

MEETING OPENED

There being a quorum, the County Mayor 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, January 4, 2005. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Deputy Clerk Rosilyn Stapleton

The Board paused for the invocation by the Reverend James B. Henry of the First Baptist Church of Orlando, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Pastor Henry.

COUNTY CONSENT AGENDA

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

- Deferred Growth Management Department Items 1, 2, 3, and 4 for discussion (see page 215 for subsequent approval)

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

County Comptroller

1. Approval of the minutes of the November 30 and December 7, 2004, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Approval for payment of the Property Appraiser's second quarter billing (October 1, 2004, through September 30, 2005) in the amount of \$1,548,808.27 (Administrative/Fiscal Division).

3. Approval of the Disposition of Tangible Personal Property:
 - a. Cannibalize assets for their useable parts.
 - b. Scrap assets.
 - c. Demolish an asset.
 - d. Return assets to the vendor in exchange for other parts.
 - e. Dispose of an asset that was totaled out by our Third Party Administrator.
 - f. Trade in assets for an allowance towards the purchase of new equipment.
 - g. Transfer an asset to the Orange County Sheriff's Office.
 - h. Transfer assets to outside agencies per approved Interlocal Agreements.

(Property Accounting Department)

4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for periods as follows:
 - December 10, 2004, to December 16, 2004; total of \$22,050,170.99
 - December 17, 2004, to December 21, 2004; total of \$25,837,265.73
 - December 22, 2004, to December 29, 2004; total of \$54,342,985.87

(Finance and Accounting Department).

County Administrator

1. Approval for the Sheriff's Office to spend \$21,013 from the Law Enforcement Trust Fund to provide eligible contribution to Cardiac Science, Inc. (\$16,513), Orange County Health and Family Services Department (\$1,000), Justice and Peace Office, Inc. (\$1,000), and Lakeside Alternatives (\$2,500) (Office of Management and Budget).
2. Approval and execution of Service Funding Agreements between Orange County and Seniors First, Inc. (\$108,000), Orange County Bar Association, Inc.-Citizens Dispute Settlement Mediation Program (\$113,439), and the Legal Aid Society (\$651,189) (Office of Management and Budget).
3. Approval of Budget Amendments 05-09, 05-10, 05-11, 05-12, and 05-13 (Office of Management and Budget).

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

4. Approval of Budget Transfers 05C-9034 and 05C-9040 (Office of Management and Budget).

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

5. Approval of CIP Amendments 05C-9034 and 05C-9040 (Office of Management and Budget).

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

6. Approval of payment of intergovernmental claims of November 25, 2004, December 2, 2004, and December 9, 2004, totaling \$1,146,915.66 (Risk Management Division).
7. Review and approval of the sufficiency of the public officials' bond provided by Travelers Indemnity Company as required by F.S. 137.05 (Risk Management Division).

County Sheriff

1. Approval and execution of the Florida Department of Law Enforcement/Byrne Memorial Grants Certificates of Acceptance of Subgrant Award totaling \$752,418. The grants require a match of 25 percent or \$225,726, of which \$126,362 is included in the Sheriff's budget; \$20,000 will be absorbed by Orange County Corrections, and the remaining match of \$79,364 is the responsibility of the implementing agencies. The projects will be funded for the period of October 1, 2004, through September 30, 2005 (Grants).

Administrative Services Department

1. Approval to award Invitation for Bids Y5-125-LC, Chronic Dialysis for Orange County Corrections Health Services, to the sole responsive and responsible

bidder, Fresenius Medical Care Healthcare. The estimated contract award amount is \$234,000 for a 1-year term ([Health Services Corrections Division] Purchasing and Contracts Division).

2. Approval to award Invitation for Bids Y5-144-HF, Vertical Transportation Maintenance, Non-OEM, to the low responsive and responsible bidder, Hontz Elevator of Florida, Inc. The estimated contract award amount is \$178,280 ([Facilities Management Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y5-149-JS, Liquid Carbon Dioxide, to the sole responsive and responsible bidder, Air Liquide America, L.P. The estimated contract award amount is \$540,750 for a 1-year term ([Water Division] Purchasing and Contracts Division).
4. Ratification of Contract Y5-703, Sandlake Road Force Main Replacement, with Garney Companies, Inc. The total contract award amount is \$1,124,679 ([Utilities Engineering Division] Purchasing and Contracts Division).
5. Central Operations Center Phases II and III, with Farmer Baker Barrios Architects, in the amount of \$25,670 for a revised contract amount of \$473,586.55 ([Capital Projects Division] Purchasing and Contracts Division).
6. Approval of Sole Source Contract Y5-612-LC, Employment Law Legal Counsel, with Baker and Hostetler, LLP, in an estimated contract award amount of \$250,000 ([Risk Management Division] Purchasing and Contracts Division).
7. Approval of Amendment 1, Contract Y1-804, Lake Apopka Basin Master Drainage Plan, with Camp Dresser McKee, Inc., in the amount of \$198,269.88 for a revised contract amount of \$381,045.88 ([Stormwater Management Division] Purchasing and Contracts Division).
8. Approval and execution by County Mayor of Resolution and authorization to initiate condemnation proceedings for Landstreet Road from Orange Blossom Trail to Orange Avenue, District 4 (Real Estate Management Division).
9. Approval and execution by County Mayor of Resolution 2005-M-01 and County Deed, and authorization to record instrument for Winfield Unit 1 Tract "C," District 5 (Real Estate Management Division).

10. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Valencia Lane Apartments, District 3 (Real Estate Management Division).

Community and Environmental Services Department

1. Acceptance of an Orange County Proposed Consent Agreement, in the case of Cypress Lake Investments, Inc., for failure to maintain proper erosion and sediment controls, which resulted in turbidity and sedimentation within several conservation easements at the Cypress Lakes Development. Administrative penalty in the amount of \$30,000 has been made payable to the Conservation Trust Fund, District 5 (Environmental Protection Division).
2. Approval of the Joint Participation Agreement between Orange County and the Florida Department of Transportation for the Hansel Avenue Ditch Improvement Project in the amount of \$100,000, District 4 (Environmental Protection Division).
3. Approval to file by Resolution 2005-CEDD-004 Satisfaction of Special Assessment Lien for unsafe structures abatement by Orange County, pursuant to Ordinance Number 2004, District 5, as follows:

<u>Dist #</u>	<u>Property</u>	<u>Resolution #</u>	<u>Owner</u>	<u>Cost</u>
5	2980 10th Street	037-CEDD-2003	Ellen D. Hardin	\$3,252.02

(Code Enforcement Division).

4. Approval to file Claim of Special Assessment Lien by Resolutions 2005-CEDD-001 through 2005-CEDD-003 for unsafe structure demolished by Orange County, pursuant to Ordinance Number 2004, Districts 2, 4, and 5, as follows:

<u>Dist #</u>	<u>Property</u>	<u>CEB Case #</u>	<u>Owner</u>	<u>Cost</u>
2	1126 South Lake Avenue	2004-20733H	Marilyn Gylmph, Beverly Callahan & Styretha Callahan	\$4,114.75

4	507 Pine Street	2004-22484H	Josh Floyd	\$2,551.36
5	17754 Evans Trail	2003-14885H	George Heck	\$4,677.06

(Code Enforcement Division).

5. Approval to advertise Resolutions 2005-CED-001 through 2005-CED-019 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, as follows:

LC 05-028; LC 05-054; LC 04-531; LC 04-545; LC 05-001; LC 05-002;
 LC 05-008; LC 05-009; LC 05-022; LC 05-038; LC 05-048; LC 05-055;
 LC 05-071; LC 05-044; LC 05-066; LC 05-029; LC 05-037; LC 05-046;
 LC 05-047

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

Growth Management Department

1. Approval of a Developer's Agreement between Orange County and The Ryland Group, Inc., for the "Pay-As-You-Go" Fee Payment for Grande Pines PD on Reams Road, affecting the road segment on Winter Garden-Vineland Road, from Reams Road to Ficquett (sic) Road and on Reams Road, from Cast Drive to Winter Garden-Vineland Road, District 1 (Fiscal and Administrative Services).

(As stated in the above motion, this item was deferred for discussion; see page 215 for subsequent approval.)

2. Approval of a Developer's Agreement between Orange County and Isles of Lake Butler, LLC, for the "Pay-As-You-Go" Fee Payment for Isles of Lake Butler on West Lake Butler Road, affecting the road segment on Winter Garden-Vineland Road, from Chase Road to Roper Road, District 1 (Fiscal and Administrative Services).

(As stated in the above motion, this item was deferred for discussion; see page 215 for subsequent approval.)

3. Approval of a Developer's Agreement between Orange County and Park Square Homes for the "Pay-As-You-Go" Fee Payment for Newbury Park PD on Reams Road, affecting the road segment on Winter Garden-Vineland Road, from Reams Road to Ficquett (sic) Road and on Reams Road, from Cast Drive to Winter Garden-Vineland Road, District 1 (Fiscal and Administrative Services).

(As stated in the above motion, this item was deferred for discussion; see page 215 for subsequent approval.)

4. Approval of a Developer's Agreement between Orange County and Lancien Villas, Ltd., for the "Pay-As-You-Go" Fee Payment for The Enclave on Alafaya Trail, affecting the road segment on Colonial Drive, from Rouse Road to Lake Pickett Road and on Rouse Road, from University Boulevard to Lake Underhill Road and on Alafaya Trail, from University Boulevard to Lake Underhill Road, District 5 (Fiscal and Administrative Services).

(As stated in the above motion, this item was deferred for discussion; see page 215 for subsequent approval.)

5. Approval of a Project Administration Agreement between Orange County and Habitat for Humanity of Greater Orlando Area, Inc., all districts (Housing and Community Development Division).

