

# **Marchena & Graham, P.A.**

**IN THE CIRCUIT COURT,  
NINTH JUDICIAL CIRCUIT,  
IN AND FOR ORANGE  
COUNTY, FLORIDA**

**CASE NO. 2016-CA-009999-O**

**WINDERMERE COUNTRY CLUB, LLC,  
A Florida limited liability company,**

**Petitioner,**

**v.**

**ORANGE COUNTY, FLORIDA,  
a charter county and a political  
subdivision of the State of Florida, and  
the BOARD OF COUNTY  
COMMISSIONERS OF ORANGE  
COUNTY, FLORIDA,**

**Respondents.**

**Supplemental Appendix**

**Volume II of II**

IN THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, IN AND FOR  
ORANGE COUNTY, FLORIDA

WINDERMERE COUNTRY CLUB, LLC,

Petitioner,

CASE NO. 2016-CA-009999-0

v.

ORANGE COUNTY, FLORIDA, a Charter  
county and a political subdivision Of the  
State of Florida, and the BOARD OF  
COUNTY COMMISSIONERS OF  
ORANGE COUNTY, FLORIDA,

Respondents.

**SUPPLEMENTAL APPENDIX FOR WRIT OF MANDAMUS AND,**  
**IN THE ALTERNATIVE, FOR WRIT OF CERTIORARI**

Appendix #	Document	Bate Stamp #
20.	Windermere Country Club Petition to Vacate	001034-001206
21.	Poulos & Bennett Letter of Transmittal dated 02/01/16 with enclosed Petition to Vacate Plat Request	001207-001234
22.	Poulos & Bennett Letter of Transmittal dated 03/29/16 with enclosed Petition to Vacate Response Documents	001235-001243
23.	E-mail from Steven J. Thorp to Doreen Overstreet, John Smoger, Alberto Vargas and Whitney Evers dated April 4, 2016	001244-001246

24.	E-mail from Francisco Villar to Joe Kunkel dated October 11, 2016 with draft staff report attached.	001247-001248
25.	<u>Blair Nurseries, Inc. v. Baker County</u> , 199 So. 3d 534 (Fla. 1 <sup>st</sup> DCA 2016)	001249-001254
26.	<u>Davis v. Fla.</u> , 861 So. 2d 1214 (Fla. 2d DCA 2003)	001255-001257
27.	<u>Broward County v. Narco Realty, Inc.</u> , 359 So. 2d 509 (Fla. 4 <sup>th</sup> DCA 1978)	001258-001261
28.	<u>Southern Cooperative Dev. Fund v. Driggers</u> , 696 F. 2d 1347, 1351-52 (11 <sup>th</sup> Cir. 1983)	001262-001270
29.	<u>National Bank of Miami v. City of Coral Springs</u> , 475 So. 2d 984, 985 (Fla. 4th DCA 1985)	001271-001274
30.	<u>City of Lauderdale Lakes v. Corn</u> , 427 So. 2d 239, 242-43 (Fla. 4th DCA 1983)	001275-001281
31.	<u>Hoerrmann v. Wabash Ry. Co.</u> , 141 N.E. 289, 293 (Ill. 1923)	001282-001287
32.	<u>Wiggins v. Lykes Brothers, Inc.</u> , 97 So. 2d 273 (Fla. 1957)	001288-001291
33.	<u>Gelfand v. Mortgage Investors of Washington</u> , 453 So. 2d 897 (Fla. 4th DCA 1984)	001292-001295
34.	<u>Consolidated Gas Co. v. City Gas Co.</u> , 447 So. 2d 351 (Fla. 3d DCA 1984)	001296
35.	<u>Feather v. Donaldson</u> , 481 So. 2d 937, 938 (Fla. 5th DCA 1985)	001297-001299

36.	<u>Rollins v. Pizzarelli</u> , 761 So. 2d 294, 297 (Fla. 2000)	001300-1307
37.	<u>Therrien v. Florida</u> , 914 So. 2d 942, 945 (Fla. 2005)	001308-001314
38.	<u>T.J.R. Holding Co., Inc. v. Alachua County</u> , 617 So. 2d 798, 800 (Fla. 1 <sup>st</sup> DCA 1993)	001315-001318
39.	<u>Kernal Records Oy v. Mosley</u> , 694 F. Supp. 1355, 1366 (S.D. Fla. 2011)	001319-001335
40.	<u>Glass v. Captain Katanna's, Inc.</u> , 950 F. Supp. 1235, 1243 (M.D. Fla. 2013)	001336-001343
41.	<u>United Automobile Ins. Co. v. Salgado</u> , 22 So. 3d 594, 603 (Fla. 3d DCA 2009)	001344-001353
42.	<u>Southern Owners Ins. Co. v. Cooperative De Seguros Multiples</u> , 143 So. 3d 439, 442 (Fla. 5th DCA 2014)	001354-001360
43.	<u>Morgan v. Cornell</u> , 939 So. 2d 344, 346 (Fla. 2d DCA 2006)	001361-001364
44.	<u>Pleus v. Crist</u> , 14 So. 3d 941, 946 (Fla. 2009)	001365-001370
45.	<u>Eugster v. City of Spokane</u> , 118 Wash. App. 383, 414-15, 76 P.3d 741, 759-60 (Wash. Ct. App. 2003)	001371-001395
46.	<u>DeSmedt v. City of North Miami Beach</u> , 591 So. 2d 1077, 1077-78 (Fla. 3d DCA 1992)	001396-001397
47.	<u>Haines City Community Dev. v. Heggs</u> , 658 So. 2d 523, 530 (Fla. 1995)	001398-001406



48.	<u>Education Development Center, Inc. v. City of West Palm Beach</u> , 541 So. 2d 106, 108 (Fla. 1989)	001407-001410
49.	<u>Department of Children &amp; Families v. Bronson</u> , 79 So. 3d 199, 201-02 (Fla. 5th DCA 2012)	001411-001413
50.	<u>Peachtree Casualty Ins. Co. v. Professional Massage Serv's, Inc.</u> , 923 So. 2d 548, 550 (Fla. 1st DCA 2006)	001414-001417
51.	<u>Board of County Comm'rs v. Snyder</u> , 627 So. 2d 469, 476 (Fla. 1993)	001418-001426
52.	<u>Pollard v. Palm Beach County</u> , 560 So. 2d 1358, 1359 (Fla. 4th DCA 1990)	001427-001429
53.	<u>De Groot v. Sheffield</u> , 95 So. 2d 912, 916 (Fla. 1957)	001430-001435
54.	<u>Katherine's Bay, LLC v. Fagan</u> , 52 So. 3d 19, 30 (Fla. 1st DCA 2010)	001436-001446
55.	<u>BML Invs. V. City of Casselberry</u> , 476 So. 2d 713, 715 (Fla. 5th DCA 1985)	001447-001451
56.	<u>City of Apopka v. Orange County</u> , 299 So. 2d 657, 660 (Fla. 4th DCA 1974)	001452-001455
57.	<u>Board of Clinical Lab. Personnel v. Florida Assn. of Blood Banks</u> , 721 So. 2d 317, 318 (Fla. 1st DCA 1998)	001456-001459
58.	E-mail from Joel Prinsell to Chris Testerman and Jon Weiss dated May 31, 2016	001460-001462

59.	Ord. No. 1974-1, Orange County, Florida Code of Ordinances, approved on January 8, 1974 (amending former Chapter 24-Landscaping of the county's 1965 Code of Ordinances)	001463-001474
60.	Ord. No. 1991-9, Orange County, Florida Code of Ordinances, approved on April 16, 1991 (deleting in its entirety and recodifying the Orange County, Florida Code of Ordinances).	001475-001476
61.	Ord. No. 1992-42, Orange County, Florida Code of Ordinances, approved on December 15, 1992 (deleting former Ch. 24-Landscaping of the county's 1965 Code, as amended by Ord. No. 74-1, in its entirety and replacing it with Ch. 24 – Landscaping, Buffering, and Open Space; amending Chapter 38-Zoning and Chapter 34-Subdivision Regulations for consistency with new Chapter 24 – Landscaping, Buffering, and Open Space).	001477-001524
62.	Orange County, Florida Code of Ordinances (2016), Chapter 30 – Planning and Development, Sec. 30-35, Functions, powers and duties.	001525-001526
63.	Orange County, Florida Code of Ordinances (2016), Chapter 30 – Planning and Development, Sec. 30-83, Plats; vertical construction prior to plat approval; vacation.	001527-001529
64.	Orange County, Florida Code of Ordinances (2016), Chapter 30 – Planning and Development, Sec. 30-48.5, Application for rezoning, variances, special exceptions, and	001530-001531

	appeals of the zoning manager's determinations.	
65.	Orange County, Florida Code of Ordinances (2016), Chapter 38 – Zoning, Sections 38-551 – 38-559 (R-CE-Cluster District)	001532-001536
66.	Code Comparative Table Zoning Resolutions, regarding the location of various Planning and Zoning Resolutions codified in the Orange County, Florida Code of Ordinances.	001537-001538
67.	Code Comparative Table 1965 Code, (referencing the old code provisions by number and correlating them to the new section numbers in the recodified Orange County, Florida Code of Ordinances enacted by Ord. No 91-9).	001539-001543
68.	Code Comparative Table Ordinances, (referencing the location of ordinances adopted from 1970 to 2015 by number and correlating them to the new section numbers in the recodified Orange County, Florida Code of Ordinances).	001544-001601
69.	Code Comparative Table Laws of Florida, (referencing the location of Laws of Florida and correlating them to the section of the Orange County, Florida Code of Ordinances).	001602-001604
70.	Supplement History Table to the Orange County, Florida Code of Ordinances (referring to ordinances considered in each supplement number and correlating them to the year the ordinance was adopted) for	001605-001607

	supplements published from 2010 through 2015.	
71.	E-mail from Doreen Overstreet to Steven T. Thorp dated December 23, 2015	001608-001610
72.	E-mail from Doreen Overstreet to Jennifer Nessler dated December 23, 2015	001611-001613
73.	E-mail from Chris Testerman to Diana Dethlefs dated October 26, 2016	001614-001616
74.	E-mail from Joel Prinsell to Steven T. Thorp dated October 7, 2015	001617-001622
75.	E-mail from Paul H. Chipok to Whitney Evers, Olan D. Hill and Joel Prinsell dated November 12, 2015	001623-001626
76.	E-mail from Whitney Evers to Olan Hill and Steven T. Thorp dated November 17, 2015	001627
77.	E-mail from Doreen Overstreet to Jennifer Nessler dated December 23 2015	001628-001630
78.	E-mail from Jamie Poulos to Steven T. Thorp, Truong Nguyen, Diana Almodovar, Francisco Villar, Whitney Evers and Matthew E. Kalus dated March 24, 2016	001631-001632
79.	E-mail from Nick Lepp to Steven T. Thorp dated April 29 2016	001633-001638
80.	E-mail from Matthew E. Kalus to Francisco Villar dated May 13, 2016	001639
81.	E-mail from Truong M. Nguyen to Commissioner Boyd dated October 5, 2016	001640-001644

