

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, October 11, 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

Invocation: Pastor Margaret Kartwe-Bradley, Ebenezer United Methodist Church of Orlando

Pledge of Allegiance

Presentation of Red Ribbon Week Proclamation

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 14
- Deleted Community and Environmental Services Department Item 1
- Deleted County Comptroller Informational Item 1
- Deferred County Comptroller Item 2 for discussion (see page 8 for subsequent approval)
- Deferred County Sheriff Item 1 for discussion (see page 9 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 September 13, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Request to correct the minutes of April 27, 2004, as approved by the Board of County Commissioners on May 25, 2004, regarding the vote on the motion amending the main motion to adopt the Road Impact Fee Ordinance. This

correction will reflect the NO votes on the amending motion as follows: Commissioners Jacobs and Stewart (not Commissioners Sindler and Stewart) (Comptroller Clerk of the Board of County Commissioners).

(As stated in the above motion, this item was deferred for discussion; see page 8 for subsequent approval.)

3. 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: September 30, 2005, to October 6, 2005; total of \$54,547,775.85 (Finance and Accounting Department).

#### County Administrator

1. Approval and execution of service funding agreements between Orange County and Seniors First, Inc. (\$108,000); Orange County Bar Association, Inc., Citizens Dispute Settlement Mediation Program (\$113,440); and the Legal Aid Society (\$723,779) (Office of Management and Budget).
2. Approval of the Laborers' International Union of North America, Local 517, Collective Bargaining Agreement for Fiscal Years 2005/06 through 2007/08 (Human Resources Division).
3. Approval of a resolution, 2005-M-43, approving or denying the transfer of Adelphia Communications' Orange County cable franchise to Comcast Communications; and approval of franchise transfer agreement among Adelphia Communications, Time Warner Cable, Comcast Communications, and Orange County (Communications Division).

#### County Sheriff

1. Approval and execution of the Florida Department of Law Enforcement JAG/Edward Byrne Memorial Grants in the amount of \$526,162. The new Justice Assistance Grants (JAG) do not require matching funds. The following projects will be funded for the period of October 1, 2004, through September 30, 2008 (Grants).

(As stated in the above motion, this item was deferred for discussion; see page 9 for subsequent approval.)

## County Tax Collector

1. Approval of the extension of the tax roll prior to the completion of the Value Adjustment Board hearings.

## Administrative Services Department

1. Approval to award Invitation for Bids Y5-1128-JS, Hydrofluosilicic Acid, to the sole responsive and responsible bidder, Harcros Chemicals, Inc. The estimated contract award amount is \$107,991.62 ([Water Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y6-109-HF, Exterior Landscape Management at the West Orange Trail, to the low responsive and responsible bidder, Groundtek of Central Florida, Inc. The estimated contract award amount is \$159,966 for a 1-year term ([Parks and Recreation Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y5-760-DB, Landstreet Road Improvements (from the Beeline Overpass to Orange Avenue), to the low responsive and responsible bidder, Bergeron Land Development, Inc. The total contract award amount is \$17,286,320.02 ([Highway Construction Division] Purchasing and Contracts Division).
4. Selection of SGM Engineering, Inc., for design of the Orange County Convention Center West Building HVAC Controls Building Automation System Upgrade, RFP Y5-819-JC, in a contract award amount not to exceed the \$250,000 that has been budgeted for the project ([Convention Center Capital Planning Division] Purchasing and Contracts Division).
5. Approval and execution by the County Mayor of Second Amendment to Lease between USAA Realty Company and Orange County for warehouse and office space for Emergency Medical Services in the Quorum Center located at 4401 Vineland Road, Suites A/11-12, Orlando, Florida, District 6 (Real Estate Management Division).
6. Approval and execution by the County Mayor of Second Amendment to Lease Agreement and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Adventist Health System/Sunbelt, Inc., and Orange County for office space for Florida Hospital/Sexual Assault Treatment Center located at 301 East Rollins Street, Orlando, Florida, District 5 (Real Estate Management Division).

