

GENERAL INFORMATION

APPLICANT	Jamie T. Poulos, Poulos & Bennett, LLC
OWNER	Bryan DeCunha, Windermere Country Club, LLC
HEARING TYPE	Planning and Zoning Commission (PZC)
PROJECT NAME	Butler Bay Cluster Plan
REQUEST	R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster District) <i>To amend the existing Butler Bay Cluster Plan and rezone two (2) parcels consisting of 155.00 gross acres from R-CE-C to R-CE-C, in order to redevelop the existing Windermere Golf Course and Club House with 95 single-family detached residential homes on minimum ½-acre lots.</i>
LOCATION	2710 and 2730 Butler Bay Dr. North; or generally located north of Lake Butler Boulevard, east of McKinnon Road, southeast of Lake Roberts, and west of Lake Crescent
PARCEL ID NUMBERS	01-23-27-1108-00-001 and 01-23-27-1117-00-001
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Five-hundred twenty-three (523) notices were mailed to those property owners in the mailing area.
TRACT SIZE	155.00 gross acres
PROPOSED USE	Ninety-five (95) single-family lots with one (1) detached residential home per lot.

STAFF RECOMMENDATION TO THE PZC

This hearing was originally opened by the PZC on November 17, 2015, but was continued to April 21, 2016, in order to allow the applicant to do the following:

- (1) Submit a Petition-to-Vacate (PTV) pursuant to Section 171.101(3), Florida Statutes, requesting that the Board of County Commissioners (BCC) amend the Butler Bay Unit 3 plat recorded at Plat Book 18, Page 4, by removing two notes on the plat that did the following: (a) dedicated to Orange County development rights to Tract "A" (the property

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that's the subject of this rezoning request); and (b) dedicated to the County access rights from Tract "A" to McKinnon Road and Lake Butler Blvd.; and

- (2) Request and receive approval by the BCC of an amendment to that certain Developer's Agreement by and between Windermere Lakes, Ltd., a Florida limited partnership, and County, approved by the BCC on February 24, 1986, and recorded at OR Book 3537, Page 1536, in order to amend and/or remove the references to the restrictions regarding development rights and access to Tract A.

The two notes on the Butler Bay Unit 3 plat, Notes 12 and 13, read in relevant part as follows:

12. Development rights to....Tract A are dedicated to Orange County, Florida.

13. Access rights fromTract A to McKinnon Road & Lake Butler Blvd. are dedicated to Orange County, Florida.

This hearing was continued by the PZC again in July and September 2016 because the applicant's PTV application had not yet been heard by the BCC.

On October 18, 2016, the BCC heard the applicant's PTV request, and denied the request. A copy of the BCC's decision is included with this staff report on page 3.

Because development rights to Tract "A" and access rights from Tract "A" remain with the County, the staff's position is that applicant doesn't have the right to rezone or redevelop Tract "A" without those development rights and access rights.

In conclusion, in light of the BCC's recent denial of the applicant's PTV, the applicant is unable to rezone or redevelop the subject property. Staff therefore recommends that the PZC decline to consider the rezoning application or the merits of the rezoning application, and dismiss this case.

PLANNING AND ZONING COMMISSION (PZC) ACTION – (November 17, 2016)

Declined to consider the rezoning application or the merits of the rezoning application, and dismissed the case.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they decline to consider the rezoning application or its merits, and dismiss the case.

Staff indicated that five hundred twenty-three (523) notices were mailed to surrounding property owners within a buffer extending beyond 500 feet from the subject property, with sixty-eight (68) responses in opposition and zero (0) in favor of the request received. Finally, the applicant was present and expressed opposition to the staff recommendation.

Following a presentation by the applicant, public testimony, and a lengthy discussion amongst PZC members, a motion was made by Commissioner Barrett to decline

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consideration of the rezoning application or its merits, and dismiss the case. Commissioner DiVecchio seconded the motion, which was then carried on a 6-0 vote.

Motion / Second	<i>Marvin Barrett / Pat DiVecchio</i>
Voting in Favor <i>(of the motion)</i>	<i>Marvin Barrett, Pat DiVecchio, JaJa Wade, Tina Demostene, Rick Baldocchi, and Jose Cantero</i>
Voting in Opposition <i>(of the motion)</i>	<i>None</i>
Recused	<i>Paul Wean</i>
Absent	<i>James Dunn and Yog Melwani</i>

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Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, October 18, 2016

2:00 PM

County Commission Chambers

16-060

Plat Vacation

Bryan DeCunha on behalf of Windermere Country Club, LLC, Petition to Vacate the development and access rights of Tract A (Golf Course) of the Butler Bay - Unit Three development; District 1

Consideration: Windermere Country Club Plat Vacation, Petition to vacate the development and access rights of Tract A (Golf Course) of the Butler Bay - Unit Three development dedicated to Orange County per the plat of Butler Bay - Unit Three.

