

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 23, 2007. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal, and Tiffany Moore
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Director of Finance and Accounting as Clerk Paul Wunderlich
- Deputy Clerk Rosilyn Stapleton

Commissioner Teresa Jacobs was absent.

Invocation-Father David Scotchie, St. Maximilian Kolbe Catholic Church

Pledge of Allegiance

Presentation of Art in the Chambers

Presentation of proclamation designating February 2, 2007, as "Wear Red for Women Day"

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 Jacobs was absent; the Board:

- Deleted County Administrator Item 2
- Deleted Administrative Services Department Item 6

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

County Comptroller

1. Approval of the minutes of the December 19, 2006, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

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 5, 2007, to January 11, 2007; total of \$14,692,331.21
  - January 12, 2007, to January 18, 2007; total of \$15,742,937.12

(Finance and Accounting Department).

#### County Administrator

1. Approval of budget amendments 07-17 and 07-18 (Office of Management and Budget).  
  
(Budget amendments are on file in the Comptroller Finance and Accounting Department.)
2. Approval and execution of the authorizing resolutions for the issuance of multi-family Housing Revenue Bonds for the financing and development of the Cove on Conway-Phases I and II, in an amount not to exceed \$8,600,000 for Phase I and \$5,500,000 for Phase II, District 4 (Orange County Housing Finance Authority).

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

#### County Attorney

1. Approval of funding for the Task Force for Ethics and Campaign Finance Reform.

#### Administrative Services Department

1. Approval to award Invitation for Bids Y7-134-J2, Term Contract for Roadway Microsurfacing, to the low responsive and responsible bidder, Florida Highway Products, Inc. The estimated contract award amount is \$2,558,600 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y7-138-JS, Liquid Hydrogen Peroxide, to the low responsive and responsible bidder, Siemens Water Technologies Corporation. The estimated contract award amount is \$255,650 for a 1-year term ([Water Reclamation Division] Purchasing and Contracts Division).

3. Approval to award Invitation for Bids Y7-175-GJ, Communication Products-Term Contract, to the low responsive and responsible bidder, Graybar Electric Co., Inc. The estimated contract award amount is \$899,012.91 for a 1-year term ([Information Systems and Services Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y7-705-PH, C.R. 535 Force Main, Reclaimed Water Main and Master Pump Station Improvements, to the low responsive and responsible bidder, John Carlo, Inc. The total contract award amount is \$3,565,837 ([Utilities Engineering Division] Purchasing and Contracts Division).
5. Ratification of Contract Y6-1109A, Head Start Child Care Food Program-Term Contract, with G A Food Services, Inc., at a contract award amount of \$717,868.04 for a 10-month period ([Head Start Division] Purchasing and Contracts Division).
6. Approval of Amendment 5, Contract Y4-117B, Sewage Hauling, with Brownies Septic Services in the amount of \$122,500 for a new contract total of \$245,000 ([Water Reclamation Division] Purchasing and Contracts Division).

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

7. Approval of providers under RFP Y7-154-HF, Health and Support Services for Persons with HIV Spectrum Disease (Ryan White Title I) for 11 contracts in the total award amount of \$1,412,742.36 ([Ryan White Title I Office] Purchasing and Contracts Division).
8. Approval of Amendment 3, Contract Y2-827-DB, Final Engineering Design Services for East-West Road Segment I (from S.R. 436 to West of Harrell Road), with Inwood Consulting Engineers, Inc., in the amount of \$196,362.68 for a new total contract amount of \$2,091,342.46 ([Public Works Engineering Division] Purchasing and Contracts Division).
9. Approval and execution by the County Mayor of Distribution Easement and authorization to record instrument for Progress Energy Distribution Easement for C.R. 535 Master Pump Station-Electrical Connection, District 1 (Real Estate Management Division).
10. Approval and execution by the County Mayor of Distribution Easement and authorization to record instrument for Progress Energy Distribution Easement for Fire Station #81, District 3 (Real Estate Management Division).

11. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Kennedy Boulevard (Forest City Road to Wymore Road), District 2 (Real Estate Management Division).
12. Approval and execution by the County Mayor of Permission to Enter Property (Right of Entry Agreement) for United States of America for ACOE Pine Castle Jeep Range (Orange County Landfill), District 4 (Real Estate Management Division).
13. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Hess @ Crowntree Lakes-Utility File #46109, District 4 (Real Estate Management Division).
14. Approval of Utility Easement and authorization to record instrument for Las Vaqueritas-Utility File #46111, District 3 (Real Estate Management Division).
15. Approval of Drainage and Utility Easement and authorization to record instrument for Petition to Vacate #06-31 (Lehigh Avenue), District 3 (Real Estate Management Division).

#### Community and Environmental Services Department

1. Determination of Consistency with Orange County Code, Chapter 15, Article X, Wetland Conservation Areas, for wetlands impacts for the Apopka Relief High School, District 2 (Environmental Protection Division).
2. Determination of Consistency with Orange County Code, Chapter 15, Article X, Wetland Conservation Areas, for wetlands impacts for the Camelot/Waterford Lakes Relief Elementary School, District 4 (Environmental Protection Division).
3. Approval of the request by Schofield Corporation of Orlando for renewal of a solid waste management facility permit for the 545 Landfill, a construction and demolition debris landfill, subject to conditions of approval, District 1 (Environmental Protection Division).
4. Approval of Escrow Agreement between Orange County and Tarmac America, LLC, for providing financial assurance of 110 percent of the total costs of the mitigation plan for Orange County Conservation Area Impact Permit Application Number 06-034, District 4 (Environmental Protection Division).

