



Interoffice Memorandum


**SEE MINUTES
FOR MOTION**

JAN 06 2015 KH/BS

AGENDA ITEM

December 16, 2014

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

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

CONTACT PERSON: **Alberto Vargas, MArch, Planning Manager**
407 836-5354

SUBJECT: January 6, 2015 — Consent Item
Rescission of the Vista Centre Development of Regional Impact
Development Order

The Vista Centre Development of Regional Impact (DRI) is located within the Urban Service Area of Orange County, Florida, designated as a Dense Urban Land Area ("DULA") pursuant to Section 380.06(29), Florida Statutes. The Vista Centre DRI is a tourist-commercial development consisting of approximately 27.8 acres located at the southwest corner of Palm Parkway and Lake Street.

Pursuant to Section 380.115, Florida Statutes, if a development, which has received a DRI Development Order (DO) is located within a DULA; as defined under Section 380.06(29), Florida Statutes, and therefore, it is no longer required to undergo DRI review, then the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.

The DO development program for the Vista Centre DRI includes 400 hotel rooms on Lot 6, and either 500 hotel rooms or 735 timeshare units on Lot 7, or any combination of the two uses based on equivalent vehicle trip generation for the 500 hotel rooms. To date, 271 hotel rooms and 249 timeshare/resort condominiums (520 total units) have been constructed.

All required mitigation related to the amount of existing development has been completed, and no unmitigated development exists. Attachment 3 is the Request for Rescission of Vista Centre DRI Development Order, which details compliance with all of the required DO conditions.

Page Two
Rescission of the Vista Centre Development of Regional Impact
Development Order

The Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms and a PD/LUP are in the Blue Folder for public hearings, and in the Planning Division for further reference.

**ACTION REQUESTED: Adoption of Order Approving Rescission of Vista Centre
DRI Development Order. District 1**

JWW/AV/OH:rep

Attachment

JAN 06 2015 KH/BS

**ORDER APPROVING RESCISSION OF
VISTA CENTRE DRI DEVELOPMENT ORDER**

THIS ORDER APPROVING RESCISSION OF VISTA CENTRE DRI DEVELOPMENT ORDER is issued by Orange County, a charter county and political subdivision of the State of Florida, whose address is P. O. Box 1393, Orlando, FL 32802-1393

Factual Background

1. E.C. Parkway Developments, LLC ("EC Parkway") is a landowner of certain real property located Orange County, Florida (the "County"), commonly known as the Vista Centre Development of Regional Impact (the "Vista Centre DRI"), which is more particularly described in **Exhibit "A"** attached hereto (the "Property") and in the Vista Centre DRI Development Order (as hereinafter defined).

2. The original development order (the "Original Development Order") for the Vista Centre Development of Regional Impact was approved by the Orange County Board of County Commissioners (the "County Commission") on August 8, 1991.

3. The Original Development order was amended as follows by approval of the County Commission: (i) on February 13, 1996, as evidenced by First Amended Development Order recorded March 25, 1996, in Official Records Book 5031, Page 2742, Public Records of Orange County, Florida; and (ii) on December 15, 1998, as evidenced by Second Amended Development Order recorded December 31, 1998, in Official Records Book 5649, Page 2673, Public Records of Orange County, Florida (the Original Development Order, as amended, is hereafter referred to as the "Development Order").

4. Pursuant to Section 380.115, Florida Statutes, "[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), provided such permit or authorization is subject to enforcement through administrative or judicial remedies."

5. A Request for Rescission of the Vista Centre DRI Development Order (the "Request") dated December 4, 2014, was submitted to the County on behalf of EC Parkway, which provided documentation that all required mitigation has been completed for the amount of existing development within the Vista Centre DRI. A copy of the Request is attached hereto as **Exhibit "B."**

6. The Vista Centre PD shall govern the future development of the Property.

7. Based on the information contained in the Request, the County has confirmed the completion of required mitigation for the amount of development that has occurred within the Vista Centre DRI as of the date of this Order.