Location: District 1 The parcel address is 2710 Butler Bay Drive North; S01/T23/R27; Orange County, Florida (legal property description on file in Development Engineering Division)

A motion was made by Commissioner Boyd, seconded by Commissioner Siplin, that this item be denied. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN FILED WITH ME
THIS 9TH DAY OF NOVEMBER 2016.

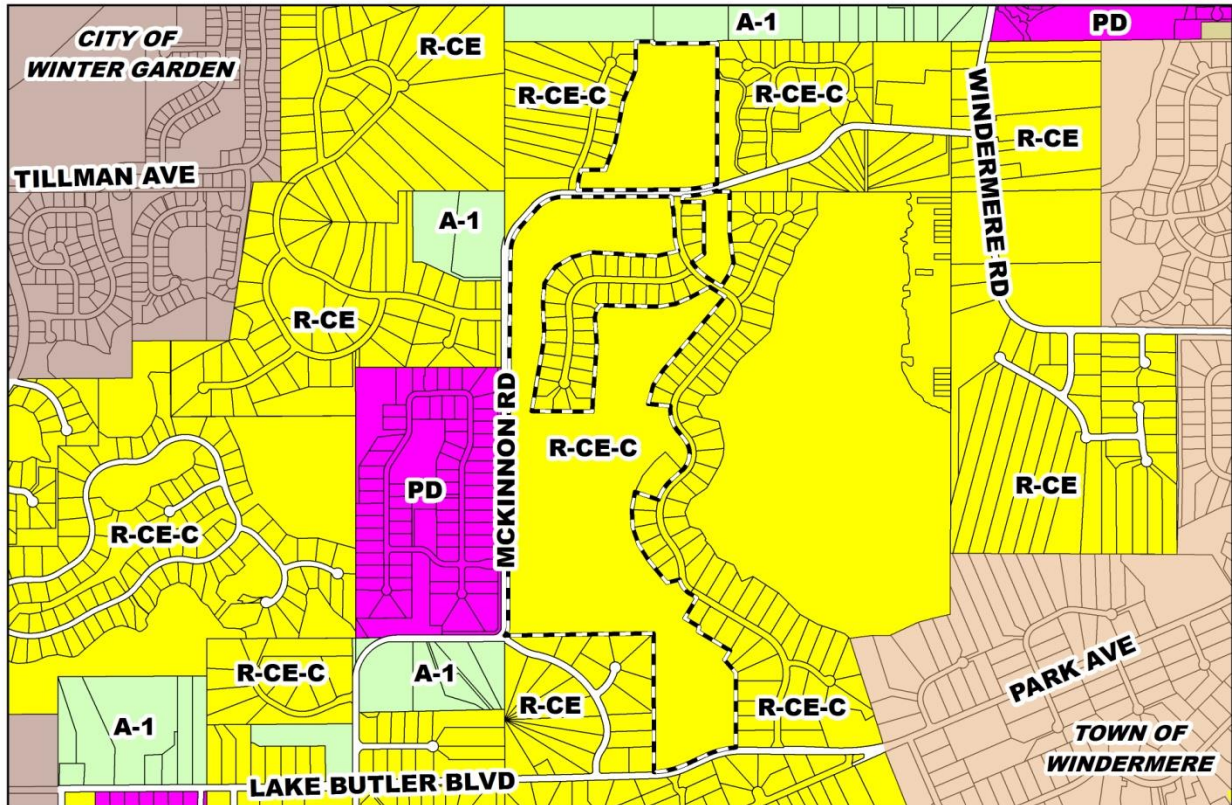
Nali P.
for DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.

np

RZ-15-10-038



Subject Property



Subject Property

ZONING MAP

ZONING: R-CE-C (Country Estate Cluster District) to
R-CE-C (Country Estate Cluster District)

APPLICANT: Jamie Poulos, Poulos and Bennett, LLC

LOCATION: 2710 and 2730 Butler Bay Drive North; or
generally located north of Lake Butler
Boulevard, between McKinnon Road and
Butler Bay Drive North, and southeast of
Lake Roberts