Convention Center

1. Approval and execution of Agreement between Orange County and Sierra Orlando Properties, DBA, Caribe Royale Resort and Convention Center designating the Caribe Royale as a "Convention Center Hotel."

Health and Family Services Department

1. Approval of the Interlocal Agreement between Orange County and Health Central Paramedic Services for the transfer of equipment purchased and distributed to the agency from the 2005-2006 EMS Grant Awards. There is no cost to the County (EMS Office of the Medical Director).
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 application to license the Hannibal 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).
4. Approval to add position of Corrections Health Services Medical Director to manning table and execute employment agreement with Dr. Edwin Pont, effective January 23, 2007. Approval to delete position of Student Chaperone from manning table (Health and Family Services Department).

Public Works Department

1. Approval to construct speed humps on Darlington Drive, District 4 (Traffic Engineering Division).
2. Approval to establish a Three-way Stop Control at the intersection of Conway Gardens Road and Pershing Avenue, District 4 (Traffic Engineering Division).
3. Authorization to record the Plat of Orangewood Cove, District 1 (Public Works Department).

## Utilities Department

1. Approval of the South Florida Water Management District Local Governmental Agreement-Agreement No. 4600000539 between the South Florida Water Management District and Orange County Utilities Department for the 2007 Water Resource Partnership Program in a not-to-exceed amount of \$892,000 and delegation of authority to the Utilities Director to authorize the work orders associated with this agreement, Districts 1 and 6.
2. Approval of the Cost Share Agreements between Orange County and the South Florida Water Management District for the 2006-2007 Alternative Water Supply Funding Program in a not-to-exceed amount of \$2,180,000; Districts 1, 4, and 6.

INFORMATIONAL ITEMS\*

## County Comptroller

1. Receipt of the following items to file for the record:
  - a. Minutes of the November 30, 2006, meeting of Commissioners Fred Brummer and Tiffany Moore.
  - b. Minutes of the December 18, 2006, meeting of Commissioners Teresa Jacobs and Fred Brummer.
  - c. Florida Public Service Commission notice of hearing and prehearing re: Petition for determination of need for expansion of Crystal River 3 Nuclear Power Plant for exemption from Bid Rule 25-22.082, F.A.C., and for cost recovery through fuel clause by Progress Energy Florida, Inc.
  - d. Boggy Creek Community Development District Resolution 2007-01, identifying the Fiscal Year 2006-2007 meeting schedule.
  - e. Reedy Creek Improvement District Resolution 463, pertaining to de-annexation of a parcel lying in Section 8, Township 24 South, Range 27 East, Orange County, Florida.
  - f. Stoneybrook West Community Development District minutes of August Committee Meeting of August 9, 2006.
  - g. Notification of South Florida Water Management District Environmental Resource Standard General Permit Number 48-00113-S-12.
  - h. City of Orlando ordinance filed on December 29, 2006, annexing ±15.3 acres located north of the Beachline (S.R. 528), south of Lee Vista Boulevard, east of Narcoossee Road, west of the Central Florida

Greenway (S.R. 417), and addressed as 7601 Narcoossee Road (ordinance number not given).

- i. City of Orlando ordinance filed on December 29, 2006, annexing ±452.53 acres located north and south of Lee Vista Boulevard and east of the Central Florida Greenway (S.R. 417) (ordinance number not given).

(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 ADMINISTRATOR DISCUSSION AGENDA

1. Economic Outlook.

Dr. Hank Fishkind of Fishkind and Associates addressed the Board and presented a report on this item; Board discussion ensued. No action was taken.

#### COMMISSIONER'S REPORT DISCUSSION AGENDA

1. Florida Association of Counties Board of Directors' position.

County Administrator Lalchandani presented a report on this item; Board discussion ensued.

Upon a motion by Commissioner Stewart, seconded by County Mayor Crotty, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board nominated Commissioner Moore to serve on the Florida Association of Counties Board of Directors.

#### ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of three consultants and one alternate to provide Professional Planning Services, Request for Proposals Y7-127-LC ([Planning Division] Purchasing and Contracts Division).

Staff stated that Commissioner Segal attended the December 6, 2006, Procurement Review Committee meeting for the selection of three consultants and one alternate to provide Professional Planning Services, Request for Proposals Y7-127-LC, from the following firms listed alphabetically:

- Clarion Associates of Colorado, LLC
- Herbert-Halback, Inc. (HHI)
- Ivey Planning Group, LLC
- Miller Legg
- Morris-Depew Associates, Inc.
- Planning Design Group, LLC

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

- Planning Design Group, LLC
- Clarion Associates of Colorado, LLC
- Morris-Depew Associates, Inc.

and one alternate:

- Ivey Planning Group, LLC

and further, authorized staff to enter into contract negotiations to provide Professional Planning Services, Request for Proposals Y7-127-LC.

2. Selection of one firm and one alternate to provide Security Guard Services, Request for Proposals Y7-132-HF ([Facilities Management Division] Purchasing and Contracts Division).