82.	E-mail from Francisco Villar to Joe Kunkel dated October 6 2016 with attached draft BCC memo and Power Point Presentation	001645-001652
83.	E-mail from Francisco Villar to Joe Kunkel dated October 13 2016 with attached BCC staff report and Power Point Presentation	001653-001668
84.	E-mail from Whitney Evers to Steven T. Thorp, Joel Prinsell, Chris Testerman, Jon Weiss, Joe Kunkel, Alberto A. Vargas and Eric P. Raasch Jr. dated 10/18/2016	001669-001695
85.	10/21/2015 DRC Minutes - #13 Butler Bay	001696-001699
86.	CAD Documentation	001700-001729
87.	DRC 10.21.2015 - Tab 13 - DRAFT Butler Bay Cluster Plan (RZ-15-10-038)	001730-001740
88.	DRC 11.18.2015 - Tab 2 - 11-18-2015 DRC_RZ-15-10-038 (Butler Bay Cluster Plan)	001741-001758
89.	Interoffice Memorandum 09/01/2016 from Diana M. Almodovar to Katie Smith re Windermere Country Club Plat Vacation Public Hearing Request	001759-001768
90.	Letter from Thomas C. Blanton responding to Textron Financial Corp. dated April 4 2008 re verification of zoning	001769-001778
91.	Responses in Favor as of 11/18/15 at 3:08pm	001779-001800
92.	Responses in Opposition as of 11/18/15 at 3:08pm	001801-002033

93.	Board of County Commissioners Public Hearings Presentation dated October 18, 2016	002034-002054
94.	2016-10-18 Sentinel File 16-060 Plat Vacation Bryan DeCunha	002055-002056
95.	Plat Vacation Hearing Exhibit 01 Nguyen Windermere County Club Plat Vacation	002057-002059
96.	Plat Vacation Hearing Exhibit 04 Herring Windermere County Club Plat Vacation	002060
97.	Plat Vacation Hearing Exhibit 05 Hawthorne Windermere County Club Plat Vacation	002061-002066
98.	Plat Vacation Hearing Exhibit 06 McChesney Windermere County Club Plat Vacation	002067-002112
99.	Plat Vacation Hearing Exhibit 07 Kolar Windermere County Club Plat Vacation	002113-002120

DATED: January 13, 2017.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been electronically filed with the Orange County Clerk of Court using the Florida E-Filing Portal System this 13<sup>th</sup> day of January, 2017, and, accordingly, a copy is being served via the E-Filing Portal System and electronic means to:

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Appendix 66.



# CODE COMPARATIVE TABLE

## ZONING RESOLUTIONS

This table shows the location of various zoning resolutions codified in the Code.

Article	P & Z Res. Section	Section this Code
I	2	38-2
II		38-1
III	1, 2	38-71, 38-72
	3	38-73
	4(a), 4(b)	38-3, 38-4
IV	1	38-101
	2-A	38-116
	2-B	38-136
	3-A	38-117
	3-B	38-137
	4-A	38-118
	4-B	38-138
	5-A	38-119
	5-B	38-139
V	1-5	38-301-38-305
VI	1-6	38-276-38-280
VII	1-6	38-451-38-456
VIII	1-3	38-476-38-478
	5-7	38-479-38-481
VIII-A	1-7	38-501-38-507
VIII-B	2	38-526
	2-A, 2-B	38-527, 38-528
	3-7	38-529-38-533
IX	1-3	38-576-38-578
	3-A	38-579
	4-7	38-580-38-583
IX-A	1-4	38-1526-38-1529
X	1-8	38-826-38-833
XI	1-7	38-851-38-857
XII	1-5	38-876-38-880
	6	38-882
XIII	1-9	38-926-38-934
XIV	1-9	38-951-38-959
XV	1-9	38-976-38-984
XVI	1-9	38-1001-38-1009
XVII	1-10	38-1026-38-1035
XVIII	1-7	38-1451-38-1457
XIX	1-6	38-1476-38-1483
XX	1-4	38-1501-38-1504
XXI	1-3	38-1601-38-1603
XXII	1	38-1562
	2	38-1551
	3-6	38-1553-38-1556
XXIV	1-8	38-146-38-153
XXV	1-13	38-1401-38-1413
	14	38-1416
	15	38-1414
	16-20	38-1416-38-1420
XXVI	1-4	38-21-38-24
	6-9	38-25-38-28
	11	38-29
XXVI-A	A-G	38-1051-38-1057
XXVII	1, 2	38-376-38-377

# ORANGE COUNTY CODE

Article	P & Z Res.	Section	Section this Code
		3	38-378
		4-6	38-903
XXVIII		1, 2	38-379-38-381
		4-9	38-901, 38-902
XXIX		1-9	38-904-38-909
		10(a)(1)-10(a)(9)	38-1201-38-1209
		10(b)(1)-10(b)(6)	38-1226-38-1234
		10(c)	38-1251-38-1256
		10(d)	38-1271, 38-1272
		10(d)(1)-10(d)(4)	38-1286-38-1299
XXX		1-6	38-1326
XXXI		1	38-1327-38-1330
		2	38-156-38-161
		3-7	38-802
XXXII		1-5	38-801
XXXIII		1-5	38-803-38-807
XXXIV		1-5	38-326-38-330
XXXV		1-5	38-351-38-355
XXXVI		1-9	38-426-38-430
			38-491-38-495
			38-551-38-559

Appendix 67.

# CODE COMPARATIVE TABLE

## 1965 CODE

This table gives the location within this Code of those sections of the 1965 Code, as updated through August 21, 1989, which are included herein. Sections of the 1965 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of legislation adopted subsequent thereto, see the table immediately following this table.

1965 Code Section	Section this Code	1965 Code Section	Section this Code
1-7(a)	2-27	1A-15-1A-19	3-4-3-8
1-9, 1-10	2-28, 2-29	1A-21	3-9
1-17, 1-18	2-92, 2-93	1A-22-1A-29	3-26-3-33
1-18.1, 1-18.2	17-1, 17-2	1A-29.1	3-34
1-25	2-91	1A-29.12	3-35
1-27	30-2	1A-29.123	3-36
1-33	2-67	1A-31	3-51
1-33.1	17-6	1A-41-1A-44	3-76-3-79
1-34, 1-35	2-68, 2-69	1A-51-1A-53	3-101-3-103
1-37	17-8	1A-61-1A-69	3-127-3-135
1-42.1	17-3	1A-69.1	3-136
1-50	17-5	1A-69.12	3-137
1-51	17-57	1A-69.123	3-138
1-51.1-1-51.3	17-58-17-60	1A-69.1234	3-139
1-52	17-77	1A-69.12345	3-140
1-52.1-1-52.8	17-78-17-85	1A-69.123456	3-126
1-53	17-102	1A-71-1A-74	3-176-3-179
1-53.1-1-53.9	17-103-17-111	2-7.1	4-2
1-53.11	17-112	2-8, 2-9	4-3, 4-4
1-54	17-132	2-11	4-1
1-54.1-1-54.8	17-133-17-140	2-20-2-24	4-26-4-30
1-54.21-1-54.31	17-157-17-167	2-25	4-1
1-54.41-1-54.54	17-186-17-199	3-2-3-4	5-26-5-28
1-54.501-1-54.510	23-26-23-35	3-6-3-19	5-29-5-42
1-54.511-1-54.513	23-56-23-58	3A-1-3A-7	6-26-6-32
1-54.513	23-98	4-1-4-3	8-26-8-28
1-54.513.1	23-59	4-4-4-6	8-30-8-32
1-54.514-1-54.516	23-60-23-62	4-7	8-29
1-54.516.1		6-1	9-11
1-54.516.2	23-63, 23-64	6-2	9-13
1-54.517	23-65	6-3	9-15
1-54.531, 1-54.532	23-86, 23-87	6-4	9-12
1-54.533	23-27.1	6-5-6-12	9-14-9-21
	23-89	6-14	9-101
1-54.534	23-88	6-15	9-103
1-54.535-1-54.542	23-90-23-97	6-17	9-102
1-54.544-1-54.546	23-99-23-101	6-20.1-6-20.3	18-31-18-33
1-54.561-1-54.566	37-331-37-336	6-20.4, 6-20.5	18-1, 18-2
1-62, 1-63	17-246, 17-247	6-20.5	18-34
1-64-1-66	17-267-17-269	6-21-6-23	9-251-9-253
1-67-1-69	17-286-17-288	6-30	9-461
1-70-1-72	17-248-17-250	6-30.1	9-462
1-81-1-89	17-306-17-314	6-30.2	9-464
1-101	17-376	6-30.3	9-463
1-102-1-107	17-378-17-383	6-30.4	9-465
1-108	17-377	6-31, 6-32	9-478, 9-477
1A-11-1A-13	3-1-3-3	6-32.1	9-480