7. Approval and execution by the County Mayor of Easement and authorization to record instrument for Bay Meadows Elementary School-Master Water Meter, District 1 (Real Estate Management Division).
8. Approval and execution by the County Mayor of Easement and authorization to record instrument for Bonneville Elementary School Relief (Potable Water Lines, Master Water Meter Assembly, and Reclaimed Water Meter Easement to Orange County), District 5 (Real Estate Management Division).
9. Approval and execution by the County Mayor of Easement and authorization to record instrument for Cypress Springs Elementary School Relief (aka Andover Lakes Elementary School) Master Water Meter Assembly and Irrigation Meter, District 4 (Real Estate Management Division).
10. Approval and execution by the County Mayor of Easements and authorization to record instruments for Discovery Middle School Relief (Master Water Meter Assembly Easement to Orange County) and (Pump Station Easement to Orange County), District 4 (Real Estate Management Division).
11. Approval and execution by the County Mayor of Easement and authorization to record instrument for Meadowbrook Middle School, District 2 (Real Estate Management Division).
12. Approval and execution by the County Mayor of Easement and authorization to record instrument for West Orange Apopka High School Relief/Crown Point, District 1 (Real Estate Management Division).
13. 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).
14. Approval and execution by the County Mayor of Release of Lease No. 4207 between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Orange County for land for Sheriff's K-9 and Mounted Patrol located at 2121 Clarcona Road, Apopka, Florida, District 2 (Real Estate Management Division).

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

15. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for CVS Pharmacy (Curry Ford and Goldenrod) OCU #36825, District 3 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval of the Crime Prevention Grant Awards as recommended by the Neighborhood Grants Advisory Board in the total amount of \$10,718, all districts (Neighborhood Services Division).

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

2. Approval of the Revenue Agreement between Orange County and the South Florida Water Management District for an award to Orange County matching funds in the amount of \$805,000 for water quality improvement projects, Districts 1 and 4 (Environmental Protection Division).
3. Approval to file Claim of Special Assessment Liens by Resolutions 2005-CEDD-012 through 2005-CEDD-015 for unsafe structures demolished by Orange County, pursuant to Ordinance Number 2000-04, Districts 1, 2, and 3, as follows:

<u>Dist.</u>	<u>Property</u>	<u>CEB#</u>	<u>Owner</u>	<u>Cost</u>
3	8000 Charlin Parkway	2004-22369H	William J. Brinkley	\$2,397.54
2	1168 Old Apopka Road	2004-20731H	Ferlenciel Dowdell & Charles E. Dowdell	\$4,319.38
1	275 Jean Street	2004-22648H	Marvin Zanders	\$4,208.22
2	957 Ocoee Apopka Road	2004-23826H	Simon Brewington Estate	\$2,548.28

(Code Enforcement Division).

Health and Family Services Department

1. Approval of the Second Amendment to the Lease between Orange County and City of Orlando for space at the Callahan Head Start Center. There will be no cost to the County (Head Start Division).

Office of Economic, Trade, and Tourism Development

1. Approval of: a) Economic Development Commission (EDC) of Mid-Florida, Inc., Fiscal Year 2005-2006 Master Agreement with Orange County; and b) the Economic Development Commission of Mid-Florida, Inc., Agreement with Orange

County related to the EDC's role as Secretary for the Industrial Development Authority.