Staff stated that Commissioner Stewart attended the November 29, 2006, Procurement Review Committee meeting for the selection of one firm and one alternate to provide Security Guard Services, Request for Proposals Y7-132-HF, from the following firms listed alphabetically:

- Allied Barton Security Service
- The Wackenhut Corporation

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

- The Wackenhut Corporation

and one alternate:

- Allied Barton Security Service

and further, authorized staff to enter into contract negotiations to provide Security Guard Services, Request for Proposals Y7-132-HF.

#### PUBLIC SAFETY DISCUSSION AGENDA

1. Corrections Update.

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

#### SHERIFF'S OFFICE DISCUSSION AGENDA

1. Additional Court Deputies.

Staff, Court Administrator Matthew Benefiel for Chief Judge Belvin Perry, Jr., and Sheriff Deputy Chief David Black presented a report on this item; Board discussion ensued. County Administrator Lalchandani 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, Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal, and Tiffany Moore
- County Administrator Ajit Lalchandani
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Presentation of Project Leadership Award given by the Construction Owners' Association of America (COAA) for the Booking and Release Center

JANUARY 4, 2007, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Fernandez, seconded by Commissioner Moore, 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 January 4, 2007, with the exception of items listed below; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings as follows:

- Item SE-07-01-003 in the name of Jody Channel on March 6, 2007, at 2 p.m.
- Item VA-07-01-016 in the name of Dan Becker on March 20, 2007, at 2 p.m.

MUNICIPAL SERVICE TAXING UNIT/BENEFIT UNIT (MSTU/BU) PUBLIC HEARING-  
WATERFORD TRAILS PHASE I, WATERFORD TRAILS PHASE 1 REPLAT,  
WATERFORD TRAILS PHASE 1A, AND WATERFORD TRAILS PHASE 2 EAST  
VILLAGE; AMEND FOR RETENTION POND(S) MAINTENANCE AND  
STREETLIGHTING; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSBU for retention pond(s) maintenance and streetlighting at Waterford Trails Phase 1, Waterford Trails Phase 1 Replat, Waterford Trails Phase 1A, and Waterford Trails Phase 2 East Village; District 4; Sections 19, 24, and 30; Township 22; Ranges 31 and 32; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$91 per lot for streetlighting and an annual cost of \$60.90 per lot for maintenance of retention pond(s).

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 County Mayor Crotty, and carried with all members present and voting AYE by voice vote, the Board adopted resolutions amending Waterford Trails Phase 1, Waterford Trails Phase 1 Replat, Waterford Trails Phase 1A, and Waterford Trails Phase 2 East Village Municipal Service Benefit Units, annual cost of \$91 per lot for streetlighting and \$60.90 per lot for maintenance of retention pond(s).

MUNICIPAL SERVICE TAXING UNIT/BENEFIT UNIT (MSTU/BU) PUBLIC HEARING-  
STONEBRIAR PHASE 1 AND STONEBRIAR PHASES 2 AND 3; AMEND FOR  
RETENTION POND(S) MAINTENANCE AND STREETLIGHTING; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSBU for retention pond(s) maintenance and streetlighting at Stonebriar Phase 1 and Stonebriar Phases 2 and 3; District 5; Sections 1 and 12; Township 22; Range 31; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$112 per lot for streetlighting and an annual cost of \$60.90 per lot for maintenance of retention pond(s).

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 Segal, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board adopted resolutions amending Stonebriar Phase 1 and Stonebriar Phases 2 and 3 Municipal Service Benefit Units, annual cost of \$112 for streetlighting and \$60.90 per lot for maintenance of retention pond(s).

MUNICIPAL SERVICE TAXING UNIT/BENEFIT UNIT (MSTU/BU) PUBLIC HEARING-  
SHUMAN ACRES, SILVER STAR TERRACE, WESTWOOD HEIGHTS, WESTWOOD  
HEIGHTS 2ND AND 4TH ADDITIONS-PIONEER ROAD-11/2007; AMEND FOR  
STREETLIGHTING AND UPGRADE STREETLIGHTING FIXTURES; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending 2 MSBUs as 1 MSBU and to upgrade the existing streetlighting fixtures at Shuman Acres, Silver Star Terrace, Westwood Heights, Westwood Heights 2nd and 4th Additions-Pioneer Road; District 2; Sections 12 and 13; Township 22; Range 28; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the property owners has an annual cost of \$50 per lot for streetlighting.

The following person addressed the Board: Bertina Busch, area resident.

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

Upon a motion by Commissioner Brummer, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution amending Shuman Acres, Silver Star Terrace, Westwood Heights, Westwood Heights 2nd and 4th Additions-Pioneer Road Municipal Service Benefit Unit, annual cost of \$50 per lot for streetlighting to upgrade streetlighting fixtures.

MUNICIPAL SERVICE TAXING UNIT/BENEFIT UNIT (MSTU/BU) PUBLIC HEARING-OAK HILLS, AMEND TO UPGRADE STREETLIGHTING FIXTURES, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSBU for streetlighting to upgrade the streetlighting fixtures at Oak Hills; District 2; Section 27; Township 21; Range 28; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the homeowners' association has an annual cost of \$338 for the first year and \$210 every year thereafter per lot for streetlighting.

