

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, January 24, 2006. The following were present:

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

Commissioner Bob Sindler was absent.

Invocation-Pastor David Uth, First Baptist Church of Orlando

Pledge of Allegiance

Presentation of Art in the Chambers

Presentation of proclamation designating Friday, February 3, 2006, as School Crossing Guard Appreciation Day

COUNTY CONSENT AGENDA

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

- Deferred County Comptroller Item 1 for discussion (see page 218 for revision and subsequent approval)
- Deleted Administrative Services Department Item 9
- Deferred Growth Management Department Items 1 and 2 for discussion (see page 220 for subsequent approval)
- Corrected Public Works Department Item 13 from Districts 3 and 4 to District 5
- Deferred Public Works Department Items 9-15 for discussion, correction, and subsequent approval (see page 222 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 December 6 and December 20, 2005, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

(As stated in the above motion, this item was deferred for discussion; see page 218 for revision and subsequent approval.)

2. 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:
 - January 6, 2006, to January 12, 2006; total of \$17,507,810.32
 - January 13, 2006, to January 19, 2006; total of \$26,848,022.40

(Finance and Accounting Department).

County Administrator

1. Approval for the Orange County Sheriff's Office to spend \$10,000 from the Law Enforcement Trust Fund to provide eligible contribution for Crimeline Program (Office of Management and Budget).
2. Approval of Budget Amendments 06-16, 06-17, 06-18, and 06-19 (Office of Management and Budget).

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

3. Approval of CIP Amendment 06C-9051 (Office of Management and Budget).

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

4. Approval of payment of intergovernmental claims November 24, December 1, December 8, December 15, December 22, and December 29, 2005; totaling \$1,709,640.36 (Risk Management Division).
5. Approval of the Public Official Bonds based on their current financial ratings as required by Florida Statutes 28.02 and 137.05 (Risk Management Division).

6. Approval to permanently continue the Special Pay Incentive to Facilities Management employees assigned to work at the 33rd Street Correctional Facility. This approval includes the previously-approved budget increase in the Special Pay Incentive accounting line from 25 cents to 50 cents (Human Resources Division).

County Attorney

1. Approval of Resolution 2006-M-06 approving the sale and transfer of certain cable system assets from Strategic Technologies, Inc., to Bright House Networks, LLC.
2. Ratification of the Mediation Settlement Agreement dated December 5, 2005, between Orange County, Florida, and Williamsburg Residential Limited Partnership in Case No. 02CA-7183-0, *Orange County, Florida, v. Williamsburg Residential Limited Partnership*.

Administrative Services Department

1. Approval to award Invitation for Bids Y6-601-PD, Landfill Compactor, to the low responsive and responsible bidder, Ring Power Corporation. The total contract award amount is \$576,250 ([Solid Waste Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y6-705-JC, Orange County Landfill Cell 8 Slope Stabilization, to the low responsive and responsible bidder, ERC General Contracting Services, Inc. The total contract award amount is \$1,250,344 ([Solid Waste Division] Purchasing and Contracts Division).
3. Approval to award Contract Y6-611-GH, Lifepak 12 Biphasic Defibrillator/Monitors, to Medtronic Emergency Response Systems, Inc. The total contract award amount is \$239,218 for 8 units ([Fire Rescue Department] Purchasing and Contracts Division).
4. Approval to award Contract Y6-195-GH, Inspection and Repair of Defibrillators and Monitors, to Medtronic Emergency Response Systems, Inc. The total contract award amount is \$123,009 for a 1-year term ([Fire Rescue Department] Purchasing and Contracts Division).
5. Approval to award Contract Y6-610-NW, Tracking and Billing Software for the County Motorola Radio System, to Burks GenCore Corporation, Inc., dba The

Genesis Group. The total contract award amount is \$103,903 ([Public Safety Communications Division] Purchasing and Contracts Division).

6. Approval of Renewal and Upgrade of Software Support and Licensing Agreement for IBM Products and Systems with the IBM Corporation. The total contract award amount is \$293,165.34 for a 1-year period ([Information Systems and Services Division] Purchasing and Contracts Division).
7. Approval of Amendment 7, Contract Y1-1033, Security Guard Services with The Wackenhut Corporation, in the amount of \$241,423.50 for a new contract amount of \$4,551,959.80 ([Facilities Management Division] Purchasing and Contracts Division).
8. Approval of Amendment 2, Contract Y5-163C, Countywide Janitorial Services, Lot 3, West District with CleanNet of Central Florida, in the amount of \$124,917.76 for a new estimated contract amount of \$1,672,508.44 ([Facilities Management Division] Purchasing and Contracts Division).
9. Approval of Amendment 4, Contract Y5-163D, Janitorial Services for the Utilities Department, Lot 6, with Owens, Renz, and Lee, in the amount of \$80,416 for a new estimated contract amount of \$685,876.45 ([Facilities Management Division] Purchasing and Contracts Division).