8. Pursuant to Section 380.115(1), Florida Statutes, a change in any development of regional impact guideline or standard does not abridge or modify any vested or other right or duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact.

9. The Vista Centre DRI is the subject of a vested rights determination, specifically Concurrency Vested Rights Certificate Number 05-249. This Order and the rescission of the DRI will not cause the expiration, divesture or modification of any vested rights previously recognized for the Vista Centre DRI by the County, including Concurrency Vested Rights Certificate Number 05-249.

RESCISSION OF DEVELOPMENT ORDER

Based on the information contained herein, the County hereby rescinds the Development Order for the Vista Centre Development of Regional Impact.

The Vista Centre PD, as amended from time to time, shall govern the development of the Property, which was subject to the Vista Centre DRI prior to this Order.

ADOPTED THIS 6th DAY OF January, 2015.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs,
Orange County Mayor

Date: 1.7.15

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Katei Smith*
Deputy Clerk

Exhibit "A"

PARCEL 1 (FEE SIMPLE ESTATE)

That portion of Lot 7, VISTA CENTRE REPLAT, recorded in Plat Book 18, Pages 117 through 121, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Lot 7, VISTA CENTRE REPLAT; thence North 89 degrees 55 minutes 15 seconds East, along the North line of said Lot 7 and the South right of way line of East Sand Lake Road, a distance of 775.00 feet to the Northeast corner of said Lot 7 and the West right of way line of Palm Parkway; thence South 00 degrees 04 minutes 45 seconds East, along the East line of said Lot 7 and the West right of way line of Palm Parkway, a distance of 264.89 feet to the point of curvature of a tangent curve, concave to the West, having a radius of 992.74 feet and a central angle of 21 degrees 49 minutes 13 seconds; thence Southerly along the arc of said curve and said East line of Lot 7 and said West right of way line, a distance of 378.07 feet to a point; thence departing said right of way line run South 89 degrees 55 minutes 15 seconds West, a distance of 710.99 feet to a point on the West line of said Lot 7; thence North 00 degrees 33 minutes 52 seconds East, along said West line, a distance of 633.93 feet to the POINT OF BEGINNING.

PARCEL 2 (NON EXCLUSIVE EASEMENT ESTATE)

Together with a non-exclusive South Palm Parkway Easement as created by the Declaration and Grant of Access Easements by LBV Hotel Groups, Inc., a Florida corporation, recorded October 23, 2001, in Official Records Book 6375, Page 109, Public Records of Orange County, Florida, over the following described land:

SOUTH PALM PARKWAY ACCESS EASEMENT

A portion of Lot 7, VISTA CENTRE REPLAT, recorded in Plat Book 18, Pages 117 through 121, Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 7, said point being on the Westerly right of way line of Palm Parkway and being on a curve, concave Westerly, having a radius of 992.74 feet and a central angle of 12 degrees 58 minutes 53 seconds, thence on a chord bearing of North 34 degrees 56 minutes 35 seconds East, run 224.93 feet along the arc of said curve and right of way line to the POINT OF BEGINNING, said point being on a curve, concave Southwesterly, having a radius of 25.00 feet and a central angle of 50 degrees 01 minutes 24 seconds, thence departing said right of way line on a chord bearing of North 37 degrees 10 minutes 02 seconds West, run 21.83 feet along the arc of said curve to a point; thence North 62 degrees 10 minutes 44 seconds West, 63.78 feet to a point on a curve, concave Westerly, having a radius of 909.74 feet and a central angle of 19 degrees 06 minutes 39 seconds, thence on a chord bearing of North 18 degrees 23 minutes 30 seconds East, run 303.44 feet along the arc of said curve to a point; thence South 81 degrees 09 minutes 50 seconds East, 35.00 feet to the point on a curve, concave Westerly, having a radius of 944.74 feet and a central angle of 15 degrees 07 minutes 04 seconds, thence on a chord bearing of South 16 degrees 23 minutes 42 seconds West, run 249.27 feet along the arc of said curve to a point of reverse curvature of a curve, concave Northeasterly, having a radius of 25.00 feet and a central angle of 156 degrees 38 minutes 18 seconds, thence on a chord bearing of South 54 degrees 21 minutes 55 seconds East, run 68.35 feet along the arc of said curve to a point on the aforementioned Westerly right of way line of Palm Parkway, said point being on a curve, concave Westerly, having a radius of 992.74 feet and a central angle of 03 degrees 55 minutes 35 seconds, thence on a chord bearing of South 26 degrees 29 minutes 21 seconds West, run 68.03 feet along the arc of said curve and said right of way line to the POINT OF BEGINNING.

