

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:10 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, October 25, 2005. The following were present:

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

Commissioner Segal joined the meeting where indicated.

Invocation-Father Alex Baumann, St. Francis Assisi Catholic Church, Apopka  
Pledge of Allegiance

COUNTY CONSENT AGENDA

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

- Deleted Administrative Services Department Item 6
- Deferred Public Works Department Items 6, 7, and 8 for discussion (see page 35 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 20 and September 22, 2005, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

2. Ratification of the revised monthly draw schedule for the Orange County Sheriff as follows: for July 2005, the amount of \$11,735,684; for August 2005, the amount of \$11,735,685. This revision is related to the adjustment for court officers (Administrative/Fiscal Division).
3. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for periods as follows:
  - October 7, 2005, to October 13, 2005; total of \$27,880,368.82
  - October 14, 2005, to October 20, 2005; total of \$18,544,108.46

(Finance and Accounting Department).

#### Supervisor of Elections

1. Approval of Resolution 2005-M-45 creating 5 new County voting precincts as required by Florida Statute 101.001.

#### County Administrator

1. Approval and execution of a grant agreement between Orange County and the Hispanic Business Initiative Fund (HBIF), and authorization to disburse \$159,135 to the HBIF as provided in the FY 2005-06 adopted budget (Office of Management and Budget).
2. Approval and execution of a grant agreement between Orange County and the Black Business Investment Fund (BBIF), and authorization to disburse \$174,924 to the BBIF as provided in the FY 2005-06 adopted budget (Office of Management and Budget).
3. Approval of Budget Amendment 05-47 (Office of Management and Budget).

(Budget amendment is on file in the Comptroller Finance and Accounting Department.)

4. Approval of payment of intergovernmental claims of September 1, September 8, September 15, September 22, and September 29, 2005; totaling \$1,214,670.01 (Risk Management Division).

5. Approval of County observed Holidays for calendar year 2006 (Human Resources Division).
6. 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).

#### Administrative Services Department

1. Approval to award Invitation for Bids Y5-792-EZ, Orange County Utilities Recycle Facility Repairs, to the sole responsive and responsible bidder, Mulligan Constructors. The total contract award amount is \$592,800 ([Solid Waste Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-794-PH; Peppertree, Boreas Drive, and Lake Underhill Hospital Pump Station Improvements; to the low responsive and responsible bidder, Prime Construction Group, Inc. The total contract award amount is \$945,100 ([Utilities Engineering Division] Purchasing and Contracts Division).
3. Ratification of Contract Y5-820, Engineering Services for Universal Boulevard 24-inch Force Main-Turkey Lake Road East to Pump Station 3995 Project, with CPH, Inc. The total contract award amount is \$199,470.92 ([Utilities Engineering Division] Purchasing and Contracts Division).
4. Approval of Task Authorization 46, Countywide Water Reclamation Facilities Plan, Contract Y3-904, General Consultant and Capital Improvement Program Management Services, with PBS&J in the amount of \$1,171,587 ([Utilities Engineering Division] Purchasing and Contracts Division).
5. Approval of Amendment 1; Contract Y5-163D; Janitorial Services for the Utilities Department; Lot 6; with Owens, Renz, and Lee; to increase the contract by \$154,817.77 for a new estimated contract amount of \$571,764.37 ([Facilities Management Division] Purchasing and Contracts Division).
6. Approval and execution by the County Mayor of Lease Amendment and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Avalon Island, LLC, and Orange County for office space in the Phoenix Building, Suite 200, located at 69 East Pine Street, Orlando, Florida, District 3 (Real Estate Management Division).

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

### Community and Environmental Services Department

1. Approval to advertise Resolutions 2005-CED-231 through 2005-CED-248 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning as follows:

LC 05-401; LC 05-404; LC 05-372; LC 05-366; LC 05-413; LC 05-416;  
LC 05-425; LC 05-426; LC 05-427; LC 05-307; LC 05-356; LC 04-175;  
LC 05-364; LC 05-378; LC 05-389; LC 05-408; LC 05-422; LC 05-423.

Districts 1, 2, 3, 4, 5, and 6 (Code Enforcement Division).