Health and Family Services Department

1. Approval of the application to license the Tangelo Park Elementary 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).
2. Approval of the application to license the Winegard Elementary 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).

3. Approval to accept the Health Resources and Services Administration Grant Award for Ryan White Title I funding in the amount of \$7,821,786 for the period of March 1, 2005, through February 28, 2006; approval for the County Mayor or his designee to approve any increases or decreases in the award amount; and approval for the County Mayor or his designee to approve any increases in federal Ryan White Title I funding during the period March 1, 2005, through February 28, 2006 (Ryan White Office).

Public Safety

1. Approval of the Assistance to Firefighters "FireAct" Grant Agreement #EMW-2004-FG-18152 between Orange County and the Federal Emergency Management Agency (FEMA). The grant provides for the purchase of 15 field repeaters, which will enhance firefighter safety, and the Fire Rescue Department will contribute an additional \$62,568 for a total equipment purchase of \$208,560 (Fire Rescue Department).

Public Works Department

1. Authorization to record the plat of Avalon Mobil Site, District 4 (Development Engineering Division).
2. Approval to issue Change Order No. 1-PWF to Contract No. Y4-727, Rock Springs Road Storm Sewer Trunkline Project to American Persian Engineers & Contractors, Inc. (APEC), in the amount of \$67,452.91, District 2 (Highway Construction Division).
3. Approval to issue Change Order No. 1-PWF to Contract No. Y4-718, Yucatan Drive Drainwell Replacement Project to Cathcart Contracting Company, Inc., in the amount of \$52,832.61, District 3 (Roads and Drainage Division).
4. Approval to replace the existing "Yield" sign with a "Stop" sign on Triphammer Way at Cherry Valley Way, District 5 (Traffic Engineering Division).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following meeting minutes of the St. John's River tour to file for the record:

- a. May 7, 2004, County Chairman Crotty, Commissioners Stewart and Hartage, and staff.

(Comptroller Clerk of the Board of County Commissioners)

2. Receipt of the following file for the record documents:

- a. Florida Public Service Commission notice of cancellation of hearing and prehearing re: complaint of IDS Telecom LLC against BellSouth Telecommunications, Inc.
- b. Florida Public Service Commission notice of cancellation of hearing re: complaint of Supra Telecommunications and Information Systems, Inc., against BellSouth Telecommunications, Inc.
- c. Stoneybrook West Community Development District minutes of Landowner's meeting on November 3, 2004.
- d. Stoneybrook West Community Development District minutes of Board of Supervisors' meeting on August 10, 2004.
- e. Florida Municipal Power Agency (FMPA) Resolution 2004-B12 regarding amendments to the Interlocal Agreement creating the FMPA.
- f. Boggy Creek Improvement District Annual Financial Audit Report for fiscal year ended September 30, 2003.
- g. Myrtle Creek Improvement District Annual Financial Audit Report for fiscal year September 30, 2003.

- h. Orange County Public Schools Analysis of Impact Fee Trust Fund for the year ended June 30, 2004.

(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. Economic Update.

Dr. Hank Fishkind of Fishkind & Associates addressed the Board and presented a report on this item; Board discussion ensued. No action was taken.

CONVENTION CENTER DISCUSSION AGENDA

1. Presentation regarding the National Association of Home Builders' International Builders Show scheduled to be at the Orange County Convention Center January 13 through 16, 2005.

Staff presented a report on this item. Howard Britt, for Premiere Beauty Show, addressed the Board and contributed to the report. Board discussion ensued. No action was taken.

COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Pumping of Big Sand Lake, District 1 (Environmental Protection Division).

Staff presented a report and requested direction on this item; Board discussion ensued.

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

- Approved Big Sand Lake Advisory Board's request to expend funds of up to \$100,000 for dry season pumping

- Directed the Environmental Protection Division to apply for a South Florida Water Management District permit
- Directed staff to hire a contractor to do the actual pumping
- Decided not to make any changes to the Public Works current practice

COUNTY CONSENT AGENDA ITEMS DEFERRED FOR DISCUSSION

Growth Management Department

1. Approval of a Developer's Agreement between Orange County and The Ryland Group, Inc., for the "Pay-As-You-Go" Fee Payment for Grande Pines PD on Reams Road, affecting the road segment on Winter Garden-Vineland Road, from Reams Road to Ficquett (sic) Road and on Reams Road, from Cast Drive to Winter Garden-Vineland Road, District 1 (Fiscal and Administrative Services).
2. Approval of a Developer's Agreement between Orange County and Isles of Lake Butler, LLC, for the "Pay-As-You-Go" Fee Payment for Isles of Lake Butler on West Lake Butler Road, affecting the road segment on Winter Garden-Vineland Road, from Chase Road to Roper Road, District 1 (Fiscal and Administrative Services).
3. Approval of a Developer's Agreement between Orange County and Park Square Homes for the "Pay-As-You-Go" Fee Payment for Newbury Park PD on Reams Road, affecting the road segment on Winter Garden-Vineland Road, from Reams Road to Ficquett (sic) Road and on Reams Road, from Cast Drive to Winter Garden-Vineland Road, District 1 (Fiscal and Administrative Services).
4. Approval of a Developer's Agreement between Orange County and Lancien Villas, Ltd., for the "Pay-As-You-Go" Fee Payment for The Enclave on Alafaya Trail, affecting the road segment on Colonial Drive, from Rouse Road to Lake Pickett Road and on Rouse Road, from University Boulevard to Lake Underhill Road and on Alafaya Trail, from University Boulevard to Lake Underhill Road, District 5 (Fiscal and Administrative Services).

