

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:10 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 15, 2005. The following were present:

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

Commissioner Homer Hartage joined the meeting where indicated.

The Board paused for the invocation by the Reverend Dr. Gary Spencer of the First United Methodist Church of Orlando, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Dr. Spencer.

PRESENTATION

Presentation of proclamation designating the week of March 13 to March 19, 2005, as "National Surveyors Week" to Beverly Hart-Jones for the Central Florida Surveying and Mapping Society. Ms. Hart-Jones presented a limited edition of the Louis and Clark Postage Stamp Collection to the Board.

Commissioner Hartage joined the meeting.

NONAGENDA

The County Mayor presented a proclamation acknowledging St. Patrick's Day and the contributions of Irish Americans to this country.

Commissioner Stewart introduced Anne Wienecke, an intern in her office who is from Germany.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board deferred Growth Management Department Item 1 for a separate vote (see page 401 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 February 15, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
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 period: March 4, 2005, to March 10, 2005; total of \$23,141,258.37 (Finance and Accounting Department).

## County Administrator

1. Approval of Budget Amendment 05-22 (Office of Management and Budget).  
  
(Budget amendment is on file in the Comptroller Finance and Accounting Department.)
2. Approval of payment of intergovernmental claims of February 3, 2005; February 10, 2005; February 17, 2005; and February 24, 2005; totaling \$860,066.91 (Risk Management Division).
3. Confirmation of the Orange County Mayor's staff reappointments for the 2nd Quarter (January-March) FY 2004-05:
  - Antonio Aguerrevere, Manager, Capital Projects, Administrative Services
  - Ralphetta Aker, Manager, Fiscal and Administration, Public Works
  - Scott P. Bradstreet, Deputy Chief of Corrections, Corrections
  - James Douglas Brock, Manager, Fleet Management, Administrative Services
  - Peter D. Clarke, Deputy Director, Health and Family Services
  - Ella J. Gilmore, Deputy Director, Health and Family Services

- Doris Shingles Graham, Manager, Community Action, Health and Family Services
- Karen Marie Hinson, Manager, Event Services, Convention Center
- Ajit M. Lalchandani, County Administrator, County Administration
- Fitzhugh Long, Manager, Business Development, Administrative Services
- Melvin Pittman, Director, Community and Environmental Services
- Johnny Richardson, Manager, Purchasing and Contracts, Administrative Services
- Cornita A. Riley, Deputy Chief of Corrections, Corrections
- George A. Rodon, Jr., Economic Development Director, County Administration
- Timothy P. Ryan, Chief of Corrections, Corrections
- Robert Paul Spivey, Jr., Manager, Code Enforcement, Community and Environmental Services
- Thomas Weinberg, Deputy County Administrator, County Administration
- Lavon Banks Williams, Manager, Neighborhood Services, Community and Environmental Services
- Eric Milton Witcher, Manager, Human Resources, Corrections

(Human Resources Division).

#### Administrative Services Department

1. Approval to award Invitation for Bids Y5-720-PH, Anthony Lane, Charlin Parkway, and Mattituck Circle Pump Station Improvements, to the low responsive and responsible bidder, Schuller Contractors, Inc. The total contract award amount is \$838,000 ([Utilities Engineering Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-721-PH, S.R. 91 Utility Relocation Project, to the low responsive and responsible bidder, Prime Construction Group, Inc. The total contract award amount is \$171,240 ([Utilities Engineering Division] Purchasing and Contracts Division).
3. Approval of Contract Y4-1032-NW, Renewals of All Lines of Commercial Insurance Coverage, Insurance Broker Services, for premiums not to exceed \$9,962,000 ([Risk Management Division] Purchasing and Contracts Division).
4. Approval to award Contract Y5-618-NW, Internet-Based Orange County Water Resource Atlas, with the University of South Florida, in the contract award amount

of \$257,508 ([Environmental Protection Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division.)

