

ARTICLE XXXII QUASI-JUDICIAL HEARING  
IN THE CITY OF ORLANDO, FL

CASE NO.: QJ 2016-003  
LOWER CASE NO: ARB 2015-00071

MS. LAWANNA GELZER,

Petitioner,

vs.

THE CITY OF ORLANDO, FLORIDA,  
a Florida Municipal Corporation,

Respondent,

and

SCOTT NEAL, ORLANDO SPORTS  
HOLDINGS, LLC,

Applicant/ Respondent.

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**JOINT LIMITED EXCEPTION OF THE CITY OF ORLANDO, SCOTT NEAL AND  
ORLANDO SPORTS HOLDINGS, LLC TO RECOMMENDED ORDER**

**AND**

**JOINT NOTICE WITH RESPECT TO SCRIVENER'S ERRORS IN RECOMMENDED  
ORDER**

Respondent, the Economic Development Department of the City of Orlando, Florida ("City"), and Applicant/Respondent, Scott Neal ("Neal"), and Orlando Sports Holdings, LLC ("Orlando Sports") (collectively "Respondents"), through their respective undersigned attorneys,

hereby file their joint limited exception to the Recommended Order dated July 11, 2016 (“Recommended Order”).

Respondents also note below certain scrivener’s errors contained in the Recommended Order. Respondents do not file an exception to the scrivener’s errors but note them in an attempt to clarify the record in this matter. Among the scrivener’s errors is one related to the legal description of the soccer stadium property.

### **LIMITED EXCEPTION**

1. Respondents do not object to the recommendation contained within the Recommended Order that the City Council deny the Petition in Opposition filed by Petitioner.

2. However, Respondents suggest that, in addition to the reasons articulated in the Recommended Order for the recommended denial, the Petition in Opposition should also be denied because Petitioner did not establish she possesses standing. Indeed, Petitioner does not possess standing for three separate reasons.

3. First, Petitioner did not establish standing as an alleged owner of the child care center because all the competent evidence shows she does not possess any such ownership interest.

4. Second, the issues before the Appearance Review Board at the February 18, 2016 meeting concerned appearance features on the *south* end of the soccer stadium. Transcript of May 26, 2016 hearing (“Transcript”), page 174, lines 19-24; Respondents’ Joint Exhibit A-34 and Recommended Order, paragraphs 15-21. However, Petitioner’s standing was based solely on her ownership interest in a child care center. *See, e.g.*, Recommended Order, paragraph 23. Yet, the child care center is located several blocks *north* of the soccer stadium. *See, e.g.*,

Transcript, page 61, lines 1-6. Petitioner presented no evidence that anyone at the child care center could see, much less be impacted by, design changes on the south end of the stadium. Thus, the Recommended Order's conclusion of law that Petitioner possessed what the Hearing Officer described as "somewhat tenuous" standing, is erroneous.<sup>1</sup>

5. Third, in paragraph 30 of the Recommended Order, the Hearing Officer correctly found as a matter of fact that "Petitioner otherwise failed to introduce any evidence on the appearance changes that were the subject of the February 18, 2016 ARB decision, or how those changes violated any applicable codes." However, paragraph 35 of the Recommended Order contains a conclusion of law that Petitioner had standing (albeit "somewhat tenuous") to challenge the February 18, 2016 ARB decision.

6. The conclusion of law that Petitioner had standing is incorrect. Having found as a matter of fact that Petitioner did not introduce any evidence on the appearance changes at issue or how those changes allegedly violated applicable codes, the Hearing Officer could not, under the Orlando City Code ("Code"), have concluded as a matter of law that Petitioner had standing. Article XXXII, Section 2.205 (1) of the Code provides that only an "adversely-affected person" has standing to bring a request for hearing or petition. Section 2.203 (1) of the Code defines a "adversely-affected person" to only include one who possesses an adversely affected interest which, even though it may be shared in common with other members of the community at large, "shall exceed the general interests in community good shared by all persons." The Hearing Officer found as a matter of fact that Petitioner failed to introduce any evidence on the appearance changes at issue or how those changes allegedly violated applicable codes. Petitioner

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<sup>1</sup> The Recommended Order's standing analysis is limited and only focuses on the Petitioner's ownership of the child care center. The Recommended Order contains no analysis of either: (1) the distance from the child care center to the stadium (2) that the changes were to the stadium's south side while the child care center is located on the north side of the stadium or (3) Petitioner's failure to present any evidence that the child care center was impacted by the design changes.

similarly failed to introduce any evidence on how the changes to the south side of the stadium affected her interest in the child care center. Thus, Petitioner does not possess standing because she did not establish that she had possessed a adversely affected interest.

**NOTICE WITH RESPECT TO SCRIVENER'S ERRORS**  
**IN RECOMMENDED ORDER**

Respondents also note the following scrivener's errors in the Recommended Order. Respondents do not file an exception to the scrivener's errors but simply note them to clarify the record in this matter.

7. On page 5, the Recommended Order recites that two witnesses appeared on behalf of "the City." These witnesses appeared on behalf of all Respondents as Respondents presented their evidence jointly. Transcript, page 135, lines 13-17.

8. On page 5, the Recommended Order recites that "Applicant's" exhibits were received as part of the record. Just as Respondents introduce their oral testimony jointly, their exhibits were also joint exhibits. *See, e.g.*, Transcript, page 4.