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

10. Award of Invitation for Bids Y6-170-PD, Class III-Landfill for Disposal of Yard Trash, to the low responsive and responsible bidder, Orange County Environmental, LLC, in the estimated contract award amount of \$541,500 for a 1-year term ([Solid Waste Division] Purchasing and Contracts Division).
11. Approval and execution by the County Mayor of Third Amendment to Lease and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Orange County and Human Services Associates for office space for Juvenile Assessment Center located at 823 West Central Boulevard, Orlando, Florida, District 3 (Real Estate Management Division).
12. 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).

13. Approval and execution by the County Mayor of Right of Entry Agreement and authorization to disburse warrants to pay cost for use of property for Fire Station #20-Groundwater Remediation, District 2 (Real Estate Management Division).
14. Approval and execution by the County Mayor of Distribution Easement and authorization to record instrument for Progress Energy Florida, Inc.; Distribution Easement (Dr. Phillips Park); District 1 (Real Estate Management Division).
15. Approval of Utility Easement and authorization to record instrument for Eckerds at S.R. 50 OCU #32426, District 4 (Real Estate Management Division).
16. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Greenway Planned Development Phase 1, District 1 (Real Estate Management Division).
17. Approval of Drainage Easement and authorization to record instrument for Petition to Vacate 01-37 (West South Street), District 6 (Real Estate Management Division).
18. Approval of Utility Easements and authorization to record instruments for Petition to Vacate 05-25 (Dean Ridge Road), Districts 3 and 4 (Real Estate Management Division).
19. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Rose Fence Warehouse, District 3 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval of a 1-year extension of the Shoreline Alteration/Dredge and Fill Permit for the Universal City Property Management III, LLC, District 6 (Environmental Protection Division).
2. Approval of an additional extension until June 28, 2006, of waiver of Permit Condition Number 8; and authority for the Environmental Protection Division Manager to grant 1 additional 3-month extension, upon showing of good cause, allowing West Orange Environmental Resources, LLC, Landfill to continue operation of the C&D Landfill site, District 1 (Environmental Protection Division).
3. Approval of Resolution 2006-M-04 creating a Mitigation Bank Trust Fund to demonstrate construction and implementation of financial assurance for the Orange County owned portion of the TM-Econ Mitigation Bank between Orange

County and St. Johns River Water Management District, District 4 (Environmental Protection Division).

4. Approval of the renewal of the Specific Operating Agreement between Orange County and the Florida Department of Environmental Protection relating to the Air Quality Management Program, all districts (Environmental Protection Division).

Growth Management Department

1. Approval of a Hold Harmless and Indemnification Agreement between Orange County and Carl and Lynn Jenne to construct a house addition with covered porch 35 feet from normal high water elevations of Lake Killarney, District 5 (Zoning Division).

(As stated in the above motion, this item was deferred for discussion; see page 220 for subsequent approval.)

2. Approval of a Hold Harmless and Indemnification Agreement between Orange County and George Asbates, Danamill, LLC, to construct a portion of a warehouse building 25 feet from normal high water elevation of Lake Davis, District 2 (Zoning Division).

(As stated in the above motion, this item was deferred for discussion; see page 220 for subsequent approval.)

Health and Family Services Department

1. Approval of the application to license the Bithlo Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).
2. Approval of the application to license the Lila Mitchell Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).
3. Approval of the renewal of Alternative Transportation License for Mid-Florida Patient Transport, Inc., to provide wheelchair/stretchers services. The term of this certificate is from January 24, 2006, through January 24, 2008. There is no cost to the County (EMS Office of the Medical Director).
4. Approval of the Florida Department of Health Bureau of Emergency Medical Services FY 2005-2006 Grant Award Application and Resolution 2006-M-05

authorizing the application for funding in the amount of \$301,681 (EMS Office of the Medical Director).

5. Approval of the On-Line Medical Control Agreement/Contract Y6-2089 between Orange County and the West Orange Healthcare District regarding the On-Line Medical Control Program for EMS. The term of the agreement shall be February 1, 2006, through September 30, 2010. The cost to the County is \$165,000 annually (EMS Office of the Medical Director).

(Agreement/Contract is on file in the Purchasing Division.)

Public Safety

1. Approval of the Interagency Agreement between the American Red Cross of Central Florida, Orange County, and the School Board of Orange County for the provision of emergency services to victims of disasters (Office of Emergency Management).

Public Works Department

1. Approval of "Stop" sign installations in Arlington Bay, District 1 (Traffic Engineering Division).
2. Approval of "Stop" sign installations in Stonebriar Phase I Subdivision, District 5 (Traffic Engineering Division).
3. Approval of "Stop" and "Yield" sign installations in the Avalon Park Northwest Village Phase I, District 4 (Traffic Engineering Division).
4. Approval to replace existing "Yield" Sign to "Stop" Sign on Forrest Run Lane at Emerald Woods Avenue, District 1 (Traffic Engineering Division).
5. Approval to install an 820-foot "No Parking" zone on both sides of Bristol Forest Way north of Waterford Chase Parkway, District 4 (Traffic Engineering Division).
6. Approval to construct 4 speed humps on Charlin Parkway, 1 speed hump on Sabre Street, and 4 speed humps on Rancho Street, District 3 (Traffic Engineering Division).
7. Approval to construct 4 speed humps on Renee Avenue, District 3 (Traffic Engineering Division).