5. Approval of Task Authorization 36, Alternative Water Supply Feasibility Study, Contract Y2-903, Integrated Water Resource Project, with Parsons, Brinckerhoff, Quade & Douglas, Inc., in the amount of \$469,243 ([Utilities Engineering Division] Purchasing and Contracts Division).
6. Approval of Temporary Construction Easements and authorization to disburse warrant to pay all recording fees and record instruments for Sand Lake Hills MSBU Wall, District 1 (Real Estate Management Division).
7. Approval and execution by the County Mayor of Lease Agreement and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Frog Hole Land Co. and Orange County for a temporary fire station located at 7015 Winter Garden-Vineland Road, Orlando, Florida, for Fire Station #35 temporary location, District 1 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval to file claim of Special Assessment Lien by Resolutions 2005-CEDD-006 through 2005-CEDD-008 for unsafe structures demolished by Orange County, pursuant to Ordinance 2000-04, as follows:

<u>District</u>	<u>Property</u>	<u>Resolution #</u>	<u>Owner</u>	<u>Cost</u>
2	6014 Terrell Road	2003-9827H	Cassandra A. Corley	\$6,079.99
2	3418 Dragoon Place	2004-27024H	Lavelle R. Ware	\$6,117.18
6	814 W. Miller Street	2004-23524H	William W. Tesesco	\$2,415.50

Districts 2 and 6 (Code Enforcement Division).

2. Approval to advertise Resolutions 2005-CED-067 through 2005-CED-075 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 05-115; LC 05-144; LC 05-114; LC 05-097; LC 05-124; LC 05-125;  
 LC 05-143; LC 05-140; LC 05-141;

Districts 2, 3, 4, 5, and 6 (Code Enforcement Division).

Growth Management Department

1. Approval of a Developer's Agreement between Orange County and Unicorp National Development for the "Pay-As-You-Go" Fee Payment for CVS Pharmacy on Colonial Drive, affecting the road segment on Colonial Drive, from Alafaya Trail to South Tanner Road, District 4 (Fiscal and Administrative Services).

(As stated in the above motion, this item was deferred for a separate vote; see page 401 for subsequent approval.)

Health and Family Services Department

1. Approval of the application to license the Denton Johnson 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 John H. Bridges 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 federal grant funds in the amount of \$11,508,376 from the Department of Health and Human Services, Administration for Children and Families, to serve 1,536 preschool Head Start children, and approval for the County Mayor or his designee to execute all future grant modifications that increase or decrease funding but do not contain substantive contract changes. No additional County funds are required (Head Start Division).

Public Works Department

1. Authorization to record the plat of Sunport Technological Center 2nd Replat, District 4 (Development Engineering Division).
2. Approval to issue Excavation/Fill Permit #99-EF1-291, District 1 (Development Engineering Division).

3. Approval of an Agreement between CSX Transportation, Inc., and Orange County for the preliminary engineering of a new at-grade crossing of the railroad at Wetherbee Road, District 4 (Public Works Engineering Division).
4. Approval of the Revenue Agreement between Orange County and the St. Johns River Water Management District for Development of a Master Stormwater Management Plan pursuant to the Wekiva Parkway and Protection Act, Districts 1, 2, 5, and 6 (Stormwater Management Division).
5. Approval of the License Agreement between Florida Central Railroad Company, Inc., and Orange County for fiber optic cable installation under the railroad crossing at Edgewater Drive between Magnolia Homes Road and All American Boulevard, District 2 (Traffic Engineering Division).
6. Approval of the Wireline Crossing Agreement between CSX Transportation, Inc., and Orange County for fiber optic cable installation under the railroad crossing at Orange Avenue south of Jetport Drive, District 4 (Traffic Engineering Division).
7. Approval of the Wireline Crossing Agreement between CSX Transportation, Inc., and Orange County for fiber optic cable installation under the railroad crossing at Orange Avenue north of Landstreet Road, District 4 (Traffic Engineering Division).
8. Approval of the Wireline Crossing Agreement between CSX Transportation, Inc., and Orange County for fiber optic cable installation under the railroad crossing at Orange Avenue north of Mid Florida Drive, District 4 (Traffic Engineering Division).
9. Approval of the Wireline Crossing Agreement between CSX Transportation, Inc., and Orange County for fiber optic cable installation under the railroad crossing at Sand Lake Road west of Orange Avenue, District 4 (Traffic Engineering Division).
10. Approval of the Wireline Crossing Agreement between CSX Transportation, Inc., and Orange County for fiber optic cable installation under the railroad crossing at Sand Lake Road east of Chancellor Drive, District 6 (Traffic Engineering Division).

