

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, June 7, 2005. The following were present:

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

The Board paused for the invocation by the Reverend Mark Daniel, Hunter's Creek Community Church, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Pastor Daniel.

PRESENTATION

Presentation regarding the "Reclaiming Our Community and Youth" Grant by Undersheriff Malone Stewart. Undersheriff Stewart presented plaques to County Mayor Crotty, County Administrator Lalchandani, and to Board members for their support.

NONAGENDA

Commissioner Fernandez requested that Sheriff Beary address the Board prior to the budget hearings in July. The County Mayor updated the Board that he will be sending a letter to Sheriff Beary today in response to the Sheriff's report as distributed to the Board on Monday. County Comptroller Haynie offered to meet with Board members individually to answer questions regarding the Sheriff's budget.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved the County Consent Agenda items as follows:

## County Comptroller

1. Approval of the minutes of the May 10, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Approval of the Disposition of Tangible Personal Property:
  - a. Scrap assets.
  - b. Cannibalize an asset for its useable parts.
  - c. Dispose of assets that were totaled out by our Third Party Administrator.
  - d. Sell a Utilities Wastewater asset to Roads and Drainage Division for \$5.
  - e. Dispose of assets that were sold at public auction.

(Property Accounting Department)

3. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for periods as follows:
  - May 20, 2005, to May 26, 2005; total of \$32,672,308.92
  - May 27, 2005, to June 2, 2005; total of \$29,121,036.90

(Finance and Accounting Department).

## County Administrator

1. Approval of Budget Amendments 05-39, 05-40, and 05-41 (Office of Management and Budget).

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

2. Approval of Budget Transfers 05-1291, 05C-9124, and 05C-9127 (Office of Management and Budget).

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

3. Approval of CIP Amendments 05C-9124 and 05C-9127 (Office of Management and Budget).

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

4. Approval of the Orange County Professional Firefighters, Local 2057 Bargaining Unit Contract for Fiscal Years 2003/04 through 2005/06. Article 19 will be retroactive to the first full pay period as of October 1, 2003. Article 24 will be retroactive for employees meeting the criteria cited in the article and the timeframes outlined in the article (Human Resources Division).

#### Administrative Services Department

1. Approval to award Invitation for Bids Y5-176-GJ, Graphic Reproduction Paper Stock-Term Contract, to the low responsive and responsible bidder, Redd Paper Company. The estimated contract award amount is \$118,210.75 for a 1-year term ([Communications Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-199-JC, Term Contract for Street, Sidewalk, Curb, and Gutter Repair, to the low responsive and responsible bidder, Stage Door II, Inc. The estimated contract award amount is \$2,257,697.75 for a 1-year term ([Water Reclamation Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y5-1021-PD, Toxicology Laboratory Analysis, to the low responsive and responsible bidder, Wuesthoff Reference Laboratory. The estimated contract award amount is \$423,855 for a 1-year term ([Medical Examiner's Office] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y5-624-GH, Truck Tractor-On and Off Road, to the low responsive and responsible bidder, Heintzelmans Truck Center. The total contract award amount is \$109,300 ([Water Reclamation Division] Purchasing and Contracts Division).
5. Approval to award Invitation for Bids Y5-1018-PD, Drug and Breath Alcohol Testing, to the low responsive and responsible bidder, Florida Hospital Centra Care. The estimated contract award amount is \$206,100 for a 3-year term ([Human Resources Division] Purchasing and Contracts Division).

