

MEETING OPENED

There being a quorum, the County Chairman called the meeting of the Orange County Board of County Commissioners to order at 9:15 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 27, 2004. The following were present:

- County Chairman Richard Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mary I. Johnson, Linda Stewart, Ted Edwards, and Homer Hartage
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Assistant Comptroller as Clerk Mark Fostier
- Deputy Clerk Rosilyn Stapleton

The Board paused for the invocation by the Reverend Johan Bergh of the People of Faith Lutheran Church, followed by the Pledge of Allegiance to the Flag. The County Chairman presented a certificate of appreciation to Pastor Bergh.

PRESENTATION

Presentation regarding HUD Homeless Assistance funding grant in the amount of \$741,960 to Housing and Community Development Division Manager Mitchell Glasser for Orange County.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Hartage, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board deleted Administrative Services Department Item 13; and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the December 16, 2003, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

2. Approval of the Disposition of Tangible Personal Property:
 - a. Scrap assets.
 - b. Trade in assets for an allowance towards the purchase of new equipment.
 - c. Dispose of assets that were totaled out by our Third Party Administrator or another insurance company.
 - d. Dispose of an asset that was sold at public auction.
 - e. Sell assets through sealed bid.
 - f. Donate assets to other agencies through Interlocal Agreements.
 - g. Donate assets with an approximate value of \$60 to Women of Renewing Minds, in lieu of selling at fair market value.

(Property Accounting Department).

3. Approval to pay Clerk of Courts' invoice in the total amount of \$356,130.11 for services rendered during the month of December 2003 (Administrative/Fiscal Division).
4. 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:
 - January 9, 2004, to January 15, 2004; total of \$34,228,626.99
 - January 16, 2004, to January 22, 2004; total of \$34,843,563.32

(Finance and Accounting Department).

Supervisor of Elections

1. Approval of Resolution 2004-M-03 changing four county voting precincts and creating one new county voting precinct as required by Florida Statute 101.001 (Orange County Supervisor of Elections).

County Administrator

1. Approval of budget amendments 04-23 and 04-24 (Office of Management and Budget).

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

2. Review and approval of the sufficiency of the public officials' bonds provided by Travelers Indemnity Company as required by F.S. 137.05 (Risk Management Division).
3. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official County record (Agenda Development Office).
4. Appointment of Kevin Shaughnessy to succeed Randy Burden as a Chairman's representative on the 2004 Charter Review Commission (Agenda Development Office).

County Attorney

1. Approval of Stipulated Final Settlement Agreement and General Release among Orange County, Construct Two Group, and S.R.P. Development Limited Partnership Joint Venture, LLC; and authorization for the County Chairman to execute the Settlement Agreement.

Administrative Services Department

1. Approval to award Invitation for Bids Y4-162-JS, Tree Trimming for the Parks and Recreation Division, to the low responsive and responsible bidder, Charlie's Tree Service. The estimated contract award amount is \$136,500 for a 1-year term ([Parks and Recreation Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y4-163-JS, Liquid Carbon Dioxide, to the low responsive and responsible bidder, Airgas Carbonic. The estimated annual contract award amount is \$584,500 ([Water Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y4-705-PH, Vizcaya Reclaimed Water Main Project, to the low responsive and responsible bidder, Masci Corporation. The total contract award amount is \$371,325 ([Utilities Engineering Division] Purchasing and Contracts Division).

4. Approval to award Invitation for Bids Y4-708-SB, Shadow Bay Park Site Improvements, to the low responsive and responsible bidder, Frank Irey Construction, Inc. The total contract award amount is \$379,000 ([Capital Projects Division] Purchasing and Contracts Division).
5. Approval of Contract Y2-828-DB, Professional Engineering Design Services for East-West Road Segment II (from Harrell Road to Dean Road) with URS Corporation-Southern. The total contract award amount is \$2,108,367.35 ([Public Works Engineering Division] Purchasing and Contracts Division).
6. Approval for Renewal of Software Support and Licensing Agreement for IBM Products and Systems, with IBM Corporation in the amount of \$362,172 ([Information Systems and Services Division] Purchasing and Contracts Division).
7. Approval of Task Authorization 7, Amendment 1, Contract Y6-804, Construction Phase Engineering Services for Supervisory Control and Data Acquisition Systems at the South Water Reclamation Facility, with EMA Services, Inc., in the amount of \$172,920 for a total contract amount of \$1,086,392 ([Water Reclamation Division] Purchasing and Contracts Division).
8. Approval to award Invitation for Bids Y3-791-DB, intersection improvements at Sand Lake Road and Turkey Lake Road, to the low responsive and responsible bidder, Cathcart Contracting Company. The total contract award amount is \$525,000 ([Highway Construction Division] Purchasing and Contracts Division).
9. Approval and execution by County Chairman of Resolutions and Subordinations of County Drainage Interests and authorization to record instruments for S.R. 423 (John Young Parkway) and S.R. 434, District 2 (Real Estate Management Division).
10. Approval and execution by County Chairman of Resolution 2004-M-04 and County Quit-Claim Deed and authorization to record instrument for Christmas Gardens, District 5 (Real Estate Management Division).
11. Approval and execution by County Chairman of Distribution Easement and authorization to record instrument for Fire Station #56, District 1 (Real Estate Management Division).

12. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Dr. Merchants Pediatrics, District 1 (Real Estate Management Division).
13. Approval of Contract for Sale and Purchase and Warranty Deed and authorization to disburse warrant to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Lakewood Avenue Affordable Housing, District 1 (Real Estate Management Division).

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

Community and Environmental Services Department

1. Acceptance of an Orange County Proposed Consent Agreement in the case of Myron Roseland for unauthorized clearing within a Class III Conservation Area. Administrative penalty in the amount of \$1,200 and mitigation fees in the amount of \$2,530.25 have been made payable to the Conservation Trust Fund. Additionally, Mr. Roseland has submitted an Application for Conservation Area Impact with double the permit fee in the amount of \$1,048, District 5 (Environmental Protection Division).
2. Acceptance of a Windermere Water and Navigation Control District Advisory Board Resolution to Expend Funds for the expenditure of \$350 to purchase a digital camera for use by the Butler Patrol to document violations on the Butler Chain of Lakes, District 1 (Environmental Protection Division).
3. Approval of the modification to Impact Permit Condition No. 1 that was approved at the Board of County Commissioners' meeting of August 19, 2003, concerning the Conservation Impact Permit for the Transeastern-Signature Lakes Project, District 1 (Environmental Protection Division).
4. Approval to file Partial Release of Special Assessment Lien by Resolution 2004-CEDD-005 against property located at 3 West 18th Street, pursuant to Ordinance Number 2000-04, District 2 (Code Enforcement Division).
5. Approval to file Claim of Special Assessment Lien by Resolutions 2004-CEDD-001 through 2004-CEDD-003 for unsafe structures demolished by Orange County pursuant to Ordinance Number 2000-04, Districts 2 and 6 (Code Enforcement Division).

<u>District</u>	<u>Property</u>	<u>CEB #</u>	<u>Owner(s)</u>	<u>Cost</u>
2	209 E. 12th Street	03-1020h	Alex & Veurthie Croumady	\$ 2,444.42
2	6656 Wadsworth Road	03-7524h	Ossie L. Storr Riley	\$3,257.92
6	950 Pinedale Avenue	03-9987h	John Robinson, Jr.	\$ 5,989.42

6. Approval to advertise Resolutions 2004-CED-015 through 2004-CED-034 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning:

LC 03-562; LC 03-581; LC 03-600; LC 03-582; LC 03-583; LC 03-596;
 LC 03-626; LC 03-627; LC 03-630; LC 03-579; LC 03-601; LC 03-603;
 LC 03-564; LC 03-571; LC 03-584; LC 03-585; LC 03-586; LC 03-593;
 LC 03-594; LC 03-622.

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

Health and Family Services Department

1. Approval of the renewal Alternative Transportation License for Mid-Florida Patient Transport, Inc., to provide wheelchair/stretchers services. The term of this certificate is from January 27, 2004, through January 27, 2006 (Emergency Medical Services Office).
2. Approval of the renewal Certificate of Public Convenience and Necessity for Orange County Sheriff Office-Chase 1 Helicopter to provide Advanced Life Support Air Transport Service. The term of this certificate is from January 27, 2004, through January 27, 2006. There is no cost to the County (Emergency Medical Services Office).
3. Approval of the application to license the East Orange Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).

4. Approval of the application to license the Lila Mitchell Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).
5. Approval and execution of annual standard contract between the Florida Department of Health and Orange County for FY 2003/2004 in the amount of \$27,214,394. The Orange County contribution is \$8,222,804 with \$1,486,629 being directly submitted to the Health Department on a quarterly basis. This contract is a continuation of the contracting provisions set forth in Florida Statute 154 and has been previously reviewed by all necessary state and local entities, all districts (Health and Family Services Department).

Utilities Department

1. Approval of the South Florida Water Management District AWS Funding Program Agreement for construction of a reclaimed water transmission main to supply reclaimed water in the south service area, District 4 (Engineering).
2. Approval of the Second Amendment to the City of Orlando/Orange County Wastewater Territorial Agreement and the Interlocal Agreement for City Use of the County Solid Waste Management System, all districts (Administration).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following file for the record documents:
 - a. Orange County Industrial Development Authority Oaths of Office for Michael T. Waldrop and Ron Marchman.
 - b. International Drive Master Transit and Improvement District Financial Statements for the year ended September 30, 2003.
 - c. City of Maitland Ordinance No. 1066, establishing a Redevelopment Trust Fund for the City of Maitland Community Redevelopment Area.
 - d. Orange Soil and Water Conservation District 2004 proposed budget.

