



## Interoffice Memorandum

DATE: October 4, 2016

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Community, Environmental and Development  
Services Department

CONTACT PERSON: **John Smogor, Chairman**  
**Development Review Committee**  
**Planning Division**  
**(407) 836-5616**

SUBJECT: October 18, 2016 – Public Hearing  
Appellant: David R. Lenox for Central Florida Investments, Inc.  
Applicant: Central Florida Investments, Inc.  
Sand Lake Resort Club PD / Westgate Lakes Phase 5B  
Amended Buildings 60 & 70 DP – Development Review  
Committee Appeal - Case # CDR-15-06-167

This public hearing is to consider an appeal of a Development Review Committee (DRC) decision from July 13, 2016 to rescind DRC actions of October 7, 2015 (approval of CDR-15-06-167) and September 12, 2012 (approval of CDR-12-09-179) due to lack of Agent Authorization for the entirety of the property within the Development Plan boundary.

A copy of the appellant's letter is attached.

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy will be available upon request in the DRC Office.

**ACTION REQUESTED:** Uphold the July 13, 2016 decision of the Development Review Committee to rescind the DRC actions October 7, 2015 (approval of CDR-15-06-167) and September 12, 2012 (approval of CDR-12-09-179) due to lack of Agent Authorization for the entirety of the property within the Development Plan boundary. District 1

JVW/JS/epr  
Attachments

**CASE # CDR-15-06-167**

Commission District # 1

**1. REQUEST**

This public hearing is to consider an appeal of a Development Review Committee (DRC) decision from July 13, 2016, to rescind DRC actions of October 7, 2015 (approval of CDR-15-06-167) and September 12, 2012 (approval of CDR-12-09-179) due to lack of Agent Authorization for the entirety of the property within the Development Plan (DP) boundary.

The original Sand Lake Resort Club PD / Westgate Lakes Resort Phase 5B Amended Buildings 60 & 70 Development Plan was recommended for approval (subject to a revised plan) by the DRC on October 22, 2008. This plan proposed the construction of two (2) buildings with a total of 148 resort rental / timeshare units. On September 12, 2012, DRC granted a non-substantial change to the DP under case number CDR-12-09-179 to swap the location of the buildings and relocate the retention pond to the middle of the site. On October 7, 2015, DRC approved a revised DP under case CDR-15-06-167 to reconfigure the site for 130 resort rental / timeshare units. At that time, DRC voided the CDR-12-09-179 plan through a condition of approval on CDR-15-06-167.

On February 9, 2016, the BCC considered an unrelated Substantial Change to the Sand Lake Resort Club PD (CDR-15-09-264) to add 107 resort rental / timeshare units and 10,000 square feet of commercial uses to the overall PD. At that time, William Corredor and Carlos Corredor appeared out of concern for their mother, Julieta Corredor, who owns a property (PID 11-24-28-7806-11-253) within Sand Lake Resort Club PD.

On April 27, 2016, Orange County Code Enforcement observed that the units immediately surrounding the Corredor parcel had been demolished without proper permits. At the request of the DRC Chairman, case CDR-15-06-167 returned to DRC for reconsideration on June 8, 2016, at which time representatives from the Corredor family and Central Florida Investments, Inc. were present for discussion. DRC established the fact that Central Florida Investments, Inc. did not own everything within the DP boundary, and that the applications for CDR-12-09-179 and CDR-15-06-167 only included Agent Authorization forms from Central Florida Investments, Inc. and not the Corredors. DRC then discussed three (3) options to cure the problems associated with the DP, which were as follows:

1. Central Florida Investments, Inc. could rebuild the Corredor unit so that it would be habitable, including a sidewalk, parking and landscaping.
2. Central Florida Investments, Inc. could purchase the unit.
3. Central Florida Investments, Inc. could provide the Corredors a replacement unit in Sonesta Village to the south.

At that time, the Corredors indicated that they would prefer the unit to be rebuilt. DRC continued the item to the June 22, 2016 DRC meeting to allow for further negotiations between the parties. At the June 22, 2016 DRC meeting, representatives from the Corredor family stated that they were not satisfied with any of the proposed solutions. DRC continued the item to the July 13, 2016 meeting to allow for further negotiations between the parties. At the July 13, 2016 meeting, the parties considered alternative remedies but could not reach an agreement. DRC then took action to rescind DRC actions of October 7, 2015 (approval of CDR-15-06-167) and September 12, 2012 (approval of CDR-12-09-179) due to lack of Agent Authorization for the entirety of the property within the Development Plan (DP) boundary.

