

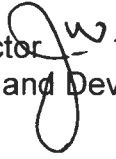


Interoffice Memorandum

AGENDA ITEM

DATE: September 28, 2020

TO: Mayor Jerry L. Demings  
—AND—  
Board of County Commissioners

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

**CONTACT PERSON: Eric Raasch, DRC Chairman  
Development Review Committee  
Planning Division  
(407) 836-5523**

SUBJECT: October 27, 2020 — Consent Item  
Request for Rescission of the Development Order for Greenway  
Park Development of Regional Impact  
Case #DO-20-07-195 / District 4

The Greenway Park Development of Regional Impact and Development Order was originally approved by the Board on August 2, 2005, and is generally located south and east of Boggy Creek Road, and north and south of State Road 417.

Pursuant to Section 380.115, Florida Statutes, if a development which has received a development-of-regional-impact ("DRI") development order is no longer required to undergo DRI review by operation of law, then "[i]f requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), if such permit or authorization is subject to enforcement through administrative or judicial remedies

Orange County, Florida, meets the criteria for a dense urban land area ("DULA") pursuant to Section 380.0651(3), Florida Statutes, and is identified as a DULA on the State of Florida list of qualifying communities published by the Florida Department of Economic Opportunity. Due to its location within a DULA, the Greenway DRI is exempt from further DRI review pursuant to Section 380.0651(3), Florida Statutes

Per the "Request for Rescission" of the Development Order for the Greenway Park DRI, the applicant indicated that all required mitigation related to the amount of existing development has been completed, and that no unmitigated development exists. The applicant also submitted a Change Determination Request (CDR) to amend the Lake Bryan Planned Development / Land Use Plan (PD/LUP), by incorporating conditions from

On September 23, 2020, the Orange County Development Review Committee recommended approval of the "Request for Rescission" of the Development Order for the Greenway Park DRI.

**ACTION REQUESTED: Approval and execution of Order approving the rescission of the Development Order for the Greenway Park Development of Regional Impact.  
District 4**

Attachments  
JWW/EPR/nt

BCC Mtg. Date: October 27, 2020

THIS INSTRUMENT WAS PREPARED BY  
AND SHOULD BE RETURNED TO:

Christopher P. Roper, Esq.  
Akerman LLP  
Post Office Box 231  
Orlando, FL 32802

**ORDER APPROVING THE RESCISSION OF  
THE DEVELOPMENT ORDER FOR THE GREENEWAY PARK  
DEVELOPMENT OF REGIONAL IMPACT**

THIS ORDER APPROVING THE RESCISSION OF THE DEVELOPMENT ORDER FOR THE GREENEWAY PARK DEVELOPMENT OF REGIONAL IMPACT (the "Order") is issued by **ORANGE COUNTY, FLORIDA**, a political subdivision of the State of Florida (the "County"), whose address is P.O. Box 1393, Orlando, Florida 32802-1393.

**FACTUAL BACKGROUND**

1. The original development order (the "Original Development Order") for the Greenway Park Development of Regional Impact, f/k/a, the Ginn Property Development of Regional Impact (the "Greenway Park DRI") was approved by the Orange County Board of County Commissioners (the "County Commission") on July 9, 2002.
2. The Original Development Order was amended as follows by approval of the County Commission: (i) on August 2, 2005, as evidenced by that certain First Amended and Restated Development Order for Ginn Property Development of Regional Impact recorded August 8, 2005, in Official Records Book 8113, Page 1679, of the Public Records of Orange County, Florida (the "Public Records"); (ii) on November 27, 2007, as evidenced by that certain First Amendment to the First Amended and Restated Development Order for Ginn Property Development of Regional Impact recorded November 29, 2007, in Official Records Book 9518, Page 1332 of the Public Records; (iii) on April 28, 2009, as evidenced by that certain Second Amendment to the First Amended and Restated Development Order for Ginn Property (a.k.a Greenway Park) Development of Regional Impact recorded May 4, 2009, in Official Records Book 9866, Page 9460 of the Public Records; (iv) on January 7, 2014, as evidenced by that certain Third Amendment to the First Amended and Restated Development Order for Greenway Park Development of Regional Impact recorded February 3, 2014, in Official Records Book 10697, Page 0698 of the Public Records; (v) on November 13, 2018, as evidenced by that certain Fourth Amendment to the First Amended and Restated Development Order for Greenway Park Development of Regional Impact recorded December 5, 2018, at Document # 20180701957 of the Public Records; and (vi) on July 28, 2020, as evidenced by that certain Fifth Amendment to the First Amended and Restated Development Order for Greenway Park Development of Regional Impact recorded August 11, 2020, at Document # 20200423929 of the Public Records (the Original Development Order, as amended, is hereafter referred to as the "Development Order").
3. Pursuant to Section 380.115, Florida Statutes, if a development which has received a development-of-regional-impact ("DRI") development order is no longer required to

undergo DRI review by operation of law, then "[i]f requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), if such permit or authorization is subject to enforcement through administrative or judicial remedies."

