

BCC Mtg. Date: Jun. 28, 2016



Interoffice Memorandum

AGENDA ITEM

June 14, 2016

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

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

CONTACT PERSON: Alberto Vargas, Manager, Planning Division
PHONE NUMBER: 407-836-5354

SUBJECT: June 28, 2016 - Consent Item
Amendment to Agreement to Extend the 180 Day Adoption
Period for Lake Pickett Future Land Use and Lake Pickett South
Comprehensive Plan Amendments

On January 5, 2016, the Board of County Commissioners adopted an Agreement to extend the 180-day adoption period for the Lake Pickett Future Land Use and Lake Pickett South comprehensive plan amendments to June 30, 2016. Due to the horrific event at the Pulse nightclub in Orlando on June 12, 2016, the public hearings on those comprehensive plan amendments were continued from June 14, 2016, to July 12, 2016. As a result, the County and the applicants need to enter into an Amendment to the Agreement extending the adoption period further to July 31, 2016.

ACTION REQUESTED: Approval and execution of Amendment to Agreement to Extend the 180 Day Adoption Period for Orange County Comprehensive Plan Amendments 2015-2-P-FLUE-1 (Lake Pickett Future Land Use), and 2015-2-A-5-1 (Lake Pickett South) by and between Orange County, Florida, Dwight Saathoff, and Sean Froelich. District 5

JVW/AV:rep

Attachment

BCC Mtg. Date: Jun. 28, 2016

**Amendment to Agreement to Extend the 180 Day Adoption Period for Orange
County Comprehensive Plan Amendments 2015-2-P-FLUE-1 (Lake Pickett Future
Land Use), and 2015-2-A-5-1 (Lake Pickett South)**

This is an Amendment to an Agreement by and between **Orange County, Florida**, a charter county and political subdivision of the State of Florida (County); **Dwight Saathoff**, American Land Investments of Central Florida, 7575 Dr. Phillips Blvd., Suite 265, Orlando, FL 32819, and **Sean Froelich**, Columnar Holdings, 6442 Commerce Park Dr. #2, Fort Myers, FL 33966, as co-applicants for Amendment 2015-2-P-FLUE-1; and **Dwight Saathoff**, applicant for Amendment 2015-2-A-5-1:

RECITALS

WHEREAS, on July 28, 2015, the Board of County Commissioners (BCC) authorized transmittal of proposed Orange County Comprehensive Plan amendments 2015-2-P-FLUE-1, known as "Lake Pickett", and 2015-2-A-5-1, known as "Lake Pickett South" (LPS), to the Florida Department of Economic Opportunity (DEO) and other reviewing agencies for review and comment pursuant to Section 163.3184(3), Florida Statutes;

WHEREAS, on September 14, 2015, the County received comments from the DEO regarding these amendments;

WHEREAS, in accordance with Section 163.3184(3)(c)1, Florida Statutes, comprehensive plan amendments must be adopted within 180 days of receipt of agency comments or the amendments will be considered withdrawn *unless* extended by agreement with notice to the DEO and any affected persons that provided comments on the amendments;

WHEREAS, in this case, the comprehensive plan amendments were required to be adopted on or about March 12, 2016, or considered withdrawn *unless* extended by agreement;

WHEREAS, on or about January 5, 2016, the parties entered into an agreement extending the 180 day period for the subject comprehensive plan amendments until June 30, 2016;

WHEREAS, these comprehensive plan amendments were scheduled to be considered for adoption by the BCC at public hearings on June 14, 2016; and

WHEREAS, however, due to the horrific event at the Pulse nightclub in Orlando on June 12, 2016, the public hearings need to be continued past June 30, 2016.

NOW, THEREFORE, for good and valuable mutual consideration in the Agreement and this Amendment, the receipt of which was and is hereby acknowledged, the County and the applicants agree as follows:

1. **Additional Extension of 180 Day Period to Consider Adoption of Amendments 2015-2-P-FLUE-1 and 2015-2-A-5-1.** Pursuant to Section 163.3184(3)(c)1, Florida Statutes, the 180 day period to adopt proposed amendments 2015-2-P-FLUE-1 and 2015-2-A-5-1 is extended further until **July 31, 2016.**
2. **Notification to the DEO and Affected Persons.** The DEO and all affected persons who commented on proposed amendments 2015-2-P-FLUE-1 and 2015-2-A-5-1 shall be notified of this Amendment to the Agreement.
3. **Reservation of BCC's Legislative Authority.** The applicants understand and agree that nothing in this Amendment or the Agreement means, or may be construed or interpreted to mean, that the BCC is obligated or required to approve any of the proposed comprehensive plan amendments, or to look favorably on any of the proposed amendments, irrespective of whether the County staff and/or the Local Planning Agency may recommend or recommended in favor of the amendments.



ORANGE COUNTY

By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

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

By: *Martha O. Haynie*
Deputy Clerk

[NEXT SIGNATURE BLOCK IS AT PAGE 3.]

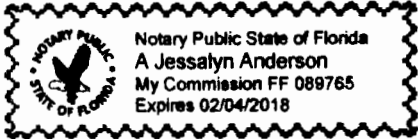
APPLICANT

By: *DW Saathoff*
Dwight Saathoff
Authorized Agent for
Applications 2015-2-P-FLUE-1 and
2015-2-A-5-1

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me by Dwight Saathoff, who is known by me to be the person described herein and who executed the foregoing, this 13th day of June, 2016. He is personally known to me or has produced _____ as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 13th day of June, 2016.



A Jessalyn Anderson
Notary Public
Print Name: A JESSALYN ANDERSON
My Commission Expires: 2/4/18

[NEXT SIGNATURE BLOCK IS AT PAGE 4.]

APPLICANT

By: *Sean Froelich*
Sean Froelich
Authorized Agent for
Application 2015-2-P-FLUE-1 and
Lake Pickett South Landowners

M.P.
STATE OF FLORIDA
COUNTY OF ORANGE *Lee*

The foregoing instrument was acknowledged before me by Sean Froelich, who is known by me to be the person described herein and who executed the foregoing, this 15th day of June, 2016. He is personally known to me or has produced FCIDC as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of June, 2016.

Michael Puchalski
Notary Public
Print Name: Michael Puchalski
My Commission Expires: Oct 13 2018

