

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, June 12, 2007  
Location: Commission Chambers, Orange County Administration Center, First Floor, 201 S. Rosalind Avenue, Orlando, Florida  
Members Present: County Mayor Richard T. Crotty; Commissioners Fred Brummer, Mildred Fernandez, Bill Segal, Tiffany Moore  
Members Absent: Commissioners Teresa Jacobs and Linda Stewart  
Others Present: County Administrator Ajit Lalchandani, County Attorney Tom Drage, Deputy Director of Finance and Accounting as Clerk Barry Skinner, Minutes Supervisor Kathleen Johnson

- CALL TO ORDER, 9:10 a.m.
- Invocation-Pastor Charles Dees, Downey Christian Church and School; and recognition of students from Downey Christian School in attendance.
- Pledge of Allegiance

• COUNTY CONSENT AGENDA

Motion/Second: County Mayor Crotty/Commissioner Moore  
Members absent: Commissioners Jacobs and Stewart  
AYEs-voice vote: All present members  
The Board took the following action:

- Deleted County Administrator Item 4
- Deleted Office of Economic Trade and Tourism Development Items 1 and 2
- Deferred Utilities Department Addendum 1 for discussion (see page 8 for subsequent approval)

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

County Comptroller

1. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for the following period: June 1, 2007, to June 7, 2007; total of \$41,636,064.53 (Finance and Accounting Department).

County Administrator

1. Approval of budget transfer #07C-9312 (Office of Management and Budget).

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

2. Approval of CIP amendments #07C-9312, #07C-9314, #07C-9326, and #07C-9330 (Office of Management and Budget).

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

3. Approval of the Florida State Lodge Fraternal Order of Police (FOP) Correctional Lieutenants Collective Bargaining Agreement between Orange County and Florida State Lodge FOP for Fiscal Years 2006/07 through 2008/09 and approval of the Leave Accrual Table based on 84 regularly scheduled work hours (Human Resources Division).

4. Approval to award Invitation for Bids Y7-100-HF, Janitorial Service at the Convention Center - Term Contract, to the low responsive and responsible bidder, American Maintenance. The estimated contract amount is \$5,029,110 for Lots 1 and 2 ([Orange County Convention Center] Purchasing and Contracts Division).

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

5. Appointment of Commissioner Mildred Fernandez to the Community Action Board in the county commissioner category with a term expiring December 31, 2008; appointment of Commissioner Tiffany Moore to the Community Action Board in the county commissioner category with a term expiring December 31, 2010; appointment of Representative Bryan Nelson to the Community Action Board in the elected state or congressional representative category with a term expiring December 31, 2008; and appointment of Kathleen Gordon to the Community Action Board in the Orange County School Board representative category with a term expiring December 31, 2008 (Agenda Development Office).

Administrative Services Department

1. Approval of Access and Utility Easement, Utility Easement, and Subordination of Encumbrances to Property Rights and authorization to record instruments for Palisades Resort @ Lake Austin - Utility File #20887, District 1 (Real Estate Management Division).

2. Approval of Purchase Agreement between SHW, LLC, and Orange County and Warranty Deed and authorization to disburse funds to pay purchase price and perform all actions necessary and incidental to closing for Clarcona - Ocoee Road (Ocoee-Apopka Road to Hiwassee Road), District 1 (Real Estate Management Division).

#### Community and Environmental Services Department

1. Acceptance of the Environmental Protection Commission decision to grant variances for an existing private dock for William Godfrey - Permit #06-015, District 5 (Environmental Protection Division).
2. Acceptance of the Environmental Protection Commission decision to grant variances for an existing private dock for Charles Hippler - Permit 06-147, District 5 (Environmental Protection Division).
3. Approval to advertise Resolutions 2007-CED-108 through 2007-CED-109 and Resolutions 2007-CED-122 through 2007-CED-132 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning:

- LC07-262
- LC07-281
- LC07-205
- LC07-269
- LC07-272
- LC07-273
- LC07-275
- LC07-279
- LC07-285
- LC07-267
- LC07-270
- LC07-284
- LC07-283

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

#### Growth Management Department

1. Approval of an Interlocal Agreement between Orange County, the Reedy Creek Improvement District, Walt Disney World Company, and the Walt Disney World Hospitality and Recreation Corporation; related to de-annexation of property and processing of a Comprehensive Policy Plan Amendment, District 1 (Planning Division).