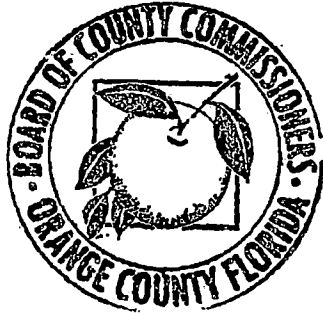
4. Orange County, Florida, meets the criteria for a dense urban land area ("DULA") pursuant to Section 380.0651(3), Florida Statutes, and is identified as a DULA on the State of Florida list of qualifying communities published by the Florida Department of Economic Opportunity. Due to its location within a DULA, the Greenway DRI is exempt from further DRI review pursuant to Section 380.0651(3), Florida Statutes.
5. Greenway Park DRI, LLC, a Florida limited liability company, as successor in interest to Ginn-LA Airport LTD., LLP, a Georgia limited liability limited partnership ("Developer"), is the developer of property within the Greenway Park DRI, which encompasses those lands described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
6. A Request for Rescission of the Development Order (the "Request") dated July 20, 2020, was submitted to the County on behalf of the Developer, which provided documentation that all required mitigation related to the amount of existing development within the Greenway Park DRI has been completed.
7. Based on the information contained in the Request, the County has confirmed that all required mitigation related to the amount of existing development within the Greenway Park DRI has been completed.
8. The Ginn Property PD (now known as Greenway Park DRI / PD) will govern future development of the Property.
9. The Greenway Park DRI is the subject of vested rights determinations, including (i) Concurrency Vested Rights Certificate issued by the County on May 10, 2005, and (ii) School Concurrency Vested Rights Certificate Number 09-014 issued by the County on March 20, 2009 (collectively, the "Vested Rights Certificates"). Nothing in this Order shall cause the expiration, divestiture, or modification of any vested rights for the project, including, without limitation, those recognized in the Vested Rights Certificates; provided such rights have vested in the project as of the date of rescission.
10. This Order may be recorded in the Public Records at the Developer's expense.

### **RESCISSION OF DEVELOPMENT ORDER**

Based on the information contained herein, the County hereby rescinds the Development Order for the Greenway Park DRI.

The Ginn Property PD (now known as Greenway Park DRI / PD), as amended from time to time, shall govern the development of the Property, which was subject to the Development Order for the Greenway Park DRI prior to this Order.

ADOPTED THIS \_\_\_\_\_ DAY OF OCT 27 2020, 202\_\_.



**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings,  
Orange County Mayor

ATTEST: Phil Diamond, CPA, Orange  
County Comptroller and Clerk to  
the Board of County Commissioners

By: *Katie Smith*  
Deputy Clerk

CERTIFICATE OF SERVICE

A certified copy of this Order Approving Rescission of the Greenway Park DRI Development Order has been sent by U.S. Mail to the Florida Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Caldwell Building, MSC 160, Tallahassee, FL 32399 and to the East Central Florida Regional Planning Council at 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, FL 32701 this \_\_\_\_\_ day of

— OCT 29 2020 —, 202\_\_.

*Katie Smith*  
County Clerk

**EXHIBIT A**

Lot 2, GINN-AIRPORT, according to the plat thereof, as recorded in Plat Book 55, Pages 44 through 49, LESS AND EXCEPT:

(A) All of the plat of J LAWSON BOULEVARD, according to the plat thereof, as recorded in Plat Book 58, Pages 64 through 68.

(B) That part deeded to D.R. Horton, Inc. in that certain Special Warranty Deed recorded December 6, 2002, in Official Records Book 6693, Page 3100.

(C) That part deeded to Orange County, Florida, in that certain Special Warranty Deed recorded August 11, 2004 in Official Records Book 7570, Page 4831.

(D) That part deeded to Spano & Associates, Inc. in that certain Special Warranty Deed recorded February 9, 2005 in Official Records Book 7821, Page 3389.

(E) That part deeded to D.R. Horton, Inc. in that certain Special Warranty Deed recorded September 23, 2005 in Official Records Book 8209, Page 3627, all in the Public Records of Orange County, Florida.

AND:

Tracts PD-1 (Retention Area), PD-2 (Retention Area), PD-3 (Retention Area), and PD-4 (Retention Area) of J LAWSON BOULEVARD, according to the plat thereof, as recorded in Plat Book 58, Pages 64 through 68, in the Public Records of Orange County, Florida.

