

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, July 19, 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 Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

The Board paused for the invocation by the Reverend Jim Book, First Christian Church of Winter Park, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Pastor Book.

PRESENTATIONS

Presentation of proclamation designating Monday, August 8, 2005, as "First Day of School Celebration" to Karen Ardaman, vice-chairman of the Orange County School Board.

Presentation of proclamation designating July 17 through July 23, 2005, as "Community Corrections Staff Appreciation Week" to Deputy Chief of Corrections Cornita Riley.

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:

- Deleted Administrative Services Department Item 8
- Deleted Growth Management Department Item 1
- Deferred County Administrator Item 3 for discussion (see page 253 for subsequent approval)

- Deferred Administrative Services Department Items 5, 6, and 7 for discussion (see page 254 for subsequent approval)

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

County Comptroller

1. 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: July 8, 2005, to July 14, 2005; total of \$18,260,856.81 (Finance and Accounting Department).

County Mayor's Report

1. Confirmation of the appointment of Carol Burkett, Director, Office for A Drug Free Community.

County Administrator

1. Approval of Budget Amendments 05-46 and 05-48 (Office of Management and Budget).

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

2. Approval of payment of intergovernmental claims of June 2, June 9, June 16, June 23, and June 30, 2005; totaling \$1,458,252.11 (Risk Management Division).

3. Approval of Resolution approving the issuance of Orange County Industrial Development Authority Industrial Development Revenue Bonds (Lake Highland Preparatory School, Inc., Project), Series 2005, in an aggregate principal amount not to exceed \$6,300,000 (Orange County Industrial Development Authority).

(As stated in the above motion, this item was deferred for discussion; see page 251 for subsequent approval.)

4. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official County record (Agenda Development Office).

5. Confirmation of the appointment of Dr. Pamela Rochelle McCauley-Bell as the County Mayor's representative on the Board of Zoning Adjustment and confirmation of the appointment of Asima M. Azam as the District 4 representative on the Board of Zoning Adjustment. The terms of the appointments will expire December 31, 2006 (Agenda Development Office).

Administrative Services Department

1. Approval to award Invitation for Bids Y5-1066-HF, Toilet Tissue for the Convention Center, to the low responsive and responsible bidder, Songahi, Inc. The estimated contract award amount is \$189,750 for a 1-year term ([Convention Center Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-1071-PD, Right-of-Way Mowing Zellwood Area, to the low responsive and responsible bidder, Ameriscapes Landscape Management Services, Inc. The estimated annual contract award amount is \$274,711 ([Roads and Drainage Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y5-748-DB, Palmetto Elementary Area Sidewalk Improvements, to the low responsive and responsible bidder, American Persian Engineers and Constructors, Inc. The total contract award amount is \$673,674 ([Highway Construction Division] Purchasing and Contracts Division).
4. Approval of the Selection of CJ Systems Aviation Group to provide Emergency Helicopter Transport Service, under RFP Y5-1004-GH ([Fire Rescue Department] Purchasing and Contracts Division).
5. Approval to Renew Contract Y4-1045, Term Contract for Storm Sewer Pipe Installation and Repair with Schuller Contractors, Inc., in the estimated contract amount of \$3,596,460 for option year one and \$3,596,460 for option year two ([Roads and Drainage Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for discussion; see page 252 for subsequent approval.)

6. Approval to Renew Contract Y4-1027, Term Contract for Stormwater System Inspection (Video, Radar, and Sonar), Cleaning and Repairs with Schuller Contractors, Inc., in the estimated contract amount of \$2,201,571 for option year

one and \$2,201,571 for option year two ([Roads and Drainage Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for discussion; see page 252 for subsequent approval.)

7. Approval to Renew Contract Y4-1044, Term Contract for Stormwater Pond Maintenance, with Schuller Contractors, Inc., in the estimated contract amount of \$345,850 for option year one and \$1,171,900 for option year two ([Facilities Management Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for discussion; see page 252 for subsequent approval.)

8. Approval and execution by the County Mayor of Amendment to Covenant and Lease Agreement related to Recreational Use between Tangerine Progressive Organization for Youth, Inc., and Orange County for park land for Tangerine Neighborhood Park located at 6061 Terrell Road, Tangerine, Florida, District 2 (Real Estate Management Division).