6. Approval of Task Authorization 17, Construction Materials Testing Services for Old Winter Garden Road Improvements, Contract Y2-904C, Continuing Geotechnical Engineering and Construction Materials Testing Services, with Universal Engineering Sciences, Inc., in a not-to-exceed amount of \$146,342 ([Highway Construction Division] Purchasing and Contracts Division).
7. Approval of Task Authorization 31, Training Program for Plant and Field Specialists, Contract Y3-904, General Consulting and Capital Improvement Program Management Services, with PBS&J, Inc., in the total amount of \$271,148 ([Water Reclamation Division] Purchasing and Contracts Division).
8. Approval and execution by the County Mayor of Second Amendment to Lease and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Pyramid Properties VI and Orange County for office and warehouse space for Parkway Center-Facilities/ISS/Public Safety Communications located at 3511 Parkway Center Court, Units D, E, and F-1; 3517 Parkway Center Court, Units F-2, G, H, and I-1; and 3521 Parkway Center Court, Units I-2, J and K; Orlando, Florida, District 2 (Real Estate Management Division).
9. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Rouse Road (Lake Underhill Road to Corporate Boulevard), Districts 3 and 5 (Real Estate Management Division).
10. Approval and execution by the County Mayor of Easement and authorization to disburse warrant to pay recording fees and record instrument for Liberty Middle School Pump Station #3075, District 3 (Real Estate Management Division).
11. Approval of Temporary Utility Easement and authorization to record instrument for North Shore at Lake Hart, Parcel 6, District 4 (Real Estate Management Division).
12. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for University Presbyterian Church, District 3 (Real Estate Management Division).

### Growth Management Department

1. Approval of the Multi-Family Affordable Housing Developer's Agreement between Orange County and College Park Towers II, Inc., providing for Discount of Impact Fees, District 2 (Housing and Community Development Division).

### Health and Family Services Department

1. Approval of the renewal Alternative Transportation Services License for Liberty Transport, LLC, to provide wheelchair/stretching service. The term of this certificate is from May 31, 2005, through May 31, 2007. There is no cost to the County (Emergency Medical Services Office).
2. Approval of the contract for provision of Children in Need of Services and Families in Need of Services (CINS/FINS) Direct Services, between the Florida Network of Youth and Family Services, Inc., and Orange County for the operation of the Orange County Youth Shelter and the Orange County Family Counseling Program. The estimated contract amount is \$1,091,801. The term of the contract is from July 1, 2005, through June 30, 2006. Approval for the County Mayor, or his designee, to sign the contract when finalized to ensure no lapse in services or funding. Approval for the County Mayor, or his designee, to sign future amendments to this contract with nonmaterial and nonmonetary changes (Youth and Family Services Division).
3. Approval of the contract between the State of Florida Department of Children and Families (DCF) and Orange County for the operation of the Great Oaks Village (GOV) Program, Laurel Hill Independence Center (LHIC) and emergency shelter care beds at the Youth Shelter. The estimated amount of the contract is \$2,549,160. The term of the contract is July 1, 2005, through June 30, 2006. Approval for the County Mayor, or his designee, to sign the contract when received from DCF to ensure no lapse in services or contract funding. Approval for the County Mayor, or his designee, to sign future amendments to contract with nonmaterial and nonmonetary changes (Youth and Family Services Division).
4. Approval of contract between the State of Florida Department of Children and Families (DCF) and Orange County for the provision of Substance Abuse and Mental Health (SAMH) Services. The contract is in the estimated amount of

\$84,000. The term of the contract is from July 1, 2005, through June 30, 2006. Approval for the County Mayor, or his designee, to sign the contract when received from DCF to ensure no lapse in services or contract funding. Approval for the County Mayor, or his designee, to sign future amendments to contract with nonmaterial and nonmonetary changes (Youth and Family Services Division).

5. Approval of the final renewal between the State of Florida Department of Juvenile Justice and Orange County for the operation of the Oaks Community Intervention Program. The estimated amount of the contract renewal is \$657,000. The term of the contract is from July 1, 2005, through June 30, 2006. Approval for the County Mayor, or his designee, to sign future amendments to contract with nonmaterial and nonmonetary changes (Youth and Family Services Division).

