

MEETING OPENED

There being a quorum, the County Mayor 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, February 15, 2005. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, 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

Commissioner Bob Sindler was absent.

The County Mayor welcomed Commissioner Jacobs back to the chambers after an extended absence.

The Board paused for the invocation by Father Arthur Dasher of St. Mary of the Angels Episcopal Church, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Father Dasher.

PRESENTATIONS

Ann Chinoda, president and CEO of Florida's Blood Centers, addressed the Board in thanks for Orange County's contribution to its blood bank.

The County Mayor deferred the presentation of proclamation for "Spay Week" until later in the meeting.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board:

- Deleted County Administrator Item 1

- Deleted County Administrator Item 8(g)
- Deleted Growth Management Department Item 3
- Deleted Public Works Department Items 7, 8, and 9

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

#### County Mayor's Report

1. Confirmation of the following appointments: James E. Harrison, Esq., AICP, as Director, Growth Management Department; Linda S. Akins as Director of Government Relations; Richard L. Anderson as Major, Corrections Department; Dr. Cathleen Armstead as Manager, Head Start Division, Health and Family Services Department; and Joseph C. Kunkel, P.E., as Manager, Engineering Division, Public Works Department.

#### County Comptroller

1. Authorization for execution by the County Mayor of the agreement for the Municipal Service Benefit Unit (MSBU) for Forest Park. The purpose of the agreement is for the approved Forest Park MSBU for reimbursable common area maintenance (Administrative/Fiscal Division).
2. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for the following periods:
  - January 28, 2005, to February 3, 2005; total of \$35,393,860.80
  - February 4, 2005, to February 10, 2005; total of \$12,789,391.55

(Finance and Accounting Department).

#### County Administrator

1. Approval for the Sheriff's Office to spend \$3,500 from the Law Enforcement Trust Fund to provide eligible contributions to Harbor House (\$2,500) and to Bill Glass Ministries Champions for Life (\$1,000) (Office of Management and Budget).

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

2. Approval of Budget Amendments 05-18 and 05-19 (Office of Management and Budget).  
  
(Budget amendments are on file in the Comptroller Finance and Accounting Department.)
3. Approval of Budget Transfer 05-0869 (Office of Management and Budget).  
  
(Budget transfer is on file in the Comptroller Finance and Accounting Department.)
4. Approval to spend \$110,398 from the Law Enforcement Impact Fee Fund for a Router System and the expansion of the DUI Testing Center (Office of Management and Budget).
5. Approval of payment of intergovernmental claims of January 6, 2005; January 13, 2005; January 20, 2005; and January 27, 2005; totaling \$1,522,396.57 (Risk Management Division).
6. Confirmation of Mayor Crotty's appointment of Sami Dahoud Qubty to the Membership and Mission Review Board with a term expiring December 31, 2006 (Agenda Development Office).
7. Confirmation of the appointment of Orlando Rivera as the District 6 representative on the Board of Zoning Adjustment with a term expiring December 31, 2006 (Agenda Development Office).
8. Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments/reappointments:
  - a. Arts and Cultural Affairs Advisory Board: Appointment of Royce B. Walden as requested by Commissioner Hartage to succeed Melva Jacqueline Perkins as the District 6 representative with a term expiring June 30, 2006.
  - b. Children and Family Services Board: Reappointment of Allen E. Arthur in the at-large category with a term expiring December 31, 2006.
  - c. Civic Facilities Authority: Reappointment of George L. Stuart, Jr., as requested by the City of Orlando with a term expiring December 31, 2007.

- d. Commission on Aging: Appointment of Martha Ann Johnson to succeed Kenneth R. Peach in the media/public relations representative category with a term expiring June 30, 2005.
- e. Development Advisory Board: Appointment of Louis L. Roeder to succeed John T. Mongoven in the homeowner's interest representative category with a term expiring June 30, 2005.
- f. International Drive Community Redevelopment Agency (CRA) Advisory Committee: Reappointment of Allison Anthony as the Tangelo Park Civic Association representative, Alan C. Villaverde as the International Drive Master Transit and Improvement District representative, and Peter Garritt Toohey as the Efficient Transportation for the Community of Central Florida, Inc., representative with terms expiring January 1, 2007.
- g. Library Board of Trustees: Reappointment of Dr. Gloria E. Fernandez as an Orange County representative with a term expiring December 31, 2008.