# ORANGE COUNTY CODE

1965 Code Section	Section this Code	1965 Code Section	Section this Code
6-33, 6-34	9-481, 9-482	6-162	9-552
6-35, 6-36	9-478, 9-479	6-163-6-165	9-581-9-583
6-51	9-302	6-166	9-506
6-52	9-301	6-167	9-554
6-53	9-304	6-168	9-507
6-54, 6-55	9-321, 9-322	6-169	9-506
6-57, 6-58	9-323, 9-324	6-172	9-503
6-59	9-361	6-173	9-505
6-60	9-351	6-201	9-703
6-61	9-367	6-202, 6-203	9-701, 9-702
6-65	9-325	6-204-6-208	9-721-9-725
6-66	9-362	6-209	9-801
6-68, 6-69	9-363	6-210, 6-211	9-781, 9-782
6-70-6-72	9-364-9-366	6-212, 6-213	9-736, 9-737
6-74-6-77	9-368	6-215	9-738
6-78, 6-79	9-369	6-216-6-222	9-802-9-808
6-83	9-366	6-223	9-783
6-84	9-340	6-224-6-227	9-809
6-87	9-326	6-225	9-810
6-88	9-338	6-230	9-751
6-89	9-336	6-231	9-753
6-91	9-339	6-232-6-237	9-758-9-763
6-92-6-98	9-341-9-347	6-238-6-241	9-754-9-757
6-102	9-337	6-242	9-762
6-103, 6-104	9-308, 9-309	6-243-6-246	9-764-9-767
6-107	9-307	6-247	9-707
6-108	9-303	6-248	9-706
6-109	9-305	6-250, 6-251	9-704, 9-705
6-121	9-502	6-261	9-627
6-122	9-501	6-262	9-626
6-123	9-504	6-263, 6-264	9-676, 9-677
6-124-6-126	9-521-9-525	6-265-6-267	9-681-9-683
6-129	9-570	6-268, 6-269	9-678, 9-679
	9-591	6-270, 6-271	9-660, 9-667
6-130, 6-131	9-575, 9-579	6-272-6-274	9-628-9-630
6-132	9-536	6-281	9-126
6-133	9-538	6-282	9-206
6-134	9-537	6-283, 6-284	9-128, 9-129
6-135	9-539	6-351	9-127
6-136, 6-137	9-591, 9-592	6-352-6-354	9-151-9-153
6-138	9-594	6-355-6-358	9-192-9-195
6-140	9-576	6-359	9-191
6-141	9-593	6-360	9-179
6-141(a)-6-141(h)	9-595	6-360(a)	9-176
6-142	9-598	6-360(b)	9-162
6-143	9-577	6-360(c)	9-177
6-144-6-147	9-597	6-360(d)	9-162
6-148, 6-149	9-598	6-360(e)	9-178
6-150	9-551	6-360(f)	9-162
6-151, 6-152	9-556, 9-557	6-360(g)	9-177
6-153	9-553	6-360(h)	9-162
6-155	9-560	6-362	9-161
6-156	9-540	6-363	9-163
6-157	9-559	6-364	9-128
6-158, 6-159	9-554	6-365	9-207
6-160	9-555	6-366	9-141
6-161	9-558	6-367	9-180

## CODE COMPARATIVE TABLE

1965 Code Section	Section this Code	1965 Code Section	Section this Code
6-367(a)	9-130	12B-14	22-32
6-367(b), 6-367(c)	9-164	12B-15	22-55
6-367(d)	9-165	12B-16	22-37
6-367(e)	9-191	12B-17	22-56
6-679(a)(3)		12B-18	22-31
6-679(a)(5)	9-428	12C-21--12C-28	21-31--21-38
6-701--6-704	9-226--9-229	14A-21--14A-23	2-111--2-113
6-721--6-728	9-76--9-83	15-11--15-34	32-11--32-34
6-741, 6-742	9-276, 9-277	15-36--15-38	32-35--32-37
6-743, 6-744	9-280, 9-281	15-41--15-43	32-151--32-153
6-745	9-279	15-44	32-157
6-746, 6-747	9-282, 9-283	15-45	32-160
6-748	9-278	15-46	32-159
6-771, 6-772	9-401, 9-402	15-46(c)	32-158
6-773	9-405	15-46(d)	32-177
6-775	9-403	15-46(f)	32-193
6-776	9-406	15-46(g)	32-182
6-777	9-404	15-46(h)	32-194
6-778	9-411	15-47, 15-48	32-178, 32-179
6-778(n), 6-778(b)	9-426	15-49	32-182
6-779(a)(1)		15-50, 15-51	32-180, 32-181
6-779(a)(2)	9-427	15-52, 15-53	32-183, 32-184
6-779(b)	9-429	15-54	32-176
6-780, 6-781	9-409, 9-410	15-55--15-57	32-185--32-187
6-782	9-408	15-58(a)	32-188
6-783	9-407	15-58(b)	32-191
7-5	25-1	15-58(c)	32-156
7-21--7-29	25-26--25-34	15-58(d)	32-190
7-31	25-35	15-58(e)	32-189
7-51	25-51	15-58(f)	32-192
7-52--7-60	25-53--25-61	15-59	32-195
7-62	25-52	15-60	32-155
7-76--7-94	25-61--25-99	15-61	32-164
7-94.5	25-100	15-63	32-161
7-95--7-104	25-101--25-110	15-71--15-74	32-101--32-104
8-6	2-1	15-75--15-79	32-110--32-114
8-6.1	2-66	15-80	32-109
8-6.2, 8-6.3	2-68, 2-69	15-81	32-115
8-13	17-7	15-82	32-108
8-14--8-16	14-1--14-3	15-83	32-107
9B-1--9B-5	13-1--13-5	15-83(a)--15-83(c)	32-106
10-1, 10-2	11-26, 11-27	15-83(c)	32-105
10-3, 10-4	11-29, 11-30	16-21--16-38	28-26--28-43
10-5	11-28	17-17--17-22	20-156--20-161
10-6--10-16	11-31--11-41	17-39--17-42	20-26--20-29
12A-1--12A-3	20-51--20-53	19-11, 19-12	20-212, 20-213
12A-3.1	20-71	19-13	20-211
12A-4	20-54	19A-11, 19A-12	24-26, 24-27
12A-21--12A-28	20-91--20-98	19A-13	24-30
12A-31--12A-34	20-131--20-134	19A-14	15-276
12B-1--12B-5	22-26--22-30	19A-14--19A-18	24-31--24-35
12B-6--12B-9	22-33--22-36	19A-19	24-29
12B-10--12B-13	22-51--22-64	19A-22	24-28

# ORANGE COUNTY CODE

1965 Code Section	Section this Code	1965 Code Section	Section this Code
19A-42--19A-45	15-277--15-280	25-61--25-68	29-26--29-33
19A-46--19A-50	15-301--15-305	26-1--26-13	21-131--21-143
19A-51, 19A-52	15-282, 15-283	26-24--26-26	21-2--21-4
19A-53	15-281	26-27, 26-28	21-4
20-1--20-6	14-51--14-56	26-39(b)	21-174
21A-1, 21A-2	27-1, 27-2	26-40	21-1
21A-3--21A-6	27-4--27-7	26-51--26-60	17-216--17-225
21A-7	27-3	26-61--26-66	21-61--21-66
21B-1--21B-3	15-176--15-178	28-3	37-1
21B-5--21B-13	15-179--15-187	28-11, 28-12	37-26, 37-27
21B-15--21B-15	15-188--15-191	28-14--28-23	37-28--37-37
22-2	32-1	28-25--28-27	37-3
22-4	28-1	28-28	37-2
22-6	26-52	28-29	37-4
22-6.2	26-51	28-41	37-197
22-8	26-2	28-42	37-196
22-26--22-33	26-91--26-96	28-43	37-198
22-51, 22-52	28-66, 28-67	28-44	37-251
22-54--22-56	28-68--28-70	28-45--28-50	37-205--37-210
22-57--22-62	28-74--28-79	28-51--28-53	37-226--37-228
22-63, 22-64	28-72, 28-73	28-53	37-229
22-65	28-71	28-55	37-230
22-101--22-105	14-26--14-30	28-56	37-252
22A-1--22A-11	10-1--10-11	28-57	37-204
22A-12	10-13	28-58	37-254
22B-1, 22B-2	2-151, 2-152	28-59	37-253
22B-5(a)	2-153	28-60--28-64	37-255--37-259
22B-6(a), 22B-6(b)	2-154, 2-155	28-65, 28-66	37-231, 37-232
22C-1, 22C-2	2-171, 2-172	28-67--28-70	37-200--37-203
22C-4, 22C-5	2-173, 2-174	28-73	37-199
23A-1--23A-3	16-1--16-3	28-101--28-107	37-276--37-282
23A-4	16-21	28-107.1	37-283
23A-5	16-4	28-108	37-284
23A-6	16-22	28-121--28-131	37-301--37-311
23A-7	16-8	28-141--28-144	37-356--37-359
23A-8	16-23	28-151--28-158	37-401--37-408
23A-9	16-5	28-171--28-178	37-426--37-433
23A-10	16-24	28-191--28-200	37-171--37-180
23A-11	16-6	28-206--28-215	37-376--37-385
23A-14	16-7	28-221--28-231	37-141--37-151
24-1--24-19	15-26--15-44	28-234, 28-235	37-152, 37-153
24-20--24-23	15-1	28-251--28-256	37-451--37-456
24-31--24-34	15-111--15-114	28-271	37-476
24-41--24-63	15-131--15-153	28-272	37-478
24-71--24-74	15-66--15-69	28-273	37-477
24-81--24-87	15-86--15-92	28-274--28-276	37-479--37-481
24A-16--24A-23	31-26--31-33	31-11, 31-12	20-186, 20-187
24A-24, 24A-25	31-35, 31-36	31-14--31-16	20-188--20-190
25-30, 25-31	29-56, 29-57	31-18--31-20	20-191--20-193
25-41--25-43	21-86--21-88	32-1, 32-2	30-111, 30-112
25-44--25-51	21-106--21-113	32-3--32-11	30-115--30-123
25-52	21-89	32-12	30-114
25-53, 25-54	21-114, 21-115	32-23--32-25	30-181--30-183