Commissioner Jacobs requested these items be deferred for a separate vote.

Upon a motion by County Mayor Crotty, seconded by Commissioner Sindler, and carried with County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Jacobs voting NO by voice vote; the Board approved the following:

- Developer's Agreement between Orange County and The Ryland Group, Inc., for the "Pay-As-You-Go" Fee Payment for Grande Pines PD on Reams Road, affecting the road segment on Winter Garden-Vineland Road, from Reams Road to Ficquett (sic) Road and on Reams Road, from Cast Drive to Winter Garden-Vineland Road
- Developer's Agreement between Orange County and Isles of Lake Butler, LLC, for the "Pay-As-You-Go" Fee Payment for Isles of Lake Butler on West Lake Butler Road, affecting the road segment on Winter Garden-Vineland Road, from Chase Road to Roper Road
- Developer's Agreement between Orange County and Park Square Homes for the "Pay-As-You-Go" Fee Payment for Newbury Park PD on Reams Road, affecting the road segment on Winter Garden-Vineland Road, from Reams Road to Ficquett (sic) Road and on Reams Road, from Cast Drive to Winter Garden-Vineland Road
- Developer's Agreement between Orange County and Lancien Villas, Ltd., for the "Pay-As-You-Go" Fee Payment for The Enclave on Alafaya Trail, affecting the road segment on Colonial Drive, from Rouse Road to Lake Pickett Road and on Rouse Road, from University Boulevard to Lake Underhill Road and on Alafaya Trail, from University Boulevard to Lake Underhill Road

The County Mayor 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 Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage

- County Administrator Ajit Lalchandani
- Senior Assistant County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

PRESENTATION

Presentation of Employee Service Awards to: David C. Wing (30), Capital Projects, Administrative Services; Douglas E. Szymoniak (25), Carlos R. Thillet (20), John T. Webb (20), Anne H. Keller (20), Elaine A. Fisher (20), Robin L. Retzloff (20), Marcel J. Neumann (20), Operations, and Hal G. Pines (20), Training and Recruitment, Fire Rescue; Lois Z. Harris (25), Building, Growth Management; Georgia R. Smith (30), Elmer C. Seifert (30), Phil P. Whitby (20), Youth and Family Services; and Stephen T. Robinson (20), Roads and Drainage, Public Works.

DECEMBER 16, 2004, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Upon a motion by Commissioner Stewart, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of December 16, 2004, with the exception of Cases Z-04-097, Z-04-103, and Z-04-129; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings as follows:

- Case Z-04-097 in the name of Hubert Earley for Olde Town Center Planned Development on February 22, 2005
- Case Z-04-103 in the name of Scott Henderson for Curry Ford Office Central Planned Development on February 15, 2005
- Case Z-04-129 in the name of Daniel Oliveira for Jose Oliveira on February 15, 2005

PETITION TO VACATE PUBLIC HEARING-APPLICANT: MARK F. GRANT, BUENA VISTA SHORES, INC.; NO. 04-23, PORTION OF SEVERAL UNNAMED RIGHTS-OF-WAY; DISTRICT 1-CONTINUED FROM NOVEMBER 30, 2004

By consensus, the Board reopened the public hearing to consider a request by Mark F. Grant, for Buena Vista Shores, Inc.; Petition to Vacate 04-23, to vacate portions of several unnamed rights-of-way on property lying north of World Center Drive and west of International Drive in the Munger's subdivision; continued from the November 30, 2004, Board meeting.

Staff stated the applicant has requested a continuance.

The County Mayor noted the applicant present and in concurrence.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider Petition to Vacate 04-23 to vacate portions of several unnamed rights-of-way on property lying north of World Center Drive and west of International Drive in the Munger's subdivision until March 29, 2005, at 2 p.m.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-GRANDE PINES PLANNED DEVELOPMENT-GRANDE PINES PSP AND AMENDED ADEQUATE PUBLIC FACILITIES (APF) AGREEMENT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Grande Pines Planned Development-Grande Pines Preliminary Subdivision Plan and Amended Adequate Public Facilities (APF) Agreement, 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 Delmar Street, east of Reams Road; Parcel IDs 31-23-28-0000-00-011; 31-23-28-0000-00-020; and 31-23-28-0000-00-022; District 1; Section 31, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 20-acre site for 60 single-family units with a minimum living area of 1,800 square feet.

