

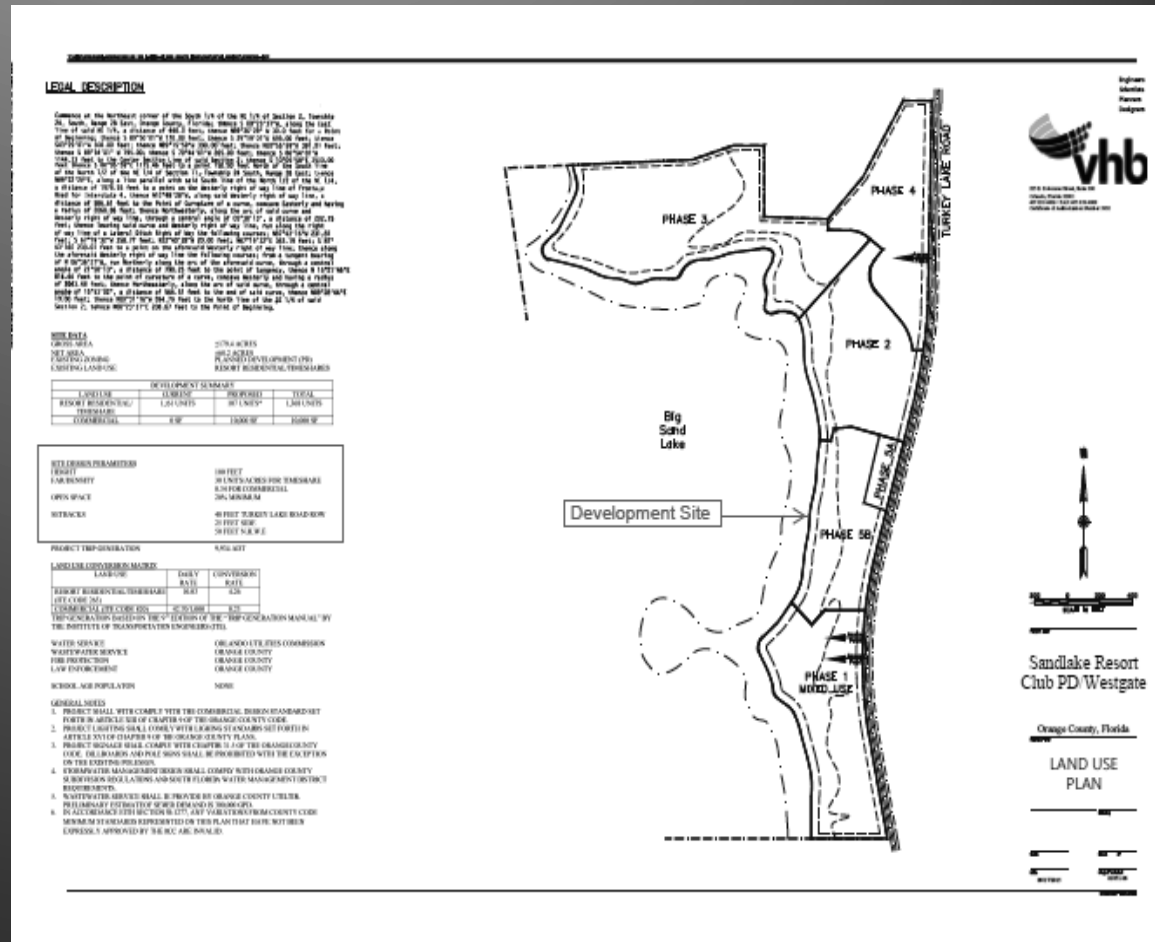
# Sand Lakes Resort Development

## Westgate Lakes Phase 5B


Response to the Corredor Family's  
Appeal to Development Plan (CDR-  
16-06-207)

- Development of Westgate Lakes Phase 5B is within the Sand Lake Resort Club PD approved in 1973.

- Since 1973, the PD has been amended 10 times.



# Sand Lake Resort PD




**Sand Lake Resort Club PD**  
Westgate Lakes Resort  
Orange County, Florida  
CDR - 15-09-264

**Parcel ID:**  
02-24-28-0000-00-025; 02-24-28-0240-99-999; 02-24-28-0250-99-999;  
02-24-28-0250-99-999; 02-24-28-0250-00-002; 02-24-28-0000-00-003;  
02-24-28-0250-99-999; 02-24-28-0000-00-027; 02-24-28-0000-00-029;  
11-24-28-7806-00-001; 11-24-28-7804-00-001; 11-24-28-7803-00-001;  
11-24-28-0000-00-017; 11-24-28-0000-00-023; 11-24-28-0000-00-026

**Property Owners**

**Client:**  
Central Florida Development  
Westgate Resorts  
1601 Westgate Drive  
Orlando, FL 32818

**Address:**  
1601  
228 S. Robinson Street, Suite 100  
Orlando, FL 32818  
(877)535-4638 (407)535-4638



**PROJECT**

## Land Use Plan

<b>Issued for</b>	Orange County
<b>Date Issued</b>	May 25, 2011
<b>Latest Issue</b>	November 16, 2015

Sheet Index		
Number	Drawing Title	Latest Issue
2	Land Use Plan	11/16/2015
3	Master Sign Plan	9/17/2015
4 - 5	Conditions of Approval	11/16/2015

Reference Drawings		
Number	Drawing Title	Latest Issue

**Request:** Increase timeshare units from 1261 units to 1368 and add 10,000 square feet of commercial uses

**RECEIVED**  
By The Development Review Committee (BCC) Office at 9:58 am, Nov 23, 2015

VHB Project No. 1501-01  
 Issue No. 1501-01-01

VHB Project No. 1501-01  
 Issue No. 1501-01-01

- Last amendment to the PD was February 9, 2016 via Land Use Plan (CDR - 15-09-264).
- The BCC found the LUP consistent with the Comprehensive Plan.