The following persons addressed the Board:

- Karl Hudson, for the Oak Hills Homeowners' Association
- Wayland Strickland, area resident
- Theresa Strickland, area resident
- Gypsy Danielson, area resident

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

Upon a motion by Commissioner Brummer, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution amending Oak Hills Municipal Service Benefit Unit, annual cost of \$338 for the first year and \$210 every year thereafter per lot for streetlighting to upgrade streetlighting fixtures.

MUNICIPAL SERVICE TAXING UNIT/BENEFIT UNIT (MSTU/BU) PUBLIC HEARING-LAKE WAUNATTA COVE, AMEND TO UPGRADE STREETLIGHTING FIXTURES, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSBU to upgrade streetlighting fixtures at Lake Waunatta Cove; District 5; Section 02; Township 22; Range 30; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the property owners has an annual cost of \$72 per lot, per year, for streetlighting.

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 Segal, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution amending Lake Waunatta Cove Municipal Benefit Service Unit, annual cost of \$72 per lot for streetlighting to upgrade streetlighting fixtures.

MUNICIPAL SERVICE TAXING UNIT/BENEFIT UNIT (MSTU/BU) PUBLIC HEARING-ORCHARD DRIVE-SWEETWATER COUNTRY CLUB SECTION A PHASE 2 AND SECTION B PHASE 2, ESTABLISH FOR 1-TIME-ONLY SPEED HUMP INSTALLATION, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider establishing an MSBU for 1-time-only speed hump installation; District 2; Section 36; Township 20; Range 28; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the Orange County Public Works Traffic Engineering Division and the property owners has a 1-time cost of \$98 per lot for speed hump installation.

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 Brummer, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution establishing Orchard Drive-Sweetwater Country Club Section A Phase 2 and Section B Phase 2 Municipal Service Benefit Unit, 1-time cost of \$98 per lot for speed hump installation.

BUDGET AMENDMENT PUBLIC HEARING-AMENDING FISCAL YEAR 2006-2007

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 budget adjustments.

Staff outlined the budget amendment for fiscal year 2006-2007.

No one appeared regarding the budget amendment.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Moore, and carried with all members present and voting AYE by voice vote, the Board approved amending the budget for fiscal year 2006-2007 as follows:

- Budget Amendment 07-19, Encumbrance Rollover Amendment
- Budget Amendment 07-20, Grant Rollover Amendment
- Budget Amendment 07-21, Fund Balance Amendment
- CIP Amendment 07-22, Capital Improvement Adjustment
- Certification Regarding Matching Funds as required by the Florida Department of State/Division of Elections for the receipt of voter education funds in the amount of \$103,244.16 and making a 1-time payment of \$15,486.62 to the Supervisor of Elections as matching funds prior to October 30, 2007
- Certification Regarding Matching Funds as required by the Florida Department of State/Division of Elections for the receipt of poll worker recruitment and training funds in the amount of \$51,622.08 and making a 1-time payment of \$7,743.31 to the Supervisor of Elections as matching funds prior to October 30, 2007

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: HARLAN HANSON, HOLLYWOOD SQUARES CENTER PLANNED  
DEVELOPMENT; CASE RZ-05-10-127, NOVEMBER 16, 2006; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Harlan Hanson, Hollywood Squares Center Planned Development (PD), to rezone from Retail Commercial District (C-1) (1968) to PD District, on property located at 7271 Sand Lake Road and 7824 Turkey Lake Road; generally described as the east side of Turkey Lake Road, north side of Sand Lake Road, and west side of Interstate 4; Parcel IDs 26-23-28-0000-00-044 and 26-23-28-0000-00-077; District 1; Section 26, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, the Future Land Use Map designations in the area, and the Planning and Zoning Commission's recommendation of approval subject to conditions.

Staff stated the applicant has requested a continuance.

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 members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Harlan Hanson, Hollywood Squares Center Planned Development (PD), to rezone from Retail Commercial District (C-1) (1968) to PD District until March 20, 2007, at 2 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: FLOYD WHIDDON, ORLANDO AIRPORT PARK PLANNED  
DEVELOPMENT; CASE RZ-06-03-040, NOVEMBER 16, 2006; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Floyd Whiddon, Orlando Airport Park Planned Development (PD), to rezone from Farmland Rural District (A-2) (1957) to PD District, on property generally located on the east side of Wetherbee Road, west of Boggy Creek Road, and north of S.R. 417; Parcel ID 20-24-30-0000-00-001; District 4; Section 20, Township 24, Range 30; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, the Future Land Use Map designations in the area, and the Planning and Zoning Commission's recommendation of approval subject to conditions.

The following person addressed the Board: Forest Adkins, for the applicant.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Floyd Whiddon, Orlando Airport Park Planned Development (PD), to rezone from Farmland Rural District (A-2) (1957) to PD District, on the above-described property; subject to the following conditions:

1. Development shall conform to the Orlando Airport Park PD/Land Use Plan (LUP), dated "Received August 30, 2006," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the LUP, the condition of approval shall control to the extent of such conflict or inconsistency.
2. 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 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 been expected to have been relied upon by the BCC in approving the development, or 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 authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.
3. If the adjacent property to the north (Tax ID #17-24-30-0000-00-011-Young Property) is rezoned to nonresidential uses, this LUP shall not be required to adhere to the stricter setbacks adjacent to residential.
4. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
5. The developer shall obtain water, wastewater, and reclaimed water services from Orange County.