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:

- Eric Warren, for the developer
- JoAnne Sikes, area resident
- Michael Dutton, area resident
- Jeff Perlman, for the developer

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

The County Mayor deferred the hearing until later in the day to allow discussion among the parties (see page 229).

Commissioner Jacobs left the meeting.

SOUTHCHASE PLANNED DEVELOPMENT-SOUTHMEADOW TRACT 34-B PSP, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Southchase Planned Development-Southmeadow Tract 34-B 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 Southern Connector, west of CSX Railroad; Parcel ID 26-24-29-0000-00-012; District 4; Section 26, Township 24, Range 29; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 43.05-acre site for 110 single-family units with a minimum living area of 1,200 square feet.

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:

- David Nelson, for the developer

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved the Southchase Planned Development (PD)-Southmeadow Tract 34-B Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Southchase PD; Orange County Board of County Commissioners' (BCC) approvals; Southmeadow Tract 34-B PSP, dated

"Received November 3, 2004"; 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 4, 2006, 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 approved master stormwater management and utility plans for this PD.
3. Due to the elevation of the Central Florida Greenway, a waiver for Chapter 34-209 requiring a 6-foot-high masonry wall is approved. Landscaping and a fence shall be provided as depicted on the PSP.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: TRYCON, INC.; ANDOVER LAKES PLANNED DEVELOPMENT-SHOPPES AT ANDOVER PRELIMINARY SUBDIVISION, AKA CURRY AT DEAN PLAZA PRELIMINARY SUBDIVISION PLAN; AMEND PLAN; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider Trycon, Inc.; Andover Lakes Planned Development-Shoppes at Andover Preliminary Subdivision (aka Curry at Dean Plaza PSP); to incorporate Lot 4, the 2.4-acre parcel zoned by the Board of County Commissioners on August 10, 2004, in Case Z-04-022; on property generally located on the southeast corner of Curry Ford Road and Young Pine Road; multiple parcels located in District 4; Section 08, Township 23, Range 31; Orange County, Florida (the legal property 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.

The following person addressed the Board regarding the request:

- Philip Hollis, for the applicant

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Segal, 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 Trycon, Inc.; Andover Lakes Planned Development (PD)-Shoppes at Andover Preliminary Subdivision (PSP) (aka Curry at Dean Plaza PSP); to incorporate Lot 4, the 2.4-acre parcel zoned by the Board of County Commissioners on August 10, 2004, in Case Z-04-022; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Andover Lakes PD; Board of County Commissioners' (BCC) approvals; Shoppes at Andover PSP, dated "Received September 16, 2004"; 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.
2. Prior to construction plan approval, the master stormwater management plan for the PD shall be revised to accommodate the proposed additions.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with the approved master utility plan for this PD.
4. Outdoor storage and display shall be prohibited.
5. Pole sign and billboards shall be prohibited.
6. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollution Discharge Elimination System (NPDES) Notice of Intent (NOI) for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.

7. All previous conditions shall apply.

PLANNING AND ZONING COMMISSION APPEAL-APPELLANT/APPLICANT: CHAD S. LINN;
CASE Z-04-102, SEPTEMBER 16, 2004; DISTRICT 3-CONTINUED FROM NOVEMBER 9, 2004

By consensus the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Chad S. Linn, Kimley-Horn & Associates, to rezone from Retail Commercial District (C-1) (1973) to General Commercial District (C-2) (the legal property description is on file).

Staff stated that the applicant has requested a continuance.

No one appeared regarding the request.

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

Upon a motion by Commissioner Fernandez, 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 Chad S. Linn, Kimley-Horn & Associates, to rezone from retail Commercial District (C-1) (1973) to General Commercial District (C-2) until February 15, 2005, at 2:30 p.m.

Commissioner Jacobs rejoined the meeting.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT: HENRY
POHLMAN; ITEM 1, SEPTEMBER 2, 2004; DISTRICT 1-CONTINUED FROM OCTOBER 12
AND NOVEMBER 9, 2004

By consensus, the Board reopened the public hearing to consider a request by Henry Pohlman for a variance in A-1 (Agricultural) zone to construct pool, pool decking, and spa 35 feet from the normal high water elevation of Lake Sawyer in lieu of 50 feet, continued from the October 12 and November 9, 2004, Board meetings (the legal property 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 recommended that proposed Condition 1 be revised to read as follows: "Development in accordance with site plan, dated October 15, 2004, and all other regulations unless expressly waived by these conditions."

The following persons addressed the Board regarding the request:

- Henry Pohlman, the applicant
- Ben Shoemaker, for the applicant

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

Commissioner Jacobs requested the following condition be added: "Prior to issuance of any building permit for the swimming pool, pool deck, or spa, the landowner shall have executed and recorded a document in the Official Records of Orange County, Florida, applicable to the subject property which recites that a swimming pool, pool deck and/or spa, may be constructed or may have been constructed within the 50 foot setback from the normal high water elevation of Lake Sawyer as authorized by a variance approved with conditions by the Board of County Commissioners at a public hearing held on Tuesday, January 4, 2005, and that the variance did not authorize construction of a screen enclosure for the pool within the 50 foot setback."