8. Approval to construct 6 speed humps on West Robinson Street, District 6 (Traffic Engineering Division).
9. Approval of a Pay-As-You-Go Agreement between Orange County and Heritage American Homes, Inc., for the Pay-As-You-Go Fee Payment of \$46,545 for the Reserve @ Park Manor affecting the road segment on Alafaya Trail as a parallel to Rouse Road from Colonial Drive to Lake Underhill Road, Alafaya Trail from Lake Underhill Road to Curry Ford Road, Colonial Drive from Dean Road to Alafaya Trail, Lake Underhill Road from Madeira Road to Dean Road, and Rouse Road from Colonial Drive to Lake Underhill Road, District 3 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for discussion and correction; see page 222 for subsequent approval.)

10. Approval of a Pay-As-You-Go Agreement between Orange County and Golf and Baseball, Inc., for the Pay-As-You-Go Fee Payment in the amount of \$63,690 for Somerset Chase affecting the road segment on Colonial Drive from Greeneway to Rouse Road and Lake Underhill Road from Madeira Road to Dean Road, District 3 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for discussion; see page 222 for subsequent approval.)

11. Approval of a Pay-As-You-Go Agreement between Orange County and Chickasaw and Curry Ford Crossings, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$16,300 for Chickasaw Trail Retail Center affecting the road segment on Curry Ford Road (as a parallel to Lake Underhill) from Econlockhatchee Trail to Dean Road, District 4 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for discussion; see page 222 for subsequent approval.)

12. Approval of a Pay-As-You-Go Agreement between Orange County and Boggy Creek, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$741,146 for Ward Ranch affecting the road segment on Boggy Creek Road from Greeneway to Osceola County Line, District 4 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for discussion; see page 222 for subsequent approval.)

13. Approval of a Pay-As-You-Go Agreement between Orange County and Langford Corporation for the Pay-As-You-Go Fee Payment in the amount of \$114,480 for Semoran Crossroads affecting the road segment on University Boulevard (as a parallel to East West Road) from Semoran Boulevard to Goldenrod Road and Colonial Drive from Semoran Boulevard to Goldenrod Road, Districts 3 and 4 (Traffic Engineering Division).

(As stated in the above motion, this item was corrected from Districts 3 and 4 to District 5 and deferred for discussion; see page 222 for subsequent approval.)

14. Approval of a Pay-As-You-Go Agreement between Orange County and FOA Orlando, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$22,896 for Lakeview Townhomes affecting the road segment on University Boulevard (as a parallel to East West Road) from Semoran Boulevard to Goldenrod Road, District 5 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for discussion and correction; see page 222 for subsequent approval.)

15. Approval of a Pay-As-You-Go Agreement between Orange County and Whisperwood, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$22,896 for The Village @ Whisperwood affecting the road segment on University (as a parallel to the East West Road) from Semoran Boulevard to Econlockhatchee Trail, District 5 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for discussion; see page 222 for subsequent approval.)

Utilities Department

1. Approval of the Lake Burden South Subdivision Wastewater Force Main Oversizing in the amount of \$116,570.40, District 1 (Engineering Division).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following items to file for the record:
 - a. Minutes of the December 14, 2005, community meeting regarding a new Wal-Mart in the Taft Vineland Road area with Commissioners Teresa Jacobs and Linda Stewart in attendance.

- b. Florida Public Service Commission notice re: Electric Infrastructure Workshop.
- c. West Orange Healthcare District Trustee Bonds for L. Evans Hubbard, Kathy H. Aber, and Timothy M. Keating.
- d. Orange County Industrial Development Authority Oath of Office for Tanya Juarez and Laura P. Guitar.
- e. Orange County Industrial Development Authority Financial Statements, years ended September 30, 2005, and 2004.
- f. Orange County Research and Development Authority's Independent Auditors' Report, year ended September 30, 2005.
- g. International Drive Master Transit and Improvement District Financial Statements, year ended September 30, 2005.
- h. City of Orlando Ordinance annexing property generally located north of West Colonial Drive, south of El Rey Road, east of Mercy Drive, located at 841 Drive Buick Avenue.
- i. City of Apopka Ordinance 1791 annexing property generally located south of Kelly Park Road and west of Mt. Plymouth Road.

(Comptroller Clerk of the Board of County Commissioners)

2. Board acknowledgement of the Limited Review of the Orlando-Orange County Expressway Authority (Administrative/Fiscal Division).