### Growth Management Department

1. Approval of a Hold Harmless and Indemnification Agreement between Orange County and Gary M. Elbers and Julie A. Elbers for construction of an addition to a single-family residence located at 8626 Port Said Street, Orlando, Florida, District 5 (Zoning Division).

### Health and Family Services Department

1. Approval of the renewal Alternative Transportation License for Unicare Transport Service to provide wheelchair/stretchers services. The term of this certificate is from October 1, 2005, through October 1, 2007. There is no cost to the County (Emergency Medical Services Office).
2. Approval of the Interlocal Agreements between Orange County and Apopka Fire Department, Maitland Fire Department, and Winter Park Fire Department for the transfer of equipment purchased and distributed to the agencies from the 2004-2005 EMS Grant Awards. There is no cost to the County (Emergency Medical Services Office).

### Office of Economic Trade and Tourism Development

1. Approval to award Contract Y6-2085 for arts funding to United Arts of Central Florida, Inc., in the amount of \$1,013,937. Sufficient funds are available in account 0001 023 0405 8610 (Arts and Cultural Affairs).
2. Approval of payment to L'ideé Corporate Art Concepts, Inc., in the amount of \$35,267 for the fabrication and delivery of pedestals and installation/relocation of

the Winged Runner and Leaper sculptures; approval to accept the donation/lease from United Arts of Central Florida (Arts and Cultural Affairs).

#### Public Works Department

1. Approval of the Agreement between Orange County and Centex Homes for Traffic Law Enforcement on Private Roads in the gated community of Waterford Chase East Phase 3, District 4 (Public Works Department).
2. Approval for the expansion of the Christmas Borrow Pit (Excavation Permit 00-E5-102), District 5 (Development Engineering Division).
3. Authorization to record the plat of Whippoorwill Acres, District 4 (Development Engineering Division).
4. Authorization to record the plat of Zimmer, District 3 (Development Engineering Division).
5. Approval of the Economic Development Transportation Trust Fund Agreement between the State of Florida and Orange County on behalf of Whirlpool Corporation for the construction of railroad terminal facilities, access road, and modification to existing Orange Avenue, District 4 (Public Works Engineering Division).
6. Approval of the Road Impact Fee Agreement, Stoneybrook PD/Tract 22, South Alafaya Trail and the issuance of Road Impact Fee Credits in the name of Stoneybrook Marketplace, LLC, in exchange for dedicated rights-of-way along Alafaya Trail, District 4 (Road Impact Fee Credit Committee).

(As stated in the above motion, this item was deferred for discussion. See page 35 for subsequent approval.)

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

(As stated in the above motion, this item was deferred for discussion. See page 35 for subsequent approval.)

8. Approval of the Roadway Network Agreement (Avalon Associates-Alafaya Trail) for the widening of Alafaya Trail from Curry Ford Road to Avalon Park Boulevard and the issuance of Road Impact Fee Credits to Avalon Associates of Delaware,

Limited Partnership, for a total amount of \$1,471,291, District 4 (Road Impact Fee Credit Committee).

(As stated in the above motion, this item was deferred for discussion. See page 35 for subsequent approval.)

9. Authorization to record the plat of Avalon Town Center Tract 32, District 4 (Development Engineering Division).

#### INFORMATIONAL ITEMS\*

##### County Comptroller

1. Receipt of the following items to file for the record:
  - a. Florida Public Service Commission notice of hearing and prehearing re: Docket 041269-TP, petition by BellSouth Telecommunications, Inc., to establish generic docket to consider amendments to interconnection agreements resulting from changes in law.
  - b. The Greater Orlando Aviation Authority Budget for fiscal year 2005-2006.
  - c. City of Orlando Ordinance annexing property generally located north of Hibiscus Road, east of Hibiscus Place, and west of Marigold Avenue.
  - d. City of Apopka Ordinance 1767 annexing property generally located north of Nancy Lee Lane and west of Park Avenue, at 1162 and 1168 North Rock Springs Road.
  - e. City of Apopka Ordinance 1768 annexing property generally located south of Kelly Park Road and west of Plymouth-Sorrento Road, at 4456 Chandler Road.
  - f. City of Apopka Ordinance 1769 annexing property generally located north of Monroe Avenue and west of Ransom Street, at 222 Ransom Street.
  - g. City of Apopka Ordinance 1770 annexing property generally located east of U.S. 441 and south of Yothers Road, at 4251 West Orange Blossom Trail.
  - h. City of Apopka Ordinance 1771 annexing property generally located north of Stone Road and east of Clarcona Road, at 8077 Stone Road.