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 request by Henry Pohlman for a variance in A-1 (Agricultural) zone to construct pool, pool decking, and spa 35 feet from the normal high water elevation of Lake Sawyer in lieu of 50 feet, on the above described property; subject to the following conditions:

1. Development in accordance with site plan, dated October 15, 2004, and all other regulations unless expressly waived by these conditions.
2. Prior to the issuance of any permits, the property owner shall record an Indemnification Agreement which indemnifies Orange County from any damages caused from the rise in the lake water level.
3. Prior to final inspection approval, pollution abatement swales shall be provided above the normal high water elevations across the entire width of the property.

4. Prior to issuance of any permits, written approval is required from the Environmental Protection Division.
5. Prior to issuance of any building permit for the swimming pool, pool deck, or spa, the landowner shall have executed and recorded a document in the Official Records of Orange County, Florida, applicable to the subject property which recites that a swimming pool, pool deck and/or spa, may be constructed or may have been constructed within the 50 foot setback from the normal high water elevation of Lake Sawyer as authorized by a variance approved with conditions by the Board of County Commissioners at a public hearing held on Tuesday, January 4, 2005, and that the variance did not authorize construction of a screen enclosure for the pool within the 50 foot setback.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT: CARLOS PRATTS; ITEM 3, SEPTEMBER 2, 2004; DISTRICT 1-CONTINUED FROM OCTOBER 12 AND NOVEMBER 9, 2004

By consensus, the Board reopened the public hearing to consider a request by Carlos Pratts for variances in A-1 (Agricultural) zone as follows: Construct a single-family residence 26 feet from normal high water elevation of canal (tributary to Lake Hancock) in lieu of 50 feet; and construct a detached accessory building (garage) in front of principal residence in lieu of side or rear, continued from the October 12 and November 9, 2004, Board meetings (the legal property 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 recommended that proposed Condition 1 be revised to read as follows: "Development in accordance with site plan, dated "Received November 15, 2004," and all other regulations unless expressly waived by these conditions."

The following person addressed the Board regarding the request:

- Carlos Pratts, the applicant

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

Commissioner Jacobs requested the following condition be added: "Prior to issuance of any building permit for the single family residence, the landowner shall have executed and recorded a document in the Official Records of Orange County, Florida, applicable to the subject property which recites that a single family residence may be constructed or may have been constructed within the 50 foot setback from the normal high water elevation of the man-made canal connecting to Lake Hancock as authorized by a variance approved with conditions by the Board of County Commissioners at a public hearing held on Tuesday, January 4, 2005."

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 request by Carlos Pratts for variances in A-1 (Agricultural) zone as follows: Construct a single-family residence 26 feet from normal high water elevation of canal (tributary to Lake Hancock) in lieu of 50 feet; and construct a detached accessory building (garage) in front of principal residence in lieu of side or rear; subject to the following conditions:

1. Development in accordance with site plan, dated "Received November 5, 2004," and all other regulations unless expressly waived by these conditions.
2. Prior to the issuance of any permits, the property owner shall record an Indemnification Agreement which indemnifies Orange County from any damages caused from the rise in the lake water level.
3. Prior to final inspection approval, pollution abatement swales shall be installed above the normal high water elevation of Lake Hancock and the canal.
4. The proposed residence shall be setback 30.2 feet from the normal high water elevation of the canal and lake.
5. Prior to issuance of any building permit for the single family residence, the landowner shall have executed and recorded a document in the Official Records of Orange County, Florida, applicable to the subject property which recites that a single family residence may be constructed or may have been constructed within the 50 foot setback from the normal high water elevation of the man-made canal connecting to Lake Hancock as authorized by a variance approved with conditions by the Board of County Commissioners at a public hearing held on Tuesday, January 4, 2005.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT:
BRADLEY J. WILKINS; ITEM 16, NOVEMBER 4, 2004; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bradley J. Wilkins for a variance in Planned Development zone to add 484 square feet to existing accessory building for a cumulative square footage of 968 square feet in lieu of 500 square feet, on property generally located on the west side of Chesterhill Circle, 800 feet south of North Orange Blossom Trail; Parcel ID 05-20-27-1296-00-120; District 2; Section 05, Township 20, Range 27; Orange County, Florida (the legal property 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:

- Bradley J. Wilkins, the applicant
- Warren Giesen, area resident
- Robert Belton, area resident
- Tom Benniom, area resident

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved the request by Bradley J. Wilkins for a variance in Planned Development (PD) zone to add 484 square feet to existing accessory building for a cumulative square footage of 968 square feet in lieu of 500 square feet, on the above described property.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:
REGOL ASSOCIATES, INC.; CLARION HILLS; CASE Z-04-021, NOVEMBER 18, 2004;
DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Regel Associates, Inc.; Clarion Hills Planned Development, to rezone from R-1A (Single-family Dwelling District) (1957) to PD (Planned Development District), on property generally located on the southeast corner of Pine Hills Road and

Clarion Drive and south of Clarcona-Ocoee Road; Parcel ID 06-22-29-5844-00-390; District 2; Section 06, Township 22, Range 29; Orange County, Florida (the legal property 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 recommended the following condition be added: "A five-foot sidewalk should be provided on the south side of Clarion Drive."