## INFORMATIONAL ITEMS\*

## County Comptroller

1. Receipt of the following file for the record documents:
  - a. City of Winter Garden Ordinance 05-03 annexing 3.79 acres located at 866 Tildenville School Road.
  - b. City of Winter Garden Ordinance 05-05 annexing 3.362 acres located west of 898 Tildenville School Road.
  - c. City of Winter Garden Ordinance 05-07 annexing 12.16 acres located at 940 Tildenville School Road.
  - d. West Orange Healthcare District trustee bond for Jorge L. Florin, M.D.

(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 CONSENT AGENDA ITEM DEFERRED

## Growth Management Department

1. Approval of a Developer's Agreement between Orange County and Unicorp National Development for the "Pay-As-You-Go" Fee Payment for CVS Pharmacy on Colonial Drive, affecting the road segment on Colonial Drive, from Alafaya Trail to South Tanner Road, District 4 (Fiscal and Administrative Services Section).

Commissioner Jacobs requested this item be deferred for a separate vote.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Hartage, 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 a Developer's Agreement between Orange County and Unicorp National Development for the "Pay-As-You-Go" Fee Payment for CVS Pharmacy on Colonial Drive, affecting the road segment on Colonial Drive from Alafaya Trail to South Tanner Road.

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval of Contract Y5-2085, Adult Drug Court Substance Abuse Case Management Program with the Center for Drug Free Living in the total annual contract award amount of \$380,000 ([Ninth Judicial Circuit] Purchasing and Contracts Division).

The County Administrator announced that this item has been deleted from the agenda because of a scheduling conflict with Circuit Judge Reginald Whitehead.

HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA

1. Youth and Family Services Division Annual Report.

Children from Great Oaks Village presented gifts of thanks to the Board members.

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

PUBLIC SAFETY DISCUSSION AGENDA

1. Pedestrian Safety update.

Staff presented a report and requested approval of a resolution establishing a Children's Safety Initiative. Board discussion ensued.

Commissioner Sindler noted the second "Whereas" clause should be corrected to read as follows:

- Almost one-fourth of all children between the ages of 5 and 9 who were killed in traffic crashes were pedestrians.

Commissioner Sindler noted that in the sixth "Whereas" clause the words "and emergency" should be inserted after the word "enforcement."

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted Resolution 2005-M-09, establishing a Children's Safety Initiative which will implement pedestrian safety programs and educational/awareness efforts in the community; to include corrections as follows:

- Second "Whereas" clause to read as follows: Almost one-fourth of all children between the ages of 5 and 9 who were killed in traffic crashes were pedestrians.
- Sixth "Whereas" clause, insert the words "and emergency" after the word "enforcement"

as amended below.

Upon a motion by Commissioner Hartage, seconded by County Mayor Crotty, and carried with Commissioners Jacobs, Fernandez, Stewart, and Hartage voting AYE by voice vote; Commissioners Sindler and Segal voting NO by voice vote; the Board amended the main motion to add language to Resolution 2005-M-09 establishing a target to be below the national average in pedestrian deaths within two years after the initiative is implemented.