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

- h. MetroPlan Orlando Citizens' Advisory Committee: Reappointment of Eugene Roberson, Jr., and Marco A. Franco in the Orange County representative category and the appointment of Richard E. Foglesong, Ph.D., to succeed Ernesto Gonzalez-Chavez in the Orange County representative category with terms expiring December 31, 2008.
- i. Parks and Recreation Advisory Board: Appointment of Fonda L. McGowan as requested by Mayor Crotty to succeed Thomas F. Lang as the County Mayor's representative with a term expiring June 30, 2006.
- j. Underground Utility Pipeline Contractors' Board of Examiners: Reappointment of Michael Meridith in the General Contractor or Underground Utility Contractor category with a term expiring December 31, 2006. Note: This would be a third term for Mr. Meridith and would require a supermajority (5) vote of the Board of County Commissioners.

(Agenda Development Office)

## Administrative Services Department

1. Approval to award Invitation for Bids Y5-161-HF, Right-of-Way Mowing in the Goldenrod Area, Section II, to the low responsive and responsible bidder, K&P Lawn Maintenance. The estimated contract award amount is \$143,150 ([Roads and Drainage Division] Purchasing and Contracts Division).
2. Approval of Contract Y2-800-DB, John Young Parkway Engineering Study (from State Road 528 to the North Slab of the Florida Turnpike Bridge), with Bowyer Singleton and Associates, Inc. The total contract award amount is \$689,135 ([Public Works Engineering Division] Purchasing and Contracts Division).
3. Approval of Amendment 2, Contract Y5-2067, Annual Baker Act Match Agreement, with Lakeside Alternatives, Inc., in the additional amount of \$261,127 for a new total contract amount of \$2,092,057.58 ([Health and Family Services Department] Purchasing and Contracts Division).
4. Approval of Task Authorization 25, Contract Y3-904, General Consultant and Capital Improvement Program Management Services, for Utilities GIS Data Re-engineering, with PBS&J, in the amount of \$592,510.04 ([Utilities Engineering Division] Purchasing and Contracts Division).
5. Approval to award Contract Y5-617, Upgrade of the Landfill Operation Weighing, Invoicing, and Ticketing Software, with Mettler-Toledo, Inc., in the amount of \$143,089. ([Solid Waste Division] Purchasing and Contracts Division).  
  
(Contract is on file in the Purchasing and Contracts Division.)
6. Approval and execution by the County Mayor of Supplemental Lease Agreement between Orange County and the United States of America for office space for FEMA Disaster Recovery Center in the Nicor Building, located at 1602 North Goldenrod Road, Orlando, Florida, District 3 (Real Estate Management Division).
7. Approval of Temporary Access Easement and authorization to record instrument for Home Depot at Lee Road and I-4, District 2 (Real Estate Management Division).

8. Approval of Warranty Deeds and authorization to record instruments for Lakes of Windermere-Peachtree (Bike Path), District 4 (Real Estate Management Division).
9. Approval and execution by the County Mayor of Easement and authorization to record instrument for Tudor Groves at Timber Springs, District 4 (Real Estate Management Division).
10. Approval and execution by the County Mayor of Non-Exclusive Utility Easement Agreements and authorization to disburse warrant to pay all recording fees and record instruments for Hotel Plaza Boulevard at C.R. 535-Lake Buena Vista (aka C.R. 535/Apopka-Vineland Road-Lake Avenue Interconnect), District 1 (Real Estate Management Division).

#### Community and Environmental Services Department

1. Acceptance of a Lake Conway Water and Navigation Control District Advisory Board Resolution to Expend Funds and approval for the payment of \$27,640.90 to Professional Engineering Consultants for design services for the Venetian Canal dredging project, District 4 (Environmental Protection Division).
2. Acceptance of a Lake Conway Water and Navigation Control District Advisory Board Resolution to Expend Funds and approval for the payment of \$3,279.20 to Professional Engineering Consultants for canal muck level assessments, District 4 (Environmental Protection Division).
3. Approval of a final change order for the payment of \$330,418.50 to the remediation contractor; Severson Environmental, Inc.; the Dr. Phillips Park site; District 1 (Environmental Protection Division).