#### Office of Economic Trade and Tourism Development

1. Approval of receipt of a grant in the amount of \$10,000 from the National Endowment for the Arts (NEA) for Hurricane Mitigation for smaller arts groups in Orange County, and approval of payment of \$10,000 to United Arts of Central Florida, as fiscal agent for the Arts and Cultural Affairs Advisory Council to disperse the funds to the following arts organizations: \$2,008 to Wells' Built Museum of African American History and Culture; \$1,568 to Puppet Celebration; \$20,008 to Florida Symphony Youth Orchestra; \$400 to Albin Polasek Foundation; \$2,008 to Mad Cow Theatre, and \$2,008 to MicheLee Puppets. Funds should be paid from accounting line 7603-023-7675 (Arts and Cultural Affairs Office).

#### Public Works Department

1. Approval of the Agreement between Orange County and Stoneybrook Joint Venture for Traffic Law Enforcement on Private Roads in the gated community of Stoneybrook Hills, District 2 (Public Works Department).
2. Approval of the Agreement between Orange County and the Live Oak Homeowners Association, Inc., for Traffic Law Enforcement on Private Roads in the gated community of Live Oak Estates, Phase 4, District 4 (Public Works Department).

Utilities Department

1. Approval of the 2004-2005 South Florida Water Management District Alternative Water Supply Funding Program Agreement between Orange County and South Florida Water Management District for Woodlawn Cemetery Road and Old Winter Garden Road for a reclaimed water transmission main to supply reclaimed water to a portion of southwest Orange County, District 1 (Engineering Division).
2. Approval of the 2004-2005 South Florida Water Management District Alternative Water Supply Funding Program Agreement between Orange County and South Florida Water Management District for the North Golf Course-Grand Cypress Resort for a reclaimed water transmission main to supply reclaimed water to a portion of southwest Orange County, District 1 (Engineering Division).

INFORMATIONAL ITEMS\*

County Comptroller

1. Receipt of the following file for the record document: Town of Eatonville Ordinance 2005-1 annexing approximately 2.6 acres located at the west end of Carver Boulevard (Comptroller Clerk of the Board of County Commissioners).
2. Comprehensive Annual Financial Report of Orange County for the fiscal year ended September 30, 2004, which includes management letter comments and responses as well as individual Constitutional Officer audited financial statements (Administrative/Fiscal Division).

County Comptroller Haynie stated that this report may be viewed on the Comptroller's website.

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

PROPERTY APPRAISER DISCUSSION AGENDA

1. Discussion regarding Countywide parcel re-engineering project and programs being coordinated with various county agencies.

Orange County Property Appraiser Bill Donegan and Property Appraiser Information Technology Director Manish Bhatt addressed the Board and presented a report on this item; Board discussion ensued. No action was taken.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Update on approved Article V, Revision 7, Court Related Costs and Local Court Programs (Office of Management and Budget).

Staff presented a report on this item. Chief Judge Belvin Perry, Jr., Ninth Judicial Circuit Court of Florida, addressed the Board and contributed to the report. Board discussion ensued. No action was taken.

PUBLIC SAFETY DISCUSSION AGENDA

1. Discussion regarding Hurricane Update/311 Kickoff.

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

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of three contractors and one alternate to provide Disaster Recovery and Debris Removal Services, Request for Proposals Y5-197-JS ([Public Works Department] Purchasing and Contracts Division).

Staff stated that Commissioner Stewart attended the May 20, 2005, Procurement Review Committee meeting for the selection of three contractors and one alternate to provide Disaster Recovery and Debris Removal Services from the following firms listed alphabetically:

- AshBritt, Inc.
- Crowder-Gulf

- D & J Enterprises
- Storm Reconstruction Services, Inc.

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

- Crowder-Gulf
- AshBritt, Inc.
- D & J Enterprises

and one alternate:

- Storm Reconstruction Services, Inc.

and further, authorized staff to enter into contract negotiations to provide Disaster Recovery and Debris Removal Services, Contract Y5-197-JS.