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA

##### 1. Tourist Development Tax.

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

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

- Continue to fund current Tourist Development Tax (TDT) commitments.
- Increase funding for Arts and Cultural activities this year to \$1.2 million.
- Restore formula funding for Arts and Cultural Activities in 2006.
- Provide an early payment in 2006 of \$1 million for cultural facilities contingent on TDT meeting certain revenue projections.

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
- County Attorney Tom Drage
- Deputy Clerk Rosilyn Stapleton

NONAGENDA

Commissioner Segal requested discussion on proposed House Bill 899. He noted his objections and requested staff to present a report regarding the pending legislation concerning the Ranger Drainage District.

Upon a motion by Commissioner Segal, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; the Board directed staff to draft a resolution requesting State Representative Bob Allen (District 32) to withdraw House Bill 899 until the next legislative session.

NONAGENDA

The County Mayor recognized former County Commissioner Vera Carter and Town of Windermere Mayor Gary Bruhn in attendance.

MARCH 3, 2005, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of March 3, 2005, subject to the usual right of appeal by any aggrieved party.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-WHITE JASMINE MANOR PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the White Jasmine Manor 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 Piedmont Wekiva Road, west of Wekiva Springs Road; Parcel IDs 36-20-28-0000-00-044 and 36-20-28-0000-00-011; District 2; Section 36, Township 20, Range 28; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 7.26-acre site for 19 single-family units with a minimum living area of 2,500 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:

- Merwan Naime, the project engineer
- Abraham Kalantary, the developer
- David Hannington, 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 continued the public hearing to consider the White Jasmine Manor Preliminary Subdivision Plan on the above-described property, until April 26, 2005, at 2 p.m.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-EAGLE CREEK PLANNED DEVELOPMENT-PHASE 1C AND 2A PSP, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Eagle Creek Planned Development-Phase 1C and 2A 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 west of Kirby Smith Road, north of Clapp-Sims-Duda Road; Parcel IDs 29-24-31-0000-00-002, 32-24-31-0000-00-001, and 32-24-31-0000-00-002; District 4; Sections 29, 32,

and 33, Township 24, Range 31; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 215.03-acre site for 146 golf villas with a minimum living area of 1000 square feet and 498 single-family units with a minimum living area of 2000 square feet (lots more than 70 feet) and 1500 square feet (lots less than 70 feet).

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

Staff recommended that conditions be added as follows:

- Prior to Certificate of Completion for the subdivision, the buffers along Tyson Road and Kirby Smith Road shall be restored.
- The Eagle Creek Development of Regional Impact (DRI) has an executed Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS) approved by the School Board on January 8, 2000. The agreement covering the proposed development is detailed in the Southeast Regional Schools Plan and the developer and OCPS have entered into a Memorandum of Agreement regarding capacity. The developer must conform to the terms of the agreement.

The following persons addressed the Board regarding the request.

- Dwight Saathoff, for the developer
- Ginger Carpenter, area resident
- Dave Tindal, area resident
- Roma Murray, area resident
- Ray Benson, area resident
- Floyd Holland, area resident
- Barbara Eagan, area resident

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 members present and voting AYE by voice vote, the Board approved the Eagle Creek Planned Development (PD)-Phase 1C and 2A Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Eagle Creek PD; Orange County Board of County Commissioners' (BCC) approvals; Phase 1C and 2A PSP, dated "Received January 13, 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 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 March 15, 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 development is consistent with approved master drainage and utility plans for this PD.
3. Residential neighborhood design shall adhere to the design principles and development standards outlined in the Eagle Creek Design Guidelines. Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces Orange County ordinances and regulations.
4. A maximum of 70 percent of single-family lots shall be less than 70 feet in width and the remainder shall be a minimum of 70 feet in width.
5. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection (FDEP) Notice of Intent (NOI) for stormwater discharge from construction activities to the Orange County Environmental Protection Division, attention to the National Pollutant Discharge Elimination System (NPDES) Administrator.
6. This property lies within Airport Noise Zone "E," and is subject to the Airport Noise Ordinance. All plats associated with the property shall note in 12-point font type the following: "The properties delineated on this plat are subject to aircraft noise that may be objectionable."
7. This development is proposed to have private streets and is a continuation of an existing gated community previously approved by the BCC.