TRACT SIZE: 155.00 gross acres

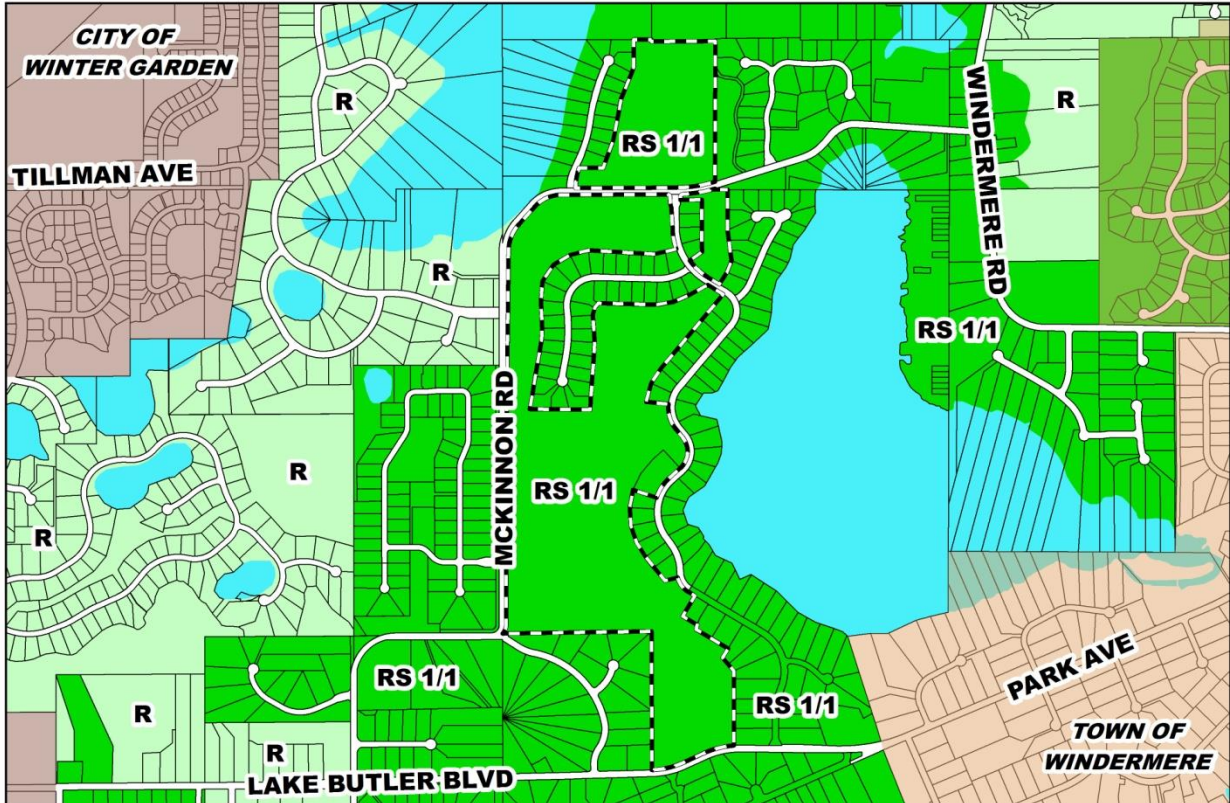
DISTRICT: # 1

S/T/R: 01/23/27

1 inch = 1,399 feet



RZ-15-10-038



Subject Property



Subject Property

Future Land Use Map

FLUM: Rural Settlement 1/1 (RS 1/1)

APPLICANT: Jamie Poulos, Poulos and Bennett, LLC

LOCATION: 2710 and 2730 Butler Bay Drive North; or generally located north of Lake Butler Boulevard, between McKinnon Road and Butler Bay Drive North, and southeast of Lake Roberts