AND:

Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Tract R-1, Tract R-2, Tract R-3 and Tract R-4, BEACON PARK BOULEVARD, according to the plat thereof, as recorded in Plat Book 71, Pages 145 through 149 of Public Records of Orange County, Florida.

AND:

A PORTION OF LOT 1, GINN-AIRPORT AS RECORDED IN PLAT BOOK 55, PAGES 44 THROUGH 49, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 24 SOUTH, RANGE 30 EAST, ALSO BEING THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 24 SOUTH, RANGE 30 EAST, THENCE SOUTH 89°49'23" WEST ALONG THE SOUTH LINE

OF SAID SOUTHEAST 1/4 OF SAID SECTION 29, A DISTANCE OF 2,652.01 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE SOUTH 89°42'59" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 29, A DISTANCE OF 2,669.45 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE NORTH 00°10'46" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 1,781.56 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 417 (CENTRAL FLORIDA GREENEWAY); THENCE DEPARTING SAID WEST SECTION LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING 16 COURSES, SOUTH 85°46'28" EAST, A DISTANCE OF 1,155.95 FEET; THENCE SOUTH 78°22'03" EAST, A DISTANCE OF 1,008.41 FEET; THENCE SOUTH 59°12'34" EAST, A DISTANCE OF 111.80 FEET; THENCE SOUTH 75°05'26" EAST, A DISTANCE OF 161.81 FEET; THENCE SOUTH 85°46'28" EAST, A DISTANCE OF 140.99 FEET; THENCE NORTH 44°01'52" EAST, A DISTANCE OF 156.20 FEET; THENCE NORTH 85°41'41" EAST, A DISTANCE OF 404.47 FEET; THENCE NORTH 89°42'42" EAST, A DISTANCE OF 381.18 FEET; THENCE SOUTH 04°13'32" WEST, A DISTANCE OF 355.00 FEET; THENCE SOUTH 85°04'33" EAST, A DISTANCE OF 820.06 FEET; THENCE NORTH 04°13'32" EAST, A DISTANCE OF 355.00 FEET; THENCE SOUTH 84°34'04" EAST, A DISTANCE OF 95.04 FEET; THENCE SOUTH 83°51'55" EAST, A DISTANCE OF 60.03 FEET; THENCE SOUTH 83°42'55" EAST, A DISTANCE OF 445.29 FEET; THENCE NORTH 85°41'44" EAST, A DISTANCE OF 202.23 FEET; THENCE SOUTH 83°29'03" EAST, A DISTANCE OF 380.19 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 04°13'19" WEST, A DISTANCE OF 9.80 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,612.00 FEET, A CENTRAL ANGLE OF 08°05'10" AND A CHORD DISTANCE OF 227.31 FEET WHICH BEARS SOUTH 00°10'44" WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 227.50 FEET; THENCE SOUTH 86°29'29" WEST, A DISTANCE OF 10.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,622.00 FEET, A CENTRAL ANGLE OF 07°30'54" AND A CHORD DISTANCE OF 212.59 FEET WHICH BEARS SOUTH 07°37'10" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 212.74 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 86°31'31" AND A CHORD DISTANCE OF 34.27 FEET WHICH BEARS SOUTH 31°53'09" WEST, THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 37.75 FEET; THENCE SOUTH 75°08'54" WEST, A DISTANCE OF 16.34 FEET TO A POINT OF CURVATURE OF A NONTANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,662.00 FEET, A CENTRAL ANGLE OF 03°26'53" AND A CHORD DISTANCE OF 100.00 FEET WHICH BEARS SOUTH 13°59'44" EAST, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 100.02 FEET; THENCE NORTH 75°08'54" EAST, A DISTANCE OF 15.57 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE 88°15'15" AND A CHORD DISTANCE OF 34.81 FEET WHICH BEARS SOUTH 60°43'29" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.51 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,622.00 FEET, A CENTRAL ANGLE OF

00°09'13" AND A CHORD DISTANCE OF 4.35 FEET WHICH BEARS SOUTH 16°40'27" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 4.35 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1,504.00 FEET, A CENTRAL ANGLE OF 10°58'10" AND A CHORD DISTANCE OF 287.51 FEET WHICH BEARS SOUTH 11°15'59" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 287.95 FEET; THENCE SOUTH 05°46'54" EAST, A DISTANCE OF 93.25 FEET; THENCE NORTH 84°13'06" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 05°46'54" EAST, A DISTANCE OF 86.81 FEET; THENCE SOUTH 02°59'35" EAST, A DISTANCE OF 136.22 FEET; THENCE SOUTH 00°12'16" EAST, A DISTANCE OF 151.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SECTION 28-24-30; THENCE SOUTH 89°46'42" WEST, ALONG SAID SOUTHERLY SECTION LINE A DISTANCE OF 249.73 FEET TO THE POINT OF BEGINNING.