8. At the time of platting, there shall be a reserve fund to include expenses for debris removal caused by storm events established for the Homeowners' Association.
9. Prior to Certificate of Completion for the subdivision, the buffer along Tyson Road and Kirby Smith Road shall be restored.
10. The Eagle Creek DRI has an executed Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS) approved by the School Board on January 8, 2000. The agreement covering the proposed development is detailed in the Southeast Regional Schools Plan and the developer and OCPS have entered into a Memorandum of Agreement regarding capacity. The developer must conform to the terms of the agreement.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: HUGH HARLING, WINDERMERE PROFESSIONAL PARK PLANNED  
DEVELOPMENT; CASE Z-04-078, JANUARY 20, 2005; DISTRICT 1-CONTINUED FROM  
MARCH 8, 2005

By consensus, the Board reopened the public hearing to consider a request by Hugh Harling, Windermere Professional Park Planned Development, to rezone from Citrus Rural (A-1) (1957) to Planned Development District (PD), continued from the March 8, 2005, Board meeting (the legal property description is on file).

Staff explained that the public hearing was continued to allow time to resolve issues related to traffic. 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.

Commissioner Jacobs requested the following condition be added: "Prior to issuance of a Certificate of Completion for the project, the improvements to the intersection of Parkridge-Gotha Road and Maguire Road shall have been completed by Orange County."

The following persons addressed the Board regarding the request:

- Hugh Harling, the applicant
- R.P. Mohnacky, area resident
- Gary Bruhn, mayor, Town of Windermere

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the request by Hugh Harling, Windermere Professional Park Planned Development (PD), to rezone from Citrus Rural (A-1) (1957) to PD District on the previously-described property; subject to the following conditions:

1. Development shall conform to the Windermere Professional Park Land Use Plan (LUP), 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 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. Given the proximity of water and wastewater to this site, as well as the proximity to the Butler Chain of Lakes Outstanding Florida Waters, this project shall be served by central sewer and water.
4. Ground and fascia signs shall comply with Chapter 31.5. Billboards and pole signs shall be prohibited. A master sign plan shall be a requirement of the Preliminary Subdivision Plan (PSP).
5. Outside storage and display shall be prohibited.
6. An access easement and agreement for joint use of the driveway along Maguire Road shall be provided prior to construction plan approval.

7. Prior to development, a PSP shall be submitted for approval by Orange County.
8. Prior to issuance of a Certificate of Completion for the project, the improvements to the intersection of Parkridge-Gotha Road and Maguire Road shall have been completed by Orange County.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-SAND LAKE ESTATES  
PLANNED DEVELOPMENT-SAND LAKE ESTATES PSP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Sand Lake Estates Planned Development-Sand Lake Estates Preliminary Subdivision Plan (PSP), 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 Smith Bennett Road, south of Dillsbury Court; Parcel ID 11-24-28-0000-00-005; District 1; Section 11, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 60.9-acre site for 53 dwelling units with a minimum living area of 1800 square feet.

Staff stated 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 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 the Sand Lake Estates Planned Development-Sand Lake Estates Preliminary Subdivision Plan on the above-described property, until April 26, 2005, at 3:30 p.m.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-FOOTHILLS OF MOUNT DORA  
PLANNED DEVELOPMENT-STONEYBROOK HILLS AT U.S. 441 PHASE 2 PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Foothills of Mount Dora Planned Development-Stoneybrook Hills at U.S. 441 Phase 2 Preliminary Subdivision Plan (PSP), submitted in accordance with Chapter 65-

2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of Lake/Orange County Line, west of Round Lake Road; Parcel ID 04-20-27-0000-00-009; District 2; Section 04, Township 20, Range 27; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 167.42-acre site for 344 single-family units. The living area will vary from 1200 square feet to 1800 square feet.