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

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 Resolution 2005-M-18 and County Deed and authorization to disburse warrant to pay recording fees and record instrument for Varsity Street Borrow Pit/Pond Winter Garden, Mann's-First Addition, District 1 (Real Estate Management Division).
11. Approval and execution by the County Mayor of Purchase Agreements, Resolutions, and County Deeds and authorization to record instruments for FDOT S.R. 400 (I-4), District 5 (Real Estate Management Division).
12. Approval and execution by the County Mayor of Agreement for Right of Entry and Matters Relating to Demolition and Construction of a Screen Wall for Old Winter Garden Road (Apopka-Vineland Road to Hiwassee Road), District 1 (Real Estate Management Division).

13. Approval and execution by the County Mayor of Notices to Exercise Rights of Reservation and authorization to disburse warrant to pay recording fees and record instruments for Rouse Road (Lake Underhill Road to Corporate Boulevard), Districts 3 and 5 (Real Estate Management Division).
14. Approval of Utility Easement and authorization to record instrument for CVS Pharmacy at Hiawassee/Old Winter Garden Road, District 6 (Real Estate Management Division).
15. Approval of Utility Easement and authorization to record instrument for Eastpoint Fellowship, District 4 (Real Estate Management Division).
16. Approval of purchase price above appraised value, Contract for Sale and Purchase, Warranty Deed and authorization to disburse warrant to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Green PLACE, District 4 (Real Estate Management Division).
17. Approval of purchase price above appraised value, Contract for Sale and Purchase, Warranty Deed and authorization to disburse warrant to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Green PLACE, District 5 (Real Estate Management Division).

Community and Environmental Services Department

1. Acceptance of a Lake Conway Water and Navigation Control District Advisory Board Resolution to Expend Funds and approval of the expenditure of up to \$45,000 for the installation of navigational signs, District 4 (Environmental Protection Division).
2. Acceptance of the Windermere Water and Navigation Control District Advisory Board Meeting Minutes of May 16, 2005, and approval of the extension of services for the Butler Patrol to the Windermere Water and Navigation Control District for calendar year 2005/2006, District 1 (Environmental Protection Division).
3. Acceptance of a Windermere Water and Navigation Control District Advisory Board Resolution to Expend Funds and approval of the expenditure of \$65,000 for the installation of pilings, navigation/information signs, and buoy markers on the Butler Chain of Lakes, District 1 (Environmental Protection Division).

4. Acceptance of a Lake Holden Water Advisory Board Resolution to Expend Funds and approval of the expenditure of up to \$1,600 a month for the continuance of street sweeping, District 4 (Environmental Protection Division).
5. Approval of Amendment A-2 to Petroleum Cleanup Program Contract (GC628) between Orange County and the Florida Department of Environmental Protection and Authorization for the EPD Manager to execute the four annual task assignments, amendments, and change orders under this Contract, all districts (Environmental Protection Division).

Growth Management Department

1. Approval of a Multi-Family Affordable Housing Developer's Agreement between Orange County and Alta Westgate, LLC, providing for Discount of Impact Fees and Wastewater Capital Charges, District 6 (Housing and Community Development Division).

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

Public Works Department

1. Approval of the Interlocal Agreement between Orange County and the City of Apopka regarding Ditch Improvements, District 2 (Stormwater Management Division).
2. Approval to construct two speed humps each on North Ortman Drive, South Ortman Drive, and West Jackson Street, District 6 (Traffic Engineering Division).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following file for the record documents:
 - a. Florida Public Service Commission notice of hearing re: petition for rate increase by Progress Energy Florida, Inc.

- b. Notice of the City of Orlando Ordinance annexing property generally located south of East Michigan Street, north of Lake Pineloch, and west of Keystone Drive, at 2812 Keystone Drive.
- c. Documents received by the Clerk of Court and transferred to the Comptroller Clerk's Office for filing for the record, including annexation ordinances, and other miscellaneous documents statutorily required for filing.

(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 ITEMS DEFERRED FOR DISCUSSION

County Administrator

3. Approval of Resolution approving the issuance of Orange County Industrial Development Authority Industrial Development Revenue Bonds (Lake Highland Preparatory School, Inc., Project), Series 2005, in an aggregate principal amount not to exceed \$6,300,000 (Orange County Industrial Development Authority).

Commissioner Hartage requested this item be deferred for more information. Board discussion ensued; staff contributed to the discussion.

Upon a motion by Commissioner Hartage, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board adopted Resolution 2005-B-05 approving the issuance of Orange County Industrial Development Authority Industrial Development Revenue Bonds (Lake Highland Preparatory School, Inc., Project), Series 2005, in an aggregate principal amount not to exceed \$6,300,000.