Public Works Department

1. Approval of the Agreement between Orange County and Lake Butler Sound Community Association, Inc., for Traffic Law Enforcement on Private Roads in the gated community of Lake Butler Sound, District 1 (Public Works Department).
2. Authorization to record the plat of Avalon Town Center Tract 30, District 4 (Development Engineering Division).
3. Authorization to record the plat of Waterford Towers, District 3 (Development Engineering Division).
4. Approval of the Joint Participation Agreement for water main construction with the City of Winter Garden in conjunction with the Burch's Quarters Community Development Project, District 1 (Public Works Engineering Division).
5. Approval of the Florida Mall/Sky Lake Drainage Canal Use Agreement between Orange County and the Florida Mall Associates, Ltd., for construction and maintenance of the Florida Mall Pond Expansion Improvements and related Sky Lake Drainage Canal Improvements, District 4 (Roads and Drainage Division).
6. Approval to construct speed humps on North Palermo Avenue, South Palermo Avenue, and Caswell Drive, District 3 (Traffic Engineering Division).
7. Approval to construct speed humps on Golf Club Parkway, District 6 (Traffic Engineering Division).

INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following item to file for the record: Minutes for the September 12, 2005, meeting of County Mayor Crotty and Commissioners Stewart and Hartage (Comptroller Clerk of the Board of County Commissioners).

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

GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA

1. Approval to accept the draft Innovation Way Study and authorization for staff to initiate the process to amend the Comprehensive Policy Plan, District 4 (Growth Management Department).

Staff presented a report on this item. Linda Chapin, director, Metropolitan Center for Regional Studies at the University of Central Florida; Joel Ivey, president, Ivey Planning Group, LLC; Dr. Sanford Shugart, president, Valencia Community College; Joe Wallace, executive director, Central Florida Research Park; and Dr. Jeff Fuqua, chairman, Greater Orlando Aviation Authority; contributed to the report. Board discussion ensued. Dante Gabriel, president, GMB Engineering and Planners; and staff contributed to the discussion. No action was taken.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. UCF Medical School.

County Mayor Crotty presented a report and requested approval of this item. Dr. John Hitt, president of the University of Central Florida, contributed to the report. Board discussion ensued.

Upon a motion by County Mayor Crotty, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board approved \$1,000,000 for the UCF Medical School, subject to UCF being approved for the medical school, to be paid out over a period of time consistent with the opening of the buildings in 2008, with an additional \$1,000,000 match from 10 counties in the UCF service area.

The County Mayor announced the following discussion items will be considered in the afternoon session: Administrative Services Discussion Item 1, County Comptroller Consent Item 2, and County Sheriff Consent Item 1.

The County Mayor adjourned the morning session.

MEETING RECONVENED

There being a quorum, 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
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

#### ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval and execution by the County Mayor of Fourth Amendment to Lease and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, and authorization to pay tenant improvement expenses for office and warehouse space for Supervisor of Elections, office/warehouse complex located at 117-119 Kaley Street, Orlando, Florida, District 6.

Staff presented a report and requested approval of this item. Orange County Supervisor of Elections Bill Cowles contributed to the report. Board discussion ensued.

Upon a motion by Commissioner Sindler, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved execution by the County Mayor of the Fourth Amendment to Lease between William D. Bishop, Sr., dba Kaley Avenue Investments Company and Orange County; and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed; and further, authorized staff to pay tenant improvement expenses for office and warehouse space.

#### COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

County Comptroller

2. Request to correct the minutes of April 27, 2004, as approved by the Board of County Commissioners on May 25, 2004, regarding the vote on the motion amending the main motion to adopt the Road Impact Fee Ordinance. This correction will reflect the NO votes on the amending motion as follows: Commissioners Jacobs and Stewart (not Commissioners Sindler and Stewart) (Comptroller Clerk of the Board of County Commissioners).

Commissioner Sindler requested this item be deferred for more information and discussion. Board discussion ensued. Staff contributed to the 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 a request to correct the minutes of April 27, 2004, as approved by the Board of County Commissioners on May 25, 2004, regarding the vote on the motion amending the main motion to adopt the Road Impact Fee Ordinance to reflect the NO votes on the amending motion as follows: Commissioners Jacobs and Stewart (Comptroller Clerk of the Board of County Commissioners).

COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

County Sheriff

1. Approval and execution of the Florida Department of Law Enforcement JAG/Edward Byrne Memorial Grants in the amount of \$526,162. The new Justice Assistance Grants (JAG) do not require matching funds. The following projects will be funded for the period of October 1, 2004, through September 30, 2008 (Grants).

Commissioner Fernandez requested this item be deferred for more information. Staff presented a report. Board discussion ensued.

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 execution of the Florida Department of Law Enforcement JAG/Edward Byrne Memorial Grants in the amount of \$526,162 (the new Justice Assistance Grants do not require matching funds); further, approved the following projects to be funded for the period of October 1, 2004, through September 30, 2008:

<u>Funding</u>	<u>Amount</u>
Forensic Social Worker-Corrections	\$ 40,000
Community Policing Deputy Laptops with software-Sheriff's Office	232,308
Dry Suits and Gill Masks for OCSO Dive Team-Sheriff's Office	10,680
Contractual Intensive Outpatient Program-Adult Drug Court	108,108
Juvenile Court Counselors-Juvenile Drug Court	142,720

and further, directed staff to provide historical performance outcomes as a result of these grant funds.

RESOLUTION PUBLIC HEARING-AGRICULTURAL CENTER FACILITY, PUBLIC PURPOSE CERTIFICATION

Notice was given that the Board of County Commissioners would hold a public hearing to consider a resolution regarding agricultural center facility, public purpose certification as follows:

SECTION 288.1175, FLORIDA STATUTES, CERTIFYING THAT THE BOARD HAS CONDUCTED A PUBLIC HEARING AND DETERMINED THAT THE PROPOSED AGRICULTURAL EDUCATION AND PROMOTIONAL FACILITY SERVES A VITAL PUBLIC PURPOSE IN ORANGE COUNTY.

Staff reviewed the proposed resolution and outlined its provisions.

No one appeared regarding the resolution.

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 adopted Resolution 2005-M-44, regarding agricultural center facility, public purpose certification.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING-MOSS PARK PLANNED DEVELOPMENT-PARCEL E PHASE 2 PSP, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Moss Park Planned Development-Parcel E Phase 2 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 42.71-acre site for 33 single-family dwelling units and 141 townhome units; on property generally located south of Weewahoottee Road, west of John Wycliffe Boulevard; Parcel ID 10-24-31-0000-00-005; District 4; Section 10, Township 24, Range 31; 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.

The following person addressed the Board: Lance Boone, for the developer.

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

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

1. Development shall conform to the Moss Park PD PSP, dated "Received August 11, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all 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 October 11, 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 and utility plans for the PD.
3. The Covenants, Conditions, and Restrictions shall include language that this is a mixed-use project consisting of both detached and attached single-family residences.
4. Prior to platting, an MSTU shall be established for maintenance of the multi-purpose trail.
5. Prior to recordation of any plat, documentation shall be provided to reflect compliance with the Capacity Enhancement Agreement.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING-LAKE IRMA HEIGHTS PSP, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Lake Irma Heights 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 5.7-acre site for 11 single-family dwelling units with a minimum living area of 2,500 square feet; on property generally located south of University Boulevard, west of Econlockhatchee Trail; Parcel IDs 01-22-30-4948-00-360, 01-22-30-4948-00-370, and 01-22-30-4948-00-381; District 5; Section 01, Township 22, Range 30; Orange County, Florida (legal property description is on file).

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

The following persons addressed the Board:

- B.J. Martin, for the developer
- Tom Hastings, for area resident
- Joan Cross, area resident

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

A motion by Commissioner Segal, seconded by Commissioner Fernandez, with County Mayor Crotty and Commissioners Fernandez and Segal voting AYE by voice vote; Commissioners Jacobs, Sindler, Stewart, and Hartage voting NO by voice vote; to approve the Lake Irma Heights Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions, failed:

1. Development shall conform to the Lake Irma Heights PSP, dated "Received July 27, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any 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.