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

Staff requested the following conditions be added:

- The development shall comply with the City of Mount Dora's rules and regulations for utility service.
- The Foothills of Mount Dora/Stoneybrook Hills has an executed Capacity Enhancement Agreement (CEA) with Orange County Public Schools approved by the School Board on December 10, 2002. The agreement requires the prepayment of impact fees for the proposed units and a voluntary contribution of \$1,500 for each of the first 522 unvested units of the 999 units approved. The payment of school impact fees is due on or before 15 days after date of approval of the PSP by the BCC.

The following persons addressed the Board regarding the request

- John Florio, for the developer
- Frank Dolan, for the developer

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

A motion by Commissioner Sindler to continue the public hearing to consider the Foothills of Mount Dora Planned Development-Stoneybrook Hills at U.S. 441 Phase 2 Preliminary Subdivision Plan died for the lack of a second.

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; the Board approved the Foothills of Mount Dora Planned Development (PD)-

Stoneybrook Hills at U.S. 441 Phase 2 Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Foothills of Mount Dora PD; Orange County Board of County Commissioners' (BCC) approvals; Stoneybrook Hills at U.S. 441 Phase 2 PSP, dated "Received January 27, 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 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 March 15, 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 development is consistent with the approved master stormwater management plan for the PD.
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. This development is proposed to have private streets and is a continuation of an existing gated community previously approved by the BCC.
5. At the time of platting, there shall be a reserve fund to include expenses for debris removal caused by storm events established for the Homeowners' Association.
6. The development shall comply with the City of Mount Dora's rules and regulations for utility service
7. The Foothills of Mount Dora/Stoneybrook Hills has an executed Capacity Enhancement Agreement (CEA) with Orange County Public Schools approved by the School Board on December 10, 2002. The agreement requires the prepayment of impact fees for the proposed units and a voluntary contribution of \$1,500 for each of the first 522 unvested units of the 999 units approved. The

payment of school impact fees is due on or before 15 days after date of approval of the PSP by the BCC.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: JODI RUTMANN, LAKE REAMS NEIGHBORHOOD PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1-CONTINUED FROM FEBRUARY 22, 2005

By consensus, the Board reopened the public hearing to consider a substantial change request by Jodi Ruttman, Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart; Lake Reams Neighborhood Planned Development/Land Use Plan (PD/LUP); to amend the LUP to add and locate a fourth elementary school, neighborhood commercial, and park site within the Village; continued from the February 22, 2005, Board meeting (the legal property description is on file).

Staff explained that the public hearing was continued to address issues related to road construction. Staff reviewed the change request and the Development Review Committee's determination of substantial change. Staff stated the DRC recommended approval of the request.

Staff requested a condition be added as follows:

- At the time Parcels 1, 2, 3, or 5, or any portion of them is platted, the adequate public facilities parkway and road right-of-way which is comprised of 2 segments (more fully described below) and a roundabout, as generally depicted on the amended Land Use Plan (LUP) shall be conveyed to Orange County for road right-of-way purposes. However, notwithstanding how the subject road right-of-way is generally depicted on the amended LUP, the actual alignment of the segment of the subject road lying between the northern property line of the Lake Reams PD and the roundabout (the second segment) shall be shown on the exhibit that was introduced into the record by the applicant at the March 15, 2005, public hearing.

The developer shall construct or have constructed the first segment of the road (2 lanes) and the roundabout upon issuance of the first Certificate of Completion of subdivision improvements the effect of which is to allow development of Parcels 1, 2, 3, or 5, or any portion of them. (The first segment is described as relocated Reams Road extending southwest from C.R. 535 to the roundabout and then southeast to existing Reams Road.)