- Corredors appeared at the February 9, 2016 BCC hearing on the LUP and spoke on the record.
- Issues between Westgate and the Corredor Family is “a private matter.” *Deputy County Attorney, Joel Prinsell during the February 9, 2016, BCC hearing.* Unofficial transcript from February 9, 2016.

# DRC Hearings

- September 12, 2012, DRC granted non-substantial change to DP to swap location of buildings in Phase 5B and relocate retention pond to middle of site. (CDR-12-09-179)
- October 7, 2015, DRC approved a revised DP to reconfigure the Phase 5B site for 130 resort rental/timeshare units. (CDR-15-06-167).
- On June 8, 2016, DP (CDR-15-06-167) returned to DRC at the request of DRC Chairman.
  - DRC informed Westgate to submit a revised DP showing the Corredor parcel as on outparcel. Settlement options discussed. June 8<sup>th</sup> DRC meeting continued.
- June 22<sup>nd</sup> DRC meeting - Settlement options discussed. Meeting continued.
- July 13<sup>th</sup> DRC meeting - Settlement options discussed. DRC rescinds two previously approved DPs from 2012 and 2015, and approves revised DP (CDR-15-06-167). This approved DP is being appealed by Corredor.

# BCC's Review Standards

- This is a quasi-judicial hearing therefore, the BCC must apply the same standards as the DRC. Sec. 38-1203(3), LDC.
- The Development Plan (DP) review and approval process is a technical review for compliance with the Orange County Code and the LUP.
- This is not a comprehensive planning or zoning level decision, thus the County does not have discretion to deny the DP. If the technical requirements are met, then the DP must be granted.
- Once the DRC approved the revised DP, there is an automatic presumption that it is consistent with the Orange County Code and the LUP and therefore, consistent with the Comprehensive Plan.
- DRC made a decision to approve the DP; not a recommendation.

## BCC's Review Standards (cont.)

- The burden is on the Corredor Family to submit sufficient competent substantial evidence to overcome the presumption that the DRC's decision is correct.
- The Corredor Family has failed to submit any relevant, competent substantial evidence to overcome the presumption.
- The evidence and arguments submitted by the Corredor Family are irrelevant to the issue and should not be considered.

Expert planner, Jim Hall with VHB is submitting a written report reflecting his expert opinion that the DP meets the DP approval criteria of the OC Code and is consistent with the LUP and the Comprehensive Plan.

# Settlement Offers by Westgate

## Current Value of Unit B53 (\$35,406) per OCPA

- Rebuild new unit at new or same location and \$50,000 for furnishings
- Conveyance of comparable, newly renovated unit (unit 178, Phase II) in exchange for Corredor's conveyance of unit B-53
- \$150,000 cash buy-out

Westgate has deposited into escrow - \$10,000 for demolition of the Corredor unit and \$150,000 to fund settlement options proposed.



## Corredor Unit Has Been Uninhabitable For Years

- A 2007 report from a nationally recognized engineering firm shows that Unit B-53 was uninhabitable.
- Corredors have FAILED to make repairs or use the property since 2007.
- The County forced Westgate to gate off the site due to the dangerous condition created by the uninhabitable and abandoned condo units.

# Pictures of Units in Building Number 11

Unit B-53 is located within building number 11.

Unit B-53, formerly Unit 327, is located next to Unit 326.

Property Condition Report  
Terracon Project Number: 37078524  
Westgate Lakes Resort – Orlando, FL  
Date Photos Taken: 11/7/07 – 11/14/07

Photo Log  
17 units from  
Buildings 9, 10, & 11

Terracon

**DRAFT**



Photo #13 Unit 326: Close-up of previous photo showing extensive structure damage and fungus growth.



Photo #14 Unit 326: Damage to base of wall at rear sliding-glass door. Rust and fungus growth visible.



Photo #15 Unit 329: Front entrance. Missing gutter downspout. Broken front window. AC not useable.



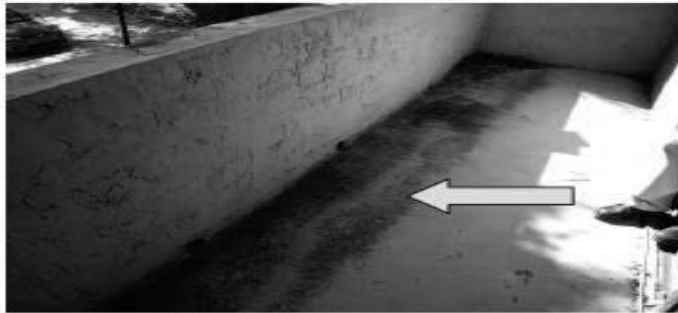
Photo #16 Unit 329: Typical balcony on the 1 bedroom / 1.5 bath unit.



Photo #17 Unit 329: Rear patio view.



Photo #18 Unit 329: Probable repair at copper piping near hose bibb at rear patio. Damaged structural studs.



**Photo #7** Unit 326: Balcony area, notice evidence of ponding water. Typical of the 2 bedroom / 2 bathroom units.



**Photo #8** Unit 326: Evidence of cracking at the balcony deck-to-wall area.



**Photo #9** Unit 326: Fungus growth on the ceiling of the 2<sup>nd</sup> floor bathroom.



**Photo #10** Unit 326: Typical attic construction. No ridge vent observed. Insulation typically covers soffit vents.



**Photo #11** Unit 326: Typical water heater in typical AHU/WH closet. Notice mold on interior of closet and underneath wallpaper on exterior. Typical.



