



**Interoffice Memorandum**

~~Continue public~~  
hearing to  
JUL 12 2016 CAS

**DATE:** May 17, 2016

**TO:** Katie A. Smith, Deputy Clerk of the Board of County Commissioners, County Comptroller's Office

**THROUGH:** Cheryl Gillespie, Supervisor, Agenda Development Office *AGOR*

**FROM:** Alberto A. Vargas, MArch, Manager, Planning Division

**CONTACT PERSON:** John Smogor, Planning Administrator Planning Division 407-836-5616 and john.smogor@ocfl.net *ODH for JS*

**SUBJECT:** Request for Board of County Commissioners Public Hearing

**Applicant:** Dwight Saathoff, Project Finance & Development

**Appellant:** Larry Frankel, Bryrdley Realty Co., LLC

**Case Information:** Case # LUP-16-01-002 (The Grow PD); April 21, 2016 Planning and Zoning Commission Meeting

**Type of Hearing:** Planning and Zoning Commission (PZC) Appeal

**Commission District:** 5

**General Location:** South of Lake Pickett Road, north of E. Colonial Drive, east of S. Tanner Road, and west of Chuluota Road.

**BCC Public Hearing Required by:** Orange County Code, Chapter 30

*6/14/16*

**Clerk's Advertising  
Requirements:**

(1) At least 15 days before the BCC public hearing date, publish an advertisement in the Public Record section of *The Orlando Sentinel* describing the particular appeal, the general location of the subject property, and the date, time, and place when the BCC public hearing will be held;

and

(2) At least 10 days before the BCC public hearing date, send notices of BCC public hearing by U.S. mail to owners of property within 300 feet of the subject property and beyond.

Spanish Contact Person: IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY PLANNING DIVISION, Email: [lissette.egipciaco@ocfl.net](mailto:lissette.egipciaco@ocfl.net) - 407-836-5684 or [lourdes.o'farrill@ocfl.net](mailto:lourdes.o'farrill@ocfl.net) 407-836-5686

PARA MÁS INFORMACIÓN, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO A UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREA/VECINDAD, FAVOR COMUNICARSE CON LA DIVISIÓN DE PLANIFICACION, AL NUMERO, 407-836-5684.836-5686

**Advertising Language:**

This request is to consider an appeal of the April 21, 2016 Planning and Zoning Commission (PZC) Recommendation of Approval for Case # LUP-16-01-002 (The Grow PD), in the name of Dwight Saathoff, to rezone 1,187.5 gross acres from A-2 (Farmland Rural District), R-CE-5 (Rural Country Estate Residential District), and PD (Walker Cove - Planned Development District) to PD (The Grow - Planned Development District), in order to develop up to 2,078 residential units, 172,000 square feet of non-residential uses, various agricultural uses, recreational amenities; and adequate public facilities (school, community park, and utility tract).

**Material Provided:**

- (1) Names and last known addresses of property owners within 300 feet and beyond (*via email from Fiscal and Operational Support Division*);
- (2) Rezoning Appeal Notice (to be mailed to property owners);
- (3) Location map (*to be mailed to property owners*); and

(4) Copy of appellant's notice of appeal (*to be mailed to property owners*).

**Special Instructions to the Clerk:**

- (1) Please group this Appeal with The Grow PD-RP (Rezoning #LUP-16-01-002) on the **June 14, 2016 BCC Agenda**.
- (2) Unless stated otherwise, the public hearing should be advertised to begin at 2:00 p.m., or as soon thereafter as the matter may be heard.

Attachments (location map and notice of appeal)

c: Chris R. Testerman, AICP, Assistant County Administrator  
Jon V. Weiss, Director, Community Environmental Development Services  
Department



# REZONING APPEAL NOTICE

**CASE # LUP-16-01-002**

Please be advised that an appeal of the April 21, 2016 Orange County Planning and Zoning Commission (PZC) decision to recommend approval of the rezoning application listed above has been received. As a result, the appeal application will be considered concurrently by the Board of County Commissioners (BCC) with the rezoning application at **2:00 p.m. on Tuesday, June 14, 2016**, or as soon thereafter as the matter be heard.

A copy of the formal notice of appeal has been attached, and further information about the appellant, applicant, and request are listed below. If you have additional questions, please contact John Smogor of the Orange County Planning Division at (407) 836-5600 or John.Smogor@ocfl.net.

**Project Name:** The Grow Planned Development (PD)

**Acreage:** 1,187.5 gross acres

**Location:** Generally south of Lake Pickett Road, north of E. Colonial Drive, east of S. Tanner Road, and west of Chuluota Road.