Exhibit "B"

Copy of Rescission Request

REQUEST FOR RESCISSION OF VISTA CENTRE DRI DEVELOPMENT ORDER

THIS REQUEST FOR RESCISSION OF VISTA CENTRE DRI DEVELOPMENT ORDER (this "Request") is submitted on behalf of E.C. Parkway Developments, LLC, a Florida Limited Liability Company ("EC Parkway"), whose address is 65 Strathaven Close, Bedford Nova Scotia, B4A 4L9 (Canada), by and through its undersigned attorney, **M. Rebecca Wilson**, c/o Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive, Orlando, Florida 32801.

Factual Background

1. EC Parkway is the owner of certain real property located in Orange County, Florida, which is more particularly described in **Attachment 1** attached hereto, that is located within the Vista Centre Development of Regional Impact (the "Vista Centre DRI"), which is more particularly described in **Attachment 2** attached hereto.

2. The original development order (the "Original Development Order") for the Vista Centre DRI was approved by the Orange County Board of County Commissioners (the "County Commission") on August 8, 1991.

3. The Original Development order was amended as follows by approval of the County Commission: (i) on February 13, 1996, as evidenced by First Amended Development Order recorded March 25, 1996, in Official Records Book 5031, Page 2742, Public Records of Orange County, Florida; and (ii) on December 15, 1998, as evidenced by Second Amended Development Order recorded December 31, 1998, in Official Records Book 5649, Page 2673, Public Records of Orange County, Florida (the Original Development Order, as amended, is hereafter referred to as the "Development Order").

4. The Vista Centre DRI Development Order specifies the required mitigation for the development of the Vista Centre DRI.

5. Pursuant to Section 380.115, Florida Statutes, if a development which has received a DRI development order is located within a Dense Urban Land Area ("DULA"), as defined under Section 380.06(29), Florida Statutes, and, therefore, is exempt from further DRI review, 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." (Emphasis added).

6. The Vista Centre DRI is located within the Urban Service Area of Orange County, Florida, which has been designated as a DULA pursuant to Section 380.06(29), Florida Statutes.

7. All required mitigation under the Vista Centre DRI Development Order related to the amount of development that will be in existence on the date of rescission in the Vista Centre DRI has been completed.

8. Since all required mitigation under the Vista Centre DRI Development Order has been completed for the amount of development that exists in the Vista Centre DRI, EC Parkway hereby requests that the County rescind the Vista Centre DRI.

9. Pursuant to Section 380.115(1), Florida Statutes, a change in any development of regional impact guideline or standard does not abridge or modify any vested or other right or duty or obligation pursuant to any development order or agreement that is applicable to a DRI.

10. The Vista Centre DRI is the subject of a vested rights determination, specifically Concurrency Vested Rights Certificate Number 05-249.

Request for Rescission

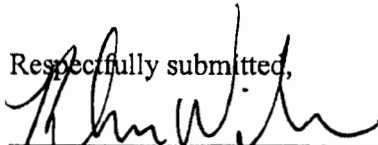
1. **Factual Background Incorporated.** The facts set forth in the Factual Background above are true and correct and are hereby incorporated into this Request by this reference.