(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 MAYOR DISCUSSION AGENDA1. Legislative Priorities for the 2006 Legislative Session.

Staff presented a report and requested approval of this item; Board discussion ensued. The County Attorney and staff contributed to the discussion.

Commissioner Segal joined the meeting.

Upon a motion by County Mayor Crotty, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved the 2006 legislative priorities as follows:

- UCF Medical School-Top Priority
- \$2 local option rental car surcharge
- Convention Center Economic Incentive Bill
- LYNX
- Growth Management "glitch bill" (impact fee credit language, funding [TRIP, CIGP, SIS, New Starts], concurrency issue)
- Support statewide sexual predator legislation
- Central Receiving Center
- Adult Mental Health
- Multi-Jurisdictional Drainage Infrastructure Improvements
- Agriculture Cooperative Extension Education Center
- Sand Lake Road (S.R. 482)
- Econ Trail/Valencia College Lane
- West S.R. 50
- Signal Mast Arms

further, support statewide priorities:

- Reasonable property rights/ eminent domain restriction legislation resulting from Kelo case
- Limit number of days in county jails for probation and parole violators, and state cost reimbursement

further, to monitor the following:

- Shifting operational responsibilities to counties
- Property taxes

- Encroachment on County home rule authority
- Workers compensation
- Medicaid
- Cost shifts
- Building codes

as amended below.

A motion by Commissioner Sindler, to remove the Convention Center Economic Incentive Bill from the list of legislative priorities died for the lack of a second.

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioners Jacobs and Sindler voting NO by voice vote; the Board amended the main motion to add to the legislative priorities a local bill amending Chapter 99-486, Florida Statutes, changing the method by which the Library director is hired.

#### ADMINISTRATIVE SERVICES DIVISION DISCUSSION AGENDA

1. Selection of 1 firm and 1 alternate to provide Continuing Professional Transportation Planning Services, Request for Proposals Y5-904-EZ ([Transportation Planning Division] Purchasing and Contracts Division).

Staff stated that Commissioner Sindler was unable to attend the September 14, 2005, Procurement Review Committee meeting and reviewed the committee's recommendation for the selection of 1 firm and 1 alternate to provide Continuing Professional Transportation Planning Services, Request for Proposals Y5-904-EZ from the following firms listed alphabetically:

- Luke Transportation Engineering Consultants, Inc.
- Tindale-Oliver & Associates, Inc.

Board discussion ensued.

By consensus, this item was continued to the afternoon session for staff to provide further information to the Board (see page 34 ).

OFFICE OF ECONOMIC TRADE AND TOURISM DEVELOPMENT DISCUSSION AGENDA

1. Approval and execution of Contract Y6-2084 between Orange County and United Arts of Central Florida, Inc., to manage and disperse funds (\$996,675) as recommended by the Arts and Cultural Affairs Advisory Council (Arts and Cultural Affairs).

Staff and Pat Christiansen, chairman of the Arts and Cultural Affairs Advisory Council, presented a report and requested approval of this item. Board discussion ensued.

Upon a motion by Commissioner Hartage, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board approved execution of Contract Y6-2084 between Orange County and United Arts of Central Florida, Inc., to manage and disperse funds (\$996,675) as recommended by the Arts and Cultural Affairs Advisory Council.

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

COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Discussion regarding Brownfields.

Staff and George Houston, State of Florida Department of Environmental Protection, presented a report on this item. Board discussion ensued. No action was taken.

COUNTY COMPTROLLER DISCUSSION AGENDA

1. Audit of the Orange County Risk Management Division.

County Comptroller Haynie presented a report. Board discussion ensued; staff contributed to the discussion. No action was taken.

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
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Senior Assistant County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

ADMINISTRATIVE SERVICES DIVISION DISCUSSION AGENDA (CONTINUED FROM THE MORNING SESSION)

1. Selection of 1 firm and 1 alternate to provide Continuing Professional Transportation Planning Services, Request for Proposals Y5-904-EZ ([Transportation Planning Division] Purchasing and Contracts Division).

