



Interoffice Memorandum

AGENDA ITEM

October 25, 2018

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

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

**CONTACT PERSON: Eric P. Raasch, Interim DRC Chairman
Development Review Committee
(407) 836-5523**

SUBJECT: November 13, 2018 — Consent Item
Greeneway Park Development of Regional Impact (DRI)
Development Order Amendment - Case #DO-18-09-289
Related to Case #LUP-18-09-278

The Greeneway Park Development of Regional Impact (DRI) and Development Order (DO) was originally approved by the Board on August 2, 2005, and is generally located on the north side of J. Lawson Boulevard and the east side of Victoria Falls Drive.

The proposal is to amend the DO to decrease the acreage by 55.01 acres and reduce the development program by 200,000 square feet of industrial uses and should be considered with the associated Rezoning Public Hearing.

Pursuant to Section 380.06(3)(b), Florida Statutes, as amended by Chapter 2018-158, Laws of Florida (HB 1151), upon a request by the developer, a binding letter of interpretation regarding which rights had previously vested in a DRI may be amended by the local government of jurisdiction, based on standards and procedures in the adopted local comprehensive plan or the adopted local land development code.

The proposed amendment received a recommendation of approval from the Development Review Committee on October 24, 2018.

ACTION REQUESTED: Approval and execution of Fourth Amendment to the First Amended and Restated Development Order for Greeneway Park Development of Regional Impact by Orange County, Florida and Greeneway Park DRI, LLC to decrease the acreage by 55.01 acres and reduce the development program by 200,000 square feet of industrial uses. District 4

JVW/EPR/JHS
Attachments

BCC Mtg. Date: November 13, 2018

THIS INSTRUMENT WAS PREPARED BY
AND SHOULD BE RETURNED TO:

Jo O. Thacker
Nelson Mullins Broad and Cassel
390 N. Orange Avenue
Suite 1400
Orlando, Florida 32801
407-839-4200

**FOURTH AMENDMENT TO THE FIRST AMENDED AND RESTATED
DEVELOPMENT ORDER FOR GREENEWAY PARK
DEVELOPMENT OF REGIONAL IMPACT**

**THIS FOURTH AMENDMENT TO THE FIRST AMENDED AND RESTATED
DEVELOPMENT ORDER FOR GREENEWAY PARK (f.k.a. GINN PROPERTY)
DEVELOPMENT OF REGIONAL IMPACT** (the "Fourth Amendment") is made and
executed this ____ day of **NOV 13 2018**, 2018, by **ORANGE COUNTY, FLORIDA**, a Charter
County and political subdivision of the State of Florida (the "County"), and **GREENEWAY
PARK DRI, LLC, a Florida limited liability company** (as successor in interest to **GINN-LA
AIRPORT LTD., LLLP**, a Georgia limited liability limited partnership) (the "Developer").

WITNESSETH:

WHEREAS, on August 2, 2005, the County adopted the First Amended and Restated
Development Order for the Ginn Property Development of Regional Impact, recorded at Official
Records Book 8113, Page 1679 in the Public Records of Orange County (the "First Amended
and Restated Development Order"); and

WHEREAS, on November 27, 2007, the County adopted the First Amendment to the
First Amended and Restated Development Order for the Ginn Property Development of Regional
Impact, recorded at Official Records Book 9518, Page 1332 in the Public Records of Orange
County (the "First Amendment"); and

WHEREAS, on April 28, 2009, the County adopted the Second Amendment to the First
Amended and Restated Development Order for the Ginn Property Development of Regional
Impact, recorded at Official Records Book 9866, Page 9460 in the Public Records of Orange
County (the "Second Amendment"), which among other things, changed the project name to the
"Greenway Park Development of Regional Impact"; and

WHEREAS, on January 7, 2014, the County adopted the Third Amendment to the First
Amended and Restated Development Order for the Greenway Park Development of Regional
Impact, recorded at Official Records Book 10697, Page 0698 in the Public Records of Orange
County (the "Third Amendment" and together with the First Amended and Restated
Development Order, the First Amendment, and the Second Amendment, collectively, the
"Development Order"); and

WHEREAS, Developer is the owner or master developer of certain real property located in Orange County known as the Greenway Park DRI, more particularly described in Exhibit "A" attached; and

WHEREAS, Developer has authority to file an application for an amendment to the Greenway Park DRI in accordance with Section 380.06(7), Florida Statutes; and

WHEREAS, Developer desires a further amendment to the Development Order to:

- a) Decrease the acreage in the development to remove approximately 55.01 acres from Parcel 6; and
- b) Revise the Project Description in Section I, Paragraph 8A of the Development Order to decrease the maximum square footage for Industrial Uses from 960,000 square feet to 760,000 square feet; and
- c) Revise the Project Phasing in Section III, Paragraph 8A of the Development Order to reflect the reduction in industrial square footage; and
- d) Update the Master Development Plan (Map H) to depict the removal of the 55.01 acre tract and the revised boundary of Parcel 6 and the decrease in Industrial Uses; and

WHEREAS, the County has determined that the proposed change to the Development Order falls within the guidelines of Section 380.06(7), Florida Statutes.