PSP approval automatically expires on October 11, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. Semi-private boat docks and semi-private boat ramps shall be prohibited.
3. 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

A motion by Commissioner Hartage, seconded by Commissioner Sindler, with Commissioners Sindler and Hartage voting AYE by voice vote; County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, and Segal voting NO by voice vote; to amend the main motion to delete Condition 2 failed.

Upon a motion by Commissioner Segal, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved reconsideration of the Lake Irma Heights Preliminary Subdivision Plan.

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Fernandez, Segal, and Hartage voting AYE by voice vote; Commissioners Jacobs, Sindler, and Stewart voting NO by voice vote; the Board approved the Lake Irma Heights Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Lake Irma Heights PSP, dated "Received July 27, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any 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.

PSP approval automatically expires on October 11, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. Semi-private boat docks and semi-private boat ramps shall be prohibited.
3. 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.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: MOMTAZ BARQ, TURKEY LAKE PLAZA PLANNED DEVELOPMENT/LAND USE PLAN (PD/ LUP); AMEND LUP; DISTRICT 1- CONTINUED FROM SEPTEMBER 13, 2005

By consensus, the Board reopened the public hearing to consider a substantial change request by Momtaz Barq, Terra-Max Engineering, Inc.; Turkey Lake Plaza Planned Development/Land Use Plan (PD/LUP) to amend the LUP to increase the maximum building height from 55 feet to 145 feet, pursuant to Orange County Code, Section 38-1207; on property generally located on the west side of Turkey Lake Road, 1 1/4 miles south of Sand Lake Road; Parcel ID 02-24-28-0000-00-009; District 1; Section 02, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff explained that the public hearing was continued to readvertise to allow architectural features and mechanical equipment to extend 15 feet above the 100-foot level currently advertised. 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.

Staff noted corrections to the staff report, as follows: Proposed Condition 3, replace the word "completed" with the word "implemented"; and replace the word "used" with the word "unused."

The following persons addressed the Board:

- Paul Chipok, for the applicant
- Momtaz Barq, the applicant

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 continued the public hearing to consider a request by Momtaz Barq, Terra-Max Engineering, Inc.; Turkey Lake Plaza Planned Development/Land Use Plan (PD/LUP); to amend the LUP to increase the maximum building height from 55 feet to 145 feet; until October 25, 2005, at 3:30 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: BILL BURKETT, LAKEVIEW 436 PLANNED DEVELOPMENT/LAND USE PLAN (PD/ LUP); AMEND LUP; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bill Burkett, Lakeview 436 Planned Development/Land Use Plan (PD/LUP) to amend the LUP to exchange 82 townhomes for 82 condominium units, pursuant to Orange County Code, Section 38-1207; on property generally located on the northeast corner of S.R. 436 and Hanging Moss Road; Parcel IDs 15-22-30-0000-00-007 and 15-22-30-0000-00-059; District 5; Section 15, Township 22, Range 30; 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 subject to conditions.

The following person addressed the Board: Bill Burkett, the applicant.

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

Commissioner Jacobs requested a condition be added as follows: "Condominium association documents shall reflect that all infrastructure is private infrastructure and that any maintenance requirements and any debris collection in the event of a natural disaster is the responsibility of the condominium association and not a public responsibility." Staff recommended adding the following language to the condition: "Prior to the issuance of any building permits the condominium association documents shall be submitted to the County."

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Bill Burkett, Lakeview 436 Planned Development/Land Use Plan (PD/LUP), to amend the LUP to exchange 82 townhomes for 82 condominium units; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Lakeview 436 PD; Orange County Board of County Commissioners' (BCC) approvals; Substantial Change, dated "Received August 16, 2005"; and to the following conditions of approval. Development based upon this approval shall comply with all 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.

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.