6. Master wastewater and reclaimed water plans, including preliminary calculations, shall be required to be submitted for review and approval prior to submission of construction plans.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: K. MICHAEL CARTER, LITTLE LAKE SAWYER PLANNED  
DEVELOPMENT; CASE RZ-06-03-042, NOVEMBER 16, 2006; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by K. Michael Carter, Little Lake Sawyer Planned Development (PD), to rezone from Citrus Rural District (A-1) (1957), Country Estate District (R-CE) (1990), and PD District (1999) to PD District, on property generally located on the southwest side of Winter Garden-Vineland Road, and east of Ficquette Hancock Road; Parcel IDs 24-23-27-0000-00-005, 24-23-27-0000-00-011, 24-23-27-0000-00-045, and 23-23-27-0000-00-009; District 1; Sections 23 and 24, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, the Future Land Use Map designations in the area, and the Planning and Zoning Commission's recommendation of approval subject to conditions.

The following person addressed the Board: K. Michael Carter, 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 Stewart, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by K. Michael Carter, Little Lake Sawyer Planned Development (PD), to rezone from Citrus Rural District (A-1) (1957), Country Estate District (R-CE) (1990), and PD District (1999) to PD District, on the above-described property; subject to the following conditions:

1. Development shall conform to the Little Lake Sawyer PD/Land Use Plan (LUP), dated "Received September 14, 2006," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all

applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the LUP, the condition of approval shall control to the extent of such conflict or inconsistency.

2. 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 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 been expected to have been relied upon by the BCC in approving the development, or 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 authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.
3. The developer shall obtain water, wastewater, and reclaimed water services from Orange County.
4. The applicant must apply for and obtain a capacity encumbrance letter (CEL) prior to construction plan submittal and must apply for and obtain a capacity reservation certificate (CRC) prior to platting. However, nothing in this condition and nothing in the decision to approve this LUP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
5. The maximum number of lots is restricted to 20, consistent with text amendment 2.1.1.7.
6. The following Education Condition of Approval shall apply. The project contains 20 units (the "Unvested Units") that are subject to the County's school capacity policy (aka the "Martinez Initiative"). The developer has contracted with McKinney Groves General Partnership ("McKinney Groves")-1 of the members of the Lakeview MS consortium-to acquire school rights/credits established under the Capacity Enhancement Agreement (CEA) by and between McKinney Groves and the School Board, dated September 1, 2005. The number of school rights/credits

equals or exceeds the number of Unvested Units. The County shall not record a plat for any of the Unvested Units until it receives notice from Orange County Public Schools (OCPS) that the developer has closed on the acquisition of the school credits from McKinney Groves. The developer shall comply with all provisions of the CEA. Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the CEA, the County shall immediately cease issuing building permits for any Unvested Units. 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 CEA. The developer and its successor or assign under the CEA, 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. The developer, or its successor or assign under the CEA, 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 CEA, in any dispute between the developer and OCPS over any interpretation or provision of the CEA.

7. Motorized personal watercraft (such as jet skis and WaveRunners) shall be prohibited on Little Lake Sawyer (aka Lake Robinson).
8. A community boat ramp shall be prohibited.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: JOE MCKINNEY, THE VILLAGES OF CAMELOT PLANNED  
DEVELOPMENT; CASE RZ-06-07-091, NOVEMBER 16, 2006; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Joe McKinney, The Villages of Camelot Planned Development (PD), to rezone from Multi-family Residential District (R-3) (1967) to PD District, on property generally located on the west side of Alafaya Trail, east side of Aristotle Avenue, south of Solon Drive, and north of Darwin Drive; multiple parcels located in District 5; Section 10, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, the Future Land Use Map designations in the area, and the Planning and Zoning Commission's recommendation of approval subject to conditions.

The following persons addressed the Board:

- Alison Yurko, for the applicant
- Linda Dorian, for the Student Housing Task Force
- Lee Chira, for the applicant

Commissioner Segal requested that conditions be added as follows:

- "This project shall market exclusively to college students, such as University of Central Florida (UCF), Valencia and Seminole Community Colleges, and Full Sail.
- A transit stop shall be provided to accommodate the UCF transit shelter service.
- The BCC encourages the State of Florida Department of Transportation and UCF to work with the developer to build a pedestrian fly-over on Alafaya Trail."

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

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Joe McKinney, The Villages of Camelot Planned Development (PD), to rezone from Multi-family Residential District (R-3) (1967) to PD District, on the above-described property; subject to the following conditions:

1. Development shall conform to The Villages of Camelot PD/Land Use Plan (LUP), dated "Received October 10, 2006," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the LUP, the condition of approval shall control to the extent of such conflict or inconsistency.

2. 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 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 been expected to have been relied upon by the BCC in approving the development, or 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 authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.
3. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter. 31.5.
4. The developer shall obtain water, wastewater, and reclaimed water services from Orange County.
5. No permanent school-aged children that will impact the Orange County Public School system shall be generated as a result of any development on this Development Plan.
6. There shall be no access onto Solon Drive.
7. A waiver from Section 38-1259(h) is granted to allow a maximum building height of 142 feet/12 stories in lieu of 40 feet/3 stories.
8. A waiver for Section 38-1254(2) is granted to allow a 10-foot setback from the rear in lieu of the 25 feet (Aristotle Avenue), a 10-foot setback from the side setback in lieu of the 25 feet (Darwin Drive), and a 10-foot setback from the front in lieu of the 50 feet (Alafaya Trail); and to allow a 20-foot setback from the north property line in lieu of the 25 feet.
9. A waiver for Section 38-1476 is granted to allow parking at the rate of 1 space per bed in lieu of 1.25 spaces per bed.
10. A waiver for Section 38-1259 is granted to eliminate the requirement of a 6-foot masonry wall along all adjacent rights-of-way. Landscape buffering shall be provided.