**Photo #12** Unit 326: Evidence of wood rot and water infiltration into the first floor bedroom underneath the balcony. Unit used as storage. Typical.

# Physical Inspection of Unit B-53

## Performed by Alma Smailbegovic

### MOLD and MILDEW

Mold (and mildew) growth, infestation on the walls, which is shown in pictures, attributed to inadequate ventilation, which has gone on for a lengthy period, which resulted in trapped moisture in the space.

Also, there is the presence of volatile organic compounds, which are considered chemical contaminants, (bacteria, molds, pollen, and viruses are types of biological contaminants), in that space that is not properly ventilated.

- The American Society of Heating, Refrigeration & Air Conditioning Engineers recommends a minimum of 8.4 air exchanges per 24 hour period.
- Proper and frequent maintenance of HVAC systems
- UV-C light in the HVAC plenum
- Regular vacuuming



The physical inspection of Unit B-53 was performed by Alma Smailbegovic, architect for CFI, sometime in June after William Corredor, during the June 8, 2016, DRC meeting, granted CFI permission to enter the premises.



Un-glued wall covering shows mold growth, on the backside, due to material's "water activity" caused by a/c non-controlled environment.



# Physical Inspection of Unit B-53

## Continued

**Extensive Wood Degradation**



**Decay Causing Fungi Growth**



# Irrelevant Arguments Made In The Corredor Family Appeal Letter

# Erroneous Misrepresentation Claims

- Four of the seven pages of the appeal letter were spent on erroneous claims that Westgate made certain misrepresentations in its 2012 and 2015 application to amend the development plan.
- Neither of those development plans are at issue.
- The Corredor Family had 15 days from the date of the approval of the 2012 and 2015 development plans, respectively, to make claims and appeal the approval of the 2012 and 2015 development plans.
- Those deadlines passed.
- The erroneous claims which is are not applicable to DP (CDR-16-06-207) – the currently approved development plan which is before you today.
- The approval of CDR-16-06-207 automatically rescinds prior development plans and references to them are irrelevant.



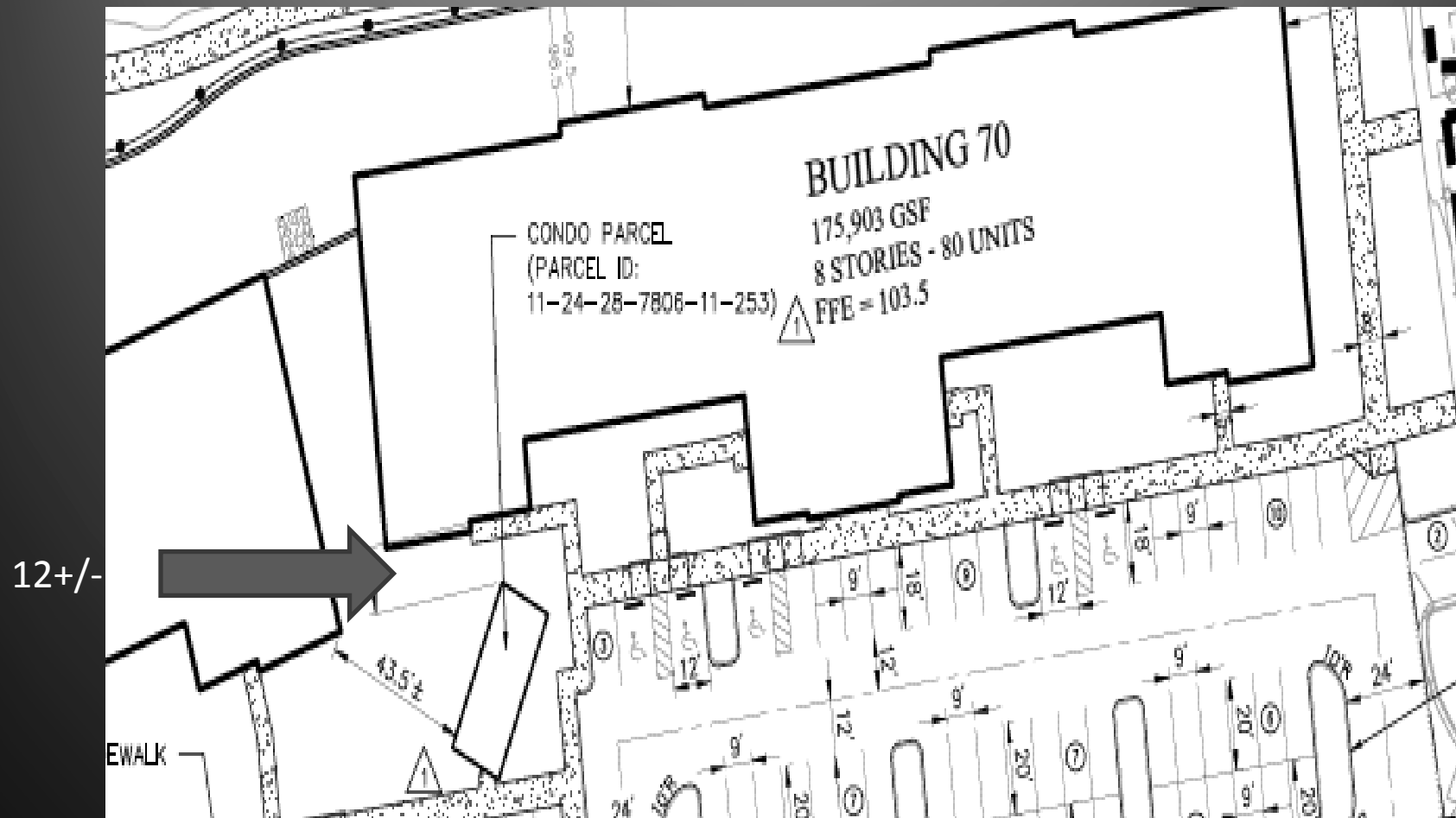
# Erroneous Infringement of Rights Claim

The Corredor Family is erroneously claiming that Westgate infringed on their rights by not meeting the setback requirements.