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
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

#### PRESENTATION

Presentation of Employee Service Awards to the following: Cassandra Jean Ritter (20), Purchasing and Contracts, Administrative Support; Oliver L. Bowers (20), Parks and Recreation, Community and Environmental Services; William Jackson, Jr. (20), Mark

Nelson Young (20), In-Custody Support, Bryan Martin Shenk (20), Timothy K. Storey (20), In-Custody Security, Lucy V. Barnes (25), Deann L. Carr (20), Community Corrections, Corrections; Paul M. Sciortino (20), Operations, Fire Rescue; Rocco Relvini (20), Zoning, Growth Management; Carol A. Johnson (25), Community Action, Glinder Stephens (25), Cooperative Extension, Health and Family Services; Janice L. Turner (20), Engineering, Randy D. Paeth (20), Roads and Drainage, Public Works; and Robert L. Sexton (20), Wastewater, Utilities.

MAY 19, 2005, PLANNING AND ZONING COMMISSION 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 Planning and Zoning Commission under date of May 19, 2005, with the exception of Cases Z-04-006, Z-04-037, Z-04-117, Z-04-119, RZ-05-007, RZ-05-03-020, RZ-05-03-024, and RZ-05-04-047; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings as follows:

- Case Z-04-006 in the name of Vestcor for Danielle Woods Planned Development on July 19, 2005
- Case Z-04-037 in the name of Kendell Keith for AIPO/South Orange Properties Planned Development on July 19, 2005
- Case Z-04-117 in the name of MSCW, Inc., for Summerlake Planned Development (fka Bridgewater Planning Planned Development) on June 28, 2005
- Case Z-04-119 in the name of Allan E. Keen for Eunice Avenue Planned Development on August 2, 2005
- Case Z-05-007 in the name of Helle Engineering Corporation for Buena Vista Woods Subdivision on August 9, 2005
- Case RZ-05-03-020 in the name of Hugh Harling for Evergreen Planned Development on July 19, 2005
- Case RZ-05-03-024 in the name of Steven Shea for Semoran Cross Road Planned Development on July 19, 2005
- Case RZ 05-04-047 in the name of Richard Howell on August 9, 2005

PETITION TO VACATE PUBLIC HEARING-APPLICANT: CYRIL ORR; NO. 05-09, 2 REMNANT, UNNAMED RIGHTS-OF-WAY; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Cyril Orr, Petition to Vacate 05-09, to vacate 2 remnant, unnamed

rights-of-way lying north of Lust Road and west of South Binion Road, on property located at 580 South Binion Road; Parcel ID 07-21-28-0000-00-043; District 2; Section 07, Township 21, Range 28; Orange County, Florida (the legal property description is on file).

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

No one appeared regarding the request.

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 05-09 vacating 2 remnant, unnamed rights-of-way lying north of Lust Road and west of South Binion Road on the above-described property.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: ASHTON WOODS ORLANDO, L.P.; LAKE SAWYER NEIGHBORHOOD PLANNED DEVELOPMENT-LAKE SAWYER NORTH PHASE 2 PRELIMINARY SUBDIVISION PLAN; AMEND PLAN; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Ashton Woods Orlando, L.P.; Lake Sawyer Neighborhood Planned Development-Lake Sawyer North Phase 2 Preliminary Subdivision; to reduce the rear setback of homes from 25 feet to 20 feet, pursuant to Orange County Code, Section 34-27; on property generally located north of Overstreet Road, east of C.R. 535; Parcel IDs 24-23-27-0000-00-008, 25-23-27-0000-00-009, and 26-23-27-0000-00-011; District 1; Sections 24, 25, and 26, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

Staff reviewed the change request and the Development Review Committee's (DRC) determination of substantial change; and further, stated the DRC recommended approval of the request.