11. A waiver for Section 38-1253 is granted to eliminate the requirement of providing recreational facilities at the rate of 2.5 acres per 1,000 population. Instead, courtyards, indoor recreational facilities, and a canopied seating area shall be provided.
12. A waiver from Section 38-1259(c) is granted to allow 2,734 bedrooms in lieu of the maximum 750 permitted. Seventy-five units per acre density shall be permitted to be consistent with the Orange County Student Housing Task Force recommendations for increased densities for redeveloped student housing projects.
13. A waiver from Section 38-1259(g) is granted to allow for 1 unit to equal 3.5 bedrooms instead of 1 unit equals 2 bedrooms.
14. This project shall market exclusively to college students, such as (University of Central Florida (UCF), Valencia and Seminole Community Colleges, and Full Sail.
15. A transit stop shall be provided to accommodate the UCF transit shelter service.
16. The BCC encourages the State of Florida Department of Transportation and UCF to work with the developer to build a pedestrian fly-over on Alafaya Trail.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-WATERFORD CREEK  
PSP, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Waterford Creek PSP, 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 13.92-acre site for 56 single-family dwelling units with a minimum living area of 1,000 square feet; on property generally located west of Lone Palm Road; Parcel IDs 23-22-31-0000-00-030 and 23-22-31-0000-00-055; District 4; Section 23, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Commissioner Stewart requested a continuance to hold a community meeting.

The following persons addressed the Board:

- Jim Dabrowski, for the developer
- Robert Bursch, area resident

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Moore, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the Waterford Creek Preliminary Subdivision Plan until March 6, 2007, at 2 p.m.

DEVELOPMENT REVIEW COMMITTEE APPEAL-APPELLANT: RICHARD J. READE/  
APPLICANT: SAVONA HOLDINGS, LLC; SAVONA PRELIMINARY SUBDIVISION;  
DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider an appeal by Richard J. Reade, Savona Preliminary Subdivision, of the decision by the Orange County Development Review Committee, dated September 20, 2006, on a request by Savona Holdings, LLC, to allow construction of a guardhouse at the entrance to the subdivision, on property generally located east of Apopka-Vineland Road and north of Courtleigh Drive; multiple parcels located in District 1; Section 03; Township 23, Range 28; Orange County, Florida (the legal property description is on file).

Staff stated the applicant has requested a continuance.

The County Mayor noted the applicant present. 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 Fernandez, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider an appeal by Richard J. Reade, Savona Preliminary Subdivision, regarding the Orange County Development Review Committee's decision of denial to allow construction of a guardhouse at the entrance to the subdivision until March 20, 2007, at 2 p.m.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT/APPLICANT: DENNIS  
LAPIN: ITEM SE-06-11-021, NOVEMBER 2, 2006; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Dennis Lapin of the recommendation of the Orange County Board of Zoning Adjustment, dated November 2, 2006, on a request by Dennis Lapin for a special exception in Heavy Industrial (I-4) zone for a lime stabilization facility in connection with septic tank cleaning business. The property is generally located on the west side of General Drive, north of Central Florida Parkway, and east of South

Orange Blossom Trail; Parcel ID 11-24-29-7268-00-900; District 4; Section 11, Township 24, Range 29; Orange County, Florida (the legal property description is on file).

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

The following persons addressed the Board:

- Stuart Buchanan, for the applicant
- Naaman Nassif, for the applicant
- Dennis Lapin, the applicant
- Bill Seagraves
- Anna Long
- Assad Dakkak
- Dominic Buhot
- Ken Griffiths
- John Sucin
- R.P. Monachy
- Corey Kroger

Staff recommended that, if approved, conditions be added as follows:

- "Development in accordance with the revised site plan, dated "Received October 24, 2006," and all other applicable governmental rules and regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning manager's approval. The Zoning manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the changes require another BZA public hearing.
- Plans for permitting shall be through the Commercial Site Plan Review Process and be submitted within 2 years, or this BZA approval shall be null and void.
- An emergency power generator shall be maintained onsite at all times and shall include an automatic start system.
- On-site manager(s) shall schedule all customer site visits to ensure there is no truck waiting or parking along the public road right-of-way.
- The applicant is required to obtain FDEP and OCEP (Federal Department of Environmental Protection and Orange County Environmental Protection, respectively) permits. These permits shall be obtained concurrent with permitting under Commercial Site Plan Review. No operation shall be conducted onsite until after the applicant has obtained a Certificate of Completion pursuant to commercial permits.

- Septage filter and screening equipment shall be totally contained within an enclosed structure.
- All vehicular use areas, including truck storage area, shall be paved.
- Install and maintain biofiltration system suitably sized for the maximum waste processed by the facility."

Commissioner Moore requested the second proposed condition be revised to read as follows: "Plans for permitting shall be through the Commercial Site Plan Review Process and be submitted within 2 years, or this BCC approval shall be null and void."