2. Approval of the First Amendment to Right-of-Way Agreement (Little River Access Road) between Poseidon VIII Investments, Inc., and Orange County to exchange parcels for the construction of joint use pond and drainage facilities, District 3 (Road Agreement Committee).

#### Health and Family Services Department

1. Approval of the Agreement between Orange County and the City of Winter Garden for the transfer of equipment purchased and distributed to the agency from the 2005-2006 Emergency Medical Services (EMS) Grant Awards. There is no cost to the County (EMS Office of the Medical Director).
2. Board approval of Contract Y7-1067, EMSsystem, LLC, for one year, from July 1, 2006, through June 30, 2007, renewable annually for an additional five years providing funding is available (Emergency Medical Services Office of the Medical Director).
3. Approval of the renewal application to license the Chickasaw Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County, District 3 (Head Start Division).
4. Approval of the contract for provision of Children in Need of Services/Families in Need of Services (CINS/FINS) Direct Services, between the Florida Network of Youth & Family Services, Inc., and Orange County for the operation of the Orange County Youth Shelter and the Orange County Family Counseling Program. The estimated contract amount is \$1,095,186. The term of the contract is from July 1, 2007, through June 30, 2010. Approval for the County Mayor, or his designee, to sign the contract when finalized to ensure no lapse in services or funding. Approval for the County Mayor, or his designee, to sign future amendments to this contract (Youth and Family Services Division).
5. Approval of the contract between the State of Florida Department of Children and Families (DCF) and Orange County for the operation of the Great Oaks Village (GOV) Program, Laurel Hill Independence Center (LHIC) and emergency shelter care beds at the Youth Shelter. The estimated amount of the contract is estimated to be \$2,620,335. The term of the contract is July 1, 2007, through June 30, 2008. Approval for the County Mayor, or his designee, to sign the contract when received from DCF to ensure no lapse in services or contract funding. Approval for the County Mayor, or his designee, to sign future amendments to this contract (Youth and Family Services Division).

6. Approval to accept funds from the Department of Juvenile Justice for the operation of the Orange County Truancy Intervention Program. The contract amount is \$75,000. The term of the contract is from July 1, 2007, through June 30, 2008. Approval for the County Mayor, or his designee, to sign the contract when finalized to ensure no lapse in services or funding. Approval for the County Mayor, or his designee, to sign future amendments to this contract with nonmaterial and nonmonetary changes (Youth and Family Services Division).
7. Approval for the Youth and Family Services Division to accept funds in the amount of \$264,000 from the U.S. Department of Health and Human Services as supplemental funding for the operation of the Runaway Youth Program at the Youth Shelter and authorization for the County Mayor or his designee to execute the renewals for FY2008-2009 and FY2009-2010. Estimated funding for each year of the three-year grant is \$88,000 (Youth and Family Services Division).

#### Office of Economic Trade and Tourism Development

1. Approval and execution of the First Addendum to the Cosponsorship Agreement for the Disney/Small Business Administration Entrepreneur Center between Orange County, the United States Small Business Administration, Disney Worldwide Services, Inc., and the University of Central Florida.

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

2. Approval and execution of the Amended and Restated Cosponsorship Agreement for the Disney Entrepreneur Center between Orange County, Disney Worldwide Services, Inc., and the University of Central Florida.

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

#### Public Works Department

1. Approval of the Agreement between Orange County and Prime Homes at Portofino Meadows, Inc., for Traffic Law Enforcement on Private Roads in the gated community of Portofino Meadows, District 4 (Public Works Department).
2. Approval of the 10-acre expansion of the Magnolia Lakes Borrow Pit Excavation Permit #00-E4-612, District 4 (Development Engineering Division).
3. Approval of Amendment One to Joint Participation Agreement between the City of Orlando and Orange County for traffic signal installations on Hiawassee Road, District 1 (Traffic Engineering Division).