**This claim is clearly false.**

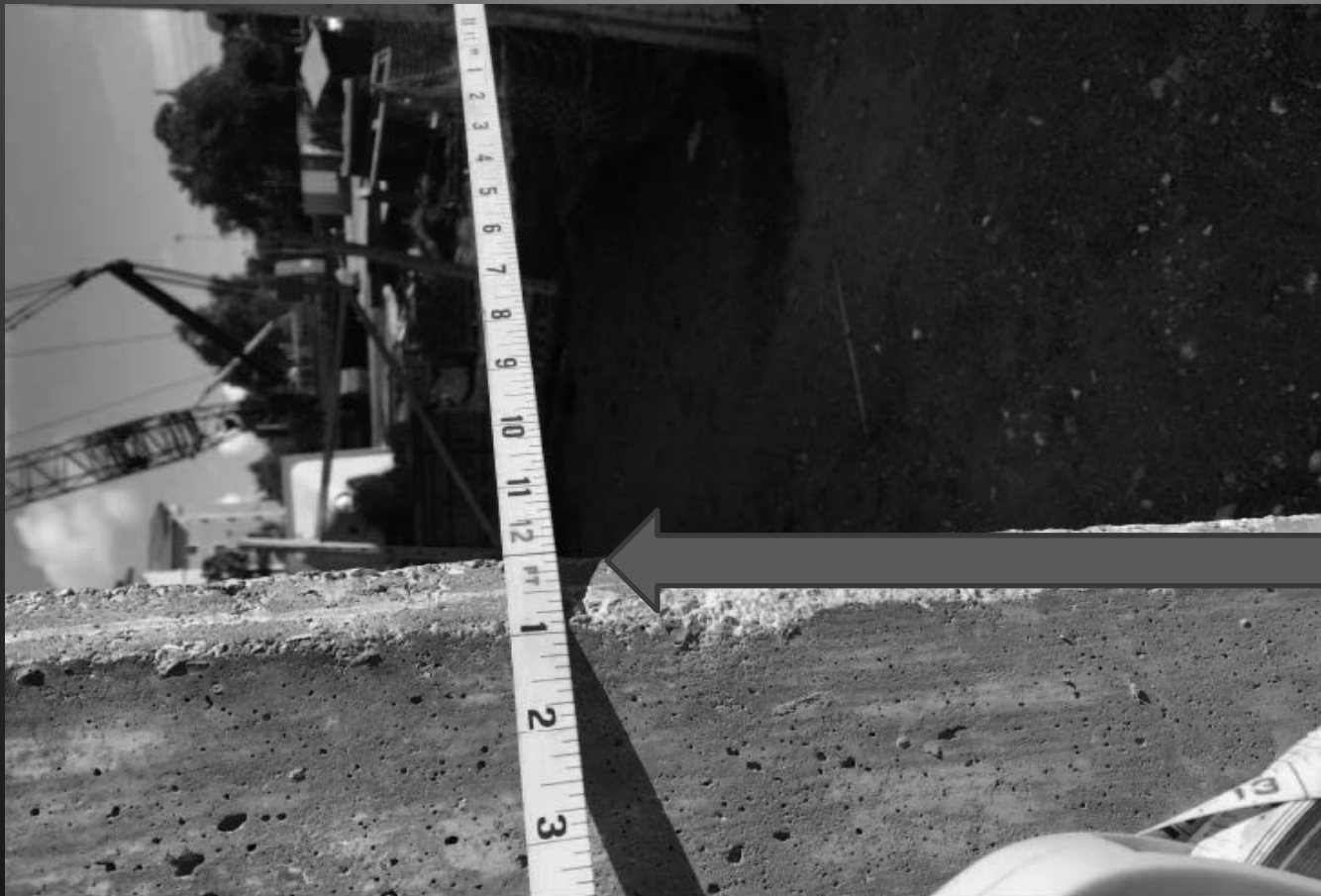
- The building code setback requirement of 12 feet, as noted in CDR-16-06-207 is met. That 12 foot requirement is shown on the DP
- Unit B-53 (Corredor unit) is located within The Sand Lake Resort Club PD, which does not have an internal zoning setback requirement.
- The Corredor Family, in making their claim that their rights have been infringed upon, have submitted Enclosure 2 and cited to Section 13-1254(1) in an attempt to mislead the BCC.