AND:

(SOURCE OFFICIAL RECORDS BOOK 9560, PAGE 2049, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 24 SOUTH, RANGE 30 EAST, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; GO THENCE NORTH 89°13'39" EAST, ALONG THE NORTH LINE OF SAID SECTION, 2723.29 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°13'39" EAST, 658.51 FEET; THENCE GO SOUTH 01°45'45" EAST 330.15 FEET, THENCE GO SOUTH 89°13'39" WEST 661.52 FEET; THENCE GO NORTH 01°13'35" WEST 330.15 FEET TO THE POINT OF BEGINNING.

LESS:

(SOURCE SOUTHEASTERN SURVEYING AND MAPPING CORPORATION BOUNDARY SURVEY DRAWING NUMBER 59493002, DATED JULY, 2018 WITH A REVISION DATE OF 8/16/18)

A PORTION OF LOT 2, GINN - AIRPORT ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 55, PAGES 44 THROUGH 49, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT NORTHWEST CORNER OF TRACT PD-4, J LAWSON BOULEVARD PER THE PLAT THEREOF RECORDED IN PLAT BOOK 58, PAGES 64 THROUGH 68, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTH LINE OF TRACT 1, LA CASCADA PHASE 1 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 58, PAGES 101 THROUGH 111. PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE SOUTH 89°50'32" WEST, A DISTANCE OF 27.88 FEET ALONG THE SOUTH LINE OF SAID TRACT 1 TO A POINT ON THE EAST LINE OF SAID LA CASCADA PHASE 1; THENCE ALONG SAID EAST



LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES, SOUTH 00°09'42" EAST, A DISTANCE OF 110.00 FEET, THENCE SOUTH 00°28'24" WEST, A DISTANCE OF 228.29 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE SOUTH 89°31'36" EAST, A DISTANCE OF 30.38 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT PD-4; THENCE ALONG SAID SOUTH LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES : SOUTH 85°15'33" EAST, A DISTANCE OF 87.71 FEET; THENCE NORTH 69°09'31" EAST, A DISTANCE OF 236.84 FEET; THENCE NORTH 81°35'24" EAST, A DISTANCE OF 185.43 FEET; THENCE SOUTH 89°31'26" EAST, A DISTANCE OF 92.69 FEET; THENCE SOUTH 74°57'37" EAST, A DISTANCE OF 67.44 FEET; THENCE SOUTH 69°27'59" EAST, A DISTANCE OF 144.54 FEET; THENCE SOUTH 62°06'53" EAST, A DISTANCE OF 193.12 FEET; THENCE SOUTH 62°05'26" EAST, A DISTANCE OF 453.05 FEET; THENCE SOUTH 76°10'18" EAST, A DISTANCE OF 118.97 FEET; THENCE NORTH 89°54'18" EAST, A DISTANCE OF 681.97 FEET; THENCE DEPARTING SAID SOUTH LINE SOUTH 15°41'37" EAST, A DISTANCE OF 1056.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF J LAWSON BOULEVARD AS SHOWN ON SAID PLAT OF J LAWSON BOULEVARD, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 6117.05 FEET AND A CENTRAL ANGLE OF 05°53'00"; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING SIX (6) COURSES AND DISTANCES, THENCE FROM A TANGENT BEARING SOUTH 73°09'52" WEST, WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 628.13 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 670.00 FEET, A CENTRAL ANGLE OF 56°25'17" AND A CHORD BEARING OF NORTH 72°43'24" WEST; THENCE FROM A TANGENT BEARING SOUTH 79°03'58" WEST, WESTERLY, A DISTANCE OF 659.78 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 44°30'45" WEST, A DISTANCE OF 279.70 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 770.00 FEET AND A CENTRAL ANGLE OF 45°40'50"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 613.90 FEET TO A POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 89°48'25" WEST, A DISTANCE OF 489.59 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°39'59"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.56 FEET TO A POINT ON THE EAST LINE OF SAID LA CASCADA PHASE I ALSO BEING THE EAST RIGHT OF WAY LINE OF VICTORIA FALLS DRIVE, THENCE NORTH 00°28'24" EAST, A DISTANCE OF 821.15 FEET ALONG SAID EAST LINE AND SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

TOGETHER CONTAINING 1368.056 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RIGHTS-OF-WAY, RESTRICTIONS AND EASEMENTS OF RECORD.