Utilities Department

1. Approval of the Water Conserv II Agreement for the Delivery and Use of Reclaimed Water between Orange County, the City of Orlando, and Landscape Nursery, Inc., for the use of reclaimed water for irrigation on private property, District 1 (Water Reclamation Division).

Utilities Department Addendum 1

2. Approval of Memorandum of Agreement between the City of St. Cloud, the Tohopekaliga Water Authority (TWA), Orange County, Polk County, Reedy Creek Improvement District (RCID), and South Florida Water Management District (SFWMD) Regarding Wetland Restoration, all districts (Engineering Division).

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

3. Approval of Memorandum of Agreement between the City of St. Cloud, the Tohopekaliga Water Authority, Orange County, Polk County, Reedy Creek Improvement District, and South Florida Water Management District regarding Water Supply Reservoir Planning and Development, all districts (Engineering Division).

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

• INFORMATIONAL ITEMS\*

County Comptroller

1. Receipt of the following items to file for the record:
  - a. Minutes for May 7, 2007; Commissioner Jacobs' town hall meeting in the sunshine regarding proposed community venues with Commissioners Fernandez, Stewart, and Segal attending.
  - b. Orange County Industrial Development Authority Oath of Office for Michael Bobroff.
  - c. Orange County Industrial Development Authority Oath of Office for Amy Cutter Mulford.

(Comptroller Clerk of the Board of County Commissioners)

2. Board acknowledgment and filing of the Bond Disclosure Supplement for the fiscal year ended September 30, 2006. This is a companion document to the County's Comprehensive Annual Financial Report (CAFR) for the purpose of providing information concerning the County, its financial operations and its indebtedness (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.

#### SUPERVISOR OF ELECTIONS' DISCUSSION AGENDA

1. Supervisor of Elections' Budget Request.

Supervisor of Elections Bill Cowles presented a report and requested approval of this item. Board discussion ensued.

Motion/Second: County Mayor Crotty/Commissioner Segal

Members absent: Commissioners Jacobs and Stewart

AYEs-voice vote All present members

Action: The Board approved the County Certification, due June 30, 2007, authorizing Orange County to accept State Grant Funding with Ten Optical Scanners for Early Voting and Ballot-On-Demand Funding; to opt out of State disposition of Non-ADA TouchScreens; and to commit to Ballot-On-Demand at Early Voting.

#### HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA

1. Update on the Ryan White Part A Federal Grant Program (Ryan White Office).

Staff presented a report; Board discussion ensued.

Action: None.

#### PUBLIC SAFETY DISCUSSION AGENDA

1. Board direction regarding the countywide fire hydrant program (Fire Loss Management Division).

Staff presented a report and requested direction; Board discussion ensued.

Action: None.

NOTE: THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER.

• COUNTY CONSENT AGENDA ITEMS DEFERRED FOR DISCUSSION

Utilities Department Addendum 1

2. Approval of Memorandum of Agreement between the City of St. Cloud, the Tohopekaliga Water Authority (TWA), Orange County, Polk County, Reedy Creek Improvement District (RCID), and South Florida Water Management District (SFWMD) Regarding Wetland Restoration, all districts (Engineering Division).

and

3. Approval of Memorandum of Agreement between the City of St. Cloud, the Tohopekaliga Water Authority (TWA), Orange County, Polk County, Reedy Creek Improvement District (RCID), and South Florida Water Management District (SFWMD) regarding Water Supply Reservoir Planning and Development, all districts (Engineering Division).

Staff presented a report and outlined revisions requested by the TWA to the proposed exhibits, as follows:

- on Exhibit B, Contribution Summary, and Exhibit C, Payment Schedule, change what is identified as functional units to more accurately reflect what those functional units were in those exhibits, and the functional units is through a wetland mitigation assessment process, the value that those wetlands were playing or providing to fish and wildlife
- on Exhibit E, TWA Compensating Restoration Plan, clarify the TWA's compensation plan for its wetland impacts by placing a conservation easement over a portion of wetland/upland property the TWA owns and committing to restoring or enhancing a portion of that property

Further, staff recommended approval of the items; Board discussion ensued.