Sheet 300 of CDR-16-06-207



# Actual Distance Between Building 70 and Unit-B-53

Exhibit “#”



12+ Feet

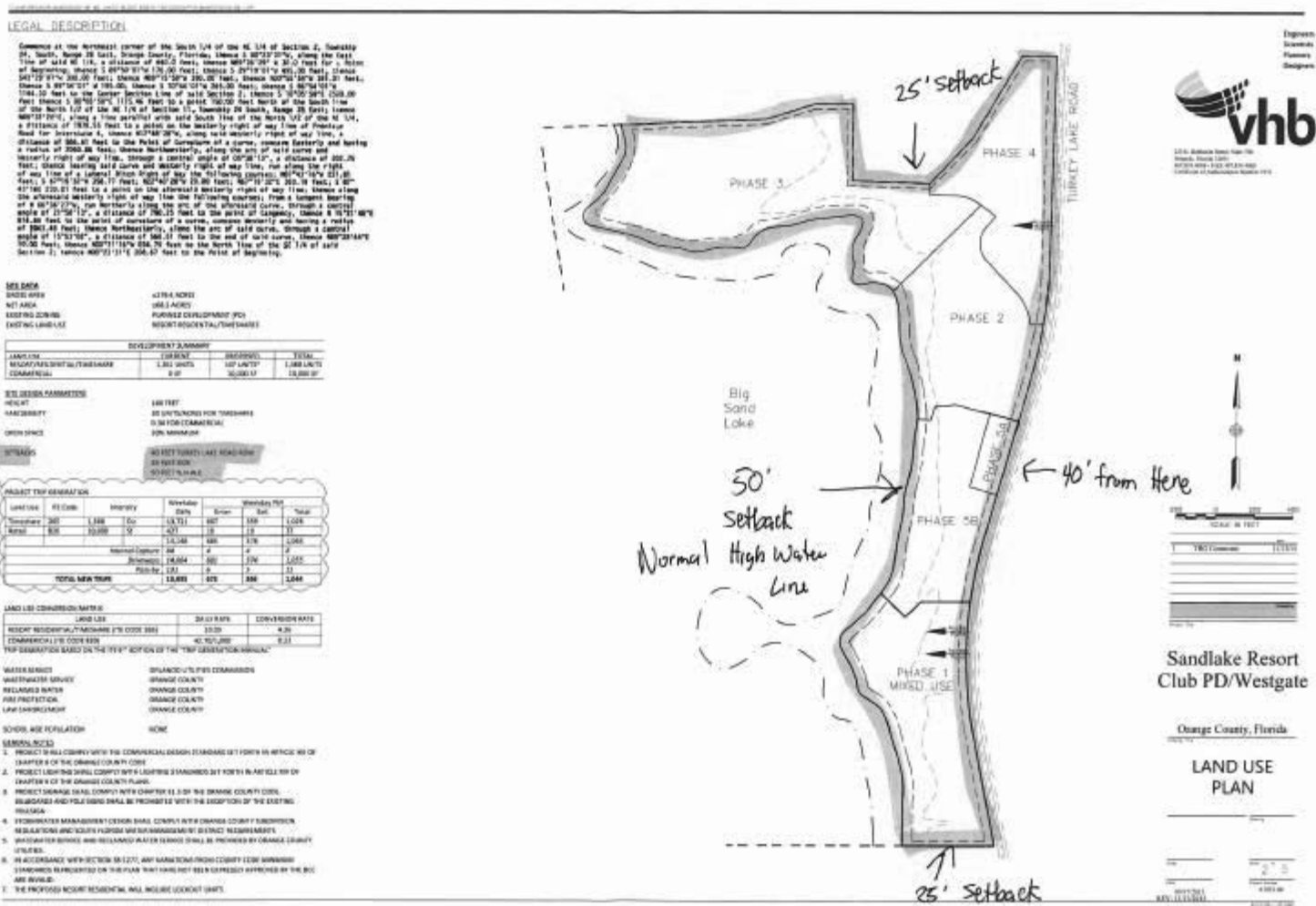
# Section 38-1254(1)

## Applicable Only to PD Boundary

- Section 38-1254(1) states: “All one-story and two-story units should provide a minimum twenty-five-foot setback from *all boundaries of the PD*” [Emphasis added.]
- DRC Chairman, John Smoger stated at the June 22, 2016 DRC meeting that this set back requirement is not applicable -- the Corredor property is “not single-family residential, it is a condo, so setbacks are not at issue as far as I am concerned.” Exhibit “#,”