Administrative Services Department

5. Approval to Renew Contract Y4-1045, Term Contract for Storm Sewer Pipe Installation and Repair with Schuller Contractors, Inc., in the estimated contract amount of \$3,596,460 for option year one and \$3,596,460 for option year two ([Roads and Drainage Division] Purchasing and Contracts Division).

and

6. Approval to Renew Contract Y4-1027, Term Contract for Stormwater System Inspection (Video, Radar, and Sonar), Cleaning and Repairs with Schuller Contractors, Inc., in the estimated contract amount of \$2,201,571 for option year one and \$2,201,571 for option year two ([Roads and Drainage Division] Purchasing and Contracts Division).

and

7. Approval to Renew Contract Y4-1044, Term Contract for Stormwater Pond Maintenance, with Schuller Contractors, Inc., in the estimated contract amount of \$345,850 for option year one and \$1,171,900 for option year two ([Facilities Management Division] Purchasing and Contracts Division).

Commissioner Hartage requested these items be deferred for discussion. Board discussion ensued; staff contributed to the discussion.

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

- One year renewal of Contract Y4-1045, Term Contract for Storm Sewer Pipe Installation and Repair with Schuller Contractors, Inc., in the estimated contract amount of \$3,596,460.
- One year renewal of Contract Y4-1027, Term Contract for Stormwater System Inspection (Video, Radar, and Sonar), Cleaning and Repairs with Schuller Contractors, Inc., in the estimated contract amount of \$2,201,571.

- One year renewal of Contract Y4-1044, Term Contract for Stormwater Pond Maintenance, with Schuller Contractors, Inc., in the estimated contract amount of \$345,850.

BUDGET WORKSESSION

INTRODUCTION/PRESENTATION OF THE RECOMMENDED BUDGET

The County Mayor presented an introduction to the budget process. He requested the Board hold any action on the items until the budget consent agenda is presented on July 21, 2005.

County Administrator Lalchandani presented an overview of the agenda for the three-day worksessions; outlined the worksessions' timelines; the divisions' presentations and trends, and other financial issues regarding the budget.

Mr. Lalchandani announced that the Board will hold public hearings on September 8 and September 22, 2005, for the County budget and on September 12 and 20, 2005, for the Orange County Library System budget.

Administrative Services Department

Administrative Services Department Director Warren Geltch presented a budget report; Board discussion ensued. No action was taken.

Growth Management Department

Growth Management Department Director Jim Harrison presented a budget report; Board discussion ensued. No action was taken.

Utilities Department

Utilities Department Director Mike Chandler presented a budget report; Board discussion ensued. No action was taken.

Community and Environmental Services Department

Community and Environmental Services Department Director Melvin Pittman presented a budget report; Board discussion ensued. No action was taken.

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, and Homer Hartage
- County Administrator Ajit Lalchandani
- Deputy County Attorney Joel Prinsell
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioner Bill Segal joined the meeting where indicated.

Medical Benefits

Deputy County Administrator Sharon Donoghue presented a budget report; Human Resources Administrator Nancy Callahan contributed to the report. Board discussion ensued. No action was taken.

Convention Center/Tourist Development Tax

Deputy County Administrator Sharon Donoghue presented a budget report; Board discussion ensued. No action taken.

JULY 7, 2005, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Segal was absent; the Board accepted the recommendations of the Orange County Board of Zoning

Adjustment under date of July 7, 2005, with the exception of Items SE-05-07-009, VA-05-07-010, and SE-05-07-013, subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling a public hearing for Items SE-05-07-009 in the name of Wayne's Wash World and VA-05-07-010 in the name of Jesus Prieto on August 23, 2005; and SE-05-07-013 in the name of Centro de la Familia Christiana, Inc.; on August 30, 2005.

Commissioner Segal joined the meeting.

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, SECTION 25-140, TOURIST DEVELOPMENT PLAN

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

AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 25-140 OF THE ORANGE COUNTY CODE ("THE TOURIST DEVELOPMENT PLAN") TO AUTHORIZE TOURIST DEVELOPMENT TAX FUNDING FOR FOUR YEARS FOR THE CHAMPS SPORTS BOWL TICKET GUARANTEE; TO PROVIDE ONGOING FUNDING FOR THE ORANGE COUNTY REGIONAL HISTORY CENTER; TO REPLACE HOTEL REVENUE SURCHARGE FUNDS FOR FIVE YEARS; AND TO PROVIDE FUNDING FOR THE ORLANDO/ORANGE COUNTY CONVENTION AND VISITORS BUREAU, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff reviewed the proposed ordinance and outlined its provisions.