TRACT SIZE: 155.00 gross acres

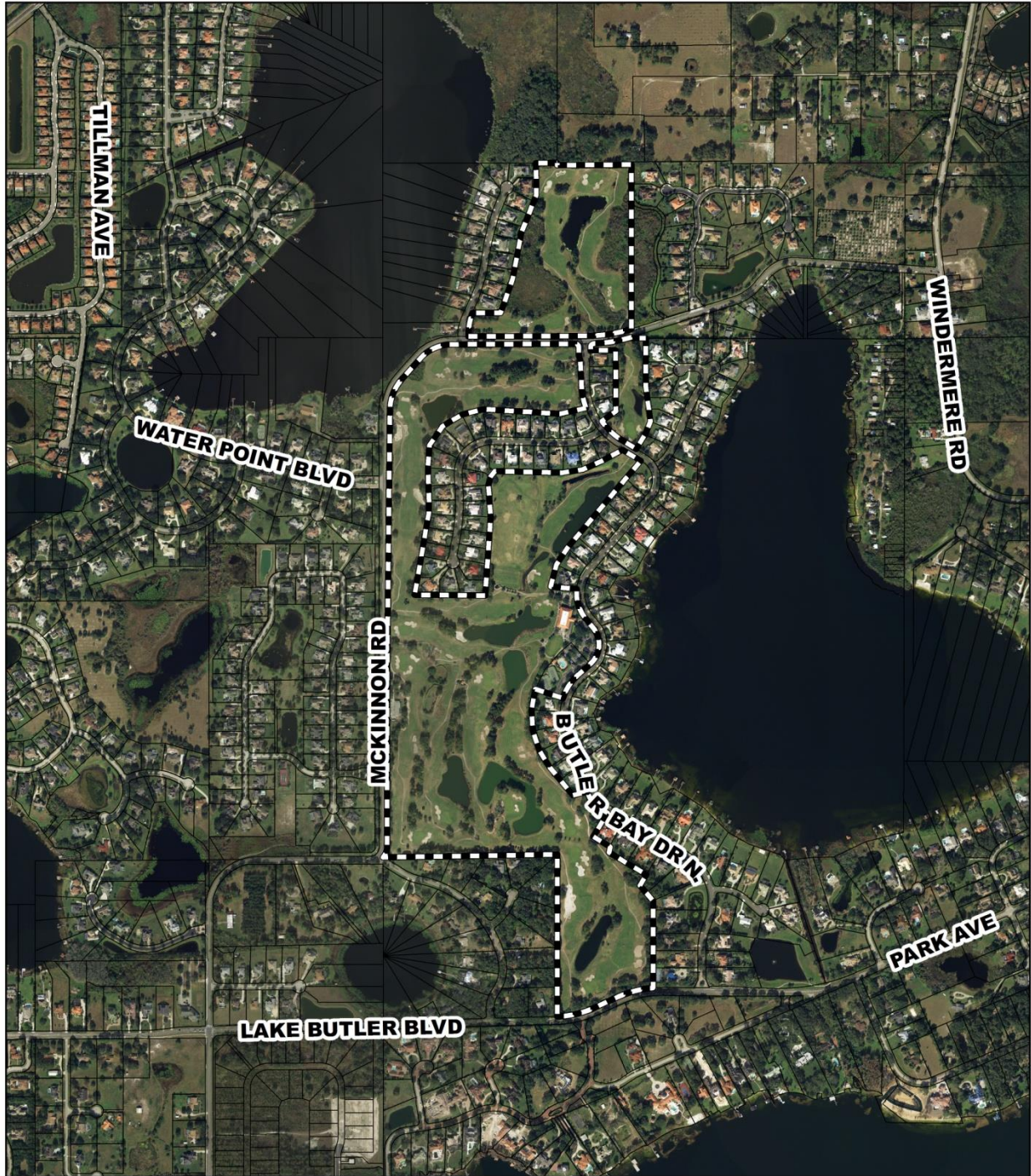
DISTRICT: # 1

S/T/R: 01/23/27

1 inch = 1,399 feet



RZ-15-10-038

 Subject Property

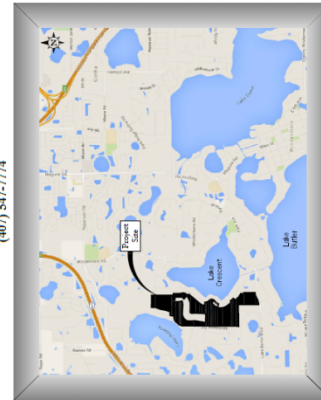
1 inch = 1,000 feet

Cluster Plan^Δ
for
Lake Butler Bay Cluster Development Plan
RZ-15-10-038^Δ
Orange County, FL

Parcel Id. No.:
01-23-27-1108-00-001
01-23-27-1117-00-001

Sheet Id.	Sheet Index		Sheet Title	Subm./Rev.											
	1	2		3	4	5	6								
C1.00			Existing Conditions												
C2.00			Land Use Plan												
C3.00			Site Data												
			Reference Drawings												
R1.0	-	R3.0	Boundary Survey												
<table><tr><th>Date</th><th>Description</th></tr><tr><td>08/19/2015</td><td>Submit To Orange County</td></tr><tr><td>11/10/2015</td><td>Submit To Orange County</td></tr></table>										Date	Description	08/19/2015	Submit To Orange County	11/10/2015	Submit To Orange County
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Applicant:
Windermere Country Club
2710 Butler Bay Dr. N.
Windermere, FL 34786
(407) 547-7774