Motion/Second: Commissioners Segal/Moore

Members absent: Commissioners Jacobs and Stewart

AYEs-voice vote: All present members

Action: The Board approved the Memorandum of Agreement between the City of St. Cloud, the Tohopekaliga Water Authority (TWA), Orange County, Polk County, Reedy Creek Improvement District (RCID), and South Florida Water Management District (SFWMD) regarding Wetland Restoration to include changes as outlined by staff as follows:

- on Exhibit B, Contribution Summary, and Exhibit C, Payment Schedule, change what is identified as functional units to more accurately reflect what those functional units were in those exhibits, and the functional units is through a wetland mitigation assessment process, the value that those wetlands were playing or providing to fish and wildlife
- on Exhibit E, TWA Compensating Restoration Plan, clarify the TWA's compensation plan for its wetland impacts by placing a conservation easement over a portion of wetland/upland property the TWA owns and committing to restoring or enhancing a portion of that property

and further, approved the Memorandum of Agreement between the City of St. Cloud, the TWA, Orange County, Polk County, RCID, and SFWMD regarding Water Supply Reservoir Planning and Development.

- MEETING ADJOURNED, 11:50 a.m.
- MEETING RECONVENED, 2:05 p.m.

Members Present: County Mayor Richard T. Crotty; Commissioners Fred Brummer, Mildred Fernandez, Bill Segal, Tiffany Moore  
Members Absent: Commissioners Teresa Jacobs and Linda Stewart  
Others Present: County Attorney Tom Drage, Deputy County Attorney Joel Prinsell, Deputy Director of Finance and Accounting as Clerk Barry Skinner, Minutes Supervisor Kathleen Johnson

Nonagenda-Presentation of proclamation recognizing Senior County Attorney Joe Passiatore for his contributions to Orange County and commending him on his new position as inaugural legal counsel for the Orlando/Orange County Expressway Authority.

NOTE: The following public hearings meet applicable statutory and code requirements for publication/notification. Associated affidavits of publication, legal property descriptions, and staff reports are on file.

- PETITION TO VACATE PUBLIC HEARING

Applicant: Maria C. Milla  
Consideration: Resolution granting Petition to Vacate 07-09 vacating a portion of a 30-foot-wide drainage and utility easement lying south of East Colonial Drive and east of C.R. 13

Location: District 5; property located at 19469 Starry Street; Parcel ID 26-23-32-1173-30-960; Section 26, Township 23, Range 32; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. The following person addressed the Board: Raoul Ramirez for Maria Milla, the applicant.

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

Motion/Second: Commissioners Segal/Fernandez  
Members absent: Commissioners Jacobs and Stewart  
AYEs-voice vote: All present members

Action: The Board adopted a resolution granting Petition to Vacate 07-09 vacating a portion of a 30-foot-wide drainage and utility easement lying south of East Colonial Drive and east of C.R. 13, on the described property.

• PETITION TO VACATE PUBLIC HEARING

Applicant: Glenn L. Conner  
Consideration: Resolution granting Petition to Vacate 07-10 vacating a portion of a right-of-way known as Conner Trail lying north of Indian Hills Road and west of North Powers Drive  
Location: District 2; property located at 5832 Conner Trail; Parcel ID 01-22-28-5844-00-670; Section 01, Township 22, Range 28; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. The following persons addressed the Board:

- Glenn L. Conner, the applicant
- Don Tourangeau, area resident
- Richard Hosier, area resident

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

Motion/Second: Commissioners Brummer/Fernandez  
Members absent: Commissioners Jacobs and Stewart  
AYEs-voice vote: All present members

Action: The Board adopted a resolution granting Petition to Vacate 07-10 vacating a portion of a right-of-way known as Conner Trail lying north of Indian Hills Road and west of North Powers Drive, on the described property.

- PETITION TO VACATE PUBLIC HEARING

Applicant: Michael Gasdick for Stoneybrook Marketplace, LLC  
Consideration: Resolution granting Petition to Vacate 07-11 vacating a portion of a drainage easement lying south of Stoneybrook Boulevard and west of South Alafaya Trail  
Location: District 4; property site is unaddressed; Parcel ID 02-23-31-0000-00-005; Section 02, Township 23, Range 31; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments and noted the applicant present and in concurrence with the recommendation.