#### Growth Management Department

1. Approval of a Single Family Affordable Housing Developer's Agreement between Orange County and Homes In Partnership, Inc.; approval of a County Deed by the County Mayor; and authorization to record instrument, District 1 (Housing and Community Development).
2. Approval of an agreement between Orange County and Pathways Drop-In Center, Inc., regarding Community Development Block Grant Program funding pursuant to the 1-Year Action Plan, District 6 (Housing and Community Development).

3. Approval of the Second Partial Release from Camino Real Developer's Agreement and Agreements for Change to Camino Real Planned Development (Vista Centre Shoppes) with Vista Property Investments, District 1 (Planning Division).

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

#### Health and Family Services Department

1. Approval of the application to license the Bithlo 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 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).
3. 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).
4. Approval of the contract agreement 05EA-5K-12-00-01-022, between the State of Florida Department of Community Affairs and Orange County for the operation of the Low-Income Home Energy Assistance Program (LIHEAP); approval for the County Mayor or his designee to sign the contract when received from the Department of Community Affairs to ensure no lapse in contract funding; and approval for the County Mayor or his designee to approve any LIHEAP contract modification agreements for the term of the contract January 1, 2005, through March 31, 2006. There is no cost to the County (Youth and Family Services Division).

#### Public Works Department

1. Approval to issue Change Order No. 1-PWF to Contract No. Y3-791, Intersection Improvements at Sand Lake Road and Turkey Lake Road to Cathcart Contracting Company, Inc., in the amount of \$55,578.17, District 1 (Highway Construction Division).

2. Approval to issue Change Order No. 4-PWF to Contract No. Y3-763, Riverside Acres Subdivision Arch Pipe Rehabilitation to Johnson Bros. Corporation in the amount of \$243,079.34, District 2 (Highway Construction Division).
3. Approval of Resolution 2005-M-07 and the Local Agency Program Agreement between Orange County and the Florida Department of Transportation for the construction of a traffic signal at C.R. 545/Avalon Road and Marsh Road intersection, District 1 (Public Works Engineering Division).
4. Approval to lower the existing speed limit on Old Highway 50 between Oakland Road and Lake Boulevard from 45 miles per hour to 40 miles per hour, District 1 (Traffic Engineering Division).
5. Approval of the Amendment to Wetherbee Road Right-of-Way Dedication Agreement for the Wetherbee Road Phase I Project with Jetport Industrial Park of Orlando, Limited, District 4 (Road Impact Fee Credit Committee).
6. Approval of the Drainage Easement Agreement, North Orlando Service Center, and the reimbursement of \$28,361.71 to the LD/Maitland, LLC, for improvements constructed within the right-of-way, District 2 (Road Impact Fee Credit Committee).
7. Approval of the Road Impact Fee Agreement, Stoneybrook PD/Tract 22, South Alafaya Trail, and the issuance of Road Impact Fee Credits in the name of Stoneybrook Marketplace, LLC, in exchange for dedicated rights-of-way along Alafaya Trail, District 4 (Road Impact Fee Credit Committee).

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

8. Approval of the Roadway Network Agreement (Avalon Associates-Alafaya Trail), for the widening of Alafaya Trail from Curry Ford Road to Avalon Park Boulevard, and the issuance of Road Impact Fee Credits to Avalon Associates of Delaware. Limited Partnership, for a total amount of \$1,471,291, District 4 (Road Impact Fee Credit Committee).

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

9. Approval of the Roadway Network Agreement (Morgran Company-Alafaya Trail) with the Morgran Planned Development for Alafaya Trail from Curry Ford Road to Avalon Park Boulevard, District 4 (Road Impact Fee Credit Committee).

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

#### INFORMATIONAL ITEMS\*

##### County Comptroller

1. Receipt of the following file for the record document:
  - a. State of Florida Auditor General's copy of Report 2005-087, an Operational Audit of County Transportation Trust Funds from October 1, 2002, through September 30, 2003 (Comptroller Clerk of the Board of County Commissioners).
2. Acknowledgement and filing of the Audit of the Orange County Code Enforcement Division (Administrative/Fiscal Division).
3. Acknowledgement and filing of the Comptroller, Orange County, Florida, Annual Financial Report for the year ended September 30, 2004 (Administrative/Fiscal Division).

#### ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of 3 firms and 1 alternate to provide Continuing Engineering Services for Geotechnical and Materials Testing Services, Request for Proposals Y5-900-PH ([Utilities Engineering Division] Purchasing and Contracts Division).