Vicinity Map
Scale 1" = 1000'

City Engineer:
Poulos & Bennett, LLC
2602 E. Longwood Ave., Suite 200
Orlando, FL 32803
407.487.2594

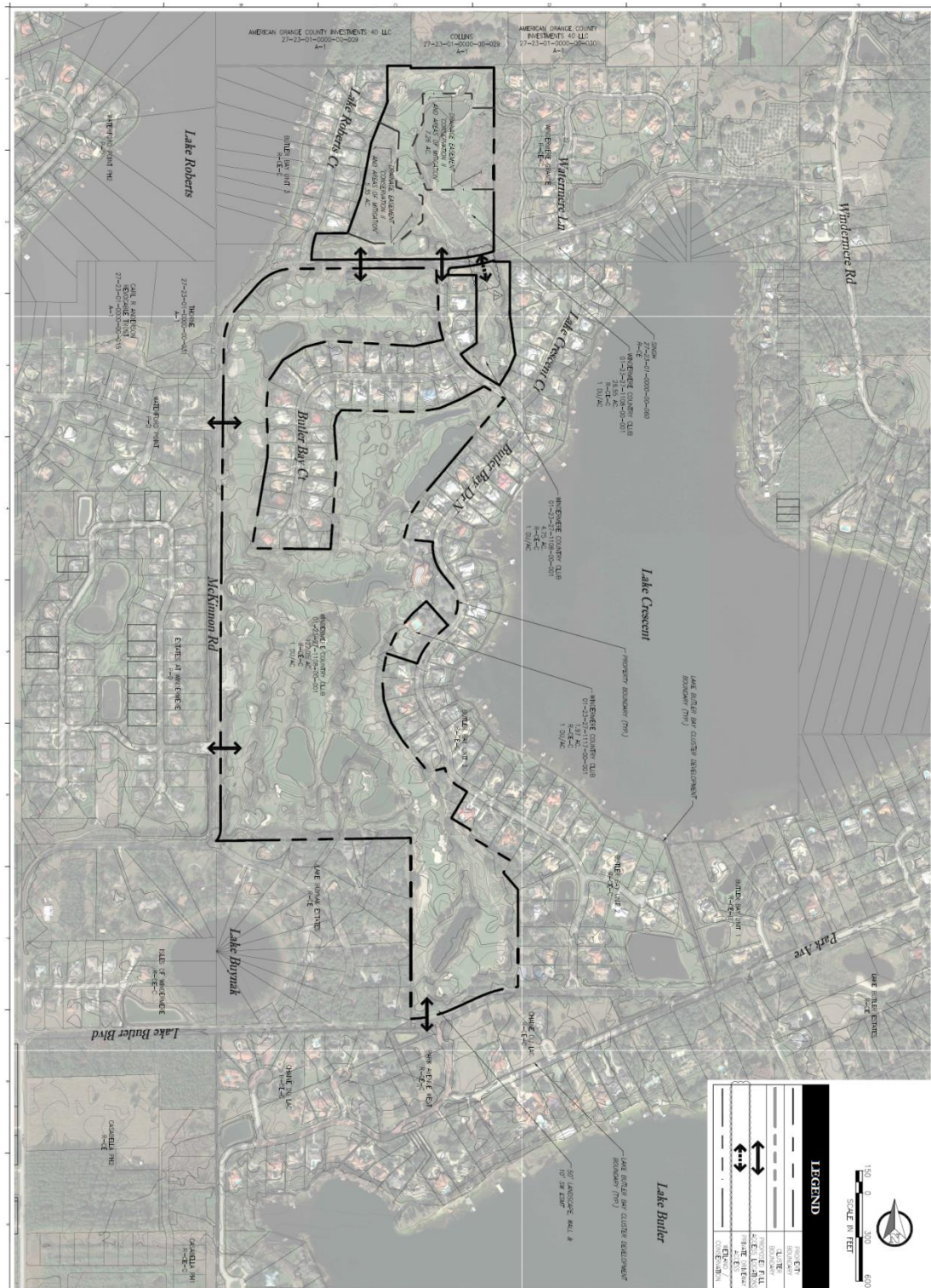
Surveyor:
Land Tech Surveying & Mapping
2602 E. Longwood Ave., Suite 200
Orlando, FL 32803
407.365.1036
407.365.1338

