner Jacobs, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy plan and approved the request by Hagen Custom Homes to rezone Citrus Rural (A-1)(1957) to Tangled Oak Planned Development (PD), on the above described property; subject to the following conditions:

1. Development shall conform to the Tangled Oak PD Land Use Plan (LUP), dated "Received December 12, 2002," 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. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the county. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the county, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the county shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

3. Master water and wastewater plans including preliminary calculations shall be approved prior to approval of construction plans.
4. The following Education Condition of Approval shall apply:

Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of July 23, 2003.

Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 9 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor or assign under the Public Education Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

Developer, or its successor or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.

Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.

5. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances.
6. Project limited to 27 total lots, consisting of the following:
  - Five 100-foot lots on the western perimeter of the property
  - Four 85-foot lots
  - Eighteen 75-foot lots

7. The home sizes shall be a minimum of 2,300 square feet (air conditioned space).
8. The applicant shall construct a 6-foot brick wall along the north side of property (Old Winter Garden Road) to be setback 5 feet from the right-of-way line. The 5-foot area is to have landscaping consisting of hedge (36 inches in height), 7 oak trees (2 1/2-inch caliper), and 20 magnolia trees (100 gallon). The hedge will be planted 30 inches on center.
9. The project shall not be a gated community.
10. The applicant shall make every attempt to preserve all the mature existing trees and submit that tree preservation plan at the time they submit the subdivision plan.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:  
JAVIER E. OMANA, UNIVERSITY COLLEGE CENTER; CASE Z-03-059, JULY 17, 2003;  
DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Javier E. Omana to rezone Professional Office (PO) (2000), Chancellors Commons PD (1986) to University College Center Planned Development (PD), on property generally located on the north side of University Boulevard approximately 924 feet east of Rouse Road; Parcel ID 04-22-31-0000-00-030; District 5; Section 4, Township 22, Range 31; Orange County, Florida (the legal description is on file).

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.

The following person addressed the Board regarding the request:

- Javier Omana, the applicant, 1117 East Robinson Street, Orlando, Florida

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

Upon a motion by Commissioner Edwards, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan and approved the request by Javier E. Omana to rezone Professional Office (PO) (2000), Chancellors Commons PD (1986) to University College Center Planned Development (PD), on the above described property; subject to the following conditions:

1. Development shall conform to the University College Center Land Use Plan (LUP), dated "July 7, 2003"; 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 any applicable county 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. The uses, densities, intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the county. The PD/LUP constituted an agreement between the parties. The applicant and the applicants successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the county, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the county shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated and approved by both parties.
3. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances.
4. The project shall comply with the Commercial Design Standards Ordinance.
5. Pole signs and billboards shall be prohibited.
6. Prior to construction plan approval, master stormwater management, water, and wastewater plans, including preliminary calculations, for the PD shall be submitted for review and approval.
7. Outside storage/display shall be prohibited.

THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER. SEE PAGES 368 THROUGH 372 FOR APPEARANCES AND ACTION.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-STONE HEDGE PSP, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing for consideration of Stone Hedge PSP, 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 McCulloch Road, east of Rouse Road; Parcel ID 04-22-31-0000-00-062; District 5; Section 4, Township 22, Range 31; Orange County, Florida (the legal description is on file). This plan proposes the subdivision of a 3-acre site into 10 single-family residential units with a minimum living area of 2,400 square feet. The zoning is Single-family Dwelling District (R-1A).

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

The following persons addressed the Board regarding the request:

- Paul Detrick, for the developer, 47 North Orange Avenue, Orlando, Florida
- Linda Dorian, 11438 Swift Water Circle, Orlando, Florida
- Don Seldner, 11307 Riverbank Boulevard, Orlando, Florida
- Sam Giambarberee, 11421 Swift Water Circle, Orlando, Florida
- Mr. Simonet, 11325 Riverbank Boulevard, Orlando, Florida
- Gary Googe, 4424 Little Water Circle, Orlando, Florida
- George Livingston, 359 Beloit Avenue, Winter Park, Florida
- Susan Eberle, 652 West Palm Valley Drive, Oviedo, Florida
- Carl Napolitano, 11415 Swift Water Circle, Orlando, Florida
- Cynthia Edmonds, 1721 Windsor Drive, Winter Park, Florida
- Glenn Coleman, 413 West Valley Drive, Oviedo, Florida
- Dana Jones, 902 Arabian Avenue, Winter Springs, Florida
- Cecil Livingston, 3880 Golden Meadow Court, Oviedo, Florida