Central Florida Investments, Inc. then appealed the DRC decision on July 20, 2016. The appellant's full appeal letter is attached to this report as backup.

## **2. PROJECT ANALYSIS**

- A. Location: South of West Sand Lake Road / West of Turkey Lake Road
- B. Parcel ID: 11-24-28-0000-00-017; 02-24-28-0000-00-025;  
02-24-28-0000-00-027; 11-24-28-7806-00-001;  
02-24-28-0000-00-029;  
Sand Lake Village Condo Section 1 / Phase 3  
(OR BK 10 / PG 19)
- C. Total Acres: 9.91
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. Parks: N/A
- H. Use: 130 Resort Rental / Timeshare Units
- I. Site Data: Maximum Building Height: 100' (10-stories)  
Building Setbacks:  
40' Turkey Lake Road ROW  
50' NHWE  
25' Side  
25' PD Perimeter
- J. Fire Station: 54 – 6500 Central Florida Parkway

- K. Transportation: Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

### **3. COMPREHENSIVE PLAN**

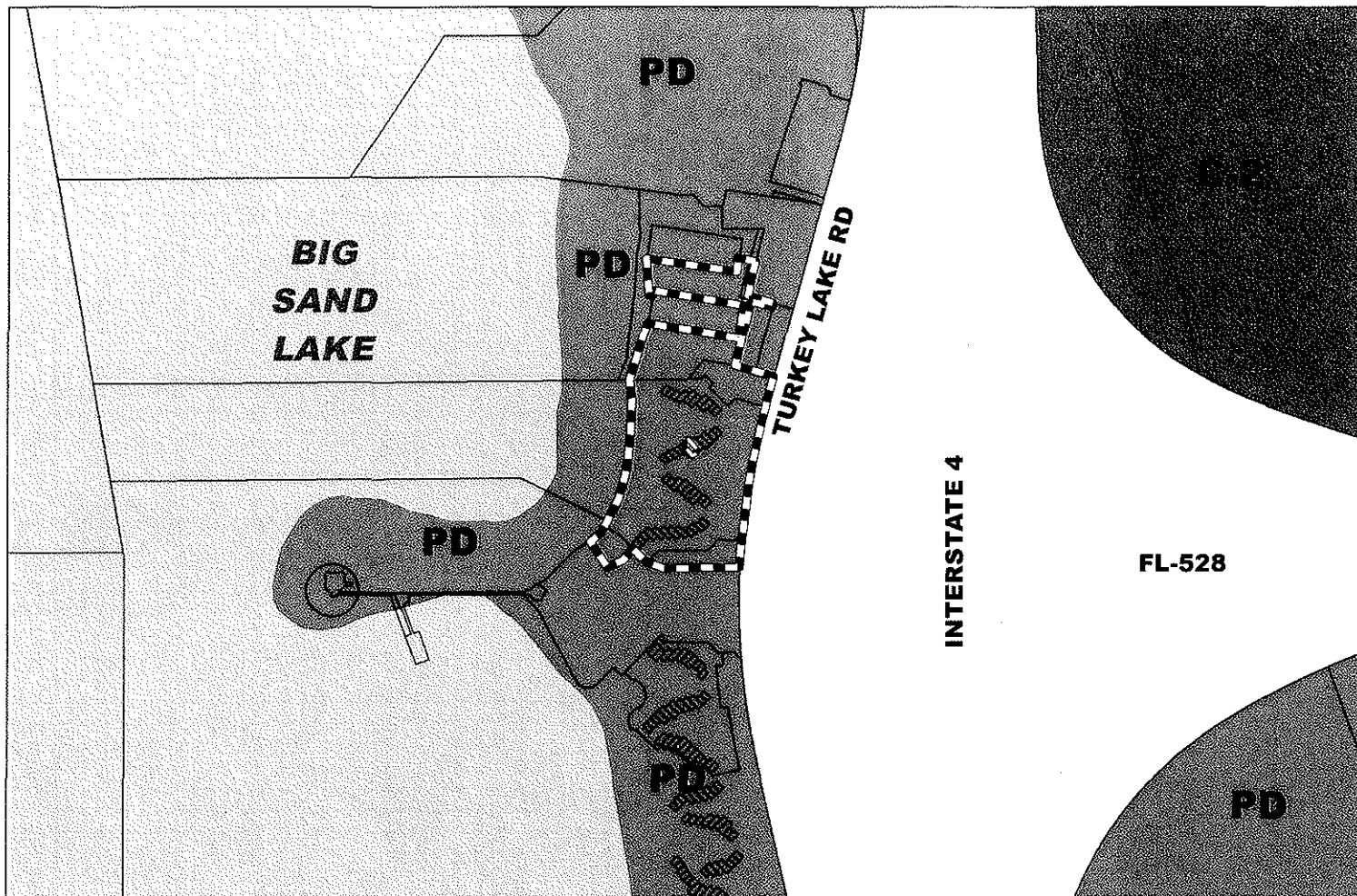
The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) and it is zoned PD (Sand Lake Resort Club PD). The Sand Lake Resort Club PD was approved prior to the 1991 adoption of the County's first Future Land Use Map (FLUM). Per Future Land Use policy FLU8.1.5, the location of Planned Developments (PDs) within the Urban Service Area that have been approved as of the date of adoption of the 1991 CPP shall be considered consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (Sand Lake Resort Club PD)