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

CONSENT AGENDA ITEMS DEFERRED FOR DISCUSSION

County Comptroller

1. Approval of the minutes of the December 6 and December 20, 2005, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

Commissioner Jacobs requested that the December 6, 2005, minutes in this item be deferred to revise the following public hearing: Applicant: Miranda Fitzgerald, Parkside Planned Development; Case Z-05-014, October 20, 2005; District 1; regarding Condition 10 to replace the phrase "excluding the Non-Adult Only Retirement Residential Units" with "excluding the Adult-Only Retirement Residential Units." Board discussion ensued.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the minutes of the December 6 and December 20, 2005, meetings of the Board of County Commissioners revising the December 6, 2005, minutes; public hearing: Applicant: Miranda Fitzgerald, Parkside Planned Development; Case Z-05-104, October 20, 2005; District 1; regarding Condition 10 to replace the phrase "excluding the Non-Adult Only Retirement Residential Units" with "excluding the Adult-Only Retirement Residential Units."

NONAGENDA-REQUEST TO RESCIND

Commissioner Jacobs announced her intent that, at the next scheduled Board meeting on January 31, 2006, she will move to rescind the Board's action of January 10, 2006, regarding approval of the substantial change for the U.S.I. South Campus Planned Development.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Department of Juvenile Justice.

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

COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Board direction regarding the East Orange Environmental Center (Parks and Recreation Division).

Staff presented a report on this item. Board discussion ensued.

Upon a motion by Commissioner Segal, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved using \$500,000 currently budgeted to move forward with design of the Environmental Center at Hal Scott Preserve to include design and specifications of the trailhead at Avalon Park; further, approved finalizing an agreement with Avalon Park and securing bridge access; and further, directed staff to present this item to the Board as part of the budget process.

GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA

1. Privatization of Building Inspections, all districts (Building Division).

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

Commissioner Jacobs left the meeting.

2. Approval of 4 Fee Waiver requests for Rezoning Applications in the Holden Heights area in the total amount of \$3,272, District 6.

Staff presented a report and requested approval of this item; Board discussion ensued.

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioners Sindler and Jacobs were absent; the Board approved the 4 Fee Waiver requests for rezoning applications in the Holden Heights area in the total amount of \$3,272.

PUBLIC SAFETY DISCUSSION AGENDA

1. Office for a Drug Free Community Update (Office for a Drug Free Community).

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

Commissioner Jacobs rejoined the meeting.

CONSENT AGENDA ITEMS DEFERRED FOR DISCUSSION

NOTE: THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER. SEE PAGE 221 FOR SUBSEQUENT APPROVAL.

Growth Management Department

1. Approval of a Hold Harmless and Indemnification Agreement between Orange County and Carl and Lynn Jenne to construct a house addition with covered porch 35 feet from normal high water elevations of Lake Killarney, District 5 (Zoning Division).

and

2. Approval of a Hold Harmless and Indemnification Agreement between Orange County and George Asbates, Danamill, LLC, to construct a portion of a warehouse building 25 feet from normal high water elevation of Lake Davis, District 2 (Zoning Division).

Commissioner Hartage requested these items be deferred for more information. Staff presented a report; Board discussion ensued.

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

- Hold Harmless and Indemnification Agreement between Orange County and Carl and Lynn Jenne to construct a house addition with covered porch 35 feet from normal high water elevations of Lake Killarney.
- Hold Harmless and Indemnification Agreement between Orange County and George Asbates, Danamill, LLC, to construct a portion of a warehouse building 25 feet from normal high water elevation of Lake Davis.

NOTE: THE FOLLOWING 7 ITEMS WERE CONSIDERED TOGETHER. SEE PAGE 222 FOR SUBSEQUENT APPROVAL.

Public Works Department

Commissioner Jacobs requested the following items be deferred for a separate vote:

9. Approval of a Pay-As-You-Go Agreement between Orange County and Heritage American Homes, Inc., for the Pay-As-You-Go Fee Payment of \$46,545 for the Reserve @ Park Manor affecting the road segment on Alafaya Trail as a parallel to Rouse Road from Colonial Drive to Lake Underhill Road, Alafaya Trail from Lake Underhill Road to Curry Ford Road, Colonial Drive from Dean Road to Alafaya Trail, Lake Underhill Road from Madeira Road to Dean Road, and Rouse Road from Colonial Drive to Lake Underhill Road, District 3 (Traffic Engineering Division).

and

10. Approval of a Pay-As-You-Go Agreement between Orange County and Golf and Baseball, Inc., for the Pay-As-You-Go Fee Payment in the amount of \$63,690 for Somerset Chase affecting the road segment on Colonial Drive from Greenway to Rouse Road and Lake Underhill Road from Madeira Road to Dean Road, District 3 (Traffic Engineering Division).

and

11. Approval of a Pay-As-You-Go Agreement between Orange County and Chickasaw and Curry Ford Crossings, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$16,300 for Chickasaw Trail Retail Center affecting the road segment on Curry Ford Road (as a parallel to Lake Underhill) from Econlockhatchee Trail to Dean Road, District 4 (Traffic Engineering Division).

and

12. Approval of a Pay-As-You-Go Agreement between Orange County and Boggy Creek, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$741,146 for Ward Ranch affecting the road segment on Boggy Creek Road from Greenway to Osceola County Line, District 4 (Traffic Engineering Division).