The following persons addressed the Board regarding the request:

- Robert Gall, for the applicant
- City of Orlando Commissioner Vicki Vargo, area resident
- Patti Stribling, area resident
- Tom Cloud, for the applicant

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

A motion by Commissioner Sindler, seconded by Commissioner Jacobs, with Commissioners Jacobs, Sindler, and Stewart voting AYE by voice vote; County Mayor Crotty and Commissioners Fernandez, Segal, and Hartage voting NO by voice vote to continue the public hearing to consider a request by Regol Associates, Inc.; Clarion Hills Planned Development; to rezone from R-1A (Single-family Dwelling District) (1957) to PD (Planned Development District), until February 1, 2005, at 2 p.m., failed.

Commissioner Sindler requested revising proposed Condition 4 to read as follows: "Unless deemed technically unfeasible, a masonry wall shall be shown on the Preliminary Subdivision Plan."

Upon a motion by Commissioner Sindler, seconded by Commissioner Hartage, and carried with County Mayor Crotty and Commissioners Sindler, Fernandez, Segal, and Hartage voting AYE by voice vote; Commissioners Jacobs and Stewart voting NO by voice vote; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the request by Regol Associates, Inc.; Clarion Hills Planned Development; to rezone from R-1A (Single-family Dwelling District) (1957) to PD (Planned Development District), on the above described property; subject to the following conditions:

1. Development shall conform to the Clarion Hills Land Use Plan (LUP), dated "Received September 28, 2004," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
2. 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 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 and approved by both parties.
3. The developer shall obtain wastewater service from Orange County subject to County rate, resolutions, and ordinances.
4. Unless deemed technically unfeasible, a masonry wall shall be shown on the Preliminary Subdivision Plan.
5. The Covenants, Conditions, and Restrictions shall include notification to the homebuyers identifying the proximity of the project to the Pine Hills Landfill.
6. Billboards and pole signs shall be prohibited.
7. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of July 27, 2004.
 - 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 40 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.

8. A five-foot sidewalk shall be provided on the south side of Clarion Drive.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-GRANDE PINES PLANNED DEVELOPMENT-GRANDE PINES PSP AND AMENDED ADEQUATE PUBLIC FACILITIES (APF) AGREEMENT, DISTRICT 1-CONTINUED

After discussion by the parties, the County Mayor continued Board discussion.

Commissioner Jacobs requested the following condition be added: "The intersection improvements to Delmar Street and Reams Road, including a right-turn lane on Delmar Street, shall be constructed utilizing an "E" Permit prior to the infrastructure improvements."

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved the Grande Pines Planned Development (PD)-Grande Pines Preliminary Subdivision Plan (PSP) and Amended Adequate Public Facilities (APF) Agreement on the above-described property, subject to the following conditions:

1. Development shall conform to the Grande Pines PD; Orange County Board of County Commissioners' (BCC) approvals; Grande Pines PSP, dated "Received July 21, 2004"; 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 4, 2006, 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 stormwater outfall system has the capacity to accommodate this development.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master utility plan for this PD.
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 (NPDES) Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.
5. The Covenants, Conditions, and Restrictions shall include language that Lots 29 through 39 abut the First Baptist Church of Windermere's active recreation facilities and that these facilities may be lit and have amplified noise.
6. Approval of the Amended Adequate Public Facilities Agreement.
7. Prior to platting, an MSTU shall be established for recreational trail maintenance for secondary and connector trails that range in width from over 5 feet to less than 14 feet.

8. The intersection improvements to Delmar Street and Reams Road, including a right-turn lane on Delmar Street, shall be constructed utilizing an "E" Permit prior to the infrastructure improvements.

LAND USE PLAN PUBLIC HEARING-APPLICANT: ORANGE COUNTY; GREENWAY PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); CHANGE CONDITIONS OF APPROVAL; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Orange County to change conditions of approval by the Board of County Commissioners on February 10, 2004, Greenway Planning Development/Land Use Plan Amendment, on property generally located on the northeast corner of S.R. 535 and S.R. 417; Parcel IDs 35-24-28-5844-00-740; 35-24-28-5844-00-750; 35-24-28-5844-00-770; 35-24-28-5844-00-812; 35-24-28-5844-00-830; 35-24-28-5844-00-843; District 1; Section 35, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and stated the Development Review Committee recommended approval.