Staff stated that Commissioner Hartage attended the January 19, 2005, Procurement Review Committee meeting for the selection of 3 firms and 1 alternate to provide Continuing Engineering Services for Geotechnical and Materials Testing Services, from the following 4 firms listed alphabetically:

- Ardaman & Associates, Inc.
- Nodarse & Associates, Inc.
- Professional Service Industries, Inc.
- Universal Engineering Sciences, Inc.

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

- #1 Nodarse & Associates, Inc.
- #2 Professional Service Industries, Inc.
- #3 Ardaman & Associates, Inc.

and selected 1 alternate as follows:

- Universal Engineering Sciences, Inc.

and further, authorized staff to enter into contract negotiations for Continuing Utilities Engineering Services for Geotechnical and Materials Testing Services, Request for Proposal Y5-900-PH.

2. Selection of 1 firm and 2 ranked alternates to provide Security Consultant Services, Request for Proposals Y4-1077-NW ([Facilities Management Division] Purchasing and Contracts Division).

Staff stated that Commissioner Stewart attended the November 3, 2004, Procurement Review Committee meeting for the selection of 1 firm and 2 ranked alternates to provide Security Consultant Services, from the following 3 firms listed alphabetically:

- A Secure America
- Aegis Security Design
- Constantin Walsh-Lowe

Upon a motion by Commissioner Stewart, seconded by Commissioner Jacobs, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board selected 1 firm:

- A Secure America

and 2 ranked alternates as follows:

- #1 Constantin Walsh-Lowe
- #2 Aegis Security Design

and further, authorized staff to enter into contract negotiations to provide Security Consultant Services, Request for Proposals Y4-1077-NW.

#### PUBLIC SAFETY DISCUSSION AGENDA

1. Corrections Jail Oversight Commission (JOC), Health Services and Capital Improvements Plan (CIP) update; and direction on the build out of the third courtroom for the Phase II Project, and approval to increase the project budget by \$2,675,000 (Corrections).

Staff presented a report and requested direction on this item. Judge Carolyn Freeman addressed the Board and contributed to the report. Board discussion ensued; Bill Sublette, chairman of the JOC, contributed to the discussion.

Upon a motion by County Mayor Crotty, seconded by Commissioner Segal, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, and Segal voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; Commissioner Sindler was absent; the Board authorized the build out of the third Courtroom for the Phase II Corrections Expansion Project; further, approved increasing the project budget by \$2,675,000; and further, directed staff to provide the budget information to the Board.

2. Increase the Fire Rescue Department authorized positions by 24 for Fire Station 35, District 1 (Fire Rescue Department).

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board authorized increasing the authorized positions by 24 to operate temporary Fire Station 35.

NONAGENDA

Commissioner Hartage presented a report regarding pedestrian safety and requested establishment of a Pedestrian Safety Study Group to study and make recommendations to the Board on ways of making County streets safer.

Staff presented a report of the County Mayor's initiatives regarding pedestrian safety. Board discussion ensued. No action was taken.

NONAGENDA

Commissioner Segal requested clarification of the County's position concerning a Light-Rail System referring to an article in the February 15, 2005, issue of a local newspaper. Board discussion ensued. No action was taken.

PRESENTATION

Presentation of proclamation designating the week of February 21 through February 26, 2005, as "Spay Week" to Deputy Director Community and Environmental Services Department Venetta Valdengo-Blevins. Ms. Blevins reported on the success of the division's adoption and spay-neuter programs.

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 Mildred Fernandez, Linda Stewart, and Bill Segal
- Senior Assistant County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioners Teresa Jacobs and Homer Hartage joined the meeting where indicated. Commissioner Bob Sindler was absent.

FEBRUARY 3, 2005, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioners Jacobs, Sindler, and Hartage were absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of February 3, 2005.

Commissioners Jacobs and Hartage joined the meeting.