# CODE COMPARATIVE TABLE

1965 Code Section	Section this Code	1965 Code Section	Section this Code
32-31-32-33	30-76-30-78	36A-4	37-81
32-34-32-42	30-82-30-90	36A-5, 36A-6	37-101, 37-102
32-43, 32-44	30-80, 30-81	36A-7	37-82
32-45, 32-46	30-91, 30-92	36A-8-36A-12	37-121-37-125
32-48	30-79	36A-13	37-59
32-61, 32-62	30-236, 30-237	36A-14	37-61
32-63-32-65	30-239-30-241	36A-15	37-60
32-66(a)-32-65(g)	30-276-30-282	36B-1-36B-5	15-361-15-365
32-67-32-75	30-246-30-254	36B-21-36B-31	15-376-15-386
32-76-32-78	30-242-30-244	36B-41, 36B-42	15-396, 15-397
32-79	30-238	36B-51-36B-54	15-416-15-419
32-80	30-245	36B-61-36B-63	15-366-15-368
33-6	17-4	37-1-37-5	30-31-30-35
33-31	33-161	37-5.1	30-1
33-31-33-36	33-163-33-168	37-6-37-22	30-36-30-52
33-37	33-162	37-36	7-26
33-40-33-43	33-186-33-189	37-37-37-59	7-28-7-50
33-51-33-69	17-337-17-355	37-61-37-65	7-51-7-65
33-101, 33-102	25-136, 25-137	37-67	7-56
33-105	25-138	37-70	7-57
33-105.1	25-139	37-72, 37-73	7-58, 7-59
33-106-33-111	25-140-25-145	37-75, 37-76	7-60, 7-61
33-113	25-146	37-81-37-87	30-151-30-157
33-131, 33-132	25-161, 25-162	37-89, 37-90	30-158, 30-159
34-1	35-1	37-101-37-112	9-31-9-42
34-2-34-4	35-22-35-24	37-151-37-160	30-201-30-210
34-5	35-61		
34-6	35-25		
34-7-34-9	35-62-35-64		
34-10-34-13	35-41-35-44		
34-14	35-21		
34-15	35-2		
35-1	30-307		
36-30.1-36-30.25	33-26-33-50		
36-30.26	33-52		
36-31.1-36-31.25	33-71-33-96		
36-31.26	33-97		
36-32.1-36-32.27	33-116-33-142		
36-32.28	33-144		
36-33.1-36-33.11	15-216-15-226		
36-33.12	15-228		
36-71-36-82	19-1-19-12		
36-91, 36-92	19-41, 19-42		
36-94-36-95	19-43-19-47		
36-111-36-116	19-66-19-70		
36-131-36-134	19-91-19-94		
36-151	30-308		
36-152-36-157	30-305-30-312		
36-161-36-166	15-251-15-256		
36-181	15-321		
36-182-36-187	15-341-15-346		
36-188	15-322		
36A-1-36A-3	37-56-37-58		



Appendix 68.

# CODE COMPARATIVE TABLE

## ORDINANCES

This table gives the location within this Code of those ordinances, which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance Number	Date	Section	Section this Code
70-3	2- 3-70	1	21-135
		2	21-137
70-5	12-31-69	1-3	37-56-37-58
		4	37-81
		5, 6	37-101, 37-102
		7	37-82
		8-12	37-121-37-125
		13	37-59
		14	37-61
		15	37-60
70-6	5-21-70	2	21-134
		3, 4	21-136, 21-137
70-7	6-17-70	1	37-101
70-9	8-31-70	1	27-1
		2	27-2
		3-6	27-4-27-7
		7	27-3
70-10	9- 8-70	1, 2	9-476, 9-477
		3, 4	9-481, 9-482
		5, 6	9-478, 9-479
71-2	4-13-71	1-4	15-1
71-3	5- 4-71	1, 2	37-57, 37-58
		3	37-81
		4	37-101
		5	37-82
		6	37-122
		7	37-124
72-1	4-11-72	1	9-302
		2	9-301
		3	9-304
		4, 5	9-321, 9-322
		7, 8	9-323, 9-324
		9	9-351
			9-381
		11	9-367
		16	9-362
		18, 19	9-363
		20	9-364
		22	9-366
		24-27	9-368
		28, 29	9-369
		34	9-340
		37	9-326
		38	9-338
		39	9-336
		41	9-339
		42-48	9-341-9-347
		49-51	9-308
		52	9-337
		53, 54	9-305, 9-309
		57	9-307

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		58	9-303
		59	9-305
72-3	8- 1-72	1-5	26-52
72-5	9- 5-72	1-5	17-57
		6-8	17-58-17-60
		9	17-60
72-6	10-10-72	1	9-502
		2	9-501
		3	9-504
		4-8	9-521-9-525
		9	9-576
			9-591
		10, 11	9-578, 9-579
		12	9-536
		13	9-538
		14	9-537
		15	9-539
		16, 17	9-591, 9-592
		18	9-594
		20	9-576
		21	9-593
		21(a)-21(h)	9-595
		22	9-597
		23	9-577
		24-27	9-597
		28, 29	9-598
		30	9-551
		31, 32	9-556, 9-557
		33	9-553
		34, 35	9-560
		36	9-540
		37	9-559
		38, 39	9-554
		40	9-555
		41	9-558
		42	9-552
		43-45	9-561-9-563
		46	9-506
		47	9-554
		48	9-507
		49	9-508
		52	9-503
		53	9-505
73-1	1- 9-73	1, 2	4-3, 4-4
		4	4-1
73-2	1-23-73	1	37-197
		2	37-196
		3	37-198
		5-10	37-205-37-210
		11-15	37-226-37-230
		16	37-252
		18	37-254
		22-24	37-257-37-259
		25, 26	37-231, 37-232
		27-30	37-200-37-203
		33	37-199
73-4	3-13-73	1-9	25-26-25-34
		12	25-35
74-1	1- 8-74	1, 2	24-26, 24-27
		3-7	24-30-24-34
		7A	24-35
		8	24-29
		11	24-28

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
76-3	6-11-76	2-7	30-1
76-4	9-22-76	1	33-161
		1-6	33-163-33-168
		7	33-162
76-5	10- 5-75	2	2-91
		2-6	2-91
		3-6	2-91
		1-10	17-216-17-225
77-2	3- 8-77	1	21-137
77-3	4- 3-77	1	2-27
77-5	7-12-77	1	9-251-9-253
77-7	8-30-77	1-3	37-121
77-11	12- 6-77	2	37-205
77-12	12-13-77	1	20-26, 20-27
77-13	12-20-77	1, 2	33-37
78-2	2-28-78	1	33-129
78-3	2-28-78	1	9-304
78-4	3- 7-78	1	9-341, 9-342
		3, 4	9-309
		5	25-136
78-7	3-16-78	1(a), 1(b)	25-137
		1(c)-1(h)	25-140, 25-141
		2, 3	25-144
		3	25-142, 25-143
		4, 5	25-145
		7	25-138
		10	25-146
		11	7-26
78-10	6- 6-78	2	7-28-7-61
78-11	6-13-78	1, 2	4-3, 4-4
78-13	8-22-78	1	6-26
		2-6	6-28-6-32
		7	6-27
78-15	10-10-78	3	2-112
		4	2-111
		5-7	2-113
78-16	10-17-78	1, 2	26-2
78-18	10-31-78	1, 2	2-151, 2-152
		4, 5	2-153, 2-154
		5	2-155
78-22	12- 5-78	2	28-51
78-23	12-26-78	1-5	17-3
		7	17-3
79-1	1-23-79	4	30-2
79-3	2-20-79	2	9-253
79-4	2-27-79	1	9-14
79-5	5-15-79	1	9-253
79-6	5-22-79	3	25-140
79-8	5-29-79	2	37-199
79-9	6- 5-79	2	28-1
79-10	6- 5-79	2	21-131
79-12	6- 5-79	2	37-205
79-13	6- 5-79	2	20-212
79-19	8-14-79	1-3	14-1
		5	14-1
79-20	9-11-79	1	17-246-17-250
			17-267-17-269
			17-286-17-288
79-22	10-23-79	2	37-199
79-23	10-23-79	1	9-101
		2	9-103
		4	9-102

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
79-24	10-23-79	1, 2 5	18-31, 18-32 18-32
79-25	11-13-79	1, 2	2-27
79-32	12-18-79	1-4	30-2
80-1	1- 8-80	2	21-61-21-66
80-2	1-15-80	1, 2 3 4 5 6	37-57, 37-58 37-101 37-82 37-121 37-60
80-5	5-20-80	1 2 3 4-7 9, 10	30-151 30-154 30-152 30-154-30-157 30-156, 30-160
80-7	7-14-80	1-3	17-1
80-8	7-14-80	1-3	2-93
80-9	7-14-80	1-3	2-92
80-10	7-14-80	1 1-3 2, 3	17-2 17-57 17-2
80-13	8-25-80	1 3 5 7	2-171 2-172 2-173 2-174
80-14	8-18-80	1	37-82
80-15	9-15-80	1 2 3-6 7 8-11 12, 13 14 15, 16 17 18-21 22 23-26 29-37 38 39	25-53 25-51 25-54-25-57 25-52 25-58-25-61 25-81, 25-82 25-93 25-85, 25-86 25-54 25-87-25-90 25-92 25-94-25-99 25-101-25-109 25-91 25-83
80-16	10- 6-80	1	14-1
80-19	11- 3-80	1	25-100
80-20	11-10-80	3	17-4
80-21	12- 1-80	1 2 3-5 1, 2 1-9 1 2 3 4-10 11 12	13-1 14-1 13-3-13-5 14-1 17-77-17-85 20-51 20-91 20-52 20-92-20-98 20-54 20-53
81-2	1-15-81	1	9-627
81-3	2- 2-81	1	9-626
81-4	3- 9-81	3, 4 5-7 8, 9 10, 11 12-14	9-676, 9-677 9-651-9-653 9-678, 9-679 9-665, 9-667 9-625-9-630