No one appeared regarding the ordinance.

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

Upon a motion by Commissioner Hartage, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board adopted Ordinance 2005-08 amending Orange County Code, Section 25-140, Tourist Development Plan; and further, authorized staff to formalize associated contracts to present for execution to the Board.

THE FOLLOWING 2 PUBLIC HEARINGS WERE HELD TOGETHER.

ORDINANCE/COMPREHENSIVE POLICY PLAN PUBLIC HEARING-APPLICANT: SOUTH ORANGE PROPERTIES, INC.; AIRPORT INDUSTRIAL PARK (AIPO) DEVELOPMENT OF REGIONAL IMPACT (DRI) AND NOTIFICATION OF PROPOSED CHANGE (NOPC); AMENDING ORANGE COUNTY CODE; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider adoption of proposed Amendment 2004-D-4-1 (AIPO Development of Regional Impact [DRI]) to the Comprehensive Policy Plan (CPP), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the matters set forth below:

- Proposed amendments to the CPP Future Land Use Element Map, which would change the designation of lands within the areas identified on the map.

In addition to the CPP amendment, the public hearing will also require action on the following related matters:

- Planned Development (PD)/DRI Land Use Plan Amendment
- Amended and Restated PD/DRI Development Order

and an ordinance amending the CPP for the above referenced CPP amendment as follows:

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING ORANGE COUNTY ORDINANCE NO. 2000-25, AS AMENDED, WHICH ESTABLISHED THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2000-2020 COMPREHENSIVE POLICY PLAN," BY AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT FOR PROPERTY IDENTIFIED AS THE "AIRPORT INDUSTRIAL PARK DEVELOPMENT OF REGIONAL IMPACT," BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR THE SUBJECT PROPERTY FROM INDUSTRIAL TO LOW-MEDIUM DENSITY RESIDENTIAL; AND PROVIDING EFFECTIVE DATES.

Staff reviewed the proposed ordinance and outlined its provisions.

and

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:
KENDALL KEITH, AIPO/SOUTH ORANGE PROPERTIES PLANNED DEVELOPMENT; CASE
Z-04-037, MAY 19, 2005; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Kendell Keith for AIPO/South Orange Properties Planned Development to rezone from A-2 (Farmland Rural District) (1957) and I-1/I-5 (Industrial-Light) (1981) to PD (Planned Development District), on property generally located on the north side of Wetherbee Road, west of Boggy Creek Road; Parcel IDs 17-24-30-0000-00-015 and 18-24-30-7268-00-490; District 4; Sections 17 and 18, Township 24, Range 30; 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.

Commissioner Stewart requested the following condition be added: "There shall be no more than 248 55-foot-wide lots and no more than 202 50-foot-wide lots. The size of the remaining single-family detached units shall be per the land use plan."

The following person addressed the Board regarding the request:

- Kendall Keith, the applicant

The County Mayor closed the public hearings and opened the matters 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 adopted Ordinance 2005-09 amending the Comprehensive Policy Plan for Airport Industrial Park Development of Regional Impact (DRI); further, approved the following:

- Planned Development (PD)/DRI Land Use Plan (LUP) Amendment
- Amended and Restated PD/DRI Development Order

further, made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Kendell Keith for AIPO/South Orange Properties PD to rezone from A-2 (Farmland Rural District) (1957) and I-1/I-5 (Industrial-Light) (1981) to PD

(Planned Development District), on the above described property; subject to the following conditions:

1. Development shall conform to the AIPO/South Orange Properties PD/LUP, dated "Received March 8, 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 and approved by both parties.
3. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevations shall be submitted to the Development Engineering Division for review and approval. Prior to construction plan approval, master wastewater and reclaimed water plans including preliminary calculations shall be submitted to the County for review and approval.
4. The developer shall obtain wastewater and reclaimed water service from the County subject to County rates, resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
5. The property lies within Airport Noise Zones "D and E." An executed Waiver of Claims between the developer and Greater Orlando Airport Authority shall be required prior to issuance of any building permits.

6. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of May 25, 2004 (executed on December 14, 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 not issue any building permits for any residential units as no residential units were 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.
 - The 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.
7. Approval and execution of the Second Amendment to Development Order for the AIPO DRI.
8. There shall be no more than 248 55-foot-wide lots and no more than 202 50-foot-wide lots. The size of the remaining single-family detached units shall be per the LUP.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:
VESTCOR, DANIELLE WOODS PLANNED DEVELOPMENT; CASE Z-04-006, MAY 19, 2005;
DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Vestcor for Danielle Woods Planned Development to rezone from

A-2 (Farmland Rural) (1957) to PD (Planned Development District), on property generally located on the southeast corner of Pershing Avenue and Commander Drive; Parcel ID 10-23-30-0000-00-034; District 3; Section 10, Township 23, Range 30; 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.

No one appeared regarding the request.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all 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 Vestcor for Danielle Woods Planned Development (PD) to rezone from A-2 (Farmland Rural) (1957) to PD (Planned Development District), on the above described property; subject to the following conditions:

1. Development shall conform to the Danielle Woods PD (formerly known as Clarcona Estates)/Land Use Plan (LUP), dated "Received March 30, 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 and approved by both parties.

3. The developer shall obtain water, wastewater, and reclaimed water service from the County subject to County rates, resolutions, and ordinances.
4. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
5. This property lies within Airport Noise Zone "E" and is subject to the Airport Noise Zoning Ordinance.
6. Outdoor storage and display shall be prohibited.
7. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of February 8, 2005 (executed on March 10, 2005).
 - 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 21 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.
 - The 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.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT:
HUGH HARLING, EVERGREEN PLANNED DEVELOPMENT; CASE RZ-05-03-020, MAY 19,
2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Hugh Harling for Evergreen Planned Development to rezone from R-CE (Country Estate District) (1971) to PD (Planned Development District), on property generally located on the southeast corner of Beauclair Avenue and Hill Street; Parcel ID 05-20-27-0000-00-021; District 2; Section 05, Township 20, Range 27; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications and the future land use map designations in the area.

The following persons addressed the Board regarding the request:

- Hugh Harling, the applicant
- Tom Bennion, area resident
- George Carpenter, 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 made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Hugh Harling for Evergreen Planned Development (PD) to rezone from R-CE (Country Estate District) (1971) to PD (Planned Development District), on the above described property; subject to the following conditions:

1. Development shall conform to the Evergreen PD/Land Use Plan (LUP), dated "Received April 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 the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

2. The uses, densities, intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated and approved by both parties.
3. Conditions that have been agreed to by the owner/developer during the community meeting. In the cases where the following conditions differ from the LUP (dated April 13, 2005), the following conditions apply:
 - a. Maximum number of lots, 20.
 - b. Maximum number of lots fronting on the adjacent roads, 13. The other lots to be flag type lots with shared ingress/egress.
 - c. The shared ingress/egress shall be through executed easements with maintenance requirements and controlled through the homeowners' association and be a minimum of 25 feet in width.
 - d. Minimum lot width at building line to be 130 feet.
 - e. Minimum front yard building setback on road to be 50 feet with front yard setbacks varying on adjacent lots.
 - f. Minimum rear yard building setback to be 50 feet.
 - g. The 10-foot easement on the road to be identified as a utility easement.
 - h. No clear-cutting of existing planted pines during development, only house pad area buffer, grading, thinning, and fire buffer to determine limits of tree removal.
 - i. Plant a minimum of 2 live oaks per lot along the roads.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: STEVE SHEA, SEMORAN CROSS ROAD PLANNED DEVELOPMENT; CASE RZ-05-03-024, MAY 19, 2005; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Steven Shea for Semoran Cross Road Planned Development (PD) to rezone from I-2/I-3 (Industrial District-general) (1976) to PD (Planned Development District), on property generally located on the northeast corner of Semoran Boulevard

(S.R. 436) and Auvers Boulevard; multi parcels located in District 5; Section 15, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications and the future land use map designations in the area.

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

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

Upon a motion by Commissioner Segal, seconded by Commissioner Sindler, 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 Steven Shea for Semoran Cross Road Planned Development (PD) to rezone from I-2/I-3 (Industrial District-general) (1976) to PD (Planned Development District), on the above described property; subject to the following conditions:

1. Development shall conform to the Semoran Cross Road PD/Land Use Plan (LUP), dated "Received April 8, 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 and approved by both parties.

3. Pole signs and additional billboards shall be prohibited. Existing billboards shall be removed at the expiration of current lease.
4. Outdoor storage and display shall be prohibited.