9. On pages 5-7, the Recommended Order recites that certain "Applicant's" exhibits 1-55 were received as part of the record. Page 7 of the Recommended Order correctly notes that Respondents' Joint Exhibit A-59 was also part of the record.

10. On page 6, the Recommended Order omits Exhibit A-32 from the exhibits introduced by "Applicant." Respondents' Joint Exhibit A-32 was received into evidence. Transcript, page 170, lines 10-15.

11. On page 6, the Recommended Order recites that "Applicant's" Exhibit A-33 was a PowerPoint displayed at the [ARB hearing.]. Respondents' Joint Exhibit A-33 was comprised

of both the PowerPoint and “hard copies” of the slides comprising the PowerPoint. Transcript, page 188, line 19 through page 189, line 2.

12. Pages 1 and 2 of the Recommended Order contain a “Legal Description of Subject Property.” However, the Recommended Order does not contain the entire legal description of the soccer stadium property impacted by the Petition in Opposition filed in this case. The entire legal description of the stadium property is contained on Exhibit “A” hereto.

Respectfully submitted,



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*Counsel for Applicant/Respondent, Scott Neal  
and Orlando Sports Holdings, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2016, I filed the foregoing with the City of Orlando's  
Quasi-Judicial Hearing Administrator for distribution to the parties.



Daniel C. Johnson

## EXHIBIT "A"

### LEGAL DESCRIPTION:

A portion of the south 1/2 of the southwest 1/4 of Section 26, Township 22 South, Range 29 East, City of Orlando, Orange County, Florida; Lot 1, Lot 2, Lot 3, Lot 4 of Sellers Central Avenue Sub-Division as recorded in Plat Book G, Page 88; Lot 1, Lot 2, Lot 3, Lot 4, Lot 5 of H.J. Patrick's Sub-Division as recorded in Plat Book F, Page 45; all of Lot 7, Lot 8, Lot 20, Lot 21, Lot 22, Lot 23 together with a portion of Lot 6 and Lot 9 and the Vacated Pine Street Right of Way, described in DOC# 20160109075, of said Public Records, West of Lot 19 of Drew and Phillips Sub-Division as recorded in Plat Book D, Page 128; Lot 1, Lot 2, Lot 3, of Block A, Parramore Heritage Park as recorded in Plat Book 62, Page 46; and the Vacated Parramore Right of Way, described in DOC# 20160109075, of said Public Records, North of West Church Street and South of West Central Boulevard.

Being More Particularly described as follows,

BEGIN at the Northwest corner of Lot 1 Sellers Central Avenue Sub-Division as recorded in Plat Book G, Page 88 , thence run along the South Right of Way line of West Central Avenue North 89° 51' 59" East a distance of 266.70 feet; thence departing said South Right of Way line run South 00° 24' 46" East a distance of 335.71 feet to the Northeast corner of Lot 20 of said Drew and Phillips Sub-Division; thence run along the East line of Lot 20 and Lot 23 of said Drew and Phillips Sub-Division South 00° 24' 46" East a distance of 276.07 feet to the Southeast corner of said Lot 23 and the North Right of Way line of West Church Street; thence run along said North Right of Way line South 89° 43' 48" West a distance of 259.77 feet; thence along said North Right of Way line North 88° 02' 19" West a distance of 84.02 feet to the Southernmost East corner of Lot 2, Block A, Parramore Heritage Park as recorded in Plat Book 62, Page 46; thence along said North Right of Way line of West Church Street South 89°38' 19" West a distance of 408.40 feet to the Southwest corner of Lot 1, Block A, of said Parramore Heritage Park and the East Right of Way of Glenn Lane; thence along the West line of said Lot 1, Block A, and said East Right of Way North 00°14' 27" West a distance of 613.05 feet to the Northwest corner of said Lot 1, Block A, and the South Right of Way line of West Central Avenue; thence along the said South Right of Way line North 89° 56' 22" East a distance of 424.43 feet to the Northeast corner of Lot 3, Block A, of said Parramore Heritage Park; thence along said South Right of Way line South 88° 37' 31" East a distance of 59.18 feet to the POINT OF BEGINNING.

Containing 459,726 square feet or 10.554 acres (more or less)

I HEREBY CERTIFY THAT THIS SKETCH  
OF DESCRIPTION IS IN ACCORDANCE  
WITH THE "STANDARDS OF PRACTICE"  
AS REQUIRED BY CHAPTER 5J-17  
FLORIDA ADMINISTRATIVE CODE.

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Herman Daniel Williams III, P.S.M.  
LICENSE NUMBER 6227  
CERTIFICATE OF AUTHORIZATION No. LB 7963  
Dated: 04/20/16



201 N. Magnolia Avenue - Suite 200 - Orlando, FL 32801  
Phone (407) 839-4300 Fax (407) 839-1621  
Licensed Business Number: 7963

NOT VALID WITHOUT THE SIGNATURE AND THE  
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED  
SURVEYOR AND MAPPER

ORANGE COUNTY FLORIDA

### ORLANDO SOCCER STADIUM

DRAWN BY: RGR	DATE: 04/20/16
CHECKED BY: HDW	DATE: 04/20/16
REVISED: -	SCALE: N/A
JOB No: 16CAR.SOC	