2. 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. This substantial change request for the Lakeview 436 PD shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the owner/applicant (or his or her authorized agent) to the BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have responsibly induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or his or her authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

4. All previous conditions of approval shall apply.
5. Condominium association documents shall reflect that all infrastructure is private infrastructure and that any maintenance requirements and any debris collection in the event of a natural disaster is the responsibility of the condominium association and not a public responsibility. Prior to the issuance of any building permits the condominium association documents shall be submitted to the County.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: GIFFORD ANGLIM, PATTERSON 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 request by Gifford Anglim, Daley Design Group, Patterson Planned Development/Land Use Plan (PD/LUP), to amend the LUP to convert the cast housing/Disney dormitory units to 500 market condominium units, pursuant to Orange County Code, Section 38-1207; on property generally located on the south side of Reams Road, 1/4 mile west of Disney employee entrance (Cast Drive); Parcel ID 02-24-27-0000-00-002; District 1; Section 02, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Dwight Saathoff, for the developer.

The County Mayor closed the public hearing and opened the matter for Board discussion. After discussion, the parties proposed deleting proposed Contition 6 and adding the following conditions:

- "Density shall be limited to 10 units per net developable acre.
- "Developer complies with development guidelines set forth in section 13-1387 of the Village Development Code.
- "The developer agrees not to gate the community and privatize the roads.
- "Developer shall donate right-of-way in a form acceptable to the County for Reams Road improvement at no cost to the County and without impact fee credits or any other compensation. Such donation shall occur not later than the subdivision of the property.
- "Open space standards shall comply with the Horizon West Village land use classification requirements."

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Gifford Anglim, Patterson Planned Development/Land Use Plan (PD/LUP), to convert the cast housing/Disney dormitory units to 500 market condominium units, which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Patterson PD; Orange County Board of County Commissioners' (BCC) approvals; Substantial Change, dated "Received August 26, 2005"; and to the following conditions of approval. Development based upon this approval shall comply with all 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, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County.

The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

3. Prior to platting, an MSTU shall be established for the operation and maintenance of secondary and connector trails.
4. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
5. The following Education condition of approval shall apply:

Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of June 14, 2005.

Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the developer is in default or breach of the PEA, the County shall immediately cease issuing building permits for any residential units in excess of the zero residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the PEA.

The developer and its successor or assign under the PEA, 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 PEA, 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 OCPS over any interpretation or provision of the PEA.

6. Density shall be limited to 10 units per net developable acre.
7. Developer complies with development guidelines set forth in section 13-1387 of the Village Development Code.
8. The developer agrees not to gate the community and privatize the roads.
9. Developer shall donate right-of-way in a form acceptable to the County for Reams Road improvement at no cost to the County and without impact fee credits or any other compensation. Such donation shall occur not latero than the subdivision of the property.
10. Open space standards shall comply with the Horizon West Village land use classification requirements.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: PAT CHRISTIANSEN, WOODLAND LAKES 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 request by Pat Christiansen, Akerman Senterfitt and Eidson, P.A., Woodland Lakes Planned Development/Land Use Plan (PD/LUP), to amend the LUP to allow outdoor storage for Lots 13 and 14 of Tract B, provided the storage area is completely

screened by a masonry wall at least 8 feet in height, pursuant to Orange County Code, Section 38-1207; on property generally located on the west side of Alafaya Trail, 1/4 mile south of Lake Underhill Road; Parcel IDs 27-22-31-8987-00-130 and 27-22-31-8987-00-140; District 4; Section 27, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Pat Christiansen, the applicant.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Segal, and carried with all 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 Pat Christiansen, Woodland Lakes Planned Development/Land Use Plan (PD/LUP), to allow outdoor storage for Lots 13 and 14 of Tract B, provided the storage area is completely screened by a masonry wall at least 8 feet in height; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Woodland Lakes PD; Orange County Board of County Commissioners' (BCC) approvals; Substantial Change, dated "Received August 15, 2005"; and to the following conditions of approval. Development based upon this approval shall comply with all 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, 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 previous conditions of approval shall apply.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT/APPLICANT: JAMES JOHNSTON, OUTLOOK MEDIA; ITEM SE-05-09-012, SEPTEMBER 1, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Outlook Media of the recommendation of the Board of Zoning Adjustment, dated September 1, 2005, on a request by James Johnston, Outlook Media, of the Zoning manager's determination that applicant's billboard is within 1,000 feet of another billboard. The property is generally located on the west side of John Young Parkway, south of Shader Road; Parcel ID 09-22-29-0000-00-025; District 2; Section 09, Township 22, Range 29; 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 applicant has requested a continuance.