NOW THEREFORE, the Development Order is hereby amended as follows:

1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

2. Legal Description. Exhibit "A" of the Development Order is hereby amended to delete, remove, and supersede the legal description of the development of regional impact and replace the same with the new legal description attached hereto and incorporated herein as Exhibit "A." All references to the legal description of the development of regional impact in the Development Order are hereby deemed to mean the new legal description of the development of regional impact, attached hereto and incorporated herein as Exhibit "A."

3. Project Description. The Project Description set forth in Section I.8A. of the Development Order is hereby amended to read as follows:

Project Description:	A mixed use Project consisting of 1268 single family units, 366 multi-family units, 179,999 square feet of commercial use, 760,000 square feet of industrial use, 1,140,000 square feet of office use, and 600 hotel rooms.
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4. **Project Phases.** The Project Phases based on the traffic thresholds set forth in Section III, Paragraph 8A, of the Development Order is hereby amended to read as follows:

For the purposes of the transportation conditions, the Greenway Park DRI shall be divided into the following traffic phases based on reaching any of the following thresholds or years, as follows:

Phase	Daily Trips	Daily Trips Cumulative	Peak Hour Trips	Peak Hour Trips Cumulative	External Peak Hour Trips*	External Peak Hour Trips Cumulative*
Phase I (12/30/2016)	21,642	21,642	2,124	2,124	1,924	1,924
Phase II (12/30/2022)	18,361	40,003	1,882	4,006	1,720	3,644
Phase III (12/30/2029)	9,702	49,705	1,578	5,584	1,446	5,090

5. **Master Development Plan.** Exhibit "B" of the Development Order is hereby amended to delete, remove, and supersede the Master Development Plan (Map H) and replace the same with the new Master Development Plan attached hereto and incorporated herein as Exhibit "B." All references to the Master Development Plan (Map H) in the Development Order are hereby deemed to mean the new Master Development plan attached hereto and incorporated herein as Exhibit "B."

6. **Restriction on Down Zoning.** The provisions governing the restriction on down zoning set forth in Section VI of the First Amended and Restated Development Order, as amended by Section 4 of the First Amendment and Section 8 of the Third Amendment, remain in full force and effect, and are not amended by this Fourth Amendment.

7. **Conversion Matrix.** The provisions governing the use of the conversion matrix set forth in Section III, Paragraph 1C of the First Amended and Restated Development Order, remain in full force and effect, and are not amended by this Fourth Amendment.

8. **Conflict.** In the event of any inconsistency or conflict between the terms and conditions of this Amendment and the terms and provisions of the Development Order, the terms and provisions of this Amendment shall control.

9. **Entire Agreement.** Except as expressly amended hereby, the Development Order shall continue in full force and effect in accordance with its terms.

10. **Effective Date.** This Amendment to the Development Order shall take effect immediately.

ORDERED THIS _____ DAY OF NOV 13 2018 2018.

IN WITNESS WHEREOF, the County and the Developer have executed this Amendment in manner and form sufficient to bind them on the date set forth below.



ORANGE COUNTY, FLORIDA

By: *Teresa Jacobs*

Teresa Jacobs, Orange County Mayor

Date: *11.14.18*

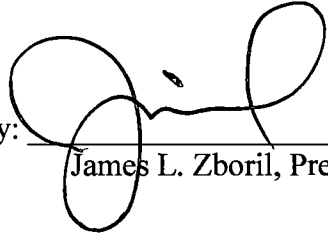
ATTEST: Phil Diamond, CPA, County
Comptroller As Clerk of the Board of County
Commissioners

By: *Lakela Louis*
for

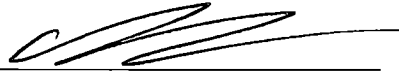
Print Name: Lakela Louis

DEVELOPER

GREENEWAY PARK DRI, LLC,
a Florida limited liability company

By: 
James L. Zboril, President *MR*

Witnesses:



Kathy Kittell
Print Name

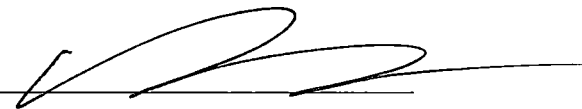


Shamra Bartley
Print Name

State of Florida
County of Orange

SWORN to and subscribed freely and voluntarily for the purposes therein expressed before me by James L. Zboril, as President of Greeneway Park DRI, LLC, a Florida limited liability company, known to me to be the person described in and who executed the foregoing, this 24th day of October, 2018.

Witness my hand and official seal in the County and State last aforesaid this 24th day of October, 2018.



Printed Notary Name: _____

Notary Public – State of Florida

My Commission No.: _____

Commission Expires: _____



EXHIBIT A
Legal Description

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 1 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.

EXHIBIT B
Master Plan (Map H)