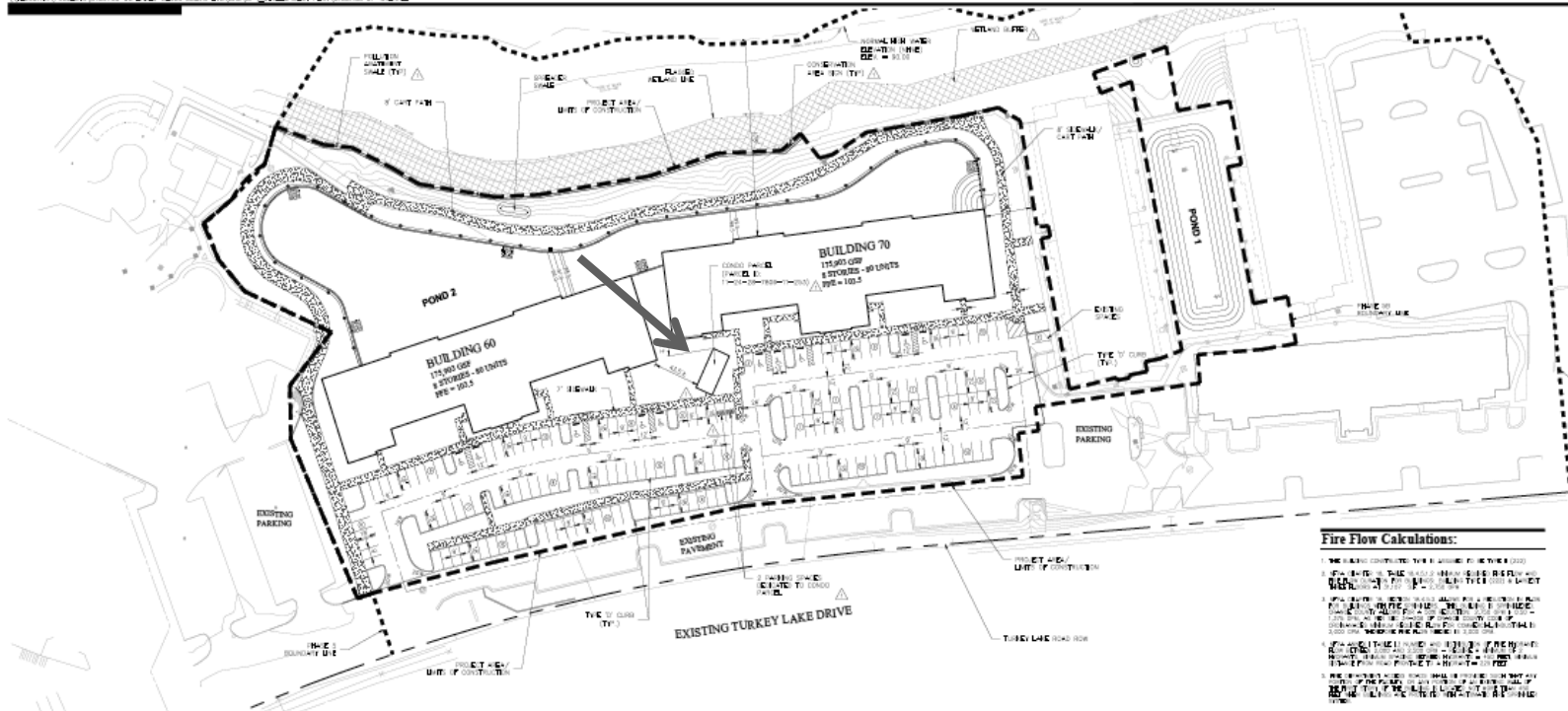
unofficial transcript of June 22, 2016 DRC meeting.

# PD Boundaries Are Consistent With Section 38-1254(1)



# Revised DP provides for Corridor Condo Parcel as an Outparcel

SCALE: 1" = 40' (SEE NOTE)



NOTE: 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

## Fire Flow Calculations:

1. FIRE FLOW CALCULATIONS FOR BUILDING 60 (SEE NOTE 1)
2. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)
3. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)
4. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)
5. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)
6. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)
7. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)
8. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)
9. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)
10. FIRE FLOW CALCULATIONS FOR BUILDING 70 (SEE NOTE 1)



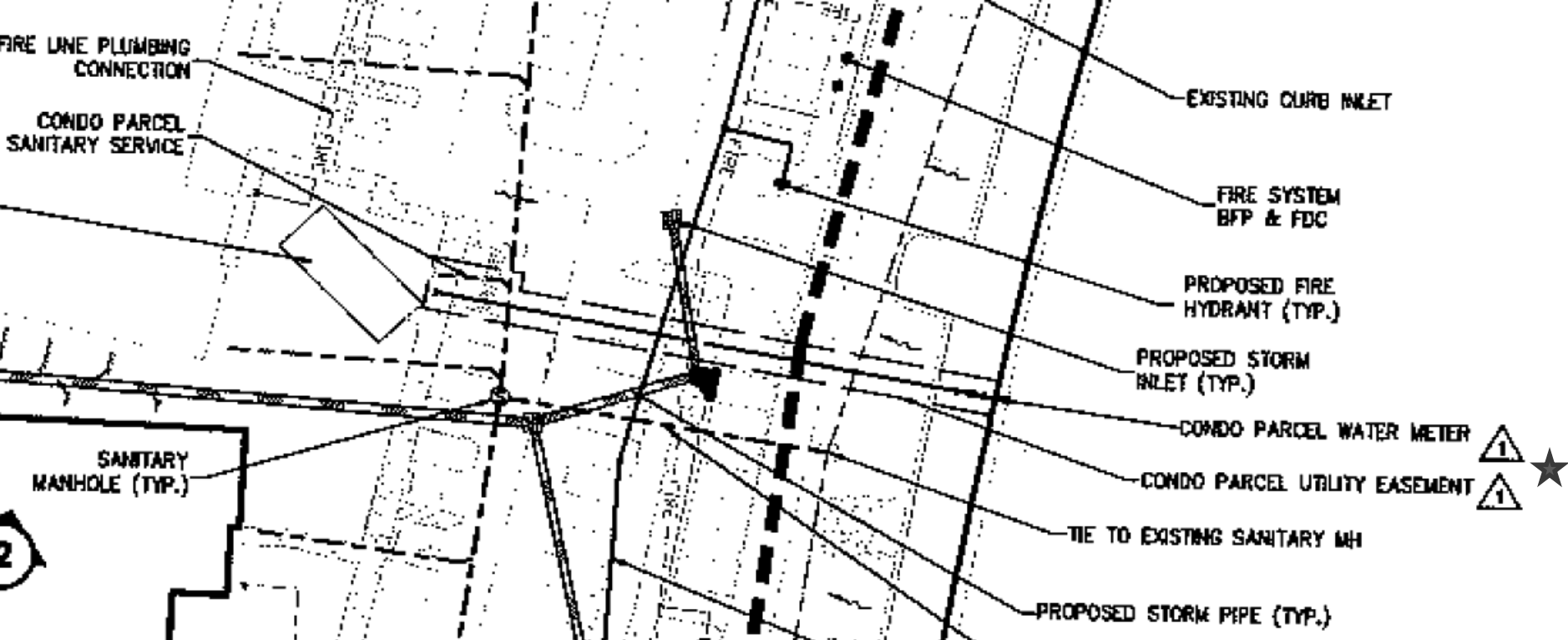
SITE DATUM	
PROJECT AREA:	SEE MAP
DEVELOPMENT PROGRAM:	SEE MAP
CURRENT LAND USE:	SEE MAP
CURRENT FUTURE LAND USE:	SEE MAP
CURRENT ZONING:	SEE MAP
NET PARCEL DENSITY - TOTAL PHASE 5:	SEE MAP
BUILDING SETBACKS:	SEE MAP
MINIMUM OPEN SPACE:	SEE MAP
TRAFFIC GENERATION:	SEE MAP