Staff reviewed the committee's recommendation for the selection of 1 firm and 1 alternate to provide Continuing Professional Transportation Planning Services, Request for Proposals Y5-904-EZ from the following firms listed alphabetically:

- Luke Transportation Engineering Consultants, Inc.
- Tindale-Oliver & Associates, Inc.

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 short list ranked as follows:

- #1 Luke Transportation Engineering Consultants, Inc.
- #2 Tindale-Oliver & Associates, Inc.

and further, authorized staff to enter into contract negotiations for Continuing Professional Transportation Planning Services, Request for Proposals Y5-904-EZ.

COUNTY CONSENT AGENDA ITEMS DEFERRED FOR DISCUSSION

## Public Works Department

6. Approval of the Road Impact Fee Agreement, Stoneybrook PD/Tract 22, South Alafaya Trail; and the issuance of Road Impact Fee Credits in the name of Stoneybrook Marketplace, LLC, in exchange for dedicated rights of way along Alafaya Trail, District 4 (Road Impact Fee Credit Committee).

and

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

and

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

Commissioners Jacobs and Stewart requested these items be deferred for more information. Staff presented a report and requested approval of the items. Board discussion ensued; Beat Kahli of Avalon Associates contributed to the discussion.

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

- Road Impact Fee Agreement, Stoneybrook PD/Tract 22, South Alafaya Trail; and the issuance of Road Impact Fee Credits in the name of Stoneybrook Marketplace, LLC, in exchange for dedicated rights of way along Alafaya Trail
- Roadway Network Agreement (Morgran Company-Alafaya Trail) with the Morgran Planned Development for Alafaya Trail from Curry Ford Road to Avalon Park Boulevard

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

and further, directed staff to sign off on all change orders related to the construction of Alafaya Trail from Curry Ford Road to Avalon Park Boulevard.

#### NONAGENDA

The County Administrator clarified the motion for Office of Economic Trade and Tourism Development Discussion Item 1 (see page 33 for motion).

#### SEPTEMBER 29, 2005, AND OCTOBER 6, 2005, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of September 29, 2005, subject to the usual right of appeal by any aggrieved party.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of October 6, 2005, subject to the usual right of appeal by any aggrieved party.

#### PETITION TO VACATE PUBLIC HEARING APPLICANT: BENJAMIN F. D. LORD; NO. 03-34, PORTION OF RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Benjamin F. D. Lord, Petition to Vacate 03-34, to vacate a portion of a right-of-way known as Sutter Avenue, on property lying south of Park Ridge Gotha Road and west of Hempel Avenue, in the Map of Gotha subdivision; multiple parcels located in District 1; Section 33, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

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

The County Mayor noted that 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 Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 03-34, vacating a portion of a right-of-way known as Sutter Avenue on the above-described property.

PETITION TO VACATE PUBLIC HEARING APPLICANT: PANDIT RUDRA JADONATH; NO. 01-37, PORTION OF RIGHT-OF-WAY; DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Pandit Rudra Jadonath, Shri Lakshmi Narayan Mandir, Inc., Petition to Vacate 01-37, to vacate a portion of a right-of-way known as West South Street, lying south of Old Winter Garden Road and east of South Pine Hills Road, on property located at 269 North Klondike Avenue and 551 Collier Boulevard; Parcel IDs 30-22-29-0000-00-148 and 31-22-29-0000-00-005; District 6; Sections 30 and 31, Township 22, Range 29; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Sam Sebaali, for the applicant.

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

Upon a motion by Commissioner Hartage, seconded by Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 01-37, vacating a portion of a right-of-way known as West South Street on the above-described property.

Commissioner Segal left the meeting.

(NOTE: THE FOLLOWING 4 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 38 FOR APPEARANCES, DISCUSSION, AND ACTION.)

MSTU/BU PUBLIC HEARING LAKESIDE WOODS, LAKESIDE WOODS UNIT 2, AND CLUBSIDE POINTE; AMEND FOR RETENTION POND(S) MAINTENANCE; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend the Lakeside Woods, Lakeside Woods Unit 2 and Clubside Pointe MSBU for retention pond(s) maintenance (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$58.60 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING WEST ORLANDO 1ST ADDITION AND WEST ORLANDO 2ND ADDITION, ESTABLISH FOR STREETLIGHTING, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to establish an MSBU for streetlighting for West Orlando 1st Addition and West Orlando 2nd Addition (the legal property description is on file).