Environmental Consultant:
Bio-Tech Consulting, Inc.
2602 E. Longwood Ave., Suite 200
Orlando, FL 32803
407.894.5969
407.894.0770

POULOS & BENNETT
2602 E. Longwood Ave., Suite 200
Orlando, FL 32803
Tel. 407.487.2594, Fax 407.487.2597
www.poulosandbennett.com
Map 15-101

tlar Bay Cluster Plan / Cover Sheet

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LAND USE & SITE DATA SUMMARY

Land Use District	Total Area (Ac.)	Conservation Area (Ac.)	Developable Area ⁽¹⁾ (Ac.)	Net Density Allowed per Net Density	Proposed Units	Stormwater Mgmt Acres (15%) (Ac.)	Common Open Space ⁽³⁾ (Ac.)	Recreation / Park ⁽⁴⁾ (Ac.)
Residential	155.30	12.6	142.70	1 du/Acre	142 ⁽¹⁾ 95 ⁽²⁾	21.41	0	0.74

- (1) Developable Area: The gross land area excluding natural water bodies (as measured to the Normal High Water Elevation) and designated conservation (wetland) areas.
 (2) See Allowable Unit Calculation
 (3) Open Space: Per Orange County Code 24-291(e), Residential Cluster Developments with Gross Density less than or equal to 1 unit/acre, no common open space is required.
 (4) Recreation/Park: Per Orange County Subdivision Regulations, recreation/park space required - 2.5 Ac./1000 residents, 3.1 residents per home.

STUDENT POPULATION PER O.C.			
School Type	Residential Units	Multiplier per OCSB	Student Population
Elementary Students	95	0.196	19
Middle School Students	95	0.100	10
High School Students	95	0.134	13
Total Students:			41

DESCRIPTION		ITE TRIP GENERATION				PEAK TRIPS	
		ITE CODE	WEEKDAY	AM	PM	DAILY	AM
SINGLE FAMILY		210	10.25	0.78	1.03	95	74
*NOTE: BASED ON ITE TRIP GENERATION - 9TH EDITION						98	

ALLOWABLE UNIT CALCULATIONS

- NET DEVELOPABLE AREA WITHIN GOLF COURSE PARCEL:**
 155.3 AC. TOTAL GOLF COURSE PARCEL AREA
 12.6 AC. TOTAL PLATTED CONSERVATION AREA
 142.7 AC. NET DEVELOPABLE AREA WITHIN GOLF COURSE PROPERTY
- NET DEVELOPABLE AREA WITHIN CLUSTER PLAN OUTSIDE OF GOLF COURSE AREA:**
 472.8 AC. TOTAL NET DEVELOPABLE AREA WITHIN CLUSTER PLAN (PER EXISTING CLUSTER PLAN)
 142.7 AC. NET DEVELOPABLE AREA WITHIN GOLF COURSE PROPERTY (PER CALCULATION ABOVE)
 330.1 AC. NET DEVELOPABLE AREA WITHIN CLUSTER PLAN OUTSIDE OF GOLF COURSE AREA
- TOTAL ALLOWABLE UNITS ON LAND WITHIN CLUSTER PLAN OUTSIDE OF GOLF COURSE PROPERTY:**
 330.1 AC. X 0.85 UNITS/AC. = 280 UNITS
- EXISTING BUILT UNITS TO BE ALLOCATED TO GOLF COURSE PROPERTY:**
 327 UNITS TOTAL EXISTING PLATTED UNITS IN CLUSTER PLAN (PER PLATS)
- ALLOWABLE UNITS ON GOLF COURSE PROPERTY:**
 142.7 AC. NET DEVELOPABLE AREA WITHIN GOLF COURSE PROPERTY
 142 UNITS TOTAL UNITS BASED ON 1 UNIT/AC.
 142 UNITS - 47 UNITS = 95 UNITS