and

13. Approval of a Pay-As-You-Go Agreement between Orange County and Langford Corporation for the Pay-As-You-Go Fee Payment in the amount of \$114,480 for Semoran Crossroads affecting the road segment on University Boulevard (as a parallel to East West Road) from Semoran Boulevard to Goldenrod Road and Colonial Drive from Semoran Boulevard to Goldenrod Road, Districts 3 and 4 (Traffic Engineering Division).

and

14. Approval of a Pay-As-You-Go Agreement between Orange County and FOA Orlando, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$22,896 for Lakeview Townhomes affecting the road segment on University Boulevard (as a parallel to East West Road) from Semoran Boulevard to Goldenrod Road, District 5 (Traffic Engineering Division).

and

15. Approval of a Pay-As-You-Go Agreement between Orange County and Whisperwood, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$22,896 for The Village @ Whisperwood affecting the road segment on University (as a parallel to the East West Road) from Semoran Boulevard to Econlockhatchee Trail, District 5 (Traffic Engineering Division).

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

- Pay-As-You-Go Agreement between Orange County and Heritage American Homes, Inc., for the Pay-As-You-Go Fee Payment of \$46,545 for the Reserve @ Park Manor affecting the road segment on Alafaya Trail as a parallel to Rouse Road from Colonial Drive to Lake Underhill Road, Alafaya Trail from Lake Underhill Road to Curry Ford Road, Colonial Drive from Dean Road to Alafaya Trail, Lake Underhill Road from Madeira Road to Dean Road, and Rouse Road from Colonial Drive to Lake Underhill Road, District 3 (Traffic Engineering Division).
- Pay-As-You-Go Agreement between Orange County and Golf and Baseball, Inc., for the Pay-As-You-Go Fee Payment in the amount of \$63,690 for Somerset Chase affecting the road segment on Colonial Drive from Greenway to Rouse Road and Lake Underhill Road from Madeira Road to Dean Road, District 3 (Traffic Engineering Division).
- Pay-As-You-Go Agreement between Orange County and Chickasaw and Curry Ford Crossings, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$16,300 for Chickasaw Trail Retail Center affecting the road segment on Curry Ford Road (as a parallel to Lake Underhill) from Econlockhatchee Trail to Dean Road, District 4 (Traffic Engineering Division).
- Pay-As-You-Go Agreement between Orange County and Boggy Creek, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$741,146 for Ward Ranch affecting the road segment on Boggy Creek Road from Greenway to Osceola County Line, District 4 (Traffic Engineering Division).
- Pay-As-You-Go Agreement between Orange County and Langford Corporation for the Pay-As-You-Go Fee Payment in the amount of \$114,480 for Semoran Crossroads affecting the road segment on University Boulevard (as a parallel to East West Road) from Semoran Boulevard to Goldenrod Road and Colonial Drive from Semoran Boulevard to Goldenrod Road, Districts 3 and 4 (Traffic Engineering Division).
- Pay-As-You-Go Agreement between Orange County and FOA Orlando, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$22,896 for Lakeview Townhomes affecting the road segment on University Boulevard (as a parallel to East West Road) from Semoran Boulevard to Goldenrod Road, District 5 (Traffic Engineering Division).
- Pay-As-You-Go Agreement between Orange County and Whisperwood, LLC, for the Pay-As-You-Go Fee Payment in the amount of \$22,896 for The Village @ Whisperwood affecting the road segment on University (as a parallel to the East

West Road) from Semoran Boulevard to Econlockhatchee Trail, District 5 (Traffic Engineering Division).

and further, corrected the following:

- Pay-As-You-Go Agreement between Orange County and Heritage American Homes, Inc., to reflect \$46,545 on the summary agenda.
- Pay-As-You-Go Agreement between Orange County and FOA Orlando, LLC, to reflect \$22,896 on the summary agenda.

NONAGENDA

Commissioner Segal stated he attended the School Impact Fee Committee deliberations on January 23, 2006, and commended the committee members for their dedication.

Commissioner Fernandez thanked Traffic Engineering Division Manager Ruby Rozier for the traffic signal at Chickasaw Trail.

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, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Administrator Ajit Lalchandani
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioner Bob Sindler was absent.

JANUARY 5, 2006, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Fernandez, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of January 5, 2006; subject to the usual right of appeal by an aggrieved party.

PUBLIC HEARING-BUDGET AMENDMENTS TO FY 05-06 BUDGET

Notice was given that the Board of County Commissioners would hold a public hearing to consider recognition of encumbrance rollovers, grant rollovers, fund balance adjustments, capital improvement adjustments, and to make other necessary adjustments.

Staff outlined the budget amendments for fiscal year 2005-2006 to reflect actual fund balances.

No one appeared regarding the request.