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
81-8	4-14-81	3	21-174
81-10	4-21-81	1	9-11
81-13	5-12-81	1-4	33-186-33-189
81-14	5-26-81	1-7	37-276-37-282
		8	37-284
81-18	8-25-81	2-12	9-32-9-42
81-20	9-15-81	1, 2	37-279
81-21	10-28-81	1(5)	37-280
	10-29-81	1(4)	37-279
		1(6)	37-281
81-23	11-17-81	1	14-1
81-24	11-24-81	1-7	19-1-19-7
		8-10	19-66-19-68
		11	19-41
		12	19-70
		13-15	19-91-19-93
		16	19-42
		18-22	19-43-19-47
		23-27	19-8-19-12
81-25	12- 8-81	1, 2	9-461, 9-462
		3	9-464
		4	9-463
81-26	12- 8-81	1	9-309
81-27	1- 4-82	1	9-126
		2	9-206
		4	9-129
82-1	2-25-82	1-7	17-102-17-108
82-2	3- 9-82	1-5	29-56
82-3	3-16-82	3	37-277
82-5	3-23-82	2	21-3
82-7	5-18-82	1(d)	33-186-33-189
		2	17-337-17-355
82-9	6- 8-82	1	4-1
			4-26-4-30
82-10	6- 8-82	1-3	21-86-21-88
		4-11	21-106-21-113
		12	21-89
		13, 14	21-114, 21-115
82-11	6-15-82	1-8	17-132-17-139
		10	17-140
82-12	6-22-82	1	17-344
82-14	8-17-82	1-7	30-306-30-312
82-19	9-21-82	1, 2	11-26, 11-27
		3, 4	11-29, 11-30
		5	11-28
		6-16	11-31-11-41
82-20	9-26-82	2	14-3
82-22	10-11-82	1-7	29-26-29-32
		7	30-1
82-26	11- 1-82	1	25-140
82-29	12- 6-82	1	25-99
		2	25-86
		3	25-88
82-30	12- 6-82	4	25-1
82-31	12-13-82	1-3	37-356-37-358
		4	37-281
		5	37-359
82-32	12-20-82	1-8	37-401-37-408
83-1	1- 3-83	1-5	22-26-22-30
		6, 7	22-33, 22-34
		8-11	22-51-22-54
		12	22-32

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		13	22-55
		14	22-37
		15	22-56
		16	22-31
		3	37-405
83-2	1- 3-83	1	9-465
83-3	1-10-83	1	9-701-9-707
83-5	2-28-83	1	9-721-9-725
			9-736-9-738
			9-751-9-767
			9-781-9-783
			9-801-9-810
			17-78, 17-79
83-7	4- 4-83	1, 2	17-83
		3	9-253
83-8	3- 7-83	2	9-252, 9-253
83-9	3-28-83	1, 2	17-157-17-166
83-10	4- 5-83	1-10	17-167
83-11	4- 5-83	11	37-428-37-433
83-12	4-11-83	1-8	37-407
83-13	5- 2-83	1	9-103
83-14	5- 3-83	2, 3	9-462
83-15	5- 3-83	1	9-252
83-16	5- 9-83	1	9-309
83-17	5- 9-83	1	18-33
83-18	5- 9-83	2	18-32
		6	37-277
83-20	5-17-83	3	37-279, 37-280
		4, 5	37-280, 37-281
		6, 7	37-283
		8	22-35, 22-36
83-22	5-23-83	1	22-51, 22-52
		2, 3	22-37
		4	17-269
83-23	5-24-83	1	32-101, 32-102
83-24	5-28-83	1, 2	32-106
		3	32-104
		4	32-110-32-114
		5-9	32-109
		10	32-115
		11	32-108
		12	32-106
		13(m)-13(e)	32-107
		13(d)	32-105
		13(e)	15-251-15-256
83-25	5-31-83	1-8	25-162
83-26	6-20-83	1	37-280
83-28	6-27-83	3	37-405
83-30	7-12-83	3	37-171-37-180
83-32	7-18-83	1-10	20-51
83-34	8- 8-83	1	20-91
		2	20-52
		3	20-92, 20-93
		4, 5	20-95, 20-96
		6, 7	20-96
		8, 9	20-54
		10	20-71
		11(16), 11(17)	20-131-20-134
		11(18)	37-301-37-310
83-36	8-18-83	1-10	37-311
		14	

## CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
83-37	9-19-83	1-3 4-6 7	8-26-8-28 8-30-8-32 8-29
83-38	9-19-83	2 3, 4	18-32 18-34
83-40	10-31-83	1-11 14, 15	37-141-37-151 37-152, 37-153
83-42	11-14-83	2 3	37-279 37-281
83-46	12-19-83	3	26-51
84-4	2-13-84	1	37-356 37-359
84-5	3- 5-84	1 2 3 4 5 6 7 8, 9 10 11	37-197 37-198 37-198 37-251 37-209 37-204 37-253 37-255, 37-256 37-255 37-200
84-7	3-26-84	2	37-377
84-7	3-26-84	1	37-376
(Res.)	4- 1-84	3-10 art. I. art. II art. III art. IV, art. V 6.1 6.2.1-6.2.7 6.3.1-6.3.3 6.4.1-6.4.5 6.4.6 6.5, 6.6 7.1-7.4 8.1, 8.2 8.3.1-8.3.11 8.4-8.6 9.1 9.2-9.6 9.7-9.9 10.1-10.3 10.4.1-10.4.5 10.5.1, 10.5.2 10.5.3 10.6 11.1-11.3 art. XII 14.2	37-378-37-385 34-0 34-1, 34-2 34-3 34-4, 34-5 34-46 34-66-34-72 34-91-34-93 34-111-34-115 34-115 34-47, 34-48 34-131-34-134 34-151, 34-152 34-171-34-181 34-153-34-155 34-201 34-205-34-209 34-202-34-204 34-226-34-228 34-246-34-250 34-266, 34-267 35-2 34-229 34-27-34-29 34-7 34-26 9-206 9-129 37-384 37-279, 37-280 37-280 15-36 15-36 11-33
84-8	4- 9-84	1 2	9-206 9-129
84-9	4-23-84	1	37-384
84-12	6-11-84	1, 2 3, 4	37-279, 37-280 37-280
84-13	7-16-84	2	15-36
84-14	7-16-84	2 3	15-36 11-33



# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
84-15	7-16-84	1	15-66
		1(1)-1(7)	15-86-15-92
		2-4	15-67-15-69
84-16	9-17-84	1	37-276
		2	37-279
		3	37-281
		4	37-280
84-17	9-24-84	1-7	37-401-37-407
84-18	10-1-84	1	15-111
		1(1)-1(23)	15-131-15-153
		2-4	15-112-15-114
84-19	10-15-84	1	17-247
		2-4	17-267-17-269
		5	17-286
		6	17-288
		7(1)-7(9)	17-306-17-314
84-21	11-5-84	1-6	30-201-30-206
		8	30-207
			30-210
84-22	11-19-84	1	37-280
84-24	12-17-84	1	30-204
85-1	1-7-85	1	35-25
		2	35-1
			35-21-35-24
			35-41-35-44
			35-61-35-64
85-2	1-7-85	1-3	23-56-23-58
		4-6	23-60-23-62
		7	23-65
85-3	1-14-85	1	37-280
85-5	4-1-85	1	37-280
85-6	4-1-85	1	37-405
85-7	4-1-85	1	37-178
85-8	4-22-85	1	17-2
85-9	4-22-85	1	9-309
85-10	4-22-85	1	9-103
85-11	4-22-85	2	9-465
		5	9-462
85-12	4-29-85	1, 2	25-161, 25-162
85-13	4-29-85	1-4	9-226-9-229
85-14	4-29-85	1	9-206
		2	9-129
85-17	6-10-85	1-3	32-151-32-153
		4	32-157
		5	32-160
		6	32-162
			32-177
		6(a), 6(b)	32-159
		6(c)	32-158
			32-193
		6(e)	32-159
		6(h)	32-194
		7, 8	32-178, 32-179
		9	32-182
		10, 11	32-180, 32-161
		12, 13	32-183, 32-184
		14	32-176
		15-17	32-185-32-187
		18(a)	32-188
		18(b)	32-191
		18(c)	32-156
		18(d)	32-190

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		18(e)	32-189
		18(f)	32-192
		19	32-195
		20	32-155
		21	32-154
85-18	6-17-85	1	9-103
85-19	6-24-85	1-3	37-142-37-144
		4, 5	37-146, 37-147
		7	37-152
85-20	6-24-85	1	23-56
		1, 2	23-58
85-22	7-24-85	1, 2	25-161, 25-162
		3	25-162
85-23	8- 1-85	1-5	30-153-30-157
		6	30-159
85-24	8-19-85	1	37-406
85-25	8-26-85	3	29-57
85-26	9- 9-85	2, 3	14-1
85-27	9-23-85	2	18-32
85-28	9-30-85	1-14	17-186-17-199
85-29	10- 7-85	1	8-30
85-30	11-11-85	2(a)	25-137
		2(b), 2(c)	25-186, 25-137
		2(d)-2(h)	25-137
		3	25-140
85-31	11-18-85	1	9-301-9-304
			9-306-9-309
			9-321-9-326
			9-336-9-347
			9-351
			9-361-9-369
85-32	11-25-85	1(1)-1(3)	16-1-16-3
		1(4)	16-21
		1(5)	16-4
		1(6)	16-22
		1(7)	16-8
		1(8)	16-23
		1(9)	16-5
		1(10)	16-24
		1(11)	16-6
		1(14)	16-7
85-33	12- 9-85	1-6	15-276-15-280
		6-10	15-301-15-305
		11, 12	15-282, 15-283
		13	15-281
85-34	12- 9-85	1, 2	23-86, 23-87
		3	23-27.1
			23-89
		4	23-88
		5-16	23-90-23-101
86-01	1- 6-86	1-3	37-279
		4	37-281
86-2	1-20-86	1	30-204
86-3	2- 3-86	1	9-702
		2	9-736
		3	9-807
		4, 5	9-754, 9-755
		6	9-752
86-4	2-23-86		32-178
	2-10-86	2	32-161
86-5	3- 3-86	1	23-1