Staff reported that this request from the property owners has an annual cost of \$41 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING SILVER STAR HOMES, ESTABLISH FOR STREETLIGHTING, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to establish an MSBU for streetlighting for Silver Star Homes (the legal property description is on file).

Staff reported that this request from the property owners has a cost \$96 per lot for streetlighting for the first year, and an annual cost of \$40 per lot every year thereafter.

MSTU/BU PUBLIC HEARING ENSENADA DRIVE-RIO PINAR SOUTH PHASE 1 SECTIONS 1, 4, AND 5; ESTABLISH FOR ONE-TIME-ONLY SPEED HUMPS INSTALLATION; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to establish an MSBU for 1-time-only speed humps installation for Ensenada Drive-Rio Pinar South Phase 1 Sections 1, 4, and 5 (the legal property description is on file).

Staff reported that this request from the property owners and Orange County Public Works Traffic Engineering has a 1-time cost of \$76 per lot for speed hump installation.

The County Mayor noted that applicants for Ensenada Drive-Rio Pinar South Phase 1 Sections 1, 4, and 5 MSBU were present and in concurrence with the request.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, and Hartage voting AYE by voice vote; Commissioner Segal was absent; the Board adopted the following resolutions:

- Amending Lakeside Woods, Lakeside Woods Unit 2, and Clubside Pointe MSBUs, annual cost of \$58 per lot for retention pond(s) maintenance.
- Establishing West Orlando 1st Addition and West Orlando 2nd Addition MSBU, annual cost of \$41 per lot for streetlighting.
- Establishing Silver Star Homes MSBU, cost of \$96 per lot for the first year, and an annual cost of \$40 per lot every year thereafter.
- Establishing Ensenada Drive-Rio Pinar South Phase 1 Sections 1, 4 and 5 MSBU, 1-time-only cost of \$76 per lot for speed humps installation.

Commissioner Segal rejoined the meeting.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT: USA SOCCER SOCIAL CLUB OF AMERICA; SE-05-08-008, SEPTEMBER 1, 2005; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by USA Soccer Social Club of Florida, for a special exception in C-2 (general commercial) zone to operate a "Bottle Club." The facility will be used by members and their guests only. The applicant proposes to allow members and their guests to bring and consume alcoholic beverages in conjunction with social events at the facility; on property generally located on the east side of South Orange Blossom Trail, 300 feet north of Oakridge Road; Parcel ID 22-23-29-2792-10-090; District 4; Section 22, Township 23, Range 29; Orange County, Florida (the legal property description is on file).

Staff announced that the applicant has withdrawn the request.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: THOMAS DALY, SOMERSET CHASE PLANNED DEVELOPMENT (PD), FKA ECON TRAIL TOWNHOMES PD; CASE Z-04-105, JULY 22, 2005; DISTRICT 3-CONTINUED FROM SEPTEMBER 20, 2005

By consensus, the Board reopened the public hearing to consider a request by Thomas Daly, for Somerset Chase Planned Development (PD), fka Econ Trail Townhomes PD, to rezone from R-CE (Country Estate District) (1968) to PD, continued from the September 20, 2005, Board meeting (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:

- Tom Daly, the applicant
- Adel Popolo, area resident
- Marilyn Hawkins, area resident
- Wanda Ramos, area resident

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

Commissioner Fernandez requested that the following conditions be added:

- Development is restricted to 210 units.
- At the Preliminary Subdivision Plan stage design guidelines shall be approved by the Board.
- A 6-foot-high PVC fence with landscaping shall be constructed along the northern property line.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, and Hartage voting AYE by voice vote; Commissioners Jacobs and Segal voting NO by voice vote; the Board approved the request by Thomas Daly, for Somerset Chase Planned Development (PD), fka Econ Trail Townhomes PD, to rezone from R-CE (Country Estate District) (1968) to PD, on the previously-described property; subject to the following conditions:

1. Development shall conform to the Somerset Chase PD Land Use Plan (LUP), dated "Received May 31, 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. Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of September 1, 2004 (executed on March 7, 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 53 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 PEA, in any dispute between the developer and OCPS over any interpretation or provision of the PEA.
4. A waiver is granted from Chapter 38-79(20)j to allow a minimum distance between buildings, rear to rear, of 40 feet in lieu of 60 feet to allow 25 percent of open space.
5. A waiver is granted from Chapter 38-79(20)l to allow a minimum width of dwelling units of 16 feet in lieu of 20 feet for a maximum of 30 percent of the proposed units. The project shall comply with a minimum living area of 1,300 square feet of air conditioned/heated space.
6. Development is restricted to 210 units.