The developer shall construct or have constructed the second segment of the road (2 lanes) at the occurrence of any of the following events, whichever happens first:

- a. Issuance of the first Certificate of Completion of subdivision improvements allowing development on Parcel 1 or Parcel 9 of the Lake Reams PD; or
- b. When the following events occur:
  1. Issuance of the First Certificate of Completion of subdivision improvements allowing development of residential units (single-family or multi-family) in Parcels 1, 2, 3, or 5, or in any portion of them; and
  2. Issuance of the first certificate of Completion of site plan improvements allowing development of commercial use on the "Frye Property" (the property lying immediately north of the northern boundary line of the Lake Reams PD property); or opening of the middle school in Lakeside Village; or
- c. When the following events occur:
  1. Issuance of the first Certificate of completion of subdivision improvements allowing development of residential units on either the "Frye Property" or the "Pignone Property" (the property lying immediately north of the "Frye Property"); and
  2. Opening of the elementary school on Parcel 11 of the Lake Reams PD Property; or
- d. Issuance of 1 or more Certificates of Completion of subdivision improvements which have the effect of allowing development of residential units to occur on any of 2 of Parcels 2, 3, and 5 of the Lake Reams PD.

The following persons addressed the Board regarding the request:

- Dwight Saathoff, for the applicant
- Tom Wilkes, for the Frye family

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

Upon a motion by Commissioner Jacobs, 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 further, and approved the request by Jodi Ruttman, Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart; Lake Reams Neighborhood Planned Development/Land Use Plan (PD/LUP); to amend the LUP to add and locate a fourth elementary school, neighborhood commercial, and park site within the Village; 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 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 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, reclaimed water, and water service from Orange County subject to County rate resolutions and ordinances.
4. Prior to construction plan approval, master stormwater management, reclaimed water, water, and wastewater plans, including preliminary calculations, shall be approved prior to approval of construction plans.
5. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing

Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:

- a. The same front facade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
  - b. House front facade shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed 40 feet in length, except for wings or "L"s which are setback from the facade. In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.
  - c. At least 50 percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of 7 feet in depth and cover a minimum 10 feet in width or 1/3 of the front facade, whichever is greater.
  - d. Flat roofs shall be prohibited. Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet 6 inches and limited to decorative wrought iron or wood picket style.
6. Billboards, pole signs, and outdoor storage are prohibited.
  7. Liquor stores and video arcades are prohibited in the neighborhood commercial portion.
  8. At the time Parcels 1, 2, 3, or 5, or any portion of them is platted, the adequate public facilities parkway and road right-of-way which is comprised of 2 segments (more fully described below) and a roundabout, as generally depicted on the amended LUP shall be conveyed to Orange County for road right-of-way purposes. However, notwithstanding how the subject road right-of-way is generally depicted on the amended LUP, the actual alignment of the segment of the subject road lying between the northern property line of the Lake Reams PD and the roundabout (the second segment) shall be shown on the exhibit that was introduced into the record by the applicant at the March 15, 2005, public hearing.

The developer shall construct or have constructed the first segment of the road (2 lanes) and the roundabout upon issuance of the first Certificate of Completion of subdivision improvements the effect of which is to allow development of Parcels 1, 2, 3, or 5, or any portion of them. (The first segment is described as relocated Reams Road extending southwest from C.R. 535 to the roundabout and then southeast to existing Reams Road.)

The developer shall construct or have constructed the second segment of the road (2 lanes) at the occurrence of any of the following events, whichever happens first:

- a. Issuance of the first Certificate of Completion of subdivision improvements allowing development on Parcel 1 or Parcel 9 of the Lake Reams PD; or
- b. When the following events occur:
  1. Issuance of the First Certificate of Completion of subdivision improvements allowing development of residential units (single family or multi-family) in Parcels 1, 2, 3, or 5, or in any portion of them; and
  2. Issuance of the first certificate of Completion of site plan improvements allowing development of commercial use on the "Frye Property" (the property lying immediately north of the northern boundary line of the Lake Reams PD property); or
- c. When the following events occur:
  1. Issuance of the first Certificate of completion of subdivision improvements allowing development of residential units on either the Frye Property or the "Pignone Property" (the property lying immediately north of the Frye Property); and
  2. Opening of the elementary school on Parcel 11 of the Lake Reams PD Property; or
- d. Issuance of 1 or more Certificates of Completion of subdivision improvements which have the effect of allowing development of residential units to occur on any of two of Parcels 2, 3, and 5 of the Lake Reams PD.