### **5. REQUESTED ACTION:**

Uphold the July 13, 2016 decision of the Development Review Committee to rescind DRC actions of October 7, 2015 (approval of CDR-15-06-167) and September 12, 2012 (approval of CDR-12-09-179) due to lack of Agent Authorization for the entirety of the property within the Development Plan (DP) boundary.



Subject Property



Subject Property

## Zoning

**ZONING:** PD (Planned Development District)  
(Sand Lake Resort Club PD)

**APPELLANT:** David R. Lenox for Central Florida  
Investments, Inc.

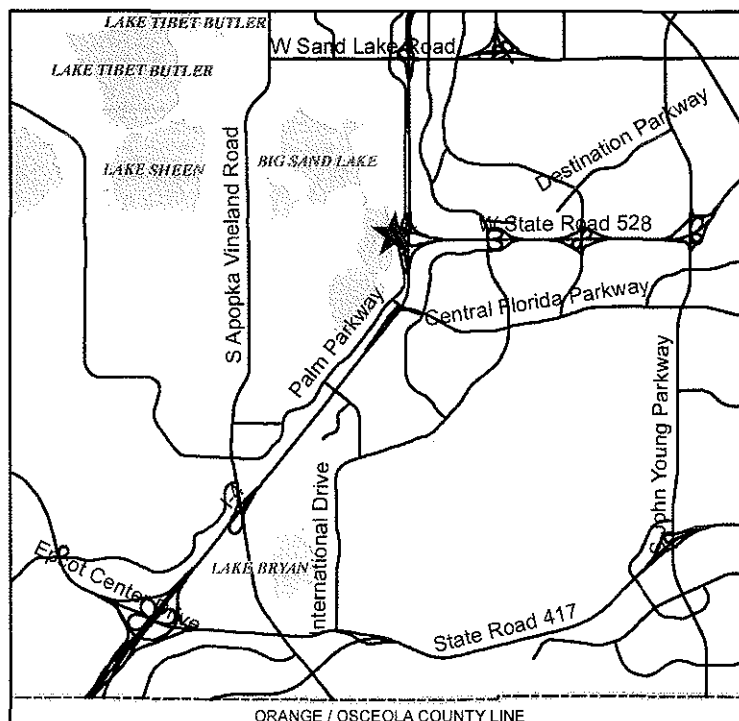
**LOCATION:** West of Turkey Lake Rd. /  
North of FL-528 East Terminus

**TRACT SIZE:** 9.91 acres

**DISTRICT:** #1

**S/T/R:** 11/24/28; 02/24/28

1 inch = 500 feet





# GreenspoonMarder

From the desk of:  
David R. Lenox, Esq.  
Capital Plaza I, Suite 500  
201 East Pine Street  
Orlando, Florida 32801-2718  
Phone: 407.425.6559  
Fax: 407.422.6583  
Email: david.lenox@gmlaw.com

July 20, 2016

## VIA HAND DELIVERY

Mr. John Smogor  
Chairman  
Development Review Committee  
Orange County Public Works  
201 S. Rosalind Avenue  
Orlando, FL 32801

RECEIVED

JUL 21 2016

CEDS

DRC OFFICE

Re: Appeal of DRC Decisions relating to Westgate Lakes Resort Phase 5B (Buildings 60 and 70) Development Plan (CDR-16-06-207-District 1)

Dear Mr. Smogor:

Please consider this letter as an amendment to our Notice of Appeal to you dated July 15, 2016.