7. At the Preliminary Subdivision Plan stage design guidelines shall be approved by the Board.
8. A 6-foot-high PVC fence with landscaping shall be constructed along the northern property line.

CONSERVATION AREA IMPACT PUBLIC HEARING-APPLICANT: MARK BURGIN, SHOPS AT ALAFAYA TRAIL, CLASS II WETLANDS PERMIT, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mark Burgin, Shops at Alafaya Trail, for a Conservation Area Impact Permit for a Class II Wetlands in the Econlockhatchee River Protection Zone, pursuant to Orange County Code Chapter 15, Article X, on property located at 2010 North Alafaya Trail; Parcel ID 22-22-31-0000-00-022; District 3; Section 22, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Staff outlined the request; identified the subject property; and noted the recommendation is for approval subject to conditions.

The following person addressed the Board: Jack Walsh, for the applicant.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the request by Mark Burgin, Shops at Alafaya Trail for a Conservation Area Impact Permit for a Class II Wetlands on the above-described property until November 29, 2005, at 3:30 p.m.

Commissioner Hartage left the meeting.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING ZELLWOOD STATION PLANNED DEVELOPMENT-ZELLWOOD STATION PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Zellwood Station Planned Development-Zellwood Station 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 103.34-acre site for 342 age-restricted mobile/modular home units; on property generally located south of Ponkan Road, west of Plymouth Sorrento Road; Parcel ID 26-20-27-0000-00-034; District 2; Sections 25 and 26, Township 20, Range 27; 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 persons addressed the Board:

- David Evans, for the developer
- John Hunter, 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 Segal, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved the Zellwood Station Planned Development (PD)-Zellwood Station Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Zellwood Station PD; Orange County Board of County Commissioners' (BCC) approvals; Zellwood Station PSP, dated "Received September 2, 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 BCC, or by action of the BCC.

PSP approval automatically expires on October 25, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite (with an emergency outfall system), unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations.
3. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator. The original NOI form shall be sent to the State of Florida Department of Environmental Protection.

4. The Covenants, Conditions, and Restrictions for this project shall contain language that at least 1 resident of each unit shall be 55 years of age or older, and under no circumstances shall there be a resident under 18 years of age.
5. This development is proposed to have private streets and is a continuation of an existing gated community previously approved by the BCC. This development shall comply with the Gated Community Ordinance Orange County Code Section 34-290.
6. At the time of platting, there shall be a reserve fund established for the Homeowners' Association to include expenses for debris removal caused by storm events.

BOAT DOCK PUBLIC HEARING-APPLICANT: ROSS TOPPING, LAKE SPEER, PERMIT, DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of appeal to consider a request by Ross Topping for an appeal of the decision of the Environmental Protection Officer and the Environmental Protection Commission to deny his request for a Boat Dock Permit that requires an Administrative Waiver; pursuant to Orange County Code Chapter 15, Article IX, on property located at 6220 Crescent Moon Court on Lake Speer, WIndermere; Parcel ID 22-23-27-1527-00-440; District 1; Section 22, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

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

Commissioner Hartage rejoined the meeting.