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

Commissioner Jacobs requested the following condition be added: "All lakefront lots shall maintain the minimum setback from the normal high water elevation of 50 feet as required

by Orange County Code." Commissioner Jacobs further requested proposed Condition 4 be modified to clarify the restriction against personal watercraft applies to its use on Lake Sawyer.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved the request by Ashton Woods Orlando, L.P.; Lake Sawyer Neighborhood Planned Development (PD)-Lake Sawyer North Phase 2 Preliminary Subdivision (PSP); to reduce the rear setback of homes from 25 feet to 20 feet; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Lake Sawyer Neighborhood PD; Board of County Commissioners' (BCC) approvals; Lake Sawyer North Phase 2 PSP, dated "Received February 3, 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 BCC, or by action of the BCC.
2. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this PSP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
3. All previous conditions of approval shall apply.
4. All lakefront lots shall maintain the minimum setback from the normal high water elevation of 50 feet as required by Orange County Code; and further, the restriction against personal watercraft applies to its use on Lake Sawyer.

NOTE: THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 116 FOR APPEARANCES AND ACTION TAKEN.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: RON SCHWARTZ, SPRING LAKE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Ron Schwartz, Group 142 Orlando, Ltd., Spring Lake Planned Development/Land Use Plan (PD/LUP), to amend the LUP to add 2 acres and 20,000 square feet of commercial retail uses, adding 20,000 square feet of office uses, and modifying a commercial access point, pursuant to Orange County Code, Section 38-1207; on property generally located east and west of Avalon Park Boulevard, 1.5 miles north of Alafaya Trail; Parcel IDs 30-22-32-0000-00-034, 31-22-32-0000-00-007, and 31-22-32-0000-00-011; District 4; Sections 30 and 31, Township 22, Range 32; Orange County, Florida (the legal property description is on file).

Staff reviewed the change request and the Development Review Committee's (DRC) determination of substantial change; and further, stated the DRC recommended approval of the request. Staff recommended the following condition be added: "All notes on the plans indicating 'Future Development for Road Access' are not approved with approval of the Spring Lake Planned Development/Land Use Plan."

and

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-SPRING LAKE PLANNED DEVELOPMENT-AVALON PARK COMMERCIAL PARCEL PSP, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Spring Lake Planned Development-Avalon Park Commercial Parcel Preliminary Subdivision, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations. This plan proposes the development of a 7.42-acre site for 7 commercial lots on property generally located south of S.R. 50, east of Avalon Park Boulevard; Parcel ID 30-22-32-0000-00-034; District 4; Section 30, Township 22, Range 32; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Staff recommended the following condition be added to

the Substantial Change and the Preliminary Subdivision Plan: "All notes on the plans indicating 'Future Development for Road Access' are not approved with approval of the Avalon Park Commercial Preliminary Subdivision Plan."

The following person addressed the Board regarding the requests:

- Hal Kantor, for the applicant

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

Commissioner Stewart requested the following condition be added to both the Substantial Change request and Preliminary Subdivision Plan public hearings: "There shall be no adult entertainment establishments, tattoo parlors, or massage parlors."

Upon a motion by Commissioner Stewart, seconded by Commissioner Segal, 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, approved the request by Ron Schwartz, Group 142 Orlando, Ltd., Spring Lake Planned Development/Land Use Plan (PD/LUP) to amend the LUP 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 March 29, 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 water, reclaimed water, and wastewater service from Orange County Utilities.
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. Outdoor storage and display shall be prohibited.
6. Billboards and pole signs shall be prohibited.
7. Prior to construction plan approval, a revised Master Drainage Plan to accommodate the proposed changes shall be submitted to the Development Engineering Division for review and approval.
8. All previous conditions of approval shall apply.
9. All notes on the plans indicating "Future Development for Road Access" are not approved with approval of the Spring Lake PD/LUP.
10. There shall be no adult entertainment establishments, tattoo parlors, or massage parlors.

Upon a motion by Commissioner Stewart, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board approved the Spring Lake Planned Development (PD)-Avalon Park Commercial Parcel Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Spring Lake PD; Orange County Board of County Commissioners' (BCC) approvals; Avalon Park Commercial PSP, dated "Received March 29, 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 Board of County Commissioners (BCC), or by action of the BCC.