This firm has the privilege of representing Westgate Resorts and Central Florida Investments, Inc. This letter constitutes an appeal of the decision of the DRC relating to the item depicted under "Tab 1" in which the DRC rescinded the original Development Plan for the project referenced above. A copy of the meeting Agenda is attached as Exhibit "1".

It is our position that rescission was unwarranted as there was no evidence proffered that applicant engaged in a course of action to intentionally mislead the County concerning ownership of the real property comprised in the Development Plan. The standard of review by DRC should be one of an intentional omission as opposed to negligent omission or oversight in light of the severe economic consequences of halting work on a \$25,000,000 construction project. The failure of the DRC to conduct an evidentiary inquiry into the nature of the omission on the original Site Plan constitutes a deprivation of the applicant's right to due process.

Moreover, the County was aware as of the BCC meeting on February 9, 2016, that the adjoining landowner, the Corredor family, were notifying the County that they still owned a parcel located within the applicant's land comprising the Development Plan. Both William Corredor and Carlos Corredor on behalf of the Corredor family appeared at the Commission meeting. William Corredor specifically advised the Board "my mother has a property right in the middle of this project" (BCC video at 2:27). Westgate representative Jim Hall then showed the Board on an aerial photograph of the project the location of the Corredor unit (BCC video at 4:38) and commented that the two Westgate buildings permitted are near the Corredor unit (BCC video at 3:56). The Corredors expressed no objection and made no request for the Development Plan to be rejected and thereafter the development was approved and building permits issued.

Boca Raton | Denver | Ft. Lauderdale | Las Vegas | Miami | Miami Beach | Naples | New York  
Orlando | Port St. Lucie | San Diego | Tallahassee | Tampa | West Palm Beach

Mr. John Smogor  
July 20, 2016  
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In reliance therein, Westgate then incurred substantial financial and legal obligations, including a \$20,082,369 construction contract, \$3,421,207 in site work, \$334,705.13 in permit/impact fees and wastewater connection fees that will total \$294,448. In the balance hang the jobs of dozens of workers, skilled tradesmen and subcontractors.

In the absence of an intentional effort to mislead the County as to agent authority, the rescission of the original Development Plan was unwarranted. Consequently please consider this letter as an appeal to the Board of County Commissioners of the subject DRC decision.

Very truly yours,

GREENSPOON MARDER, P.A.

A handwritten signature in dark ink, appearing to read "David R. Lenox", is written over the typed name.

David R. Lenox  
For the Firm

Enclosure(s)  
DRL/alx

Cc: Mr. David A. Siegel



**APPROVED MEETING MINUTES  
JULY 13, 2016**

**ALL PROJECTS**

**1. CDR-15-06-167 – DISTRICT 1  
SAND LAKE RESORT CLUB PD / WESTGATE LAKES RESORT PHASE 5B AMENDED  
BUILDINGS 60 & 70 DP**

Present for discussion was Erika Hughes. Representing the property owner were Carlos Corredor, William Corredor, and Brent Siegel. Representing Westgate Resorts were David Lenox, Bryon Smith, and Alma Smailbegovic. Also present were Joel Prinsell, County Attorney's Office, and Whitney Evers, County Attorney's Office.

This item was continued from the June 22, 2016, and June 8, 2016, DRC meetings in order for the applicant to continue to work with the Corredors regarding the various options.

During today's meeting, it was stated that the two parties held a phone conference to further discuss possible solutions and have not been able to come to an agreement. Westgate's latest proposal to the Corredors is to reposition the unit on the property, viewing the lake, and to refurbish it to Mrs. Corredor's satisfaction.

After much discussion regarding the options that were presented, the Chair tabled this item and directed the two parties to meet outside, and return to the DRC meeting with a settlement. *No action was taken at this time and this item reconvened later in the meeting.*

(Note: This item reconvened after Tab 10.)

Upon return, Westgate stated that an offer of a cash component to rebuild the unit was presented, but a positive response was not received from the Corredors. Although both parties agreed that some progress has been made, an agreement has not been established at this time.

Legal advised the members of DRC that they may either take no action or take a vote on the Motion to Rescind the previous DRC actions of approval from October 7, 2015, and September 12, 2012.