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
86-6	3-17-86	1	9-127
		2	9-151
		3	9-128
		3, 4	9-152, 9-153
		5-8	9-192-9-195
		9	9-191
		10	9-179
		10(a)	9-176
		10(b)	9-162
		10(c)	9-177
		10(d)	9-162
		10(e)	9-178
		10(f)	9-162
		10(g)	9-177
		10(h)	9-162
		11	9-162
		12	9-161
		13	9-163
		14	9-128
		15	9-207
		16	9-141
		17	9-180
		17(a)	9-130
		17(b), 17(c)	9-164
		17(d)	9-165
		17(e)	9-191
86-7	4-14-86	1-3	28-66-28-68
		5, 6	28-69, 28-70
		7-12	28-74-28-79
		14	28-73
		15	28-71
86-8	4-29-86	2	17-5
86-9	5-12-86	1, 2	37-451, 37-452
		4	37-454
		5	37-453
86-10	5-12-86	5, 6	37-455, 37-456
		1	30-154
		1-4	30-154
		2-4	30-154
		1-10	23-26-23-35
86-11	5-19-86	1	30-204
86-12	5-19-86	1	25-136
86-13	5-27-86	2, 3	25-139, 25-140
		1, 2	30-154
86-14	5-27-86	1	30-204
86-15	6- 9-86	2	25-110
86-16	6-16-86	1	30-204
86-17	7- 7-86	1, 2	16-8
86-18	7- 7-86	1-7	30-154
86-19	8-11-86	1	30-236-30-254
86-20	8-25-86	1(a)-1(g)	30-276-30-282
86-21	9- 8-86	1	9-626-9-630
			9-651-9-653
			9-666, 9-667
			9-676-9-679
			14-1
86-23	10- 6-86	1	15-176-15-178
86-26	10-27-86	1-3	15-179-15-187
		5-13	15-188-15-191
		15-18	25-137
86-27	10-27-86	1	25-140
		4	25-144, 25-145
		5, 6	9-76-9-83
87-1	1- 5-87	1(1)-1(8)	

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
87-2	1-5-87	1(1), 1(2) 1(3), 1(4) 1(5) 1(6), 1(7) 1(8)	9-276, 9-277 9-280, 9-281 9-279 9-282, 9-283 9-278
87-3	1-19-87	1	20-212
87-4	2-2-87	1	37-358
87-5	2-2-87	2, 3	37-358, 37-359
87-06	2-9-87	1, 2	37-304, 37-305
		1	3-1-3-9 3-26-3-38 3-61 3-76-3-79 3-101-3-103 3-126-3-140 3-176-3-179
87-7	2-16-87	2(1)-2(4)	21-3
87-9	3-9-87	2-4 6-19	5-26-5-28 5-29-5-42
87-10	3-9-87	1	9-103
87-11	3-23-87	1-9	30-154
87-13	3-30-87	1-5 7	37-331-37-335 37-336
87-14	5-4-87	1-6	35-2
87-15	5-11-87	1-6 7	18-32 18-33
87-16	6-8-87	1	37-405
87-18	8-25-81	1	9-31
	6-8-87	1	37-454
87-19	6-8-87	2, 3 5-9 10-16 17, 18 19	37-277, 37-278 37-279 37-280 37-281 37-283
87-20	6-29-87	1	8-30
87-21	7-8-87	1	19-1-19-12 19-41-19-47 19-66-19-70 19-91-19-94
87-23	7-20-87	1 2 3 5	22-153 32-157 32-178 32-157 32-160 32-178 32-184 32-195
87-25	7-21-87	1 2 3 4-10	9-11 9-12 9-15 9-14-9-20
87-26	7-21-87	1	9-227
87-27	7-21-87	1	9-103
87-28	3-17-86	17(c)	9-164
	7-21-87	1	9-127 9-206 9-151 9-193, 9-194
		3 4, 5 7	9-161
87-29	7-21-87	1-5 6 7	9-462 9-460 9-462

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
87-30	7-21-87	1-5	9-309
		6	9-341
		7	9-363
87-31	7-27-87	1.01-1.03	15-361-15-363
		2.01	15-376
		3.01-3.04	15-377-15-380
		4.01, 4.02	15-381, 15-382
		5.01-5.04	15-383-15-386
		6.01, 6.02	15-386, 15-397
		7.02-7.04	15-417-15-419
		8.01-8.03	15-366-15-368
		art. IX	15-365
87-32	8- 3-87	1	37-476
		2	37-478
		3	37-477
		4-6	37-479-37-481
87-33	9-21-87	1	30-154
		1-8	30-154
		2-8	30-154
87-36	10-12-87	1	35-1
87-37	10-19-87	1, 2	11-26, 11-27
		3, 4	11-29, 11-30
		5	11-28
		6-16	11-31-11-41
87-38	11- 9-87	1	3-1-3-9
			3-26-3-36
			3-51
			3-76-3-79
			3-101-3-103
			3-126-3-140
			3-176-3-179
87-39	11- 9-87	1(1.04)	15-364
		1(2.01)	15-376
		1(4.02)	15-382
		1(5.01)	15-383
		1(5.04)	15-386
		1(6.02)	15-397
		1(8.01)	15-366
87-40	11-16-87	1	9-103
87-41	12-14-87	1	23-66
87-42	12-14-87	1	23-88
87-43	12-14-87	1	23-29
88-1	1-11-88	1-3	28-26-28-28
		5-7	28-30-28-32
		8	28-27
		9	28-43
		10	28-29
		11-14	28-33-28-36
		16, 17	28-41, 28-42
88-2	1-25-88	1-8	23-67-23-64
88-4	3-14-88	1-8	14-2
88-6	4-18-88	1-4	30-154
88-7	7- 5-88	1-5	17-102-17-106
		6-9	17-109-17-112
88-8	7-25-88	1-4	18-34
88-9	8- 1-88	2-9	26-91-26-98
88-10	9-12-88	1, 2	9-401, 9-402
		3	9-405
		5	9-403
		6	9-408
		7	9-404
		8	9-411

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		8(a), 8(b)	9-426
		9(a)(1), 9(a)(2)	9-427
		9(a)(3)-9(a)(5)	9-428
		9(b)	9-429
		10	9-409
		12	9-410
		13	9-408
		14	9-407
88-11	9-12-88	1	17-77
		2, 3	17-79, 17-80
88-12	9-19-88	1(1)-1(10)	30-201-30-210
88-13	9-19-88	1	32-153
88-14	11-1-88	1	9-103
	8-21-89	1	25-136
88-15	11-7-88	1	25-140
88-16	11-14-88	1	2-174
88-17	11-21-88	1, 2	17-102, 17-103
88-18	12-12-88	1	15-321
		2-7	15-341-15-346
		8	15-322
89-2	2-13-89	1	19-5
		3	19-43
		4-6	19-45-19-47
		7	19-68
89-4	3-27-89	1, 2	30-154
89-5	4-3-89	1-5	14-26-14-30
89-6	4-3-89	1-4	14-3
89-7	4-17-89	1-8	21-31-21-38
89-8	7-3-89	1(1.01)-1(1.04)	15-361-15-364
		1(2.01)	15-376
		1(3.01)-1(3.04)	15-377-15-380
		1(4.01), 1(4.02)	15-381, 15-382
		1(5.01)-1(5.04)	15-383-15-386
		1(6.01), 1(6.02)	15-396, 15-397
		1(7.01)-1(7.04)	15-410-15-419
		1(8.01)-1(8.03)	15-366-15-368
		art. IX	15-365
89-09	7-10-89	1(2)	30-40
		1(3)	30-45
		1(4)	30-48
89-11	1-11-88	15	28-38
	7-27-89	7.01	15-416
	8-7-89	1(1)-1(3)	28-26-28-28
		1(5)-1(8)	28-30-28-33
		1(8)	28-37
		1(9)	28-43
		1(10)	28-29
		1(12)-1(14)	28-34-28-36
		1(15)-1(19)	28-38-28-42
89-12	8-7-89	1	11-37
89-13	8-7-89	2, 3	16-3
		4, 5	16-21, 16-22
89-15	10-23-89	1	26-1
		1-9	26-52
		2-9	26-1
89-16	11-20-89	3, 4	11-26, 11-27
		5	11-29
		6	11-28
		7, 8	11-34, 11-35
		9, 10	11-37, 11-38
		11	11-41

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
89-17	12-11-89	1	15-147
		2	15-90
89-18	12-20-89	1	2-26
90-1	2-5-90	1	2-27
90-2	2-19-90	1	17-376
		2-7	17-378-17-383
		6	17-377
90-3	2-19-90	3	35-63
90-4	3-19-90	3	14-31
90-05	4-9-90	1	3-1-3-9
			3-26-3-36
			3-51
			3-76-3-79
			3-101-3-103
			3-126-3-140
			3-176-3-179
90-05	4-9-90	1-4	21-5
90-7	4-16-90	1-3	30-154
90-08	5-14-90	1	18-1, 18-2
			18-32-18-34
90-9	5-15-90	1, 2	12-1, 12-2
		3(a)	12-3
		4-11	12-41-12-48
		12-14	12-76-12-78
		15, 16	12-52, 12-53
		17, 18	12-23, 12-24
		19	12-54
		20	12-79
		21, 22	12-50, 12-51
		23	12-4
		24	12-80
		25	12-25
		26	12-81
		27	12-49
		28	12-82
		29	12-83
		30, 31	12-21, 12-22
		32	12-26
		33	12-5
90-10	6-21-90	1(a)-1(d)	31.5-1-31.5-4
		1(d)	31.5-5
		2(a)-2(e)	31.5-12-31.5-14
		3(a), 3(b)	31.5-15
		3(c)-3(f)	31.5-16-31.5-19
		3(g)	31.5-11
		4(a)	31.5-66
		4(a)(1)-4(a)(9)	31.5-67-31.5-75
		4(a)(9)	31.5-76
		4(b)	31.5-91
		4(b)(1)-4(b)(6)	31.5-92-31.5-97
		5(a), 5(b)	31.5-126, 31.5-127
		6	31.5-141
		7(a), 7(b)	31.5-162, 31.5-163
		7(c)(1)-7(c)(7)	31.5-164-31.5-170
		7(d)(1)-7(d)(3)	31.5-171-31.5-173
		7(e)	31.5-174
		8-11	31.5-7-31.5-10
		12, 13	31.5-6
90-11	6-4-90	1	30-40
90-13	6-11-90	1	30-326, 30-327
		2-4	30-328-30-330
		5	30-330