**Parcel ID #'s:** 08-22-32-0000-00-005;  
18-22-32-0000-00-001;  
19-22-32-0000-00-001;  
20-22-32-0000-00-002;  
18-22-32-0000-00-025; and  
17-22-32-0000-00-002

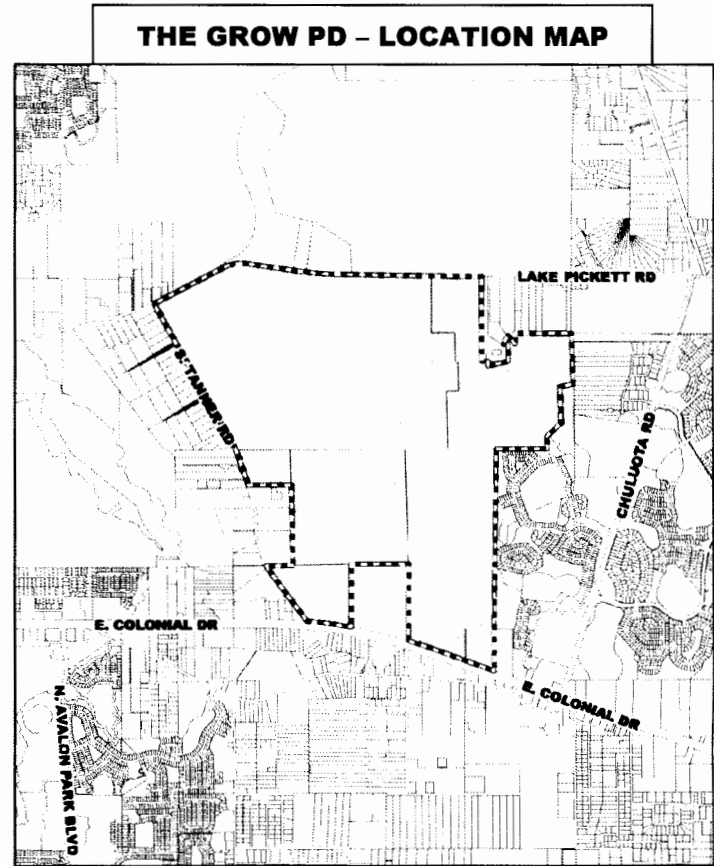
**Applicant:** Dwight Saathoff, Project Finance & Development

**Appellant:** Larry Frankel, Byrdley Realty Co., LLC

**Future Land Use Map (FLUM) Designation:**  
Currently: Rural Agricultural  
Proposed: Lake Pickett (*new FLUM designation*)

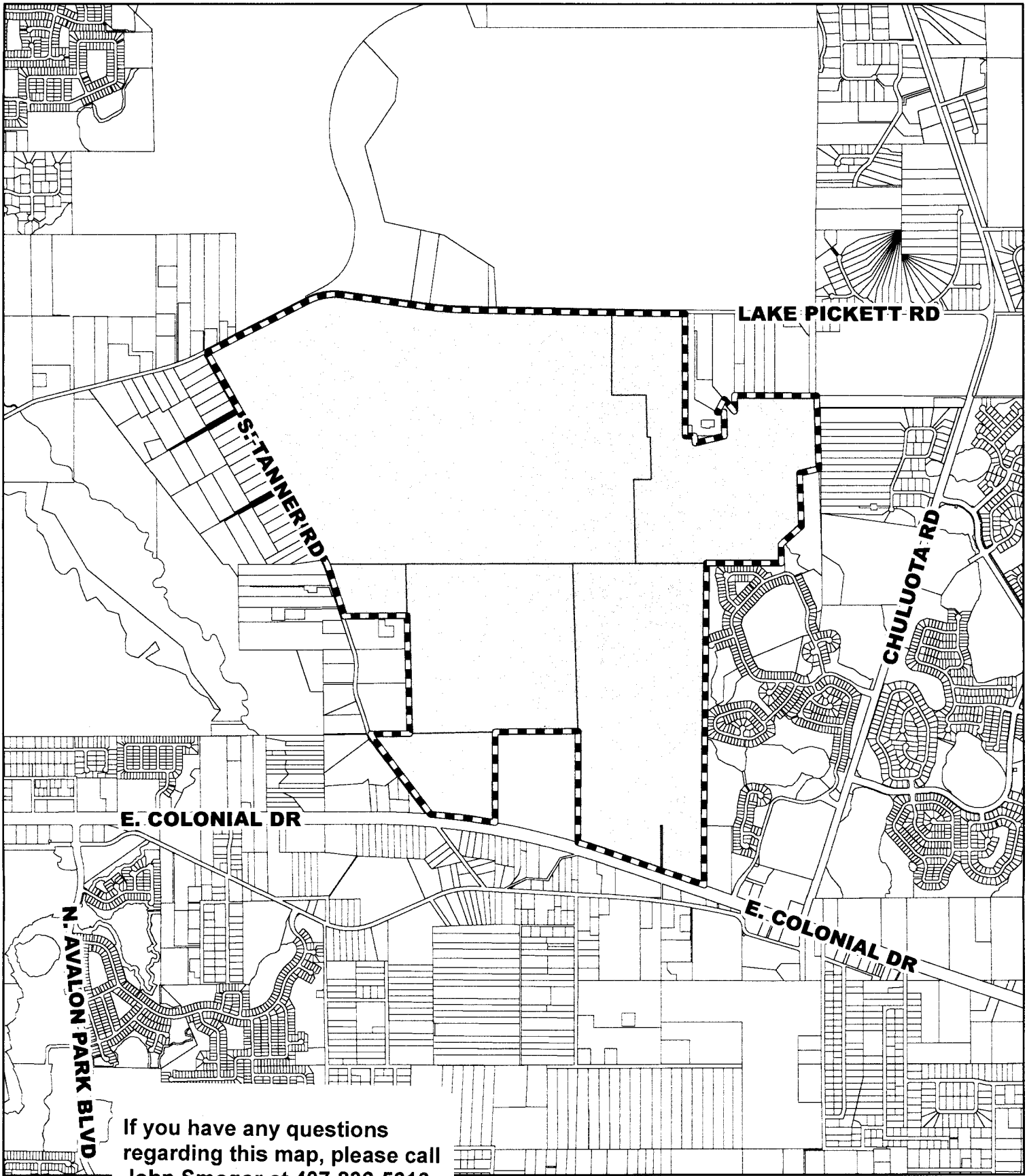
**Zoning District:**  
Currently: A-2 (Farmland Rural District), R-CE-5 (Rural Country Estate Residential District), and PD (Walker Cove - Planned Development District)  
Proposed: PD (The Grow - Planned Development District)