The following person addressed the Board: Ross Topping, 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 Sindler, and carried with all members present and voting AYE by voice vote, the Board upheld the decision of the Environmental Protection Officer and the Environmental Protection Commission and denied the request by Ross Topping for a Boat Dock Permit that requires an Administrative Waiver based on the following findings:

1. Terminal platform exceeds 1,000 square feet, which is not in compliance with the current Dock Construction Ordinance.

2. The applicant did not adequately describe or demonstrate that the requirements of Section 15-350(a)(2) were met.

PLANNING AND ZONING COMMISSION APPEAL-APPELLANT/APPLICANT: BOYLE ENGINEERING, CITY OF BELLE ISLE SUNNY LANE FENCE PROJECT; CASE RZ-05-05-063, JUNE 16, 2005; DISTRICT 4-CONTINUED FROM AUGUST 23, 2005

By consensus, the Board of County Commissioners reopened the public hearing to sit as a Board of Appeal to consider an appeal by Boyle Engineering for the City of Belle Isle Sunny Lane Fence Project of the recommendation of the Planning and Zoning Commission, dated June 16, 2005, on a request by Boyle Engineering for the City of Belle Isle Sunny Lane Fence Project to remove restriction to construct a 6-foot-high block wall and instead install a 6-foot-high wood stockade fence; continued from the August 23, 2005, Board meeting (the legal property description is on file).

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

The following persons addressed the Board:

- Larry Williams, for the City of Belle Isle
- Bob Darral, area resident
- Ed DeDelow, area resident
- Jane Fuller, area resident

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

A motion by Commissioner Stewart, seconded by Commissioner Fernandez, to uphold the decision of the Orange County Planning and Zoning Commission and deny the request by Boyle Engineering for the City of Belle Isle Sunny Lane Fence Project to remove the restriction to construct a 6-foot-high block wall and instead install a 6-foot-high wood stockade fence on the previously-described property died for the lack of a vote.

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

- modified the Orange County Planning and Zoning Commission's decision to deny a request by Boyle Engineering for the City of Belle Isle Sunny Lane Fence Project to remove the restriction to construct a 6-foot-high block wall, and in lieu, install a 6-foot-high wood stockade fence;

and further, approved modifying the restriction to require the following:

- Six-foot-high masonry wall with stucco on the north and east property line with a 10-foot return on the south and west property line and a chain-link fence on the remainder of the south and west property line.
- Plans subject to review and approval by the County engineer.
- Project to be completed by April 30, 2006.

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 AND OCTOBER 11, 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 reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

The following person addressed the Board: Paul Chipok, for the applicant.

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

A motion by Commissioner Jacobs, seconded by Commissioner Sindler, with Commissioners Sindler, Fernandez, and Segal voting AYE by voice vote; County Mayor Crotty and Commissioners Jacobs, Stewart, and Hartage voting NO by voice vote; to make a finding of consistency with the Comprehensive Policy Plan; and further, approve the 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; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the LUP, dated "Received September 14, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except

to the extent the applicable laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.

2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County.

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

3. The reservation of a 15-foot transit easement along Turkey Lake Road is a Condition of Approval for development of this project along the Turkey Lake Road Corridor. When the Turkey Lake Road Corridor Transit Plan is completed, any unused portions of easements shall be abandoned and vacated. Until the easement is utilized or abandoned, the fee title holder shall be entitled to make use of such easement areas for temporary uses such as, but not limited to, noncode required parking, landscaping, and recreation areas. Such easement areas shall be considered as a part of the site area for development purposes.
4. This substantial change request for the Turkey Lake Plaza 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.

5. In order to accommodate a 15-foot transit easement along Turkey Lake Road, a waiver from Section 38-1476 is granted to allow the number of required on-site parking spaces to be reduced from 325 to 310 spaces.
6. All previous conditions of approval shall apply;

failed.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Jacobs, Stewart, and Hartage voting AYE by voice vote, Commissioners Sindler, Fernandez, and Segal voting NO by voice vote; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the 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; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the LUP, dated "Received September 14, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County.

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

3. The reservation of a 20-foot transit easement along Turkey Lake Road is a Condition of Approval for development of this project along the Turkey Lake Road Corridor. When the Turkey Lake Road Corridor Transit Plan is completed, any

unused portions of easements shall be abandoned and vacated. Until the easement is utilized or abandoned, the fee title holder shall be entitled to make use of such easement areas for temporary uses such as, but not limited to, noncode required parking, landscaping, and recreation areas. Such easement areas shall be considered as a part of the site area for development purposes. If the applicant cannot design the project with the 20-foot easement without requiring a waiver from County regulations, the BCC will reduce the width of the easement to 15 feet or grant other relief.

- 4. This substantial change request for the Turkey Lake Plaza 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.

- 5. All previous conditions of approval shall apply.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 6:45 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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

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

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

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