MSTU/BU PUBLIC HEARING-NOTICE OF INTENT RESOLUTION TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF NON-AD VALOREM ASSESSMENTS

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA DECLARING THE BOARD'S INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS AS AUTHORIZED BY SECTION 197.3632, FLORIDA STATUTES; AS THE METHOD OF PROVIDING STREETLIGHTING, RETENTION POND DRAINAGE SERVICES, SPEED HUMP INSTALLATION, UTILITY INFRASTRUCTURE IMPROVEMENTS AND ASSOCIATED FEES, WALL IMPROVEMENTS AND ASSOCIATED FEES, WALL IMPROVEMENTS AND ASSOCIATED FEES, LOT CLEANING FEES AND/OR COMMON AREA MAINTENANCE; DECLARING THE NEED FOR SUCH NON-AD VALOREM ASSESSMENTS; AND DESCRIBING THE BOUNDARIES OF THE LAND THAT WILL BE SUBJECT TO SUCH NON-AD VALOREM ASSESSMENTS.

Staff reported that this hearing is a formality to reserve the Board's prerogative to place MSBU special assessments, if any, on the real estate tax bill for this November.

No one appeared regarding the proposed resolution.

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 Sindler was absent; the Board adopted a resolution, Notice of Intent to use the uniform ad valorem method of collection of non-ad valorem assessments.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:  
SCOTT HENDERSON, CURRY FORD OFFICE CENTER PLANNED DEVELOPMENT; CASE  
Z-04-103, DECEMBER 16, 2004; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Scott Henderson, Curry Ford Office Center Planned Development, to rezone A-2 (Farmland Rural) (1957) and PD (Planned Development District) (1989) to PD (Planned Development District), on property generally located on the northeast corner of Dean Ridge Road and Curry Ford Road, east of Dean Road; Parcel IDs 05-23-31-0000-00-023 and 05-23-31-0000-00-032; District 4; Section 05, Township 23, Range 31; 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 County Mayor noted the applicant present and in concurrence with the staff recommendation.

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 Sindler was absent; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the Curry Ford Office Center Planned Development/Land Use Plan (PD/LUP) on the above described property, subject to the following conditions:

1. Development shall conform to the Curry Ford Office Center LUP; dated "Received October 29, 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. Outside storage and display shall be prohibited.
4. Billboards and pole signs shall be prohibited; ground and facia signs shall comply with Ch. 31.5.
5. This property shall be platted prior to the issuance of a Certificate of Occupancy.
6. The developer shall obtain water, wastewater and reclaimed water and water services from Orange County subject to County rate resolutions and ordinances.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-HALL ESTATES PSP, DISTRICT 6-CONTINUED FROM NOVEMBER 9, 2004, AND DECEMBER 14, 2004

By consensus, the Board reopened the public hearing to consider the Hall Estates Preliminary Subdivision Plan continued from the November 9, 2004, and December 14, 2004, Board meetings.

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

Staff requested a condition be added as follows: "Lots 4 and 5 shall each have a 20-foot fee-simple extension to Monitor Avenue. Lots 4 and 5 shall share a common driveway to Monitor Avenue. This driveway shall have 8 feet of pavement on each lot with a maximum width of 16 feet. A common access easement shall be recorded for the access to Monitor Avenue for Lots 4 and 5."

Commissioner Hartage requested a condition be added as follows: "No bedrooms on Lots 3 and 6 shall be constructed adjacent to the common driveway for Lots 4 and 5."

For the record, Commissioner Jacobs stated she is not in favor of proposed Condition 4.

The following persons addressed the Board regarding the request:

- Jeff Otaway, for the applicant
- Perry Brickman, the project builder

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

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

1. Development shall conform to the Hall Estates PSP; dated "Received August 9, 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 Board of County Commissioners (BCC), or by action of the BCC.

PSP approval automatically expires on February 15, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. The stormwater management system shall be designed to retain the 100-year/24-hour storm event on site with a bleed down, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations.
3. A waiver from Section 34-152(c) of the Subdivision Regulations shall be granted to allow direct access to external streets.
4. A waiver from Section 37-533 of the Orange County Code shall be granted which specifies the distance required for considering a central sewerage system to be available for connection, as the lots are a minimum 1/4 acre and the adjacent subdivision is served by septic tanks.
5. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) for stormwater

discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.