## PARKING REQUIREMENTS

### SPACES REQUIRED:

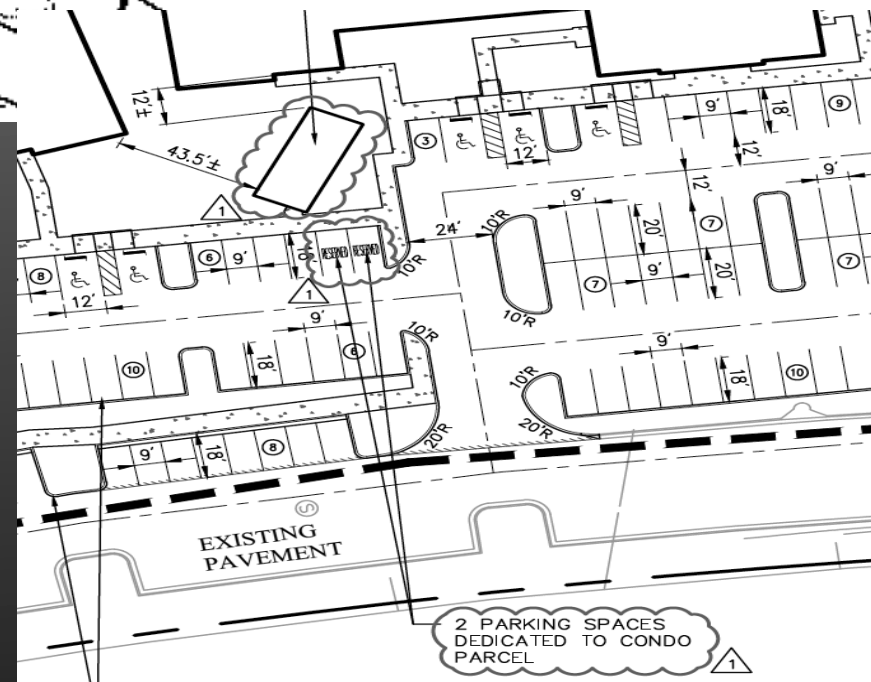
15-15.5 (15.25)

15.000



# NOTES:

1. POND HAS BEEN RESHAPED FOR THIS DEVELOPMENT PLAN.
2. ANY CLEARING OF VEGETATION, WETLAND ENHANCEMENT, OR ALTERING OF THE SHORELINE IN THE UPLAND BUFFER, WETLAND, OR BELOW THE NHWE SHALL REQUIRE APPROVAL BY THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION. CALL 407-836-1400.
3. THE RECLAIMED AND SANITARY SEWER SYSTEMS SHALL MEET ALL ORANGE COUNTY DESIGN STANDARDS AND REQUIREMENTS.
4. THE WATER SYSTEM IS PRIVATE AND WILL MEET O.U.C. DESIGN STANDARDS.
5. A CROSS ACCESS EASEMENT AND UTILITY AGREEMENT ADDRESSING OWNERSHIP AND MAINTENANCE OF THE COMMON PRIVATE WASTEWATER SYSTEM WILL BE REQUIRED PRIOR TO CONSTRUCTION PLAN APPROVAL.



# Affirmative Misrepresentation By The Corredor Brothers

- On February 9, 2016, William Corredor appeared before the BCC and implying that he had no idea of the development activities around Unit B-53 until “a couple of weeks ago” when he received a letter from the County regarding the project.
- Several minutes later, his brother, Carlos Corredor appeared before the BCC and stated that they have been denied access to their unit for years because of an 8 feet fence erected around their property.
- A transcript of the February 9, 2016, BCC hearing is included in our exhibit packet.



# Mr. Smogor's May 27, 2016 Letter

- Mr. Smogor's letter claiming lack of knowledge of the Corredor Family's ownership rights was sent approximately 3 months after the February 9, 2016 BCC meeting where the Corredors addressed the Commission and identified the location of their unit.
- John Smoger was at this February 9<sup>th</sup> BCC meeting and, as noted before, Joel Prinsell stated at this BCC meeting that the issues between Westgate and the Corredor Family are "a private matter."
- Approximately 2 months later, County staff issued 2 building permits to allow Westgate to commence construction of building 70 and the site work."

# Building Permits Issued April 2016

## Exhibits “#” and “#”

**ORANGE COUNTY GOVERNMENT FLORIDA**

### Building Permit

KEEP POSTED ON JOBSITE AT ALL TIMES  
Orange County Division of Building Safety  
201 South Rosalind Avenue  
Orlando, Florida 32802-2687

DATE ISSUED: **April 12, 2016** BUILDING PERMIT NUMBER: **B15904179**

Permission is granted to do the following work according to the conditions hereon and the approved plans and specifications subject to compliance with the Ordinances of Orange County, Florida.