Commissioner Stewart requested that a condition be added as follows: "A community meeting shall be held to discuss drainage and retention issues."

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board overruled the decision of the Orange County Board of Zoning Adjustment and approved the request by Dennis Lapin for a special exception in Heavy Industrial (I-4) zone for a lime stabilization facility in connection with septic tank cleaning business on the above-described property subject to the following conditions:

1. Development in accordance with the revised site plan, dated "Received October 24, 2006," and all other applicable governmental rules and regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning manager's approval. The Zoning manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the changes require another BZA public hearing.
2. Plans for permitting shall be through the Commercial Site Plan Review Process and be submitted within 2 years, or this BCC approval shall be null and void.
3. An emergency power generator shall be maintained onsite at all times and shall include an automatic start system.
4. On-site manager(s) shall schedule all customer site visits to ensure there is no truck waiting or parking along the public road right-of-way.
5. The applicant is required to obtain FDEP and OCEP (Federal Department of Environmental Protection and Orange County Environmental Protection, respectively) permits. These permits shall be obtained concurrent with permitting

under Commercial Site Plan Review. No operation shall be conducted onsite until after the applicant has obtained a Certificate of Completion pursuant to commercial permits.

6. Septage filter and screening equipment shall be totally contained within an enclosed structure.
7. All vehicular use areas, including truck storage area, shall be paved.
8. Install and maintain biofiltration system suitably sized for the maximum waste processed by the facility.
9. A community meeting shall be held to discuss drainage and retention issues.

Nonagenda-County Mayor Crotty announced that the presentation by the League of Women Voters would be rescheduled to another date.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT/APPLICANT: ANDREA J. SCHUSTER; ITEM SE-06-11-013, NOVEMBER 2, 2006; DISTRICT 6

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Andrea J. Schuster of the recommendation of the Orange County Board of Zoning Adjustment, dated November 2, 2006, on a request by Andrea J. Schuster for a special exception in Single-family 7,500-square-foot lots (R-1A) zone to allow an adult daycare facility for a maximum of 25 clients. The property is located at 1217 North John Street; generally located on the east side of North John Street, south of Balboa Drive, and west of North Hastings Street; Parcel ID 24-22-28-6252-03-090; District 6; Section 24, Township 22, Range 28; 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 denial of the request.

The following persons addressed the Board:

- Chris Mancino, for the applicant
- Reverend Steve Nolin, for area church
- Bertina Busch, area resident
- Robert Shanks, area resident
- Kenneth Dwyer, area resident

- Janet Mangos, area resident

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

Upon a motion by Commissioner Moore, seconded by Commissioner Brummer, and carried with all members present and voting AYE by voice vote, the Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Andrea J. Schuster for a special exception in Single-family 7,500-square-foot lots (R-1A) zone to allow an adult daycare facility for a maximum of 25 clients on the above-described property.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: MOMTAZ BARQ, PIZZUTI PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 1-CONTINUED FROM NOVEMBER 14 AND DECEMBER 19, 2006

By consensus, the Board reopened the public hearing to consider a substantial change request by Momtaz Barq, Pizzuti Planned Development/Land Use Plan (PD/LUP); to amend the LUP to 1) increase the maximum building height from 75 feet to 150 feet; 2) increase the allowable uses for the development from 97,310 square feet of Office and 18,000 square feet of Commercial to 108,000 square feet of Office and 12,429 square feet of Commercial; and 3) grant a waiver from Parking Code Chapter 38-1476 to allow for a 15 percent reduction in Office parking requirements, continued from the November 14 and December 19, 2006, Board meetings (the legal property description is on file).

Staff explained that the public hearing was continued to hold a community meeting and allow time for extended notification. Staff reviewed the change request and the Development Review Committee's (DRC) determination of substantial change. Staff stated the DRC recommended approval of the request.

The following persons addressed the Board:

- Ted Brown, for the applicant
- Adil Elias, for the applicant
- Kurt Klima, area resident
- Vince Desai, area resident
- Mary Clegg, area resident
- Momtaz Barq, the applicant

For the record, Commissioner Fernandez stated that many waivers have come before the Board. She stated that on January 10, 2007, she sent a memo to the County Mayor regarding the quantity of hearings asking for increased building heights and the

protection of neighborhoods. Further, she requested County staff be assigned to review this issue and prepare the necessary amendments to the zoning code.

Commissioner Segal left the meeting.

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

A motion by Commissioner Jacobs and seconded by Commissioner Brummer; Commissioners Jacobs and Brummer voting AYE by voice vote; County Mayor Crotty and Commissioners Fernandez, Stewart, and Moore voting NO by voice vote; Commissioner Segal was absent; to deny the request by Momtaz Barq, Pizzuti Planned Development/Land Use Plan (PD/LUP); to amend the LUP to 1) increase the maximum building height from 75 feet to 150 feet; 2) increase the allowable uses for the development from 97,310 square feet of Office and 18,000 square feet of Commercial to 108,000 square feet of Office and 12,429 square feet of Commercial; and 3) grant a waiver from Parking Code Chapter 38-1476 to allow for a 15 percent reduction in Office parking requirements failed.