PSP approval automatically expires on June 7, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. Outside storage and display shall be prohibited.
3. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
4. This property shall be platted prior to the issuance of a Certificate of Occupancy.
5. 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 and Utility Plans for the PD.
6. This project shall comply with the Avalon Park Boulevard Design Standards.
7. 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) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
8. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this PSP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. All notes on the plans indicating "Future Development for Road Access" are not approved with approval of the Avalon Park Commercial Parcel Preliminary Subdivision Plan.

10. There shall be no adult entertainment establishments, tattoo parlors, or massage parlors.

PLANNING AND ZONING COMMISSION APPEAL-APPELLANT: DEREK BRUCE/APPLICANT: ROGER HAYDON, HAYDON/RUBIN SUBDIVISION; CASE Z-05-010, APRIL 21, 2005; DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Derek Bruce, Gray Robinson, P.A.; of the recommendation of the Planning and Zoning Commission, dated April 21, 2005, on a request by Rogers Haydon/Haydon Rubin Subdivision at Lake Pickett to amend the R-CE-C (Country Estate Cluster District) (1991) Plan. The property is generally located on the north side of Lake Pickett Road, east of Chuluota Road; Parcel ID 10-22-32-5342-00-013; District 5; Section 10, Township 22, Range 32; Orange County, Florida (the legal property description is on file).

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

Commissioner Segal requested the public hearing be continued to address community concerns.

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

Upon a motion by Commissioner Segal, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider an appeal by Derek Bruce of the recommendation of the Planning and Zoning Commission, dated April 21, 2005, on a request by Rogers Haydon/Haydon Rubin Subdivision at Lake Pickett to amend the R-CE-C (Country Estate Cluster District) (1991) Plan, until August 9, 2005, at 3 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: MATT SABETI, RESERVE AT PARK MANOR ESTATES PLANNED DEVELOPMENT; CASE Z-04-041, FEBRUARY 17, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Matt Sabeti, Reserve at Park Manor Estates Planned Development

(PD), to rezone from A-2 (Farmland Rural) (1957) to PD, on property generally located between Innsbuck Drive and Woodvalley Way, north of S.R. 408; Parcel IDs 29-22-31-0000-00-007 and 29-22-31-0000-00-012; District 3; Section 29, Township 22, 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 following person addressed the Board regarding the request:

- Matt Sabeti, the applicant

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

Commissioner Fernandez requested the following conditions be added:

- The minimum lot width along the east/west and north property lines shall be 70 feet; all other lots shall have a minimum lot width of 50 feet.
- The recreation area shall be located internally and not adjacent to any existing lots.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved the request by Matt Sabeti, Reserve at Park Manor Estates Planned Development (PD), to rezone from A-2 (Farmland Rural) (1957) to PD, on the above described property; subject to the following conditions:

1. Development shall conform to the Park Manor Estates Land Use Plan (LUP), dated "Received July 8, 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 and water service from Orange County subject to County rate resolutions and ordinances.
4. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of November 26, 2004, (executed on December 20, 2004).
  - Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 3 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor or assign under the Public Education Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - Developer, or its successor or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.
  - Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.

5. The minimum lot width along the east/west and north property lines shall be 70 feet; all other lots shall have a minimum lot width of 50 feet.
6. The recreation area shall be located internally and not adjacent to any existing lots.

NOTE: THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 123 FOR APPEARANCES AND ACTION TAKEN.

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

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Eric Warren, Miller Sellen, Inc.; Stillwater Crossings/Center Bridge Planned Development (PD); to amend the Land Use Plan (LUP) to increase the height in the Village Center from 40 feet to 55 feet and allow the buildings along the main Village Center roadway to have residential on the ground floor (in lieu of code required commercial uses on the ground floor) where such buildings are located across from a park, civic, or residential uses, pursuant to Orange County Code, Section 38-1207; on property generally located west of Winter Garden-Vineland Road, north and east of Lake Speer; Parcel ID 14-23-27-0000-00-008; District 1; Section 14, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