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

Motion/Second: County Mayor Crotty/Commissioner Fernandez  
Members absent: Commissioners Jacobs and Stewart  
AYEs-voice vote: All present members  
Action: The Board adopted a resolution granting Petition to Vacate 07-11 vacating a portion of a drainage easement lying south of Stoneybrook Boulevard and west of South Alafaya Trail, on the described property.

- MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING, CONTINUED FROM MAY 8, 2007

Applicant: Orange County Code Enforcement  
Consideration: Resolution for collection of special assessment lien for one-time-only lot cleaning for Assessment Number LC06-085 in the name of Rose Perreault  
Location: District 5; Parcel ID 21-22-32-2337-01-080; Section 21, Township 22, Range 32; Orange County, Florida (legal property description on file)

The County Mayor announced this item was cancelled.

• PLANNING AND ZONING COMMISSION APPEAL

Appellant/

Applicant: Michael Inniss for Deborah Faye Lloyd

Case: Planning and Zoning Commission Case RZ-07-03-018; April 19, 2007

Consideration: Appeal of the recommendation of the Planning and Zoning Commission on a request by applicant to rezone from R-1A (Single-family Dwelling District) (1964) to P-O (Professional Office District)

Location: District 5; property generally located on the west side of Crescent Boulevard, north of Orpington Street, west of Alafaya Trail or 1816 Crescent Boulevard; Parcel ID 15-22-31-5748-10-020; Section 15, Township 22, Range 31; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. The following persons addressed the Board:

- Deborah Faye Lloyd, the applicant
- Michael Ganster, area resident
- Susan Schroeder-Smith, area resident
- Daniel DeYoung, area resident

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

Motion/Second: Commissioners Segal/Fernandez

Members absent: Commissioners Jacobs and Stewart

AYEs-voice vote: All present members

Action: The Board upheld the decision of the Orange County Planning and Zoning Commission; and further, denied the request by Michael Inniss for Deborah Faye Lloyd to rezone from R-1A (Single-family Dwelling District) (1964) to P-O (Professional Office District), on the described property.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Lake Sparling Planned Development/Lake Sparling 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 45.75-acre site for 161 single-family dwelling units with a minimum living area of 1,450 square feet

Location: District 2; property generally located south of Clarcona-Ocoee Road, west of Pine Hills Road; Parcel ID (multiple parcels); Section 06,

Township 22, Range 29; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments and noted the developer present and in concurrence with the recommendation.

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

Motion/Second: Commissioners Brummer/Fernandez

Members absent: Commissioners Jacobs and Stewart

AYEs-voice vote: All present members

Action: The Board approved Lake Sparling Planned Development/Preliminary Subdivision Plan (PD/PSP) on the described property, subject to the following conditions:

1. The development shall conform to the Lake Sparling PD; Orange County Board of County Commissioners' (BCC) approvals; Lake Sparling Preliminary Subdivision, dated "Received April 16, 2007"; 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 BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this PSP and the actual PSP, dated "Received April 16, 2007," the condition of approval shall control to the extent of such conflict or inconsistency.

The PSP approval automatically expires on June 12, 2008, in accordance with the Orange County Subdivision Regulations as amended.

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 BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. 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 demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high-water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
4. Unless a Conservation Area Impact permit is approved by the BCC consistent with Chapter 15 prior to construction plan approval, no conservation area or buffer encroachments are permitted.
5. The Conditions, Covenants, and Restrictions (CC&Rs) shall include notification to the homebuyer of the existence of an inactive Class III Landfill adjacent to this project. The CC&Rs shall also specify that Tract D of this project shall not be developed or conveyed.
6. The developer shall include a notice in the public record for the property within 700 feet to acknowledge: a) the location of the landfill adjacent to the property, b) that monitoring conditions are imposed, if required based upon further assessment, and c) that no wells will be allowed within this zone.
7. 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, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
8. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
9. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of streetlighting inventory including leasing, fuel, and energy costs for this project. Streetlighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Streetlighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the streetlighting inventory. The developer shall obtain approval of the streetlighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter of Commitment" prior to the installation of the streetlighting fixtures, poles, and

luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and streetlighting operational costs prior to the effective date of the MSBU approval by the BCC shall be the sole responsibility of the developer.