6. Lots 4 and 5 shall each have a 20-foot fee-simple extension to Monitor Avenue. Lots 4 and 5 shall share a common driveway to Monitor Avenue. This driveway shall have 8 feet of pavement on each lot with a maximum width of 16 feet. A common access easement shall be recorded for the access to Monitor Avenue for Lots 4 and 5.
7. No bedrooms on Lots 3 and 6 shall be constructed adjacent to the common driveway for Lots 4 and 5.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: HAL KANTOR, PEPPERMILL WEST 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 Hal Kantor; Lowndes Drosdick Kantor and Reed, P.A.; Peppermill West Planned Development/Land Use Plan (PD/LUP); to amend the Peppermill West PD/LUP to reduce the acreage of the existing church parcel (no reduction in square footage of the church) and create a new lot to add 135 townhomes pursuant to Orange County Code, Section Chapter 30, Section 38-1207; on property generally located on the west side of John Young Parkway, opposite Peppermill Boulevard; Parcel ID 20-24-29-0000-00-010; District 1; Section 20, Township 24, Range 29; 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.

Staff stated that the LUP date in Condition 1 should be January 7, 2005.

The following persons addressed the Board regarding the request:

- Hal Kantor, the applicant
- Charles Sterns, area resident
- Paul Masente, area resident
- Carol Stine, area resident
- Unidentified man, resident of Crystal Creek Subdivision

Commissioner Jacobs requested Condition 6 to read as follows: "The minimum living area shall be 1,200 square feet under heated and cooled space only. Each unit shall have a minimum of 1 bedroom on the ground floor."

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 present members voting AYE by voice vote; Commissioner Sindler was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Hal Kantor, Peppermill West Planned Development/Land Use Plan (PD/LUP), to amend the Peppermill West PD/LUP to reduce the acreage of the existing church parcel (no reduction in square footage of the church) and create a new lot to add 135 townhomes; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Land Use Plan; dated "Received January 7, 2005"; 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. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances.

4. 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.
5. Billboards and pole signs shall be prohibited.
6. The minimum living area shall be 1,200 square feet under heated and cooled space only. Each unit shall have a minimum of 1 bedroom on the ground floor.
7. Uses in the commercial tracts shall be restricted to Retail Commercial District (C-1) and General Commercial District (C-2). Outdoor storage and display, and new or used auto dealerships are prohibited.
8. A 6-foot-high masonry/brick/block wall shall be provided along the rear of Lots 5 and 6 in Parcel F.
9. At the time of platting, the project's Declaration of Covenants, Conditions, and Restrictions shall contain the following statement: "This project shall house at least 1 person who is 55 or older in at least 80 percent of the occupied units and shall adhere to policies that demonstrate intent to house persons who are 55 or older, and shall otherwise comply with the Fair Housing Act. In addition, no person under the age of 18 may permanently reside in the Project."

PLANNING AND ZONING COMMISSION APPEAL-APPELLANT/APPLICANT: CHAD S. LINN; CASE Z-04-102, SEPTEMBER 16, 2004; DISTRICT 3-CONTINUED FROM NOVEMBER 9, 2004, AND JANUARY 4, 2005

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 and Associates, to rezone from Retail Commercial District (C-1) (1973) to General Commercial District (C-2) (the legal property description is on file).

Commissioner Jacobs left the meeting.

Staff outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Planning and Zoning Commission recommended denial of the request.

The following person addressed the Board regarding the request:

- Todd Hoepker, for the applicant

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Sindler were absent; the Board made a finding of consistency with the Comprehensive Policy Plan and overturned the decision of the Orange County Planning and Zoning Commission and approved the request by Chad S. Linn, Kimley-Horn and Associates, to rezone from Retail Commercial District (C-1) (1973) to General Commercial District (C-2) on the previously-described property.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:  
DANIEL OLIVEIRA FOR JOSE OLIVEIRA; CASE Z-04-129, DECEMBER 16, 2004; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Daniel Oliveira for Jose Oliveira, to rezone R-1A (Single-family Dwelling District ) (1957) to I-2/I-3 (Industrial Park District), on property generally located on the south side of Landstreet Road, west of Boggy Creek Road; Parcel IDs 36-23-29-8228-11-609 and 36-23-29-8228-11-807; District 4; Section 36, Township 23, 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 requested the following condition be added: "Prior to the issuance of building permits, plans must be submitted to the Orange County Environmental Protection Division (EPD) for review and approval. Periodic inspection by EPD may be required as a condition of this approval."

Commissioner Jacobs rejoined the meeting.