2. **Vista Centre Mitigation.** The Vista Centre DRI Development Order contains certain Conditions of Approval which set forth the mitigation requirements that must be satisfied as development of the Vista Centre DRI progresses. Included as **Attachment 3** is a list of Conditions of Approval and the status of each, including documentation that all required mitigation has been completed for the amount of existing development within the Vista Centre DRI.

3. **Vista Centre DRI Rescission.** Based on the information presented herein, EC Parkway hereby requests rescission of the Vista Centre DRI Development Order, without the expiration, divesture or modification of any vested rights previously recognized for the Vista Centre DRI by the County, including Concurrency Vested Rights Certificate Number 05-249.

4. **Proposed Order Approving DRI Rescission.** Included separately with the Request is a proposed form of an Order Approving Rescission of Vista Centre DRI Development Order that the County may wish to use once it has confirmed that all of the required mitigation for the amount of existing development has been completed.

DATED: 12/4/14

Respectfully submitted,


M. Rebecca Wilson, Esq.
Lowndes, Drosdick Doster, Kantor &
Reed, P.A.
215 N. Eola Drive, Orlando, FL 32801
(407) 843-4600
As Attorney for:
E.C. Parkway Developments, LLC

Attachment 1
LEGAL DESCRIPTION

PARCEL 1 (FEE SIMPLE ESTATE)

That portion of Lot 7, VISTA CENTRE REPLAT, recorded in Plat Book 18, Pages 117 through 121, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Lot 7, VISTA CENTRE REPLAT; thence North 89 degrees 55 minutes 15 seconds East, along the North line of said Lot 7 and the South right of way line of East Sand Lake Road, a distance of 775.00 feet to the Northeast corner of said Lot 7 and the West right of way line of Palm Parkway; thence South 00 degrees 04 minutes 45 seconds East, along the East line of said Lot 7 and the West right of way line of Palm Parkway, a distance of 264.89 feet to the point of curvature of a tangent curve, concave to the West, having a radius of 992.74 feet and a central angle of 21 degrees 49 minutes 13 seconds; thence Southerly along the arc of said curve and said East line of Lot 7 and said West right of way line, a distance of 378.07 feet to a point; thence departing said right of way line run South 89 degrees 55 minutes 15 seconds West, a distance of 710.99 feet to a point on the West line of said Lot 7; thence North 00 degrees 33 minutes 52 seconds East, along said West line, a distance of 633.93 feet to the POINT OF BEGINNING.

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Attachment 2

LEGAL DESCRIPTION

Lots 1-10, VISTA CENTRE REPLAT, according to the plat thereof recorded in Plat Book 18, Page 121 of the Public Records of Orange County, Florida.

Attachment 3

CONDITIONS OF APPROVAL REGARDING MITIGATION MEASURES

1. **Previous Approvals.** (Development Order II.1.) The Vista Centre DRI Development Order shall conform to the Vista Centre Planned Development and the conditions of approval applicable thereto, as amended from time to time.

Response: The development conforms to the Vista Centre Planned Development as currently approved.

2. **Compliance with Applicable Laws and Regulations.** (Development Order Condition II.2.) Development of the Property shall comply with all other applicable federal, state and county laws, ordinances and regulations.

Response: The development is in compliance with all applicable laws and regulations.

3. **Signage.** (Development Order II.3.) Signage on the Property shall be in compliance with the Tourist Commercial Performance Standards of the Orange County Sign Ordinance.

Response: All existing signs are in compliance with Orange County Standards.

4. **Building Setback Lines and Height Limitations.** (Development Order II.4.) The Property shall be developed in compliance with all setback requirements and building height limitations as set forth on the Lot 6 and 7 Amended Land Use Plan, as amended by the Lot 7 Land Use Plan Amendment.

Response: The Property is in compliance with all setback and building height requirements.

5. **Tourist Commercial Performance Standards.** (Development Order II.5.) The development of the Property shall comply with the Tourist Commercial Performance Standards for Planned Developments. Portable signs, pole signs, and billboards shall be prohibited.

Response: The Property is in compliance with the Tourist Commercial Performance Standards for Planned Developments. No portable signs, pole signs, or billboards are present.