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section /this Code
90-14	6-25-90	6	30-329
		7, 8	30-331, 30-332
		1	32-153
		2	32-157
		3	32-160
		4	32-168, 32-159
			32-162
			32-177
			32-193, 32-194
		5	32-178
		6	32-182
		7	32-184
		8, 9	32-187, 32-188
		9	32-189
90-15	7-2-90		32-191, 32-192
		10	32-195
		11	32-154
		1	23-86
			23-92-23-101
		2	23-87
		3	23-89
		4	23-88
		5, 6	23-90, 23-91
		1	28-40
90-18	8-13-90		25-1
90-19	8-27-90	1(14B-1)	25-177-25-179
90-20	9-10-90	1(14B-2)-1(14B-4)	9-206
		2	9-127
		3	9-151-9-153
		4-6	9-192, 9-193
		7, 8	9-194(b)
		9	9-195
		10	9-162(a)
		11	9-161(a)
		12	35-65
		1	4-5
		1-3	33-201-33-205
		1-5	App. B
			21-261-21-267
		1-7	37-358
90-21	9-24-90	1	17-401-17-408
90-22	9-17-90	1	25-101(b)
90-23	9-17-90	1-8	15-436-15-441
90-24	9-17-90	1	15-442
90-25	10-15-90	1-4(A)(3)	9-103
90-26	10-29-90	4(B)	9-103(b)(A108),
90-28	12-3-90		(A108.1)
90-29	12-3-90		9-103(b)(402.4.1)
90-30	12-10-90		9-103(b)(408.3.3.1)
91-1	1-15-91	2	9-103(b)(502.1)
		3, 4	9-103(b)(506.11)
			9-103(b)(507.5)
		5	9-103(b)(702.1.3)
		6	9-103(b)(806.1.1)
		7	9-103(b)(901.5.1)
		8	9-103(b)(ch. 32),
		9	(ch. 33)
		10	9-103(b)(D163)
		11	9-11
		12	9-15(a), (d)
		13, 14	9-12
		15	
		2	
		3	
		4	
91-2	1-15-91		



# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		5	9-14
		6	9-15(b), (c), (e)
		7, 8	9-16, 9-17
		9	9-19(k)
		10, 11	9-21, 9-22
		12, 13	9-101, 9-102
		14	9-104
		15	18-31
		16	18-34(a), (c), (e)
		17	9-251
		18	9-463
		19	9-465
		20	9-504
		21	9-325
		22	9-362
		23	Rpld 9-303, 9-305, 9-325, 9-326, 9-351, 9-363(a), 9-364, 9-365, 9-367-9-369
		24	9-504
		25	9-535
		26	9-538
		27	9-537
		28	9-539
		29	9-591
		30	Rpld 9-503, 9-505, 9-540, 9-560(b), 9-576(b)(3), 9-578, 9-579, 9-593-9-595, 9-597, 9-598
		31	9-550
		32	9-702
		33-35	9-736-9-739
		36	9-802
		37	Rpld 9-704, 9-705, 9-761, 9-762, 9-781, 9-782, 9-803, 9-804, 9-806, 9-807, 9-809, 9-810
		38	9-760
		39	9-767
		40	9-676
		41	Rpld 9-677
		42	9-651
		43	9-653
		44	Rpld 9-628, 9-666, 9-657, 9-678, 9-679
		45	9-153
		46	9-192
		47	Rpld 9-198
		48	Rpld 9-229
		49	9-78
		50	Rpld 9-77, 9-79, 9-81-9-83
		51	9-280
		52	Rpld 9-277, 9-278, 9-281-9-283
91-3	1-15-91	2	9-462(a)

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		3	9-462(b)(A103.1.1)
		4	9-462(b)(A103.5)
		5	9-462(b)(A103.7.2)
		6	9-462(b)(A103.4.1)
		7, 8	9-462(b)(202)
		9	9-462(b)(704.2.3)
		10	9-462(b)(1101.6)
		11	9-462(b)(1109)
		12	9-462(b)(1209.3.1)
		13	Rpld 9-480
		14	9-478.1
91-4	1-15-91	1	9-363(a)
		2	9-341
		3	9-309(a), (c)
		4	9-309(b)(A103.7.2)
		5	9-309(b)(303.2.1)
		6	9-309(b)(303.6.2)
		7	9-309(b)(303.7.1)
		8	9-309(b)(404.1.8)
		9	9-309(b)(503.1)
		10	9-309(b)(515.5)
91-5	3- 9-91	2, 3	2-94
91-6	3-12-91	1, 2	17-5
91-7	3-26-91	2	29-56(b)
		3	29-57(b)
91-8	4- 2-91	2, 3	5-26, 5-27
		4	Rpld 5-28
		5-8	5-29-5-32
		9	Rpld 5-33
		10-25	5-34-5-39
		26-28	Rnbd 5-40-5-42 as
			5-50-5-52
91-9	4-16-91		Adopting Ordinance,
			p. vii
91-10	4-29-91	2	30-42(a)
		3	30-42(b)-(d)
		4	30-43(4)
91-11	4-29-91	2	30-34(a)
		3	30-34(b)-(d)
		4	30-34(c)
91-12	5- 7-91	1	37-279(h)
91-13	5-21-91	3	21-171
		4	21-173
		5	21-175(d)
		6	21-176(a)
		7	21-196(b), (f)
		8	21-202
		9	21-208(a)
		10	21-231(a), (f)
		11	21-232(5)(2), (3)
			Rpld (f)
		12	21-232(c)(2)
		13	21-233(b)
		14	21-233(n)
		15	21-234(d)
		16	21-239(b)(5)
91-14	6-18-91	1	38-628
		2	38-1402
		3, 4	38-1404, 38-1405
		5	38-1407
		6	38-1601-38-1603

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
91-15	6-18-91	2	38-1
		2	38-1
		3	38-116(a)(16) Rpld (17), (18) Added (17)
		4	Rpld 38-117(b)(9)
		5	Rpld 38-137(b)(10)
		6	38-302(3), (4)
		7	Rpld 38-303(b)(8)
		8	38-453(4) Rpld (5), (6) Added (5) Rnbd (7) as (6)
		9	Rpld 38-454(b)(10), (11) Added (10)
		10	38-477(6) Rpld (7), (8) Added (7) Rnbd (9) as (8)
		11	38-478(b)(3)
		12	38-502(4), (5)
		13	38-503(b)(11)
		14	38-527(3), (4)
		15	38-528(6), (7)
		16	38-529(b)(1)g
		17	38-529(b)(2)h
		18	38-527(a)(3)
		19	38-50(b)
		20	38-1417
		21	38-377(7) Rpld (8), (9) Added (8)
		22	38-379(b)(13)
		23	38-157(12) Rpld (13), (14) Added (13)
		24	38-327(3), (4)
		25	Rpld 38-328(b)(10)
		26	38-352(3), (4)
		27	Rpld 38-353(b)(10)
		28	38-427(8) Rpld (9), (10) Added (9)
		29	38-428(b)(8)
		30	38-402(6) Rpld (7), (8) Added (7)
		31	38-403(b)(7)
		32	38-555(b)(1)d, (2)d
91-16	7- 1-91	1-13	Rpld 30-151-30-159 Added 30-151-30-163
91-17	8- 6-91	1-11	17-235-17-245
91-18	9-10-91	1	Rnbd 30-151-30-163 as 30-341-30-353 Added 30-360-30-363, 30-385-30-392
91-19	9-17-91	1	9-304
		2	9-309(b)(404.1.8)
91-20	9-17-91	2	9-226
		3	9-227(a)
		4	9-227(b)(A103.1)
		5	9-227(b)(104)

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		10	38-1
		11	38-952(a), 38-977(a)(1), 38-1002(a)(1.1), 38-1052(1.1) 38-1413
92-14	4-14-92	12	11-32
92-15	4-28-92	1	9-127
		2	9-161(a)(5)-(7)
		3	9-192(a)
		4	9-195
92-16	5-26-92	5	37-531-37-545
		1-15	34-207(b)(3)
92-17	6- 2-92	16	32-3
92-18	6- 2-92	1-4	3-76
92-19	7- 7-92	1	32-211-32-221
		II(1)-(11)	32-222, 32-223
		(13, 14)	16-1-16-7
		III(1)-(7)	16-8
		(8)-(12)	16-21-16-24
		(13)-(16)	21-88
92-20	7-14-92	1	21-107(3)
		2	21-111
		3	21-113
		4	23-97
92-21	7-21-92	1	30-596(a), 30-597(a)
		2	30-635
		3	23-92(d), 23-95(c)
		4	32-2
92-22	7-21-92	1-16, 19	31-5-12(d)
92-23	8-11-92	1	9-103(b)
92-25	8-18-92	1	17-246-17-250,
92-26	9-15-92	I	17-267-17-269, 17-286-17-288, 17-306-17-314
		IIA-G	Added 17-281-17-287
		IIIA-E	Added 17-295-17-299
		IV-IV.D	Added 17-309-17-315
		V	Added 17-288
		VI	Added 17-289
92-27	9-22-92	2	Added 14-1(d)
			Rnbd 14-1(d), (e)
			as 14-1(e), (f)
92-28	9-22-92	1.01-1.04	23-121-23-124
		2.01-2.04	23-141-23-144
		3.01-3.08	23-161-23-168
		3.09	34-155(b)(2)
		3.10	23-169
92-29	10- 6-92	1-7	2-251-2-257
92-30	10- 6-92	1	25-108(a)
92-31	10-20-92	1	25-140
92-32	10-20-92	1	Rpld 30-201-30-210
92-33	10-27-92	1-7	26-26
92-34	11- 3-92	1-4	2-181-2-184
92-35	11-10-92	1-7	17-261-17-267
92-36	11-10-92	2	Rpld 9-104, 9-151-9-153, 9-325, 9-465, 9-536-9-539, 9-651-9-653
		3	18-34
		4	Rpld 37-81
		5.A	9-103