and

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-STILLWATER CROSSINGS/CENTER BRIDGE IN BRIDGEWATER PLANNED DEVELOPMENT-SUMMERPORT-PARCEL CB-8 VILLAGE CENTER PSP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Stillwater Crossings/Center Bridge in Bridgewater Planned Development-Summerport-Parcel CB-8 Village Center Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations. This plan proposes the development of a 187.3-acre site for 16 lots; on property generally located southwest of Summerport Village Parkway, west of Fiquette Road; Parcel ID 14-23-27-0000-00-008; District 1; Sections 14,15, 22, and 23; Township 23, Range 27; Orange County, Florida (the legal property description is on file).

Staff stated that the applicant has requested a continuance for both public hearings in order to address several issues with the Development Review Committee.

No one appeared regarding the requests.

The County Mayor closed the public hearings and opened the matters 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 continued the public hearing to consider a request by Eric Warren, Miller Sellen, Inc.; Stillwater Crossings/Center Bridge Planned Development (PD); to amend the Land Use Plan (LUP) to increase the height in the Village Center from 40 feet to 55 feet and allow the buildings along the main Village Center roadway to have residential on the ground floor (in lieu of code required commercial uses on the ground floor) where such buildings are located across from a park, civic, or residential uses; and further, continued the public hearing to consider the Stillwater Crossings/Center Bridge in Bridgewater Planned Development (PD)-Summerport-Parcel CB-8 Village Center Preliminary Subdivision Plan (PSP), until August 2, 2005, at 2 p.m.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-WEKIVA FOREST TRAILS  
PLANNED DEVELOPMENT-WEKIVA FOREST TRAILS PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Wekiva Forest Trails Planned Development-Wekiva Forest Trails Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations. This plan proposes the development of a 39-acre site for 8 single-family units with a minimum living area of 2,400 square feet on property generally located east of North Rock Springs Road, south of Faye Street; Parcel ID 27-20-28-0000-00-034; District 2; Section 27, Township 20, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Staff requested proposed Condition 5 be modified to add the following as the lead in sentence: "There shall be a 100-foot setback along the east and south property line."

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

The following person addressed the Board:

- Abra Horn, for the applicant

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved the Wekiva Forest Trails Planned Development (PD)-Wekiva Forest Trails Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Wekiva Forest Trails PD; Orange County Board of County Commissioners' (BCC) approvals; Wekiva Forest Trails PSP/Development Plan, dated "Received March 17, 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 June 7, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. Unless a Conservation Area Impact Permit is approved by Orange County prior to construction plan approval, no conservation area encroachments are permitted.
3. If endangered, threatened or species of special concern are present, then prior to construction plan approval, a management plan and copies of any applicable permits shall be required for the protection of these listed species and will be provided to the Orange County Environmental Protection Division (EPD) to the attention of the Development Review Committee representative.

4. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollution Discharge Elimination System (NPDES) Notice of Intent (NOI) for stormwater discharge from construction activities to the Orange County EPD, Attention: NPDES Administrator.
5. There shall be a 100-foot setback along the east and south property line. The Covenants, Conditions, and Restrictions shall state the requirement of preserving the canopy trees within the 100-foot setback area along the east and south to the greatest extent possible allowing for the removal of understory trees for maintenance.
6. A waiver from Section 34-152(c) of the Subdivision Regulations is granted requiring access to internal streets and requiring all rights to access external roads from individual lots be dedicated to Orange County.
7. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this PSP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

PLANNING AND ZONING COMMISSION APPEAL-APPELLANT: DEREK BRUCE/APPLICANT:  
ROGER HAYDON, HAYDON/RUBIN SUBDIVISION; CASE Z-05-010, APRIL 21, 2005;  
DISTRICT 5

Commissioner Segal requested to reopen the public hearing because the applicant had traveled from Tampa and was late. Deputy County Attorney Prinsell stated that because the public hearing was continued and members of the public who were present left after the announced continuance, it cannot be reopened.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 3:45 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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

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

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