The issuance of this permit does not grant permission to violate any applicable Orange County and/or State of Florida codes and/or State of Florida codes and/or ordinances. There may be additional permits required from other governmental agencies.

In addition to the requirements of this permit, there may be additional restrictions applicable to the property that may be found in the public records of this county.

This permit becomes void if the work authorized is not commenced within 6 months or is suspended or abandoned for a period of 6 months after commencement. Work shall be considered suspended if an approved inspection has not been made within a 6 month period.

Tenant/Occupant: **NONE**

Owner: **WESTGATE LAKES LLC**

Project Address: **10010 Turkey Lake Rd.  
Orlando, FL  
32819**

Parcel I.D. Number: **02-24-28-0000-00-027** Zoning District: **P-D**

Contractor: **Roger B Kennedy JR** License #: **CGC1523379**

Address: **1105 Kensington Park Dr.  
Altamonte Springs, FL  
32714**

Building Code: **5th Ed. (2014) Florida Building Code, Building**

Value of Work: **\$2,300,000.00** NOC: **Yes**

Square Footage: **0** Maximum Floor Load Allowable: **N/A**

No. of Stories: **0** Maximum Number of Persons: **N/A**

Type of Construction: **Type VB** No. of Units: **N/A**

Sprinkler Sys. Provided: **N/A** Sprinkle Sys Req'd: **N/A**

Building Risk Category: **N/A** Use & Occupancy Type: **R-2 (Residential - Apt, Condo, etc.)**

Wind Speed: **N/A** MPH Wind Borne Debris Region: **N/A**

Threshold Building: **N/A** Flood Plain: **N/A**

Nature of Work: **Site Work Only** Low Floor Elevation: **N/A**

Additional Sub-permits required:

Issued By: **Allen Morton**

Special Considerations: **Westgate Lakes Bldg. 60/70 Sitework Only  
Cdr-16-06-207 New**

Page 1 of 2

**ORANGE COUNTY GOVERNMENT FLORIDA**

### Building Permit

KEEP POSTED ON JOBSITE AT ALL TIMES  
Orange County Division of Building Safety  
201 South Rosalind Avenue  
Orlando, Florida 32802-2687

DATE ISSUED: **April 27, 2016** BUILDING PERMIT NUMBER: **B15903856**

Permission is granted to do the following work according to the conditions hereon and the approved plans and specifications subject to compliance with the Ordinances of Orange County, Florida.

The issuance of this permit does not grant permission to violate any applicable Orange County and/or State of Florida codes and/or State of Florida codes and/or ordinances. There may be additional permits required from other governmental agencies.

In addition to the requirements of this permit, there may be additional restrictions applicable to the property that may be found in the public records of this county.

This permit becomes void if the work authorized is not commenced within 6 months or is suspended or abandoned for a period of 6 months after commencement. Work shall be considered suspended if an approved inspection has not been made within a 6 month period.

Tenant/Occupant: **NONE**

Owner: **Westgate Resorts, LTD**

Project Address: **10010 Turkey Lake Rd.  
Orlando, FL  
32819**

Parcel I.D. Number: **02-24-28-0000-00-027** Zoning District: **P-D**

Contractor: **Roger B Kennedy JR** License #: **CGC1523379**

Address: **1105 Kensington Park Dr.  
Altamonte Springs, FL  
32714**

Building Code: **5th Ed. (2014) Florida Building Code, Building**

Value of Work: **\$19,840,000.00** NOC: **Yes**

Square Footage: **161552** Maximum Floor Load Allowable: **40**

No. of Stories: **8** Maximum Number of Persons: **804**

Type of Construction: **Type IB** No. of Units: **N/A**

Sprinkler Sys. Provided: **NFPA 13** Sprinkle Sys Req'd: **Yes**

Building Risk Category: **II** Use & Occupancy Type: **R-2 (Residential - Apt, Condo, etc.)**

Wind Speed: **139** MPH Wind Borne Debris Region: **N/A**

Threshold Building: **Yes** Flood Plain: **N/A**

Nature of Work: **New Construction** Low Floor Elevation: **N/A**

Additional Sub-permits required:  
**Electrical Gas Mechanical Plumbing Roofing**

Issued By: **Debra Reed**

Special Considerations: **Construction Of New Eight Story, 80 Unit Timeshare Building  
Building 70**

Sitework Permit B15904179

Page 1 of 2

# Request To Uphold DRC Approval of DP

**11.P Appellant: Brent G. Siegel for Julieta Corredor, Sand Lake Resort Club PD/Westgate Lakes Resort Phase 5B DP, Case # CDR-16-06-207; District 1.**

*Motion: Uphold the July 27, 2016 decision of the Development Review Committee to approve the Sand Lake Resort Club PD / Westgate Lakes Phase 5B DP, subject to the conditions of approval listed in the staff report which DP amends and replaces the current DP with the understanding that the current permits for Building No. 70 and site work under construction remain effective and an amended site permit be obtained for the minor site improvement changes consistent with this amended Development Plan.”*

**10.P Appellant: David R. Lenox, Sand Lake Resort Club PD/Westgate Lakes Resort Phase 5B Amended Buildings 60 & 70 DP, Case # CDR-15-06-167; District 1**

- *Motion: Accept Appellant's withdrawal of the appeal as moot pursuant to Commission's action upholding the DRC decision in regards to Agenda Item 11 P. since a replacement Development Plan resolving the Agent Authorization issue was submitted and approved by the DRC (approval of CDR-16-06-207).*







Wall to Westgate's Unit  
Not the Wall for Unit B-53

Wall to Unit B-53 is Not  
Shown on This Picture

Foundation (footing) of  
building 70, which is  
underground.