6. **Wastewater Treatment.** (Development Order II.6.) The Developer shall obtain wastewater service from Orange County, Florida. Connection shall be in accordance with the Orange County/Sellar-Morris Ventures, Inc. Interim Wastewater Facilities Agreement dated November 25, 1985, as amended (the "Agreement").

Response. The Development has obtained wastewater service and connected in accordance with the Agreement.

7. **International Drive Strategic Plan.** (Development Order II.8.) The Vista Centre DRI Development Order included the following International Drive Strategic Plans: (a) permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan; (b) if the housing linkage program is in place prior to development plan approval, the development of non-residential development shall be conditioned upon the development of residential units within the area designated Activity Center Residential on the Future Land Use Map; (c) the development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal; (d) the property owners shall be required to participate in a property owners association upon its creation; (e) stormwater management facilities shall be designated as an aesthetic feature; (f) the development plan shall provide for the interconnection of the adjacent developments either by cross access easement or public right-of-way; (g) electric distribution lines shall be underground; (h) participation in a shuttle service connecting area attractions, major transportation center and onsite development shall be provided.

Response: All requirements under the International Drive Strategic Plan have been satisfied and or provided.

8. **Lake Street.** (Development Order II.9 and III. 7) Developer agrees to reserve a 30-foot wide right-of-way for the widening of Lake Street along the north boundary of Lot 7. The remaining construction of Lake Street shall provide for pedestrian and bicycle movement.

Response: The 30-foot wide right-of-way has been reserved by developer and will be conveyed to Orange County prior to construction of Lot 7 in accordance with the Vista Centre Planned Development.

9. **Density.** (Development Order III. 2.) Development on the Property shall consist of no more than 400 hotel rooms on Lot 6, and either 500 hotel rooms or 735 timeshare units on Lot 7, or any combination of the two based on PM Peak hour traffic trips for 500 hotel rooms in accordance with the conversion matrix contained in the Development Order.

Response: Development of the Property is in compliance with the density and trip matrix.

10. **Non-Potable Water.** (Development Order III. 3) Developer shall obtain its non-potable water, for use in connection with Lot 6 and Lot 7 from the following, in the following order of priority: 1. Treated wastewater, 2. Treated stormwater, 3. Nonpotable quality groundwater.

Response: The project has implemented non-potable water requirements and has obtained nonpotable water from the following source: reclaimed water from 20" line along north side of Lake Street.

11. **Surface Water Management and Water Quality.** (Development Order III. 4 and 5) Developer shall establish and implement an inspection of and maintenance program for all components of the surface water management system for the Property, including regular inspections, conducting routine maintenance activities, and ongoing training for maintenance or landscaping activities that would have the potential of adversely affecting water quality conditions on the Property. Developer shall integrate such additional water quality treatment or

water management methods into the surface water management system as may be necessary to correct or mitigate degradation of water quality.

Response: An inspection and maintenance program for the surface water management system is in place for the developed areas of the project where surface water management facilities have been constructed. The permit issued by the SFWMD addresses water quality issues and supersedes the provisions of these conditions. The project is in compliance with the SFWMD permit conditions.

12. **Bicycle Racks and Facilities.** (Development Order III. 6 and 8) Developer shall construct a system of bikeways which shall accommodate the needs of cyclists during all new roadway construction or resurfacing activities conducted with respect to the Property. Support facilities for cyclists shall be made available at hotels and villas on the Property, which facilities shall include parking areas. On-site bicycle and pedestrian systems within the Property shall connect into external bicycle and pedestrian systems, and construction standards for the bicycle and pedestrian systems shall conform to any and all applicable state criteria. The Developer shall construct or install bicycle lockers or bicycle racks, transit passenger shelters, and transit parking bays on the Property where necessary to augment and facilitate the operations of off-site transit and bicycle facilities.

Response: Bike paths are included throughout the Property as required. Bicycle racks are in common open space areas.