No one addressed the Board regarding the request.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, 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 Orange County to change conditions of approval by the Board of County Commissioners on February 10, 2004, Greenway Planning Development/Land Use Plan (PD/LUP) Amendment; on the above-described property, subject to the following conditions:

1. Development shall conform to the Greenway PD/LUP, dated "Received August 1, 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 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 and approved by both parties.
3. Prior to construction plan approval, master stormwater management, water, reclaimed water, and wastewater plans, including preliminary calculations, for the PD shall be submitted for review and approval.
4. The developer shall obtain wastewater, reclaimed water, and water service from Orange County subject to County rate resolutions and ordinances.
5. Pole signs and billboards shall be prohibited.
6. The project shall comply with the Commercial Design Standards Ordinance.
7. I-Drive Condition of Approval: The following International Drive strategic conditions shall apply:
 - a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center element.
 - b. If the housing linkage program is in place prior to the Development Plan approval, the development of nonresidential development shall be conditioned upon the development of residential units within the area designated Activity Center Residential on the Future Land use Map.
 - c. The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established or in progress prior to each development plan submittal including, but not limited to, landscaping standards, lighting standards, sign regulations, open space standards, building orientation and design, and location of parking lots.

- d. The property owners shall be required to participate in the International Drive Property Owner's Association upon its creation.
 - e. Stormwater management facilities shall be designed as an aesthetic feature except when determined by the County engineer to be technically unfeasible.
 - f. The Development Plan shall provide for interconnection of adjacent developable parcels either by cross-access easements or public right-of-way. This shall include connection into and continuation of an area-wide transportation plan for the International Drive Activity Center.
 - g. Electrical distribution lines shall be underground.
 - h. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be provided.
8. Outdoor storage/display shall be prohibited.
9. This project shall not exceed 239 multi-family units.

DEVELOPMENT REVIEW COMMITTEE DECISION APPEAL-APPELLANTS/APPLICANTS:
DAVID AND KARI DOWELL, FLOOD PLAIN ORDINANCE, DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by David and Kari Dowell regarding the Development Review Committee's (DRC) decision of denial, dated October 20, 2004, for variance from the Flood Plain Ordinance, Chapter 19, the Orange County Floodplain Management Regulations, on property generally located south of Old Winter Garden Road, west of Hiawassee Road and east of Lake Hiawassee; Parcel ID 26-22-28-3382-00-340; District 1; Section 26, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and the DRC's decision of denial.

The following persons addressed the Board regarding the request:

- David Dowell, the applicant
- Joan Staker, area resident
- Joseph Sawyer, area resident
- Shawn Watson, area resident

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board upheld the decision of the Development Review Committee and denied the request by David and Kari Dowell regarding the Development Review Committee's (DRC) decision of denial, dated October 20, 2004, for variance from the Flood Plain Ordinance, Chapter 19, the Orange County Floodplain Management Regulations; and further, granted the applicant one year to bring the garage into compliance with Orange County Code or to remove the structure.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: AARON GOROVITZ, QUADRANGLE PLANNED DEVELOPMENT/LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT (PD/LUP/DRI); AMEND LUP; NOTICE OF PROPOSED CHANGE TO DRI, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Aaron Gorovitz, Lowndes Drosdick Doster Kantor & Reed, Quadrangle Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI), to amend the LUP; approve a Notice of Proposed Change (NOPC) to the DRI; authorize the County Mayor to execute the Amendment to the Development Order, and approve a Developer's Agreement to reduce the size of the retention pond and relocate commercial uses to the site. No additional commercial square footage is being added to the overall Quadrangle PD, pursuant to Orange County Code, Section 38-1207; on property generally located at the northeast corner of University Boulevard and Rouse Road; Parcel ID 04-22-31-7280-00-110; District 5; Section 04, Township 22, Range 31; Orange County, Florida (the legal property 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.

The following persons addressed the Board regarding the request:

- Aaron Gorovitz, the applicant
- Vernon Schmid, area resident
- Linda Dorian, area resident

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

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, 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 Aaron Gorovitz, Lowndes Drosdick Doster Kantor & Reed, Quadrangle Planned Development/ Land Use Plan/Development of Regional Impact (PD/LUP/DRI); to amend the LUP; approved a Notice of Proposed Change (NOPC) to the DRI; authorized the County Mayor to execute the Amendment to the Development Order, and approved a Developer's Agreement to reduce the size of the retention pond and relocate commercial uses to the site. No additional commercial square footage is being added to the overall Quadrangle PD; 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 October 4, 2004," 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. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master utility and stormwater plans for this PD.
4. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31-5.
5. Outdoor storage and display shall be prohibited.
6. This project shall comply with Lighting Ordinance 2003-08.
7. This project shall comply with the Commercial Design Standards Ordinance.
8. Commercial restaurants shall not have outdoor speakers or music.
9. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances.
10. A developer's agreement for right-of-way shall be required with the approval of the rezoning.
11. Prior to issuance of a building permit, the property shall be replatted.
12. There shall be no direct access to Rouse Road.
13. This project shall comply with the drainage requirements of the Orange County Subdivision Regulations.

MEETING ADJOURNED

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

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Minutes Coordinator

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