- e. Orange County Research and Development Authority financial statements for the year ended September 30, 2003.
- f. City of Ocoee ordinance notice annexing a 3.52 acre vacant site located approximately 1,400 feet north of Wurst Road on the east side of Adair Street, at 1813 Adair Street.
- g. City of Ocoee ordinance notice annexing a 5.494-acre site located north of Colonial Drive/S.R. 50 approximately 1,750 feet west of the intersection of Clark Road and Colonial Drive, at 10125 West Colonial Drive and 10131 West Colonial Drive.

(Comptroller Clerk of the Board of County Commissioners).

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Reappointment of Max Hunt to the Planning and Zoning Commission or nomination and appointment of an individual to succeed him; and nomination and appointment of an individual to succeed Michael Grindstaff on the Planning and Zoning Commission; with terms expiring December 31, 2005 (Agenda Development Office).

Staff presented a report and requested consideration of this item; Board discussion ensued.

The Board members made nominations for 2 positions on the Planning and Zoning Commission for a term expiring December 31, 2005, as follows:

Chairman Crotty	- Max Hunt
Commissioner Johnson	- Debra Pierre
Commissioner Stewart	- Peter Betterman
Commissioner Edwards	- Carson Good

For 1 of the 2 positions, AYE votes were cast by voice vote as follows:

Max Hunt	County Chairman Crotty and Commissioner Jacobs
Peter Betterman	Commissioners Jacobs, Johnson, and Stewart
Carson Good	Commissioner Edwards
Debra Pierre	County Chairman Crotty, Commissioners Sindler, Johnson, Stewart, and Hartage

Ms. Pierre received a majority for 1 of the 2 positions for a term expiring December 31, 2005.

For the second position, AYE votes were cast by voice vote as follows:

Max Hunt	County Chairman Crotty; Commissioners Jacobs, Sindler, and Hartage
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Mr. Hunt received a majority for the second position for a term expiring December 31, 2005. No further votes were cast.

Commissioner Jacobs left the meeting.

FIRE RESCUE DEPARTMENT DISCUSSION AGENDA

1. Approval of the Interlocal Agreement among Orange County, City of Maitland, and Town of Eatonville for Fire Dispatch and Fire Rescue Protection and Rescue Services to the Town of Eatonville.

Staff presented a report and requested approval of this item; Board discussion ensued.

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved the three-party agreement for Fire Protection and Rescue Services and Fire Dispatch among the Town of Eatonville, the City of Maitland, and Orange County.

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, Mary I. Johnson, Linda Stewart, and Homer Hartage
- Senior Assistant County Attorney Joel Prinsell
- Deputy County Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioner Ted Edwards joined the meeting where indicated.

JANUARY 8, 2004, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of January 8, 2004, subject to the usual right of appeal by any aggrieved party.

JANUARY 15, 2004, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Upon a motion by Commissioner Hartage, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board accepted the recommendations of the Planning and Zoning Commission under date of January 15, 2004, with the exception of Case Z-03-013; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling a public hearing for Case Z-03-013 in the name of Vista Mar on March 2, 2004.

MSBU PUBLIC HEARING-MAGNOLIA SPRINGS, ESTABLISH FOR WALL CONSTRUCTION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider creation of the Magnolia Springs Municipal Service Benefit Unit (MSBU), and to impose non-ad valorem assessments against certain property located therein and collecting the assessments on the ad valorem tax bill for a period of 6 years. The project

to construct the privacy wall is referred to as the Lake Sherwood Hills West Subdivision Wall (the legal description is on file).

Staff reported that this request from the property owners has an annual cost of \$233 per lot for 6 years beginning with the November 2004 real estate tax bill.

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 Edwards was absent; the Board adopted a resolution establishing the Magnolia Springs Municipal Service Benefit Unit for wall construction at Magnolia Springs.

Commissioner Edwards joined the meeting.

THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE BELOW FOR DISCUSSION AND ACTION.

CONSERVATION AREA IMPACT PUBLIC HEARING-APPLICANT: CENTEX HOMES, WATERFORD CHASE EAST PHASE 3; CLASS I WETLANDS PERMIT; DISTRICT 4-CONTINUED FROM OCTOBER 28, 2003, AND DECEMBER 09, 2003

By consensus, the Board reopened the public hearing to consider a request by Centex Homes, Waterford Chase East Phase 3 for a Conservation Area Impact Permit for a Class I Wetlands, continued from October 28, 2003, and December 09, 2003, Board meetings.

and

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-WATERFORD CHASE EAST PLANNED DEVELOPMENT-WATERFORD CHASE EAST PHASE 3 PSP, DISTRICT 4-CONTINUED FROM OCTOBER 28, 2003, AND DECEMBER 09, 2003

By consensus, the Board reopened the public hearing to consider the Waterford Chase East Planned Development (PD)-Waterford Chase East Phase 3 Preliminary Subdivision

Plan (PSP) continued from the October 28, 2003, and December 09, 2003, Board meetings.