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

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

- Budget Amendment 06-20, Encumbrance Rollover Amendments
- Budget Amendment 06-21, Grant Rollover Amendments
- Budget Amendment 06-22, Fund Balance Amendments
- CIP Amendment 06-23, Capital Improvement Adjustments

further, approved to cash defease approximately \$3 million for 2 maturities of the 1998 sales tax bond, the 2007 and 2008 maturities including a 1 percent call premium for these 2 maturities; further, approved to reduce the Supervisor of Elections budgeted draw by \$100,000 for office and warehouse space improvements; and further, approved to reduce the Sheriff's budgeted draw by \$103,047 for 2 Court Officers.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: DIANNE KRAMER; NO. 05-39, DRAINAGE EASEMENT AND A UTILITY AND ACCESS EASEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dianne Kramer, School Board of Orange County, Florida, Petition to Vacate 05-39, to vacate a drainage easement and a utility and access easement, on property located at 2810 Taft-Vineland Road; Parcel ID 09-24-29-7268-00-390; District 4; Section 09, Township 24, 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.

No one appeared regarding the request.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board adopted a resolution granting Petition to Vacate 05-39, vacating a drainage easement and a utility and access easement on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: CHRISTIAN ANNA ANDERSON; NO. 05-40, PORTION OF RIGHT-OF-WAY; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Christian Anna Anderson, Petition to Vacate 05-40, to vacate a portion of right-of-way known as East 7th Street, on property located at 720 South Armitage Avenue; Parcel ID 10-21-28-8652-10-011; District 2; Section 10, Township 21, Range 28; Orange County, Florida (the legal property description is on file).

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

No one appeared regarding the request.

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

Upon a motion by Commissioner Hartage, seconded by Commissioner Ferndandez, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board adopted a resolution granting Petition to Vacate 05-40, vacating a portion of right-of-way known as 7th Street on the above-described property.

NOTE: THE FOLLOWING 3 ITEMS WERE CONSIDERED TOGETHER. SEE PAGE 20 FOR SUBSEQUENT ACTION.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: HAROLD WORTHINGTON, GOLFSIDE MARKETPLACE PLANNED DEVELOPMENT; CASE RZ-05-06-073, NOVEMBER 17, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Harold Worthington, Golfside Marketplace Planned Development, to rezone from General Commercial District (C2) (1957 and 1970) to Planned Development District (PD), on property generally located on the east side of Old U.S. Highway 441 and the Lake/Orange County Line; Parcel ID 05-20-27-0000-00-006 and

05-20-27-0000-00-007; District 2; Section 05, Township 20, Range 27; Orange County, Florida (the legal property description is on file.)

and

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: JAMES HALL, TERRY PROPERTY PLANNED DEVELOPMENT; CASE RZ-05-11-132, NOVEMBER 17, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by James Hall, Terry Property Planned Development, to rezone from Retail Commercial District (C-1) (1957) to Planned Development District (PD), on property generally located on the northeast corner of Orange Blossom Trail and Sadler Road; Parcel ID 16-20-27-0000-00-003; District 2; Section 16, Township 20, Range 27; Orange County, Florida (the legal property description is on file.)

and

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-OAK HAMMOCK PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Oak Hammock 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 12.21-acre site for 9 single family dwelling units with a minimum living area of 2,400 square feet; on property generally located southwest of Old Highway 441, north of Chesterhill Lane; Parcel ID 05-20-27-0000-00-009; District 2; Section 05, Township 20, Range 27; Orange County, Florida (the legal property description is on file).

Staff stated that Commissioner Sindler requested a continuance because of his absence.

No one appeared regarding the request.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board continued the public hearings to consider the following requests:

- by Harold Worthington, Golfside Marketplace Planned Development; Case RZ-05-06-073, November 17, 2005; District 2

- by James Hall, Terry Property Planned Development; Case RZ-05-11-132, November 17, 2005; District 2
- for Oak Hammock Preliminary Subdivision Plan, District 2

until February 7, 2006, at 2:30 p.m.

DEVELOPMENT REVIEW COMMITTEE APPEAL-APPELLANT/APPLICANT: DAVID EDDY, ORDINANCE 2001-19, SECTION 15-283(D); DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider an appeal filed by David Eddy, Advance Design & Contractors, of the decision by the Orange County Development Review Committee, dated September 7, 2005, on a request by David Eddy, Advance Design & Contractors, for an appeal of the Zoning Manager's interpretation of the requirements of Ordinance 2001-19, Section 15-283(d), for tree replacement, on property located at 5500 Commerce Drive; Parcel ID 36-23-29-8228-40-906; District 4; Section 36, Township 23, Range 29; Orange County, Florida (the legal property description is on file).

Staff requested the public hearing be continued.

The County Mayor noted the applicant present and in concurrence the request.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board continued the public hearing to consider a request by David Eddy, Advance Design & Contractors, of the decision by the Orange County Development Review Committee, dated September 7, 2005, on a request by David Eddy, Advance Design & Contractors, for an appeal of the Zoning Manager's interpretation of the requirements of Ordinance 2001-19, Section 15-283(d), for tree replacement until March 7, 2006, at 2:30 p.m.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-CARLEY ESTATES PSP AND ROAD IMPACT FEE AGREEMENT, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider Carley Estates Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; and Road Impact Fee Agreement-Buck Road. The plan proposes the development of a 2.43-acre site for 9 Single-Family units with a minimum living area of 1,300 square feet; on property generally located east of Dean Road, north of Buck Road;

Parcel ID 08-22-31-0000-00-017; District 5; Section 08, Township 22, 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: Neil Heiler, for the developer.