THE FOLLOWING 2 PUBLIC HEARINGS WERE HELD TOGETHER.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: JOE NISBETT, WINDERMERE VILLAGE PLANNED DEVELOPMENT (PD)/WINDERMERE VILLAGE CENTER DEVELOPMENT PLAN (DP); AMEND PD/DP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Joe Nisbett, Nisbett Realty, Inc.; Windermere Village Planned Development (PD)/Windermere Center Village Development Plan (DP); to amend the DP to allow two on-site directional signs and one off-site sign in lieu of three on-site directional signs, pursuant to Orange County Code, Section 38-1207; on property generally located on the south side of Conroy-Windermere Road, 500 feet east of Apopka-Vineland Road; Parcel ID 15-23-28-0000-00-004; District 1; Section 15, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

and

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: JOE NISBETT, WINDERMERE VILLAGE 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 Joe Nisbett, Nisbett Realty, Inc.; Windermere Village Planned Development/Land Use Plan (PD/LUP); to amend the LUP to allow three tenants on one off-site sign for St. Lukes Methodist Church, 1st National Bank, and the Chain of Lakes Middle School, pursuant to Orange County Code, Section 38-1207; on property generally located on the south side of Conroy-Windermere Road, 500 feet east of Apopka-Vineland Road; Parcel ID 15-23-28-0000-00-004; District 1; Section 15, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

Commissioner Jacobs requested these 2 public hearings be continued until the Development Review Committee has finalized waiver language and the hearings are readvertised.

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 Hartage, and carried with all members present and voting AYE by voice vote, the Board continued the public hearings to consider a substantial change request by Joe Nisbett, Nisbett Realty, Inc.; Windermere Village Planned Development (PD)/Windermere Center Village Development Plan (DP); to amend the DP to allow two on-site directional signs and one off-site sign in lieu of three on-site directional signs, and a substantial change request by Joe Nisbett, Nisbett Realty, Inc.; Windermere Village Planned Development/Land Use Plan (PD/LUP); to amend the LUP to allow three tenants on one off-site sign for St. Lukes Methodist Church, 1st National Bank, and the Chain of Lakes Middle School, until August 30, 2005, at 2:30 p.m.

PLANNING AND ZONING COMMISSION APPEAL-APPELLANT/APPLICANT: CHARLES JETT, SAMSA, LLC; CASE RZ-05-04-041, MAY 19, 2005; DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Charles L. Jett, Samsa, LLC, of the recommendation of the Planning and Zoning Commission, dated May 19, 2005, on a request by Charles L. Jett, Samsa, LLC, to rezone R-CE (County Estate District) (1967) to R-1 (Single-family Dwelling District). The property is generally located on the north side of Fenton Street and west of South Apopka-Vineland Road; Parcel ID 09-24-28-5844-01-014; District 1; Section 09, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

A court reporter, John P. Morton, was present.

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

Staff requested a letter from the Butler Chain Conservation Association in opposition to the request be placed in the record; and further, submitted an amended staff report.

For the record, Commissioner Jacobs stated she was contacted by both Ms. Morgan and Scott Glass and declined to meet with either side.

Staff clarified that proposed Condition 1 should read: "The subject property shall be

limited to one 2-story, single-family dwelling that is situated, generally speaking, between the existing homes on either side."

The following persons addressed the Board regarding the request:

- Scott Glass, for the applicant
- Lisa Flaherty, area resident
- Shadie Creech, area resident
- Dallas McLaurin, area resident
- Stephen Price, area resident

The County Mayor accepted the following exhibits:

- Clerk's Exhibit 1, letter from staff for Ann Conley, Butler Chain Conservation Association.
- Clerk's Exhibit 2, letter from Kyung Uk Park
- Composite Clerk's Exhibit 3, backup from Mr. Glass
- Clerk's Exhibit 4, letter from neighbors submitted by Lisa Flaherty

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 County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, and Segal voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; the Board overruled the decision of the Orange County Planning and Zoning Commission and approved the request by Charles L. Jett, Samsa, LLC, to rezone R-CE (County Estate District) (1967) to R-1 (Single-family Dwelling District) on the above-described property, and further, that the restricted right-of-way is a concern and should be considered in any future decisions to allow any further development on narrow lots; subject to the following conditions:

1. The subject property shall be limited to one 2-story, single-family dwelling that is situated, generally speaking, between the existing homes on either side.
2. The minimum living area shall be 1,500 square feet.
3. The minimum rear setback from the Normal High Water Elevation of Lake Fish shall be 150 feet; accessory structures shall not be allowed within the 150-foot setback.

4. The minimum side setback shall be 10 feet.

For the record, the Board acknowledged the applicant's statement that his Mediterranean pool will be in the center of the house.

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

Minutes Coordinator