A court reporter, Jeanne Chessa McKnight; MJC Reporting, Inc.; was present.

Staff outlined the request for the Conservation Area Impact Permit and the recommendation for approval subject to conditions.

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

The following persons addressed the Board regarding the requests:

- Dwight Saathoff, for the applicant, 255 South Orange Avenue, Orlando, Florida
- Maurice Pierson (no address given)
- Brenda Rogers, 2445 4th Street, Orlando, Florida
- Tom Schneider, 14212 Abington Heights Drive, Orlando, Florida
- Nancy Schneider, 14212 Abington Heights Drive, Orlando, Florida
- Crista Gunning, 747 Scarborough Heights Drive, Orlando, Florida
- Tim Gunning, 747 Scarborough Heights Drive, Orlando, Florida
- Michael Gallaway, 753 Scarborough Heights Drive, Orlando, Florida
- David Ross, 15037 Moultrie Pointe Road, Orlando, Florida
- Susan Eberle, 652 West Palm Valley Drive, Oviedo, Florida
- Richard Meyers, 14022 King Sago Court, Orlando, Florida
- Ken Bosserman, 3504 Finch Street, Orlando, Florida
- Marjorie Holt, Sierra Club Central Florida Group, Post Office Box 4121, Maitland, Florida
- Dancie Hudson, 341 Walton Heath Drive, Orlando, Florida
- Paul Palmer, Palmer Homes (no address given)
- William White, 1418 Clark Summit Court, Orlando, Florida
- Tim Smith, for the applicant (no address given)
- Michael Holbrook, for the applicant (no address given)

The County Chairman accepted the following exhibits:

- Clerk's Composite Exhibit 1, Waterford Chase East PD/PSP/Development Plan Phase 3, submitted by Mr. Saathoff
- Clerk's Exhibit 2, petitions in opposition to Waterford Chase East Phase 3 submitted by Mr. Schneider

- Clerk's Exhibit 3, FEMA map changes submitted by Ms. Eberle
- Clerk's Exhibit 4, letter from Sierra Club Central Florida Group submitted by Ms. Holt

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

A motion by Commissioner Stewart, seconded by Commissioner Sindler, with Commissioners Sindler, Johnson, and Stewart voting AYE by voice vote; County Chairman Crotty and Commissioners Jacobs, Edwards, and Hartage voting NO by voice vote; to deny the request by Centex Homes, Waterford Chase East Phase 3, for a Conservation Area Impact Permit for Class I Wetlands, for the following reasons:

- No overriding public benefit to the request
- No other feasible or practical alternatives that will permit a reasonable use of the property
- Access not being denied but to follow the 50 foot buffer rule
- Will maintain reasonable use of land

failed.

Upon a motion by Commissioner Hartage, seconded by Commissioner Edwards, and carried with County Chairman Crotty and Commissioners Johnson, Edwards, and Hartage voting AYE by voice vote; Commissioners Jacobs, Sindler, and Stewart voting NO by voice vote; the Board approved the request by Centex Homes, Waterford Chase East Phase 3 for a Conservation Area Impact Permit for Class I Wetland, subject to the following conditions:

1. Wetland and upland preservation shall be accomplished through a conservation easement approved by the St. Johns River Water Management District and platted as separate tracts with development rights dedicated to Orange County. Copies of the recorded plats and easement documents must be submitted to the Environmental Protection Division (EPD) within 30 days of recording.
2. The upland buffer will be planted in accordance with the Upland Buffer Planting Plan as submitted by Bowyer Singleton, dated August 26, 2003. In addition, all wetland and upland preservations activities shall be completed in accordance with the "Mitigation Plan" submitted by Bowyer Singleton, dated August 26, 2003, to the EPD.

3. After 1 year, if 85 percent of the replanted species do not survive, additional replanting will be required. In addition, biannually monitoring will occur until such time as the 85 percent success criteria has been met.
4. Monitoring reports must be to be submitted no later than 1 month after the on-site evaluation has occurred.
5. Conservation areas must be clearly marked with signage describing the wetland buffer and wetland as restricted areas the language and design of which must be approved by the St. Johns River Water Management District and the EPD.
6. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to the EPD at the time of platting.
7. The EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
8. The applicant or contractor shall submit the Stormwater Pollution Prevention Plan to EPD for final approval prior to construction activities.
9. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. The permittee must require the contractor to review and maintain a copy of this permit, complete with all conditions, attachments, exhibits, and modifications in good condition at the construction site. The complete permit must be available upon request by Orange County staff.
11. If the EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit can be revoked.
12. This permit will expire 5 years from issuance date.