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

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 a request by James Johnston, Outlook Media, for an appeal of the Zoning manager's determination that the applicant's billboard is within 1,000 feet of another billboard until December 6, 2005, at 3:30 p.m.

BOAT RAMP PUBLIC HEARING-APPLICANT: DONALD SELLERS, LAKE MARTHA, FACILITY PERMIT, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Donald Sellers for a permit to construct a private boat ramp, pursuant to Orange County Code, Chapter 15, Article XV, on property adjacent to Lake Martha, located at 4739 Shorecrest Drive; Parcel ID 01-22-30-4848-02-010; District 5; Section 01, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff outlined the request and the recommendation for approval subject to conditions.

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

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

Upon a motion by Commissioner Segal, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved the request by Donald Sellers for a permit to construct a boat ramp on Lake Martha, subject to the following conditions:

1. The permittee is hereby authorized to perform or cause to be performed the impacts shown on the application and approved drawing, plans, and other documents attached hereto or on file with the Environmental Protection Division (EPD). The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
2. At least 48-hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
3. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
4. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by County staff.
5. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within 60 days from the date of the adjudication.

Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.

6. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
7. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
8. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
9. The permittee shall notify EPD in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
10. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit at any reasonable time.
11. The permittee shall hold and save the County harmless from any and all damages, claims, or liabilities, which may arise by reason of the activities authorized by the permit.
12. No failure or successive failures, on the part of EPD to enforce any portion of this permit shall impair the right of EPD to enforce the same in the event of subsequent breach.
13. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee. The Environmental Protection Officer shall make this determination.
14. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.

15. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. Best management practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
16. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the project area and/or surface waters immediately.
17. The permittee shall restore any unauthorized wetland and/or littoral zone impacts within 30 days of completion of the project. The restoration will be done to the satisfaction of EPD.
18. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the boat ramp to the lake.
19. A copy of this permit, along with EPD stamped, approved drawings should be taken to the Zoning Division for approval in order to obtain a building permit.
20. A certified site plan will be required to obtain a building permit. For further information, please contact the Zoning Division at (407) 836-5525 or the Building Division at (407) 836-5550.
21. This permit will expire 1 year from issuance date.
22. Within 30 days of completion of construction of the facility as built drawings shall be prepared by a registered professional engineer or other appropriate individual and submitted to EPD for review.
23. Operation of the facility shall not become effective until the permittee has complied with the requirements of this permit.
24. The material used as fill shall be clean material and shall not be contaminated with vegetation, hazardous, toxic waste or other materials that are not suitable within waters of the state.
25. Prior to any filling within the 100-year flood zone a Flood Plain Permit must be obtained from the Orange County Stormwater Management authorizing the fill.

Specific Conditions:

- 26. Use of the boat ramp is limited to the residents of 4739 Shorecrest Drive and their usual or customary guests either in the company of the resident or using the resident's watercraft.
- 27. The permittee may maintain a clear access corridor below the Normal High Water Elevation, not to exceed 32 feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any structures such as a boat dock or ramp must be located within this corridor. The remaining shoreline shall be naturally vegetated with at least 85 percent desirable wetland species.
- 28. Construction activities shall be completed in accordance with the "Construction Plan" submitted by Specialty Marine Contractors, dated as received on January 11, 2005, and June 15, 2005, by EPD.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 5:25 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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

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

\_\_\_\_\_  
Minutes Supervisor