***MOTION by Joe Kunkel, seconded by Carol Hossfield, TO RESCIND THE PREVIOUS DRC ACTIONS OF OCTOBER 7, 2015 (APPROVAL OF CDR-15-06-167), AND SEPTEMBER 12, 2012 (APPROVAL OF CDR-12-09-179).***

***MOTION CARRIED.***

## **APPROVED MEETING MINUTES**

**JUNE 22, 2016**

### **ALL PROJECTS**

**1. CDR-15-06-167 – DISTRICT 1**  
**SAND LAKE RESORT CLUB PD / WESTGATE LAKES RESORT PHASE 5B AMENDED**  
**BUILDINGS 60 & 70 DP**

Present for discussion were Erika Hughes and Jim Hall. Representing the property owner were William Corredor, and Brent Siegel. Representing Westgate Resorts, were David Lenox and Alma Smailbegovic. Also present were Joel Prinsell, County Attorney's Office, Roberta Alfonso, County Attorney's Office, Jon Weiss, CEDS, Alan Plante, Division of Building Safety, and Brad Campbell, Code Enforcement.

This item was continued from the June 8, 2016, DRC meeting in order for the applicant to meet with the property owner of 10200 Turkey Lake Road, Building 11 ( Unit B53 – Julieta Corredor), to come up with possible solutions for replacing the Corredor's condo unit.

During today's meeting, the applicant stated they met with the Corredors and proposed to demolish the remainder of the building and construct a brand new unit.

Discussion ensued regarding the options that were presented at the last DRC meeting as the Corredors' were not satisfied with the possible solutions. The applicant was directed to work with the Corredors to come to a solution, and to submit an "After the Fact" Exterior Alteration Permit. The attorney for the Corredors submitted a handout to the members of the DRC and stated that there are major concerns with the proposed setbacks and the location of the unit.

***MOTION by Carol Hossfield, seconded by Alberto Vargas, TO CONTINUE THIS ITEM UNTIL THE JULY 13, 2016 DRC MEETING, in order for the applicant to continue to work with the Corredors regarding the various options.***

***MOTION CARRIED.***

**2. CDR-16-01-001 – DISTRICT 1**  
**LAKE AUSTIN PD / LAKE AUSTIN PRESERVE CONDOMINIUMS DP**

Present for discussion were Kevin Mays, David Perry, and Santiago Machado. Tammi Chami, presented the request to DRC.

On April 27, 2016, DRC took action on this development plan and made it subject to approval of the change determination request to the Lake Austin PD Land Use Plan receiving BCC approval, prior to placing this item on the DRC Consent for final approval.

**APPROVED MEETING MINUTES  
JUNE 8, 2016**

approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.

Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated.

Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

***MOTION CARRIED.***

**8. CDR-15-06-167- DISTRICT 1  
SAND LAKE RESORT CLUB PD / WESTGATE LAKES RESORT PHASE 5B AMENDED  
BUILDINGS 60 & 70 DP**

Present for discussion were Erika Hughes, Jim Hall, Alma Smailbegovic. Representing the property owner were Carlos Corredor, William Corredor, and Brent Siegel. Representing Westgate Resorts, was David Lenox.

Discussion ensued regarding the partial demolition of Building 11 (Unit B53) without a demolition permit. Westgate proposed three (3) options:

1. Rebuild the unit so it is habitable, including sidewalk, parking, and landscaping
2. Buy the unit
3. Give the Corredors another unit in another section of Sonesta Village to the south

Discussion ensued regarding which option the Corredors preferred; they indicated they would like the unit rebuilt.

Westgate was advised that they need to obtain an after the fact permit for the unauthorized demolition; specifically they will need an exterior alteration permit.

It was the consensus of the DRC to continue this item to the June 22, 2016, DRC meeting in order for the applicant to meet with the property owner of 10200 Turkey Lake Road, Building 11 ( Unit B53 – Julieta Corredor). *No action taken.*

**9. DP-16-01-024- DISTRICT 6  
UNIVERSAL BOULEVARD (AKA U.S.I. SOUTH CAMPUS) PD / ANDRETTI INDOOR  
CARTING AND GAMES DP**

Present for discussion were Angel de la Portilla, Stan Manusso, Eddie Hammon and Jay Jackson. Jason Sorensen the Project Manager, presented the TRG Summary Report to DRC.

**APPROVED MEETING MINUTES  
OCTOBER 7, 2015**

The applicant is requesting a change determination to approve 29 model homes within the Oaks at Moss Park Community (Parcel N).

There was discussion regarding delays with plat approval due to applicant's failure to convey rights-of-way to Orange County.