13. Written notification of the date the activity begins and upon completion of the project shall be given to the EPD by the applicant or contractor.
14. Turbidity and sediments must be confined to the permitted area of work by the use of best management practices as outlined in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual and must follow State surface water quality standards as outlined in 62-302.530 (70) and 62-4.242.
15. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other agency, department, or division, the permittee must comply with the most stringent conditions.
16. Applicant to maintain the current mitigation; no wetland impacts on the entire western border; and applicant to maintain the 50-foot average buffer.

Upon a motion by Commissioner Stewart, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Waterford Chase East Planned Development-Waterford Chase East Phase 3 Preliminary Subdivision Plan, until March 23, 2004, at 2:30 p.m.

Commissioner Jacobs left the meeting.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING-CHICKASAW RANCH ESTATES PSP, DISTRICT 3-CONTINUED FROM DECEMBER 09, 2003

By consensus, the Board reopened the public hearing to consider the Chickasaw Ranch Estates Preliminary Subdivision Plan, continued from the December 09, 2003, Board meeting.

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

Commissioner Johnson and staff modified Condition 3 to read: "The project shall have a minimum living area of 3,000 square feet" instead of 2,200 square feet; and further, recommended that a condition be added as follows: "This project shall comply with Article 8, Orange County Code for gated communities, as amended."

The following persons addressed the Board regarding the request:

- John Herbert, the applicant, 207 North Moss Road, Winter Springs, Florida
- Chet Goetz, 8528 Chickasaw Farms Lane, Orlando, Florida
- Jose Tony Rey (no address given)
- Marcos Marchena, 8535 Chickasaw Farms Lane, Orlando, Florida
- Jack Coward, 2004 South Chickasaw Trail, Orlando, Florida
- Paul Meyer, 8669 Chickasaw Farms Lane, Orlando, Florida

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

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved the Chickasaw Ranch Estates Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Chickasaw Ranch Estates PSP, dated "Received October 13, 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.

PSP approval automatically expires on January 27, 2005, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval certification with supporting calculations shall be submitted which demonstrates that the existing drainage system along Chickasaw Trail can accommodate this development.
3. The project shall have a minimum living area of 3,000 square feet under heated and cooled space only.
4. Waiver of Section 34-209 is granted requiring a solid masonry wall along Chickasaw Trail due to existing rural character of this particular roadway. In lieu of

a solid masonry wall, the developer shall install a 6-foot screen wall composed of part PVC (or similar non-wood materials) ranch-style fencing with landscaping and other part solid masonry wall with brick facing as illustrated on the PSP. This roadway screenwall shall maintain a 45-foot fence/30 foot wall fence-to-wall ratio.

5. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection (NPDES) Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.
6. This property lies within Airport Noise Zone "E," and is subject to the Airport Noise Zoning Ordinance. All plats associated with the property shall note in 12-point font type the following: "The properties delineated on this plat are subject to aircraft noise that may be objectionable."
7. Prior to construction plan approval, the developer shall obtain permission from Progress Energy to occupy any portion of Progress Energy's easement for access or any other use.
8. This project shall comply with Article 8, Orange County Code, for gated communities, as amended.

THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE BELOW FOR DISCUSSION AND ACTION.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: ERIC WARREN, STILLWATER CROSSINGS/CENTER BRIDGE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Eric Warren, Miller Sellen Conner and Walsh, Stillwater Crossings/Center Bridge Planned Development/Land Use Plan (PD/LUP), to amend the LUP to grant a waiver from Section 38-1387(b)(1) to allow townhome end units a maximum width greater than 32 feet, pursuant to Orange County Code, Section 38-1207; on property generally located west of Winter Garden-Vineland Road, north and east of Lake Speer; Parcel ID 14-23-27-0000-00-008; District 1; Section 14, Township 23, Range 27; Orange County, Florida (the legal description is on file).

and

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING-STILLWATER CROSSINGS/CENTER BRIDGE IN BRIDGEWATER PLANNED DEVELOPMENT-SUMMERPORT PARCEL SC-5 PSP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Stillwater Crossings/Center Bridge in Bridgewater Planned Development-Summerport Parcel SC-5 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 Lake Speer, west of C.R. 535; Parcel ID 14-23-27-0000-00-008; District 1; Section 15, Township 23, Range 27; Orange County, Florida (the legal description is on file).

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.