THE FOLLOWING TWO PUBLIC HEARINGS WERE HELD TOGETHER.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: PHIL HOLLIS, KIRBY-SMITH PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 4-CONTINUED FROM FEBRUARY 22, 2005

By consensus, the Board reopened the public hearing to consider a substantial change request by Phil Hollis, Hollis Engineering, Inc.; Kirby-Smith Planned Development/Land Use Plan (PD/LUP); to change a previous Condition of Approval to allow a 6-foot masonry wall (instead of a 6-foot berm) to be installed within the 25-foot landscape buffer along Kirby-Smith Road, pursuant to Orange County Code, Section 38-1207; continued from the February 22, 2005, Board meeting (the legal property description is on file).

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

and

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-KIRBY-SMITH PLANNED DEVELOPMENT-GROVE PARK PSP, DISTRICT 4-CONTINUED FROM FEBRUARY 22, 2005

By consensus, the Board reopened the public hearing to consider the Kirby Smith Planned Development-Grove Park Preliminary Subdivision Plan (PSP), continued from the February 22, 2005, Board meeting.

Staff explained that the public hearing was continued to hold a community meeting. Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

Staff requested that a condition be added to the PSP as follows: Lake Barton PD (aka Kirby-Smith/Grove Park PSP) has an executed Capacity Enhancement Agreement (CEA) with Orange County Public Schools approved by the School Board on October 28, 2002. The agreement requires the prepayment of impact fees for the proposed units and a voluntary contribution of \$1,500 for each unit above the 4 vested units. The payment of school impact fees is due on or before 15 days after date of approval of the PSP by the BCC.

Commissioner Jacobs left the meeting.

The following persons addressed the Board regarding the requests:

- Roger Hill, for the developer
- Ellie Angelino, area resident
- Ginger Carpenter, area resident
- Barbara Eagan, area resident
- Roma Murray, area resident
- Allen Gilbert, area resident
- Ray Benson, area resident

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 made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Phil Hollis, Hollis Engineering, Inc.; Kirby-Smith Planned Development/Land Use Plan (PD/LUP); to change a previous Condition of Approval to allow a 6-foot masonry wall (instead of a 6-foot berm) to be installed within the 25-foot landscape buffer along Kirby-Smith Road, which constitutes a substantial change to the development on the previously-described property; subject to the following conditions:

1. Development shall conform to the LUP, 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 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. All other previous conditions of approval shall apply.
4. The 6-foot masonry wall shall be constructed atop a 2-foot berm per the rendering shown at the community meeting.
5. The homes abutting Kirby Smith Road shall be 1 story;

and further, approved the Kirby Smith Planned Development (PD)-Grove Park Preliminary Subdivision Plan (PSP) on the previously-described property, subject to the following conditions:

1. Development shall conform to the Kirby Smith PD; Orange County Board of County Commissioners' (BCC) approvals; Grove Park PSP, dated "Received December 7, 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 March 15, 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 drainage system has the capacity to accommodate this development and that this project is consistent with the approved master utility plan.
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 (NOI) for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.
- 5. This project shall have a public infrastructure and no gates shall be permitted.
- 6. Lake Barton PD (aka Kirby-Smith/Grove Park PSP) has an executed Capacity Enhancement Agreement (CEA) with Orange County Public Schools approved by the School Board on October 28, 2002. The agreement requires the prepayment of impact fees for the proposed units and a voluntary contribution of \$1,500 for each unit above the 4 vested units. The payment of school impact fees is due on or before 15 days after date of approval of the PSP by the BCC.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 5:40 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

\_\_\_\_\_  
County Mayor

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

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

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