***MOTION by Art Interiano, seconded by Andres Salcedo, TO APPROVE A NON-SUBSTANTIAL CHANGE TO THE PREVIOUSLY APPROVED MOSS PARK PD / WESTERN PORTION OF PARCEL N PSP TO ALLOW A TOTAL OF 14 MODEL HOMES (PHASE 1) IN THE OAKS AT MOSS PARK COMMUNITY (PARCEL N).***

***MOTION CARRIED.***

**14. CDR-15-09-284- DISTRICT 4  
WORLD DESIGN CENTER PD / WORLD DESIGN CENTER PSP**

Present for discussion was John Florio.

The applicant is requesting a one-year extension to the Construction Plans. At this time DRC is not opposed to the request but not until the lot grading issue on John Young Parkway is resolved.

***MOTION by Joe Kunkel, seconded by Andres Salcedo, TO CONTINUE THIS ITEM.***

***MOTION CARRIED.***

**15. CDR-15-06-167- DISTRICT 1  
SAND LAKE RESORT CLUB PD / WESTGATE LAKES RESORT PHASE 5B  
AMENDED BUILDINGS 60 & 70 DP**

Present for discussion were Dan Hayes, and Bryon Smith. Sean Bailey, the Project Manager, presented this case to DRC.

The applicant requested a change determination to modify the DP for a different site layout including building shifts, parking and stormwater design to include 130 timeshare units.

Previously approved development plan shall be voided with this approval.

***MOTION by Art Interiano, seconded by Joe Kunkel, TO APPROVE THE WESTGATE LAKES RESORT PHASE 5B AMENDED BUILDINGS 60 & 70 DEVELOPMENT PLAN DATE STAMPED "RECEIVED SEPTEMBER 3, 2015," subject to the following conditions of approval, and to place this item on the DRC Consent Agenda for final approval.***

**APPROVED MEETING MINUTES  
OCTOBER 7, 2015**

1. Development shall conform to the Planned Development; Orange County Board of County Commissioners (BCC) approvals; Development Plan dated "September 3, 2015"; and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
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. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
5. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater and reclaimed water systems have been designed to support all hydraulically connected development within the PD.
6. Approval of this DP shall void the previously approved DP dated "Received November 25, 2013."
7. Length of stay shall not exceed 179 days.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.

***MOTION CARRIED.***

**APPROVED MEETING MINUTES  
SEPTEMBER 12, 2012**

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.

- c) The Developer, or its successor(s) an/or assign(s) under the Capacity Enhancement Agreement, 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 the developer's rights.
  - d) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the Developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e) 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.
- 8) The cross-section for Seidel Road is not approved with this plan. The final cross-section shall be designed to be pedestrian-oriented, with a maximum speed limit of thirty (30) miles per hour. The final design speed shall be reviewed and approved by the County Engineer.

**8. SAND LAKE RESORT CLUB PD/WESTGATE LAKES RESORT PHASE 5B AMEND BLDGS 60 & 70 DP**

Present for discussion were Tony Reddick and Bryan Smith. A change determination was requested to the previously approved Westgate Lakes Resort Phase 5B Bldgs 60 & 70 DP to swap the buildings and relocate the pond to the middle of the property. When asked by the County Environmental Protection Division if this modification would require any wetland encroachment, the applicant stated that it did not impact the wetland.

***MOTION by Tammi Chami seconded by Olan Hill FOR THE APPROVAL OF A NON-SUBSTANTIAL CHANGE TO THE PREVIOUSLY APPROVED SAND LAKE RESORT CLUB PD/WESTGATE LAKES RESORT PHASE 5B AMEND BLDGS 60 & 70 DEVELOPMENT PLAN TO SWAP THE BUILDINGS AND TO RELOCATE THE RETENSION POND TO THE MIDDLE OF THE SITE subject to the approval of the revised plan submitted as backup dated received September 7, 2012.***

***MOTION CARRIED***

**9. CDR-12-04-071- DISTRICT 1  
LAKE REAMS NEIGHBORHOOD PD/SHARPE PROPERTY PSP**

Present for discussion were Tom Sullivan, Lance Bennett and Nick Gargas. This item was continued on April 11, 2012, June 27, 2012 and August 22, 2012 in order for the owners of the other Phases of the PSP to attend the DRC meeting to resolve the outstanding issue regarding who is responsible for the widening of Reams Road from Delmar Avenue south to the edge of the Lake Reams Neighborhood PD/Sharpe Property PSP. During today's meeting the County Engineer added a Condition of Approval which stated "***Prior to platting of any portion of Phases 2, 3, 4 or 5B and any subsequent phases of the PSP, a separate Road Agreement, Developer's Agreement or Capital Improvement Project must be approved by the Board of***