MISCELLANEOUS NOTES

- THERE WILL BE A MINIMUM 50' TRACT DEDICATED TO AND MAINTAINED BY THE PROPOSED HOMEOWNERS ASSOCIATION (HWA) BETWEEN ANY PROPOSED LOTS OR INTERNAL ROADWAYS AND EXISTING HOMES. USES WITHIN THIS TRACT WILL BE LIMITED TO STORMWATER MANAGEMENT, LANDSCAPE AND/OR PERIMETER WALLS.
- A MASTER UTILITY PLAN (MUP) FOR THIS DEVELOPMENT SHALL BE SUBMITTED TO ORANGE COUNTY UTILITIES AT LEAST THIRTY (30) DAYS PRIOR TO SUBMITTAL OF THE FIRST SET OF CONSTRUCTION PLANS. THE MUP MUST BE APPROVED PRIOR TO CONSTRUCTION PLAN APPROVAL.
- AN APPLICATION FOR CONSERVATION AREA DETERMINATION (CAD-15-08-106) DELINEATING WETLAND AND SURFACE WATERS HAS BEEN SUBMITTED AND PENDING COUNTY APPROVAL OF SURVEYED WETLAND LINES. NO WETLAND OR BUFFER ENCROACHMENTS SHALL BE PERMITTED UNTIL AN IMPACT PERMIT IS APPROVED CONSISTENT WITH ORANGE COUNTY CODE CHAPTER 15. APPROVAL OF THIS PLAN DOES NOT AUTHORIZE ANY DIRECT OR INDIRECT CONSERVATION AREA IMPACTS.
- PRIOR TO MASS GRADING, CLEARING, GRUBBING OR CONSTRUCTION, THE APPLICANT IS HEREBY NOTICED THAT THIS SITE MUST COMPLY WITH HABITAT PROTECTION REGULATIONS OF THE U.S. FISH AND WILDLIFE SERVICE (USFWS) AND THE FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION (FWC).

PROJECT DATA SUMMARY

GENERAL INFORMATION:
 LOCATION: SOUTH AND EAST OF THE DANIEL WEBSTER WESTERN BELTWAY, NORTH OF LAKE BUTLER, AND IMMEDIATELY WEST OF LAKE CRESCENT.

AREA:
 155.3 AC. OVERALL GOLF COURSE AREA PER BOUNDARY SURVEY
 12.6 AC. TOTAL PLATTED CONSERVATION AREA
 142.7 AC. NET DEVELOPABLE AREA WITHIN GOLF COURSE PROPERTY

EXISTING USES:
 GOLF COURSE / CLUB HOUSE / TENNIS COURTS

PROPOSED USES:
 RESIDENTIAL, SINGLE FAMILY DETACHED

EXISTING ZONING / DENSITY:
 R-CE-C / 0.85 DU/AC.

PROPOSED ZONING / DENSITY:
 R-CE-C / 1.0 DU/AC.

FUTURE LAND USE:
 RURAL SETTLEMENT 1/1

WATER SERVICE:
 ORANGE COUNTY UTILITIES - SERVICE AVAILABLE VIA MCKINNON RD AND LAKE BUTLER BLVD

WASTE WATER SERVICE:
 ONSITE SEPTIC

RECLAIM WATER SERVICE: - CONNECTION TO EXISTING RECLAIMED WATER TO BE DETERMINED AT THE TIME OF PSP APPROVAL

STORMWATER:
 THE PROJECT WILL BE SERVICED BY A MASTER STORMWATER SYSTEM. THE MASTER STORMWATER SYSTEM WILL BE DESIGNED TO MEET THE REQUIREMENTS OF THE ORANGE COUNTY SUBDIVISION REGULATIONS AND SOUTH FLORIDA WATER MANAGEMENT DISTRICT REGULATIONS. THE LOCATIONS AND SIZE OF THE MASTER STORMWATER MANAGEMENT FACILITIES WILL BE DETERMINED AT PRELIMINARY SUBDIVISION PLANS AND FINAL CONSTRUCTION PLAN APPROVALS.

NEIGHBORHOOD PARK:
 OWNERSHIP AND MAINTENANCE WILL BE DETERMINED AT PSP

NOTES:

- ACCESS RIGHTS TO MCKINNON ROAD AND LAKE BUTLER BOULEVARD TO BE ADDRESSED AT THE PRELIMINARY SUBDIVISION PLAN STAGE.
- GATED ACCESS SHALL BE PER ORANGE COUNTY GATED COMMUNITY ORDINANCE, ARTICLE VII OF THE LAND DEVELOPMENT CODE AND SHALL BE ADDRESSED AT THE PRELIMINARY SUBDIVISION PLAN STAGE.
- SUBDIVISION ROADWAY CROSS SECTIONS SHALL BE DEVELOPED AND APPROVED WITH THE PSP.