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

The following person addressed the Board regarding requests:

- Geoffrey McNeill, for the developer, 4750 New Broad Street, Orlando, Florida

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

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Eric Warren, Miller Sellen Conner and Walsh, Stillwater Crossings/Center Bridge Planned Development/Land Use Plan (PD/LUP), to amend the LUP to grant a waiver from Section 38-1387(b)(1) to allow townhome end units a maximum width greater than 32 feet, which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the LUP, dated "Received November 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 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.
3. 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.
4. The townhouse end units shall not exceed 35 feet in width.

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with County Chairman Crotty and Commissioners Sindler, Johnson, Edwards, and Hartage voting AYE by voice vote; Commissioner Stewart voting NO by voice vote; Commissioner Jacobs was absent; the Board approved the Stillwater Crossings/Center Bridge in Bridgewater Planned Development-Summerport Parcel SC-5 Preliminary Subdivision Plan (PSP), on the above-described property, subject to the following conditions:

1. Development shall conform to the Stillwater Crossings/Center Bridge in Bridgewater Planned Development (PD); Orange County Board of County Commissioners' (BCC) approvals; Summerport Parcel SC-5 PSP, dated "Received November 26, 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 BCC, or by action of the BCC.

PSP approval automatically expires on January 27, 2005, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master stormwater management and utility plans for this PD.
3. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection NPDES Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention NPDES Administrator.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING-THE VILLAGES OF APOPKA PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider The Villages of Apopka 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 south of Votaw Road, west of North Thompson Road; Parcel ID 02-21-28-8308-00-052; District 2; Section 2, Township 21, Range 28; Orange County, Florida (the legal description is on file).

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

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 Sindler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved The Villages of Apopka Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to The Villages of Apopka PSP, dated "Received October 27, 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.

PSP approval automatically expires on January 27, 2005, in accordance with the Orange County Subdivision Regulations as amended.

2. Since a positive outfall is not available, the stormwater management system shall be designed to retain a 100-year/24-hour storm event on site as required by Orange County Code Section 34-249.
3. A waiver is granted to allow porches with 0-foot side setbacks to correspond with 0-foot building setbacks.
4. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollution Discharge Elimination System Coordinator (NPDES) Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:
LOGANS ONE HOLDINGS, INC.; CASE Z-03-110, NOVEMBER 20, 2003; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Logans One Holdings, LLC; to rezone Retail Commercial (C-1) (1957) to General Commercial District (C-2), on property generally located 400 feet west of I-4, on the south side of Lee Road; Parcel ID 02-22-29-0000-00-043; District 5; Section 2, Township 22, Range 29; Orange County, Florida (the legal description is on file).

Staff stated the applicant requested a continuance.

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 Edwards, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board continued the public hearing to consider a request by Logans One

Holdings, LLC; to rezone Retail Commercial (C-1) (1957) to General Commercial District (C-2); until February 24, 2004, at 3 p.m.

Commissioner Edwards left the meeting.

JOINT PLANNING AGREEMENT PUBLIC HEARING BETWEEN ORANGE COUNTY AND THE CITY OF OCOEE; SEVENTH, EIGHTH, NINTH, AND TENTH AMENDMENTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a proposed Joint Planning Area (JPA) Agreement, Seventh, Eighth, Ninth, and Tenth Amendments between Orange County and the City of Ocoee.

Staff outlined the provisions of the agreement and recommended approval of the proposed agreement.

The following persons addressed the Board regarding the proposed agreement:

- Milton West, the applicant (no address given)
- Rusty Johnson, District 3 City Commissioner, Ocoee, 21 Delaware Street, Ocoee, Florida

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

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Edwards were absent; the Board approved the Joint Planning Area (JPA) Agreement, Seventh, Eighth, Ninth, and Tenth Amendments between Orange County and the City of Ocoee.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: COGAN DEVELOPMENT, LLC; CASE Z-03-113, NOVEMBER 20, 2003; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Cogan Development, LLC; to rezone Single-family Dwelling District (R-1AA) (1972) to Single-family Dwelling District (R-1A), on property generally located on the northern end of Winterbrook Lane, 1/4 mile east of Apopka-Vineland Road; Parcel ID 03-22-28-1818-00-002; District 2; Section 3, Township 22, Range 28; Orange County, Florida (the legal description is on file).

Staff stated Commissioner Sindler and the applicant requested this item be continued to allow for a community meeting.

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 Sindler, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Edwards were absent; the Board continued the public hearing to consider a request by Cogan Development, LLC; to rezone Single-family Dwelling District (R-1AA) (1972) to Single-family Dwelling District (R-1A), until March 2, 2004, at 2:30 p.m.

Commissioner Edwards rejoined the meeting.

BUDGET AMENDMENT PUBLIC HEARING AMENDING FY 03-04 BUDGET

Notice was given that the Board of County Commissioners would hold a public hearing to consider recognition encumbrances rollovers, grant rollovers, fund balance adjustments, capital improvement adjustments, and other necessary adjustments.