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 present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the Carley Estates Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Carley Estates PSP, dated "Received December 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 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 January 24, 2007, 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 on site unless documentation with supporting calculations are submitted which states that a positive outfall is available.
3. Prior to construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection Notice of Intent (NOI) for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: National Pollutant Discharge Elimination System Coordinator.
4. Approval and execution of the Roadway Impact Fee Agreement-Carley Estates/Buck Road.
5. A 15-foot setback on the west side of Lot 3 and on the east side of Lot 1 shall be provided in lieu of the 10-foot setback shown on the plan.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: JOHN FLORIO, BELMERE 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 John Florio, Donald McIntosh Associates, Inc.; Belmere Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert 180 Multi-Family units to 130 Assisted-Living units and 199 townhome units and to recommend approval of a waiver from 38-79(20) to allow townhome lot widths of 18 feet in lieu of 20 feet, pursuant to Orange County Code, Section 38-1207; on property generally located on the southwest corner of Roberson Road and Maguire Road; Parcel ID 31-22-28-0000-00-028; District 1; Section 31, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

Staff requested to continue the public hearing.

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

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board continued the public hearing to consider a request by John Florio, Donald McIntosh Associates, Inc.; Belmere Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert 180 Multi-Family units to 130 Assisted-Living units and 199 townhome units and to recommend approval of a waiver from 38-79(20) to allow townhome lot widths of 18 feet in lieu of 20 feet, pursuant to Orange County Code, Section 38-1207; until February 21, 2006, at 2 p.m.

Commissioner Segal left the meeting.

PLANNING AND ZONING COMMISSION-BOARD-CALLED PUBLIC HEARING-APPLICANT: ISMAEL PORTALATIN; CASE RZ-05-09-115, OCTOBER 20, 2005; DISTRICT 4-CONTINUED FROM DECEMBER 6, 2005

By consensus, the Board reopened the public hearing to consider a request by Ismael Portalatin to rezone from Farmland Rural District (A-2) (1957) to Industrial District-general (I-2/I-3), continued from the December 6, 2005, Board meeting (the legal property description is on file).

Staff explained that the public hearing was continued at the request of Commissioner Stewart to allow time for a small area study and community meeting. Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the Future Land Use Map designations in the area.

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

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 present members voting AYE by voice vote; Commissioners Sindler and Segal were absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further approved the request by Ismael Portalatin to rezone from Farmland Rural District (A-2) (1957) to Industrial District-general (I-2/I-3), on the above-described property; subject to the following condition: Type B buffer, per Chapter 24-5, on the southern property line. The buffer shall be a minimum of 100 feet from the southern property line and the existing vegetation (quality type) shall be undisturbed and included in the required planted materials adjacent to the residential zoned property to the south.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-YUCATAN COVE PSP, DISTRICT 3-CONTINUED FROM DECEMBER 6, 2005

By consensus, the Board reopened the public hearing to consider the Yucatan Cove Preliminary Subdivision Plan continued from the December 6, 2005, Board meeting; 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 13.71-acre site for 55 Single-Family dwelling units with a minimum living area of 1,100 square feet; on property generally located north of East-West Expressway, west of Forsyth Road; Parcel IDs 27-22-30-0000-00-110, 27-22-30-0000-00-119, 27-22-30-0000-00-120, and 27-22-30-0000-00-133; District 3; Section 27, Township 22, Range 30; 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.

Commissioner Fernandez requested that the following conditions be added:

- This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or his or her authorized agent) to the Board of County Commissioners (BCC) at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the development, could have reasonably induced or otherwise influenced the BCC to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant

(or his or her authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.

- The hours of construction shall be Monday through Sunday, 7 a.m. until 7 p.m.
- The minimum living area shall be 1,400 square feet, under heat and air.
- Prior to construction plan approval, the applicant shall contact Lynx for locating a bus stop in proximity of this development.

The following persons addressed the Board:

- Julian Coto, engineer
- Pam Barton, area resident
- Rory Barton, area resident
- Dolores Ciaponi, area resident

Commissioner Segal rejoined the meeting.

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 present members voting AYE by voice vote; Commissioner Sindler was absent; the Board approved the Yucatan Cove Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Yucatan Cove PSP, dated "Received October 17, 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 January 24, 2007, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which demonstrates that the existing drainage system has the capacity to accommodate this development.
3. This property lies within Airport Noise Zone "E." The plat shall note in 12-point or larger type the following: "The properties delineated on this plat are subject to aircraft noise that may be objectionable." Furthermore, Covenant and Restriction documents associated with the plat shall state the following in bold-face

type: "NOTICE OF AIRPORT NOISE-This property is located within an airport noise zone. Residents shall be subject to aircraft noise that may be objectionable." In addition, a Waiver of Claim is required to be executed between the Greater Orlando Aviation Authority and the applicant prior to platting.