Upon a motion by Commissioner Stewart, seconded by Commissioner Moore, and carried with County Mayor Crotty and Commissioners Fernandez, Stewart, and Moore voting AYE by voice vote; Commissioners Jacobs and Brummer voting NO by voice vote; Commissioner Segal was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved a request by Momtaz Barq, Pizzuti Planned Development/Land Use Plan (PD/LUP); to amend the LUP to 1) increase the maximum building height from 75 feet to 125 feet; 2) increase the allowable uses for the development from 97,310 square feet of Office and 18,000 square feet of Commercial to 108,000 square feet of Office and 12,429 square feet of Commercial; and 3) grant a waiver from Parking Code Chapter 38-1476 to allow for a 15 percent reduction in Office parking requirements; which constitutes a substantial change to the development on the previously-described property; subject to the following conditions:

1. Development shall conform to the Pizzuti PD/LUP, dated "Received September 28, 2006," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these

conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities.

2. A waiver from Orange County Parking Code Chapter 38-1476 is granted to allow for a 15 percent reduction in office parking requirements based on data submitted by the applicant indicating that high-rise office buildings have reduced parking needs (as amended below).
3. The applicant must apply for and obtain a capacity encumbrance letter (CEL) prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior (CRC) to certificate of occupancy. However, nothing in this condition and nothing in the decision to approve this development plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
4. All previous Conditions of Approval shall apply.
5. 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 implemented, any unused portion 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 use 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.

as amended below.

A motion by Commissioner Jacobs and seconded by Commissioner Stewart; Commissioners Jacobs, Brummer, and Stewart voting AYE by voice vote; County Mayor Crotty and Commissioners Fernandez and Moore voting NO by voice vote; Commissioner Segal was absent; to include a condition of approval as follows: The applicant must resubmit their concurrency application with regard to their impacts on all roads except for the Turkey Lake Road segment covered in the Developer's Agreement and that it be judged against the most current data available regarding the traffic situation in the area, failed.

Upon a motion by Commissioner Brummer, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Segal was

absent; the Board amended the main motion to strike Condition 2, as follows: A waiver from Orange County Parking Code Chapter 38-1476 is granted to allow for a 15 percent reduction in office parking requirements based on data submitted by the applicant indicating that high-rise office buildings have reduced parking needs.

Upon a motion by County Mayor Crotty, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Brummer, Fernandez, Stewart, and Moore voting AYE by voice vote; Commissioner Jacobs voting NO by voice vote; Commissioner Segal was absent; the Board amended the main motion to add Condition 5 as follows: The applicant must show substantial compliance with the architectural renderings presented at the BCC meeting.

NOTE: THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER.

ORDINANCE/COMPREHENSIVE POLICY PLAN (CPP) AMENDMENT PUBLIC HEARING-APPLICANT: DUKE WOODSON, INTERNATIONAL CORPORATE PARK (ICP) DEVELOPMENT OF REGIONAL IMPACT, LLC; CASE 2005-1-D-4-1; ORDINANCE AMENDING ORANGE COUNTY CODE; DISTRICT 4-CONTINUED FROM MAY 9, JUNE 27, SEPTEMBER 12, OCTOBER 24, AND DECEMBER 5, 2006

By consensus, the Board reopened the public hearing to consider the proposed ordinance amending Orange County Code regarding International Corporate Park (ICP) Development of Regional Impact, LLC; Case 2005-1-D-4-1; continued from the May 9, June 27, September 12, October 24, and December 6, 2006, Board meetings.

and

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: DUKE WOODSON, INTERNATIONAL CORPORATE PARK (ICP) PLANNED DEVELOPMENT/ DEVELOPMENT OF REGIONAL IMPACT/LAND USE PLAN (PD/DRI/LUP); AMEND LUP/NOTICE OF PROPOSED CHANGE TO DRI/SECOND AMENDED AND RESTATED DEVELOPMENT ORDER; DISTRICT 4-CONTINUED FROM MAY 9, JUNE 27, SEPTEMBER 12, OCTOBER 24, AND DECEMBER 5, 2006

By consensus, the Board reopened the public hearing to consider a substantial change request by Duke Woodson, Foley & Lardner, LLP, International Corporate Park PD/DRI; to consider a Notice of Proposed Change to the DRI to amend the LUP to reduce existing Industrial uses in exchange for Retail, Residential (Single and Multi-family), Civic, Research Park, School, and Office uses; and authorization for the County Mayor to execute the Second Amended and Restated Development Order; pursuant to Orange County Code, Section 38-1207; continued from the May 9, June 27, September 12,

October 24, and December 5, 2006, Board meetings (the legal property description is on file).

Staff stated that these public hearings were continued to resolve outstanding school issues. Staff stated the applicant has requested another continuance to evaluate the requests in terms of changing market conditions related to increased demand for industrial uses.

No one appeared regarding the request.

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

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

- An ordinance amending Orange County Code regarding International Corporate Park Development of Regional Impact;
- A request by Duke Woodson, Foley & Lardner, LLP; International Corporate Park Planned Development/Development of Regional Impact (PD/DRI); to consider a Notice of Proposed Change to the DRI to amend the Land Use Plan (LUP) to reduce existing Industrial uses in exchange for Retail, Residential (Single and Multi-family), Civic, Research Park, School, and Office uses;
- Authorization for the County Mayor to execute the Second Amended and Restated Development Order;

until April 10, 2007, at 3:30 p.m.

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA

2. Dedicated Funding for Transit (League of Women Voters).

County Mayor Crotty noted this item will be rescheduled.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 6:35 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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

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

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