10. Roads and drainage system, including the retention pond, will be owned and maintained by Orange County with a Municipal Service Taxing Unit established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the homeowners' association.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Wekiva Springs Bend 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 1.085-acre site for 5 single-family dwelling units with a minimum living area of 1,000 square feet

Location: District 2; property generally located west of North Wekiva Springs Road, south of Majestic Woods Boulevard; Parcel ID 01-21-28-6900-01-160; Section 01, Township 21, Range 28; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. The following persons addressed the Board:

- Jimmy Hutsell, area resident
- Byron Bonyadi for the applicant

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

Staff recommended the following condition suggested by the speaker be added: A 6-foot PVC fence shall be constructed along the southern property line.

Motion/Second: Commissioners Brummer/Segal

Members absent: Commissioners Jacobs and Stewart

AYEs-voice vote: All present members

Action: The Board approved Wekiva Springs Bend Preliminary Subdivision Plan (PSP) on the described property, subject to the following conditions:

1. The development shall conform to the Wekiva Springs Bend Preliminary Subdivision, dated "Received March 30, 2007," 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. In the event of a conflict or inconsistency between a condition of approval of this PSP and the PSP, dated "Received March 30, 2007," the condition of approval shall control to the extent of such conflict or inconsistency.

The PSP approval automatically expires on June 12, 2008, in accordance with the Orange County Subdivision Regulations as amended.

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 BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. 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 demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high-water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
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, 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 (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 PSP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
6. A waiver from Section 34-171(g) of the Orange County Code is granted to allow a sidewalk on the south side of Wekiva Springs Road only.

7. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of streetlighting inventory including leasing, fuel, and energy costs for this project. Streetlighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Streetlighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the streetlighting inventory. The developer shall obtain approval of the streetlighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter of Commitment" prior to the installation of the streetlighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and streetlighting operational costs prior to the effective date of the MSBU approval by the BCC shall be the sole responsibility of the developer.
8. Roads and drainage system, including the retention pond, will be owned and maintained by Orange County with a Municipal Service Taxing Unit established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the homeowners' association.
9. A 6-foot PVC fence shall be constructed along the southern property line.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Todd Lucas, MII Development, LLC, Econ Landing Planned Development (PD)/Land Use Plan (LUP)

Consideration: Substantial change request to amend the LUP to allow a retail self-storage facility (shown as a restricted use on the currently approved plan), to convert 20,000 square feet of commercial (C-1) uses to 96,000 square feet of self-storage facility uses and increase the maximum building height from 35 feet/2 stories to 50 feet/3 stories pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 3; property generally located on the north side of Curry Ford Road and east side of Central Florida Greenway; Parcel IDs 06-23-31-0000-00-054, 06-23-31-0000-00-015, 06-23-31-0000-00-048, 06-23-31-0000-00-056, and 06-23-31-0000-00-016; Section 06, Township 23, Range 31; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments and noted the applicant present and in concurrence with the recommendation. The following person addressed the Board: David Blair, area resident.

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

Commissioner Fernandez requested that the following condition be added: The self-storage facility shall comply with the Orange County Commercial Design Standards Ordinance and the Orange County Lighting Ordinance.

Motion/Second: Commissioners Fernandez/Brummer

Members absent: Commissioners Jacobs and Stewart

AYEs-voice vote: All present members

Action: The Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the substantial change request by Todd Lucas, MII Development, LLC, Econ Landing Planned Development (PD)/Land Use Plan (LUP), to amend the LUP to allow a retail self-storage facility (shown as a restricted use on the currently approved plan), to convert 20,000 square feet of commercial (C-1) uses to 96,000 square feet of self-storage facility uses and increase the maximum building height from 35 feet/2 stories to 50 feet/3 stories; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. The development shall conform to the Econ Landing PD/LUP, dated "Received February 23, 2007," 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, dated "Received February 23, 2007," 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 at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the