Staff outlined the budget amendments noting that they are to amend the budget for fiscal year 2003-2004 to reflect actual fund balances. Staff recommended approval of 4 amendments to the budget.

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 Johnson, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved the following:

- 04-19 Encumbrance Rollover Amendments, amends the adopted budget for all encumbrance rollovers for 45 nongrant funds

- 04-20 Grant Rollover Amendments, amends the adopted budget for all carryover funding for 79 grant funds
- 04-21 Fund Balance Amendments, amends the adopted fund balance budget for all nongrant funds for the difference between actual and estimated fund balance with adjustments allocated between personal services, operating expenses, capital, and reserves. Included is a net positive adjustment of approximately \$5.1 million in the general fund, which will be allocated to reserves to minimize any impacts to our budget that may result from legislative issues
- 04-22 Capital Improvement Adjustments, amends project costs for the capital improvement budget for differences between actual and estimated rebudgets, revisions to fund balance, and other adjustments.

Commissioner Edwards left the meeting.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-EXPRESSWAY CENTER PLANNED DEVELOPMENT-WALMART NEIGHBORHOOD MARKET STORE #5179 WNM PSP-AND-RIGHT-OF-WAY AGREEMENT, DISTRICT 3-CONTINUED FROM OCTOBER 28, 2003-CONTINUED FROM DECEMBER 09, 2003

By consensus, the Board reopened the public hearing to consider the Expressway Center Planned Development-Walmart Neighborhood Market Store #5179 WNM PSP and Right-of-Way Agreement, continued from the October 28, 2003, and December 09, 2003, Board meetings.

A court reporter, Victoria Ann Millonig, Victoria Ann Millonig & Associates, was present.

Staff explained that the public hearing was continued to resolve issues. 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:

- Hal Kantor, for the developer (no address given)
- Peter Such, (no address given)
- Kay Sauer, 26 Caswell Drive, Orlando, Florida
- Ray Drimmel, 708 Hummingbird Lane, Orlando, Florida
- Edward Haddad, Rio Pinar Homeowners' Association (no address given)

- Dave Impson (no address given)
- Tom Johnson (no address given)
- Jill Sheffield, 8188 Troxler Drive, Orlando, Florida
- Dr. Robert T. Kellem, 8503 Carracus Avenue, Orlando, Florida
- Marjorie Holt, 8502 Elrod Avenue, Orlando, Florida

The County Chairman accepted the following exhibits:

- Clerk's Composite Exhibit 1, recommendations regarding transportation and traffic count report and the landscaping plan submitted by Mr. Kantor
- Clerk's Exhibit 2, group of plans submitted by Mr. Kantor
- Clerk's Exhibit 3, letter in opposition with various attachments submitted by Ms. Sauer
- Clerk's Exhibit 4, petition in opposition submitted by Mr. Haddad

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

Commissioner Johnson requested the following conditions be added:

- "Developer shall construct the neighborhood market, gas kiosk, and canopy substantially in accordance with the elevations/renderings provided by developer at the public hearing on January 27, 2004.
- "The gas kiosk and canopy shall contain a maximum of 4 gas islands with a maximum of 8 pumping stations.
- "Developer shall provide along Chickasaw Trail and Lake Underhill Road enhanced landscaping with knee walls substantially in accordance with the design provided by developer at the public hearing on January 27, 2004.
- "Developer shall install a traffic light signal at the Chickasaw entrance to the project together with an early warning device on the north side of the expressway on Chickasaw Trail warning southbound motorists of the upcoming traffic signal. The signal shall not be activated until warranted.
- "The project shall be prohibited from having free standing bars or liquor stores. A free standing store would be a store in a building that is physically separated from and/or does not share common walls with the neighborhood market. Restaurants

serving alcoholic beverages shall be permitted. In addition, the foregoing shall not prohibit a liquor store as part of and associated with the neighborhood market structure.

- "Other than the project entrance on Chickasaw Trail as shown on the development plan, there shall be no other access to Chickasaw Trail from any portion of the developer's tract or the parent tract to the north.
- "The owner of the parent tract to the north of the project shall grant a conservation easement to Orange County on that portion of the tract lying east of the proposed access road to the school, in accordance with Orange County requirements."

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Edwards were absent; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the Expressway Center Planned Development (PD)-Walmart Neighborhood Market Store #5179 WNM PSP and Right-of-Way Agreement on the above-described property, subject to the following conditions:

1. Development shall conform to the Expressway Center PD; Orange County Board of County Commissioners' (BCC) approvals; Wal-Mart Neighborhood Market Store #5179-00-WNM PSP, dated "Received September 26, 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 Board of County Commissioners (BCC), or by action of the BCC.