The following person addressed the Board regarding the request:

- Daniel Oliveira, 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 Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board made a finding of consistency with the Comprehensive Policy Plan and approved the I-2/I-3 (Industrial Park District) zoning on the above-described property, subject to the following conditions:

1. Billboards and pole signs shall be prohibited.
2. Prior to the issuance of building permits, plans must be submitted to the Orange County Environmental Protection Division (EPD) for review and approval. Periodic inspection by EPD may be required as a condition of this approval.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-CLEAR LAKE RESERVE PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Clear Lake Reserve Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of Binion Road, north of John's Road; Parcel ID 07-21-28-0000-00-031; District 2; Section 07, Township 21, Range 28; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 10.24-acre site for 10 lots.

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

The County Mayor noted the developer's representative present and in concurrence with the recommendation.

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

Upon a motion by County Mayor Crotty, seconded by Commissioner Fernandez and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the Clear Lake Reserve Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Clear Lake Reserve PSP; dated "Received November 29, 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 Board of County Commissioners (BCC), or by action of the BCC.

PSP approval automatically expires on February 15, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. The stormwater management system shall be designed to retain the 100-year/24-hour storm event on site with bleed down, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant demonstrates the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations.
3. Unless a Conservation Area Impact Permit is approved by the BCC prior to construction plan approval, no conservation area encroachments shall be permitted.
4. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollutant Discharge Elimination System (NPDES) Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.
5. Due to the constrained area between Mudd Lake and Binion Road, a waiver is granted to allow access for Lots 9, 10, and Tract A from Binion Road in lieu of the internal street as required under Section 34-152 of the Orange County Code.
6. Due to the internal road being adjacent to North Binion Road, a waiver is granted to allow a right-of-way width for internal roads to be 40 feet in lieu of 50 feet as required under Section 34-171(1) of the Orange County Code.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-FISHER PLANTATION  
PLANNED DEVELOPMENT (PD)-FISHER PLANTATION PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Fisher Plantation PD-Fisher Plantation PSP, submitted in accordance with

Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located west of Schopke Lester Road, north of Schopke Road; Parcel ID 31-20-28-0000-00-023; District 2; Section 31, Township 20, Range 28; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 25-acre site for 81 single-family units with a minimum living area of 2,000 square feet.

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

The County Mayor noted the applicant present and in concurrence with the recommendation.

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

Upon a motion by County Mayor Crotty, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the Fisher Plantation Planned Development (PD)-Fisher Plantation Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Fisher Plantation PD; Orange County Board of County Commissioners' (BCC) approvals; Fisher Plantation PSP; dated "Received December 27, 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 February 15, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. The stormwater management system shall be designed to retain the 100-year/24-hour storm event on site unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the

developer shall comply with all applicable state and local stormwater requirements and regulations.

3. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollutant Discharge Elimination System (NPDES) Notice of Intent for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.
4. The Fisher Plantation PD has an executed Capacity Enhancement Agreement with Orange County Public Schools approved by the School Board on September 23, 2003. The agreement requires the prepayment of impact fees for the platted units and a voluntary contribution of \$1,500 for each unit above the 1 vested unit. The payment is due on or before 15 days after the date of approval of the Preliminary Subdivision by the BCC.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-LAKE JESSAMINE COVE PSP, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Lake Jessamine Cove PSP, 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 Oak Ridge Road, east of Padgett Circle; Parcel ID 23-23-29-0000-00-138; District 4; Section 23, Township 23, Range 29; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 3.27-acre site for 5 single-family units with a minimum living area of 1,000 square feet.

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

Commissioner Stewart requested a condition be added as follows: "The minimum living area shall be 1,500 square feet under heated and cooled space only."

The following person addressed the Board regarding the request:

- Bill Foyle, for the developer
- Wolfram Grothe, area resident

- Aaron Guerra, area resident

Commissioner Jacobs left the meeting.

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; Commissioners Jacobs and Sindler were absent; the Board approved the Lake Jessamine Cove Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Lake Jessamine Cove PSP; dated "Received December 2, 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 Board of County Commissioners (BCC), or by action of the BCC.

PSP approval automatically expires on February 15, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. The stormwater management system shall be designed to retain the 100-year/24-hour storm event on site unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations.
3. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.
4. Unless a Conservation Area Impact permit is approved by the BCC prior to construction plan approval, no conservation area encroachments are permitted.

5. The minimum living area shall be 1,500 square feet under heated and cooled space only.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 3:30 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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County Mayor

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

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