LOT STANDARDS

MIN. LOT SIZE 0.50 AC.
 MIN. LOT WIDTH 100 FT.
 MIN. LIVING AREA 2,400 SF
 MAX. BLDG HEIGHT 2-STORY/35 FT
 MAX. LOT COVERAGE 60%

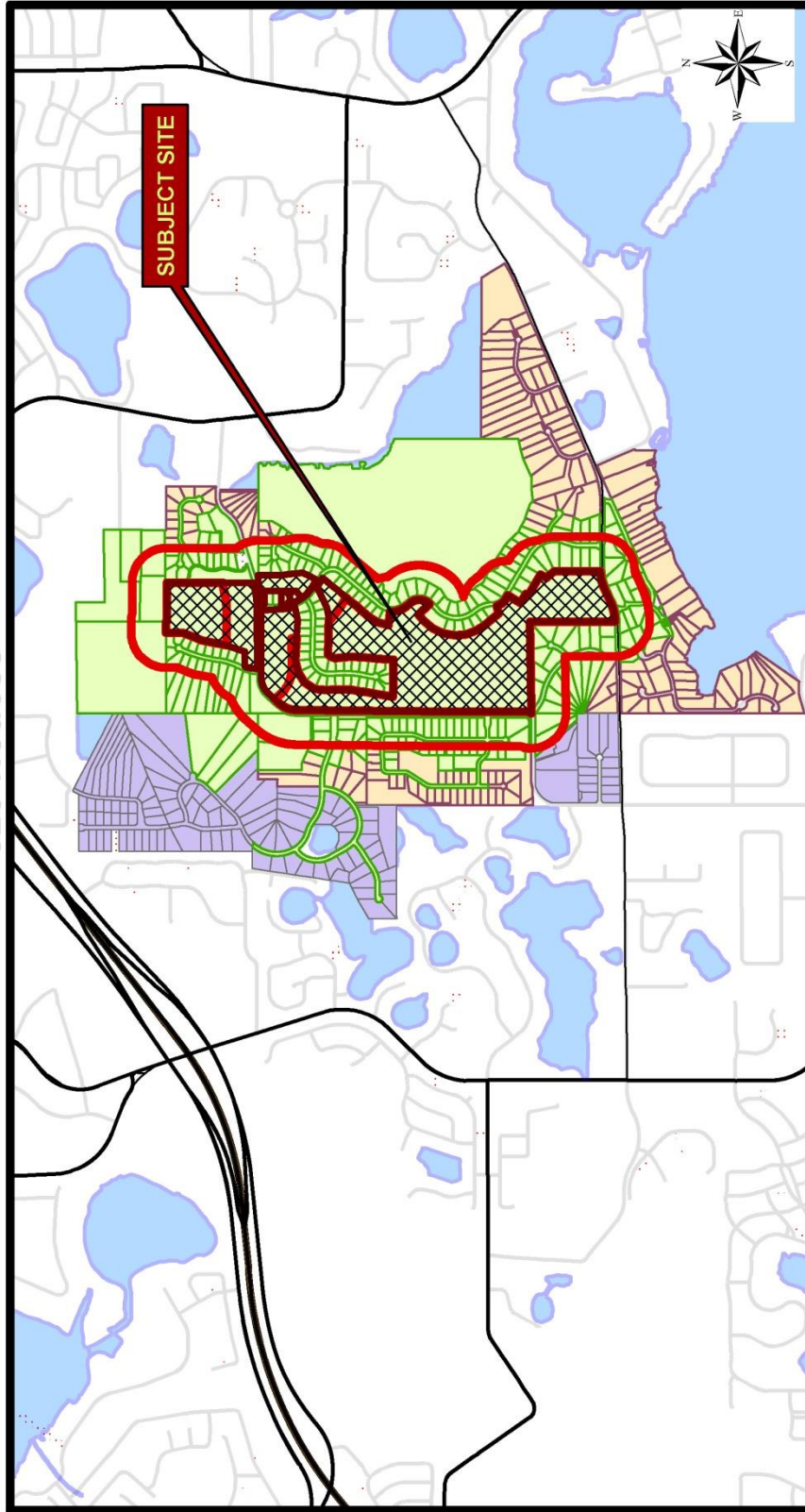
SETBACKS

FRONT 30 FT
 SIDE 10 FT
 REAR 25 FT
 NHWL 50 FT

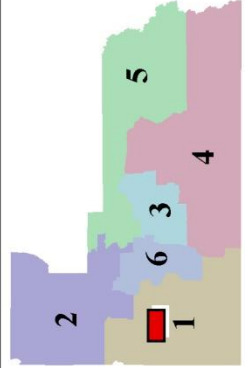
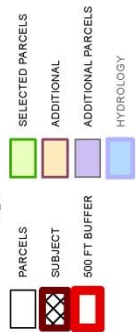
Public Notification Map

RZ-15-10-038

523 Notices



Legend



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