development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

- 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 (CRC) prior to certificate of occupancy. However, nothing in this condition and nothing in the decision to approve this land use plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- 4. The self-storage facility shall comply with the Orange County Commercial Design Standards Ordinance and the Orange County Lighting Ordinance.
- 5. All previous Conditions of Approval shall apply.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Jay Folk, Sheeler Avenue Townhomes Planned Development  
Case: Planning and Zoning Commission Case RZ-06-08-104; April 19, 2007  
Consideration: Request to rezone from A-1 (Citrus Rural District) (1967) and R-1 (Single-family Dwelling District) (1959) to PD (Planned Development District)  
Location: District 2; property generally located on the east side of Sheeler Avenue, south of Orange Blossom Trail; Parcel ID (multiple parcels); Section 14, Township 21, Range 28; Orange County, Florida (legal property description on file)  
Court Reporter: Victoria Millonig, Victoria Ann Millonig & Associates

Staff recommended a continuance to hold a community meeting. The County Mayor opened the public hearing for comments and noted the applicant present and in concurrence with the recommendation.

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

Motion/Second: Commissioners Brummer/Fernandez  
Members absent: Commissioners Jacobs and Stewart  
AYEs-voice vote: All present members  
Action: The Board continued the public hearing until July 10, 2007, at 3:30 p.m., to consider the request by Jay Folk for Sheeler Avenue Townhomes Planned Development (PD) to rezone from A-1 (Citrus Rural District) (1967) and R-1 (Single-family Dwelling District) (1959) to PD District, on the described property.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Sherri Fragomeni, AEI Center Planned Development  
Case: Planning and Zoning Commission Case RZ-06-12-155; April 19, 2007  
Consideration: Request to rezone from C-3 (Wholesale Commercial District) (1985) to PD (Planned Development)  
Location: District 6; property generally located on the northwest corner of Rio Grande Avenue and Grand Street or 1264 South Rio Grande Avenue; Parcel ID 34-22-29-1382-01-040; Section 34, Township 22, Range 29; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments and noted the applicant present and in concurrence with the recommendation.

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

Commissioner Moore requested that the following conditions be added:

- The development shall comply with the Orange County Commercial Development, Architectural Design, and Landscaping Standards Ordinance.
- The development shall comply with the Orange County Exterior Lighting Standards Ordinance.

Motion/Second: Commissioners Moore/Fernandez  
Members absent: Commissioners Jacobs and Stewart  
AYEs-voice vote: All present members

Action: The Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Sherri Fragomeni, AEI Center Planned Development (PD) to rezone from C-3 (Wholesale Commercial District) (1985) to PD, on the described property; subject to the following conditions:

1. The development shall conform to the AEI Center PD/Land Use Plan (LUP), dated "Received February 7, 2007," 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, dated "Received February 7, 2007," 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 at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. The developer shall obtain wastewater services from Orange County Utilities.
4. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
5. Outdoor storage and display shall be prohibited.
6. The existing masonry wall shall be constructed to be a minimum of 6 feet on the north and west property line.
7. The development shall comply with the Orange County Commercial Development, Architectural Design, and Landscaping Standards Ordinance.
8. The development shall comply with the Orange County Exterior Lighting Standards Ordinance.

- BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING, CONTINUED FROM JANUARY 9, FEBRUARY 13, MARCH 27, AND MAY 22, 2007

Applicant: Richard Daves, The Center for Drug-Free Living, Inc.  
 Case: Planning and Zoning Commission Case RZ-06-09-127, October 19, 2006  
 Consideration: Request to rezone from R-1A (Single-family Dwelling District) (1957) to NR (Neighborhood Residential)  
 Location: District 6; property located at 1402, 1418, 1420, and 1422 25th Street, generally described as the southwest corner of 25th Street and Nashville Avenue, east of Rio Grande Avenue; Parcel IDs 03-23-29-0180-48-010, 03-23-29-0180-48-030, 03-23-29-0180-48-060, 03-23-29-0180-48-070, and 03-23-29-0180-48-080; Section 03, Township 23, Range 29; Orange County, Florida (legal property description on file)

Staff announced this item has been withdrawn.

- MEETING ADJOURNED, 3:10 p.m.

There being no further business, the County Mayor adjourned the meeting.

ATTEST:

Martha O. Haynie  
 County Comptroller as Clerk

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 County Mayor

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

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