**Summary of Rezoning Request:**  
To rezone the subject property in order to develop up to 2,078 residential units, 172,000 square feet of non-residential uses, various agricultural uses, recreational amenities; and adequate public facilities (school, community park, and utility tract).



**The project is located in District # 5  
Commissioner Ted Edwards**

Para más información acerca de esta reunión, favor de comunicarse con la División de Planificación al número (407) 836-5600.



If you have any questions regarding this map, please call John Smogor at 407-836-5616.



**Subject Property**



1 inch = 2,083 feet



# PLANNING & ZONING COMMISSION REZONING APPEAL APPLICATION

Orange County Planning Division  
201 South Rosalind Avenue, 2<sup>nd</sup> Floor,  
Post Office Box 1393  
Orlando, Florida 32802-1393

Main Line: (407) 836-5600  
P&ZC Secretary: (407) 836-5632

Date: May 3, 2016

Re: THE GROW

RECEIVED

MAY 03 2016

Appellant: Larry Frankel  
(Print or type name)

Planning Manager

Representing: BYRDLEY REALTY CO, LLC  
(Print or type company, group, or organization name)

Address: 21759 Westmont Court  
Boca Raton, FL 33428

Telephone: 561 959-7393 Fax: \_\_\_\_\_ E-mail: byrdleyrealty@gmail.com

Respectfully request an appeal of the decision regarding rezoning number RZ - LUP-16-01-002

the Applicant being Larry Frankel, rendered by the Orange  
(Print or type Applicant name)

County Planning & Zoning Commission on April 21, 2016.

Reason for appeal (provide a brief summary or attach additional documentation if necessary):

Please see attached documents for property located  
at 16001 E. Colonial Dr., Orlando FL 32828

**FEE:** \$483.00 Planning & Zoning Commission appeals. Make check payable to the Orange County Board of County Commissioners.

**NOTE:** The Clerk of the Board will notify you of the date of your appeal.

Byrdley Realty Co. LLC  
Larry Frankel (Mobile: 561-859-7393)  
RE: 48 Acres on E. Colonial Drive, Orlando FL.

May 3, 2016

1. The Grow/LPS Development and Orange County will be compelling me to build a major two lane road with sidewalks, sewers, lighting, and to sacrifice several prime acres of land so that they can have an East-West passageway which will run 1400 feet across the center of my property, cutting it into two separate islands. This is to divert heavy traffic from the Grow community, but will adversely impact the value of my property and any future land use. And I am expected to fund this costly road for the sole benefit of the Grow project. See Exhibit A.
2. The Grow Development will force me into a "Transect" type zoning and not the conventional zoning that I would want for my property. The zoning for the property opposite mine on SR 50 is currently zoned C-1.
3. I am a stand-alone property, yet I'm being forced to facilitate my neighbors' project, even though I am not a part of it, and I'll be burdened with the tremendous costs of roadway improvements to SR 50, CR 419, and internal road access. All of these financial obligations and imposed restrictions negatively impact the feasibility of future development for my property, which would not exist if not to accommodate my neighbors development plan.
4. The residual effects of this huge development next to my property, with concern to access to SR 50, internal roads, and other related costs, restricts future land uses and negatively affects my property's value.