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

After discussion, Commissioner Edwards and Board members requested the following conditions be added:

- "Prior to issuance of certification of completion for the subdivision improvements, a 6-foot-high, 100 percent, opaque PVC fence shall be installed along the eastern and southern boundaries of the Stone Hedge property. At developer's option, a 6-foot-high solid brick or solid masonry wall may be constructed in conformance with subdivision regulations. The finish of such fence or wall shall be at least as attractive on the Rivers Bend side of the fence or wall as on the Stone Hedge side of the fence or wall. The Stone Hedge property owners' association shall be responsible for maintaining the fence or wall on the Stone Hedge side and on the Rivers Bend side for those portions of the Rivers Bend side where Rivers Bend lot owners grant access to the Stone Hedge property owners' association for such maintenance.
- "Prior to platting, the following restrictive covenant shall be placed on the property: No portion of any unit shall be leased for a period of less than 1 year. In addition, no portion of any unit shall be used for the purpose of renting or leasing a room or rooms there in the nature of a boarding house, hotel, motel, tourist, motor court, bed and breakfast, or student housing, or any other similar type of transient accommodation.
- "Each single-family home shall have a minimum heated and cooled living area of 2,400 square feet.
- "Development shall comply with Orange County Code Chapter 15, Article VIII, Tree Protection and Removal, and the tree plan submitted as part of this Preliminary Subdivision Plan. Consequently, individual lots are responsible for mitigating destruction of any trees proposed to be preserved on the tree plan at the time of development. Such mitigation shall be in the form of additional tree installation and payment of \$100 per inch up to 90 inches per acre into the Orange County Tree Fund. Live oaks and magnolias with DBH (diameter at breast height) of 24 inches or greater are counted at a 2 to 1 (2:1) ratio for both removal and preservation criteria."

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 Stone Hedge Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Stone Hedge PSP, dated "Received May 16, 2003"; 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 any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners, or by action of the BCC.

PSP approval automatically expires on August 26, 2004, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, a stormwater management plan shall be submitted to the Development Engineering Division for review and approval.
3. Prior to construction plan approval, a drainage easement on the adjacent retention pond shall be obtained from Orange County consistent with all permitting and Real Estate Management Division requirements.
4. To ensure compatibility with adjacent neighborhood lots, a waiver of Sections 34-226 and 34-227 of the Orange County Code is granted to provide for off-site stormwater management.
5. Prior to issuance of certification of completion for the subdivision improvements, a 6-foot-high, 100 percent, opaque PVC fence shall be installed along the eastern and southern boundaries of the Stone Hedge property. At the developer's option, a 6-foot-high solid brick or solid masonry wall may be constructed in conformance with subdivision regulations. The finish of such fence or wall shall be at least as attractive on the Rivers Bend side of the fence or wall as on the Stone Hedge side of the fence or wall. The Stone Hedge property owners' association shall own and shall be responsible for maintaining the fence or wall on the Stone Hedge side and on the Rivers Bend side for those portions of the Rivers Bend side where Rivers Bend lot owners grant access to the Stone Hedge property owners' association for such maintenance.
6. Prior to platting, the following restrictive covenant shall be placed on the property: No portion of any unit shall be leased for a period of less than 1 year. In addition, no portion of any unit shall be used for the purpose of renting or leasing a room or

rooms there in the nature of a boarding house, hotel, motel, tourist, motor court, bed and breakfast, or student housing, or any other similar type of transient accommodation.

7. Each single-family home shall have a minimum heated and cooled living area of 2,400 square feet.
8. Development shall comply with Orange County Code Chapter 15, Article VIII, Tree Protection and Removal, and the tree plan submitted as part of this Preliminary Subdivision Plan. Consequently, individual lots are responsible for mitigating destruction of any trees proposed to be preserved on the tree plan at the time of development. Such mitigation shall be in the form of additional tree installation and payment of \$100 per inch up to 90 inches per acre into the Orange County Tree Fund. Live oaks and magnolias with DBH (diameter at breast height) of 24 inches or greater are counted at a 2 to 1 (2:1) ratio for both removal and preservation criteria.

and

COUNTY CONSENT AGENDA ITEM DEFERRED

Administrative Services Department

11. Approval and execution by County Chairman of drainage easement and authorization to record instrument for Stone Hedge PSP, District 5 (Real Estate Management Division).

Upon a motion by Commissioner Edwards, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved execution by the County Chairman of drainage easement and authorization to record instrument for Stone Hedge PSP.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 9:45 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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

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

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