PSP approval automatically expires on January 27, 2005, 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 the development is consistent with the approved Master Utility Plan for this PD. Prior to construction plan approval, a Master Stormwater Management Plan shall be submitted to the Development Engineering Division for review and approval.

3. Prior to construction plan approval a Conservation Area Impact Permit shall be approved [34-132(a)].
4. The developer is responsible for any costs associated with the installation of the traffic light on Chickasaw Trail at the access location subject to meeting manual and uniform traffic control device warrants.
5. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division, attention to the National Pollution Discharge Elimination System Coordinator.
6. Approval and execution of the Right-of-Way Agreement for the access to Little River Elementary School.
7. Developer shall construct the neighborhood market, gas kiosk, and canopy substantially in accordance with the elevations/renderings provided by developer at the public hearing on January 27, 2004.
8. The gas kiosk and canopy shall contain a maximum of 4 gas islands with a maximum of 8 pumping stations.
9. Developer shall provide along Chickasaw Trail and Lake Underhill Road enhanced landscaping with knee walls substantially in accordance with the design provided by developer at the public hearing on January 27, 2004.
10. Developer shall install a traffic light signal at the Chickasaw entrance to the project together with an early warning device on the north side of the expressway on Chickasaw Trail warning southbound motorists of the upcoming traffic signal. The signal shall not be activated until warranted.
11. The project shall be prohibited from having free standing bars or liquor stores. A free standing store would be a store in a building that is physically separated from and/or does not share common walls with the neighborhood market. Restaurants serving alcoholic beverages shall be permitted. In addition, the foregoing shall not prohibit a liquor store as part of and associated with the neighborhood market structure.

12. Other than the project entrance on Chickasaw Trail as shown on the development plan, there shall be no other access to Chickasaw Trail from any portion of the developer's tract or the parent tract to the north.
13. The owner of the parent tract to the north of the project shall grant a conservation easement to Orange County on that portion of the tract lying east of the proposed access road to the school, in accordance with Orange County requirements.

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, CHAPTER 38, ZONING, PERTAINING TO ZONING REGULATIONS-1ST HEARING

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

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA BY AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE; AMENDING SECTION 38-1 ("DEFINITIONS"); AMENDING SECTION 38-3 ("GENERAL RESTRICTIONS ON LAND USE"); AMENDING SECTION 38-74 ("PERMITTED USES, SPECIAL EXCEPTIONS AND PROHIBITED USES"); AMENDING SECTION 38-77 ("USE TABLE"); AMENDING SECTION 38-78 ("SPECIAL EXCEPTION CRITERIA"); AMENDING SECTION 38-79 ("CONDITIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS"); AMENDING SECTION 38-553 ("GENERAL REQUIREMENTS OF THE [R-CE-CLUSTER] DISTRICT"); AMENDING SECTION 38-855 ("PERFORMANCE STANDARDS [FOR C-2 GENERAL COMMERCIAL DISTRICT]"); AMENDING SECTION 38-1258 ("MULTI-FAMILY DEVELOPMENT COMPATIBILITY"); CREATING SECTION 38-1260 REGARDING ACCESSORY STRUCTURES IN PLANNED DEVELOPMENTS; AMENDING SECTION 38-1401 ("SUBSTANDARD LOTS OF RECORD"); AMENDING SECTION 38-1405 ("YARDS"); AMENDING SECTION 38-1408 ("LOCATIONS OF FENCES"); AMENDING SECTION 38-1414 ("PROHIBITING AREAS FOR SALE OF ALCOHOLIC BEVERAGES-GENERALLY"); AMENDING SECTION 38-1479 ("OFF-STREET PARKING LOT REQUIREMENTS"); AMENDING SECTION 38-1501 ("BASIC REQUIREMENTS [FOR SITES AND BUILDINGS]"); CREATING SECTION 38-1508 REGARDING ADMINISTRATIVE WAIVERS FROM PERFORMANCE STANDARDS; AND PROVIDING AND EFFECTIVE DATE.

Staff stated that this is the first of two public hearings to consider the proposed ordinance. Staff reviewed the proposed ordinance and outlined its provisions.

Staff announced that at the second public hearing a proposed amendment regarding sororities, fraternities, civic organizations, and clubs in the Multiple-family Dwelling District (R-3) District will be presented for consideration.

Staff announced the second of two public hearings to consider the proposed ordinance will be held in two weeks on February 10, 2004.

The following person addressed the Board regarding the proposed ordinance:

- Erik Whynot; Killgore, Pearlman; 2 South Orange Avenue, Orlando, Florida

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

The County Chairman announced the second of two public hearings to consider the proposed ordinance will be held in two weeks on February 10, 2004, at 3 p.m.

MEETING ADJOURNED

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

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator

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