4. 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 Florida Department of Environmental Protection.
5. 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.
6. A 5-foot-high chain-link fence with a 5-foot fence easement shall be provided along the canals bordering the western and northern property lines.
7. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the 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 BCC in approving the development, could have reasonably induced or otherwise influenced the BCC to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or his or her authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.
8. The hours of construction shall be Monday through Sunday, 7 a.m. until 7 p.m.
9. The minimum living area shall be 1,400 square feet, under heat and air.
10. Prior to construction plan approval, the applicant shall contact Lynx for locating a bus stop in proximity of this development.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING-APPLICANT:
MCCREE ARCHITECTS AND ENGINEERS, INC.; ITEM SE-05-12-019, DECEMBER 1, 2005;
DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by McCree Architects & Engineers, Inc., for a Special Exception in Agricultural (A-2) zone for a veterinary clinic with boarding facilities, including indoor runs, on property generally located on the west side of Narcoossee Road, 1/8 mile north of Boggy Creek Road; Parcel ID 32-24-31-0000-00-015; District 4; Section 32, Township 24, Range 31; Orange County, Florida (the legal property description is on file).

Staff noted that the applicant requested a continuance to address issues.

The County Mayor noted the applicant present and in concurrence.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board continued the public hearing to consider the request by McCree Architects & Engineers, Inc.; for a Special Exception in Agricultural (A-2) zone for a veterinary clinic with boarding facilities, including indoor runs, on the above-described property; until March 28, 2006, at 3 p.m.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT/APPLICANT: ROGER L. FEE;
ITEM VA-05-12-009, DECEMBER 1, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Roger L. Fee of the recommendation of the Board of Zoning Adjustment, dated December 1, 2005, on a request by Roger L. Fee for removal of the condition of approval restricting variances on the east side of the residence. The property is generally located on the south side of South Deerwood Avenue, 1 mile west of Econlockhatchee Trail, south of Lake Underhill Road; Parcel ID 31-22-31-2002-02-810; District 3; Section 31, Township 22, Range 31; 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 Board of Zoning Adjustment recommended approval of the variance request subject to conditions.

The County Mayor noted the applicant 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 Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board overruled the decision of the Orange County Board of Zoning Adjustment, and approved the request by Roger L. Fee for removal of the condition of approval restricting variances on the east side of the residence on the above-described property; subject to the following conditions:

1. Development in accordance with site plan dated October 14, 2005, and all other regulations unless expressly waived by these conditions.
2. The summer kitchen shall be ancillary to the main kitchen.
3. The entire residence shall be used as a Single-Family residence and no part of it shall be used as a second residence.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: DWIGHT SAATHOFF, GRANADA PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Dwight Saathoff, Akerman Senterfitt, P.A.; Granada Planned Development/Land Use Plan (PD/LUP); to amend the LUP to change the permitted uses on the 4 Subject Parcels as follows: Parcels E and F: From Timeshare uses to Multi-Family or Single-Family Residential uses (timeshare still permitted on eastern side of the Parcels only); Parcels G and H: From Hotel/Motel to Retail Commercial-1 uses (with restrictions, such as no drive thru restaurants, gas stations, amusement uses, convenience stores, check cashing, among others). The 4 Subject Parcels (E, F, G, and H) are currently vested for 24,260 daily vehicle trips, and the new uses will not exceed this number. In addition, waivers from Sections 38-1476 and 38-1234 are requested to allow a reduction in the required parking and open space commensurate with property to be provided by the applicant for proposed future transportation corridor and intersection improvements; pursuant to Orange County Code, Section 38-1207; on property generally located on the southwest corner of Sand Lake and Turkey Lake Roads; multiple parcels located in District 1; Section 35, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

Staff requested a continuance to readvertise to a broader notification area.

No one appeared regarding the request.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board continued the public hearing to consider a request by Dwight Saathoff, Akerman Senterfitt, P.A.; Granada Planned Development/Land Use Plan (PD/LUP); to amend the LUP to change the permitted uses on the 4 Subject Parcels as follows: Parcels E and F: From Timeshare uses to Multi-Family or Single-Family Residential uses (timeshare still permitted on eastern side of the Parcels only); Parcels G and H: From Hotel/Motel to Retail Commercial-1 uses (with restrictions, such as no drive thru restaurants, gas stations, amusement uses, convenience stores, check cashing, among others). The 4 Subject Parcels (E, F, G, and H) are currently vested for 24,260 daily vehicle trips, and the new uses will not exceed this number. In addition, waivers from Sections 38-1476 and 38-1234 are requested to allow a reduction in the required parking and open space commensurate with property to be provided by the applicant for proposed future transportation corridor and intersection improvements; until February 21, 2006, at 3:30 p.m.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 4:05 p.m.

ATTEST:

Martha O. Haynie
 County Comptroller as Clerk

 County Mayor

 Deputy Clerk

 Minutes Coordinator