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		5.B	9-227(b)
		5.C	9-309(b)
		5.D	9-462(b)
		5.E	18-32(b)
		6	9-11
		7	9-14
		8	9-127, 9-304, 9-504, 9-627, 37-55
		9	9-21
		10(a)	9-12
		10(b)	9-15
		10(c)	9-19
		10(d)	9-22
		10(e)	9-78
		10(f)	9-80
		10(g)	37-82, 37-101
		11	37-101(h), (i)
92-37	11-10-92	1.01, 1.02	33-251, 33-252
		2.01-2.09	33-271-33-279
92-39	12-22-92	1	37-281
		2	37-384
		3	37-407
		4	37-432
		5	37-454(g)
		6	37-479(g)
		7	37-359(a)
92-40	12-22-92	1	Ch. 33, Art. VIII(note)
92-41	12-22-92	1	Added 15-551-15-557
		3	38-1
		4	38-117(b)(1); (15)-(21)
		5	Added 38-118
			Rnbd 38-118, 38-119
			as 38-119, 38-120
		6	38-137(b)(1), (16)-(22)
		7	Added 38-138
			Rnbd 38-138, 38-139
			as 38-139, 38-140
		8	Added 38-158(3), (4)
		9	Added 38-159(b)(10)-(14)
		10	Added 38-279
			Rnbd 38-279, 38-280
			as 38-280, 38-281
		11	Added 38-303(b)(8)
		12	Added 38-304
			Rnbd 38-304, 38-305
			as 38-305, 38-306
		13	Added 38-328(b)(10)
		14	Added 38-329
			Rnbd 38-329, 38-330
			as 38-330, 38-331
		15	Added 38-353(b)(10)
		16	Added 38-354
			Rnbd 38-354, 38-355
			as 38-355, 38-356
		17	Added 38-378(6), (7)
		18	38-379(b)(6), (15)-(17)
		19	Added 38-403(b)(10)-(12)
		20	Added 38-404
			Rnbd 38-404, 38-405

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		21	as 38-405, 38-406
		22	Added 38-428(b)(11)-(13)
			Added 38-429
			Rnbd 38-429, 38-430
			as 38-430, 38-431
		23	Added 38-454(b)(11)
		24	Added 38-455
			Rnbd 38-455, 38-456
			as 38-456, 38-457
		25	Added 38-478(b)(9)
		26	Added 38-479
			Rnbd 38-479-38-481
			as 38-480-38-482
		27	Added 38-503(b)(12)
		28	38-504
		29	Added 38-529(b)(1)h., (2)l.-k.
		30	Added 38-530(a)(7), (8)
		31	Added 38-827(a)(5)
		32	Added 38-828(3), (4)
		33	Added 38-829(b)(10)-(13)
		34	Added 38-852(18)
		35	Added 38-853(3), (4)
		36	Added 38-854(b)(7)-(10)
		37	Added 38-877(34)
		38	Added 38-878(13), (14)
		39	Added 38-879(b)(5)-(8)
		40	Added 38-952(a)(37)
		41	38-953
		42	Added 38-954
			Rnbd 38-954-38-959
			as 38-955-38-960
		43	Added 38-979
			Rnbd 38-979-38-984
			as 38-980-38-985
		44	Added 38-1002(a)(10)
		45	Added 38-1003(7), (8)
		46	Added 38-1004
			Rnbd 38-1004-38-1009
			as 38-1005-38-1010
		47	38-1202(5)
92-42	12-15-92	1	Rpld 24-16-24-35
			Added 24-1-24-10, 24-26-24-30
		3	38-1
		4	38-452
		5	38-455(1)h., (10)
		6	38-557(a)
		7	38-559(b)
		8	38-801
		9	38-806(8)
		10	38-830(8)
		11	38-855(7)
		12	38-880(7)
		13	38-578(b)(2)d., 38-806(12), 38-830(10), 38-855(9), (10), (13), 38-880(9), (10), (13), 38-906(c), 38-931(c), 38-956(d),

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
			38-958(2), (3), 38-981(c), 38-1006(c), 38-1031(c), 38-1529(4)
		14	34-155(a)
		15	Added 34-226(4)
93-01	1-19-93	1, 2	38-1414(a), (d)
		3	38-1415(d)
93-02	1-19-93	2	18-34
		3A	9-103(b)
		3B	9-227(b)
		3C	9-309(b)
		3D	9-462(b)
		3E	18-32(b)
		4	9-11
		5	9-14
		6	9-127, 9-304, 9-504, 9-627, 37-58
		7	9-21
		8(a)	9-12
		8(b)	9-15
		8(c)	9-19
		8(d)	9-22
		8(e)	9-78
		8(f)	9-80
		8(g)	37-82, 37-101
		9	37-101(h), (i)
93-03	1-19-93	1	9-304
		2	9-309(b)
93-04	1-12-93	1, 2	2-95
93-05	3- 9-93	1	4-3
93-06	3- 9-93	1	11-31
		2	2-203
93-07	4- 6-93	2	28-26
		3	28-27(b)
		4	28-31
		5	Added 28-34(b)
		6-8	28-35-28-40
		9	28-70
93-08	4-13-93	1-5	35-3
93-09	4-20-93	1	30-34(b)
		2	30-42(b)
		3	2-204(c)
93-10	4-20-93	1	3-6
93-11	4-27-93	2	38-1
		3	Rpld 38-328(b)(9)
			Rnbd 38-328(b)(10)
			as 38-328(b)(9)
		4	Rpld 38-353(b)(8)
			Rnbd 38-353(b)(9), (10)
			as 38-353(b)(8), (9)
		5	38-451-38-457
		6	38-481
		7	38-576
		8	38-580
		9	Added 38-601-38-605
		10	38-1420
		11	38-1501
		12	38-1502
		13	Added 38-1505

## CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		14	Added 38-1651-38-1658, 38-1701-38-1713
		15	24-29(a), (f)
93-13	4-27-93	1-6	2-281-2-286
93-14	5-18-93	1	3-76
93-15	6-8-93	1	14-1(d)
93-16	7-6-93	1	17-236
93-17	7-13-93	1	2-174
93-18	7-13-93	1	2-203
		2, 3	2-204(h), (c)
		5	2-204(i)
		6	2-206(4)
		7	2-207(a)
		8	2-208(1)
		9	2-209(a)
93-21	9-14-93	2	Added 9-14(n)(10) Rmbd 9-14(n)(10) as 9-14(n)(11)
		3	9-21, 9-22
		4	9-14(n)(11), (4), (5), 9-103(b)
93-22	9-7-93	1, 2	17-286(7), (8)
		3, 4	17-287
		5	Added 17-310(f)(6)
93-23	9-7-93	1-6	15-601-15-606
93-24	9-7-93	2	37-540(i)
		3	37-540(k)
93-25	9-28-93	2	9-11
		3	9-14(d)
		4	Rpld 9-15(e)
		5	9-103
		6	9-206
		7, 8	9-226, 9-227
		9	Rpld 9-228, 9-229
		10, 11	9-230, 9-231
		12, 13	9-252, 9-253
		14	Added 9-277
		15	9-270, 9-280
		16	Added 9-251
		17	Added 9-305
		18	9-309
		19, 20	9-462, 9-463
		21	9-478.1
		22	Added 9-811
93-27	10-26-93	1	Added 17-310(g)(4)
93-28	11-2-93	2, 3	12-3, 12-4
93-29	11-16-93	1	Added 37-601-37-605
94-1	1-4-94	2, 3	Rmbd 14-1(e), (f) as (d), (g)
		1	Added 14-1(e)
94-02	1-11-94	2-15	17-318-17-331
		18	17-332
94-3	2-1-94	1	30-34(e)-(i)
94-4	2-8-94	1(Exh. A)	34-1-34-7, 34-27-34-29, 34-46-34-48, 34-67-34-74, 34-91-34-93, 34-131-34-133, 34-151-34-155, 34-171-34-180, 34-201-34-211, 34-226-34-230,



# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
			34-246-34-250, 34-266-34-268
		2	30-43(3)
		3	Added 30-85(e)
		4	38-1207(d)
94-06	2-22-94	1	26-3
94-08	4-12-94	1	25-140(c)
94-09	5-10-94	1-7	Added 11-61-11-67
94-10	6-7-94	2, 3	16-23(a), (g)
94-11	6-7-94	1-10	Added 2-301-2-310
94-12	6-14-94	2	35-24
		3	35-25(a)
		4	Added 35-61(b)
			Rnbd 35-61(b)
			as 35-61(e)
		5	Added 35-63(a)(6)
94-14	7-26-94	2	31.5-5
		3, 4	31.5-7, 31.5-8
		5-10	31.5-11-31.5-16
		11	31.5-18
		12-14	31.5-67-31.5-69
		15-17	31.5-71-31.5-73
		18	Added 31.5-74
			Rnbd 31.5-74-31.5-76
			as 31.5-75-31.5-77
		19, 20	31.5-76, 31.5-77
		21	31.5-93
		22	31.5-127
		23	31.5-141
		24	31.5-161-31.5-163
			Added 31.5-164-31.5-166
			Rnbd 31.5-164-31.5-174
			as 31.5-166-31.5-176
94-15	8-9-94	2	25-51
		3	25-55
		4	25-61(a)
		5-8	25-82-25-84
		9, 10	25-86, 25-87
		11, 12	Rpld 25-89, 25-90
		13	25-92(a)
		14	25-93(a)
		15	25-94
		16, 17	25-96, 25-97
		18, 19	25-99, 25-100
		20	25-101(a)
		21	25-102(a)
		22-24	25-103-25-105
		25	25-107(a)(1)
		26	25-108
		27	25-109(a)
		28	25-110(e)
		29, 30	Added 25-111, 25-112
94-16	8-9-94	1	Added 38-1424
94-17	8-9-94	1	17-329
94-18	8-30-94	3	32-153
		4	32-158
		5	32-159(b), (e), (f)
		6	32-160(j)
		7	Added 32-163
		8	32-177
		9	32-178(a)-(i), (m), (n)
		10	32-187(a), (c)

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		11	32-193(b)(1), (j)
		12	32-157(b), 32-160(e), (f), (k)(3), 32-161(b), 32-178(k)(1), (2), 32-184(a)(6), (b), 32-187(d), 32-194, 32-195(b)(2), (h), (i)
94-19	10-11-94	1	9-462
94-21	10-25-94	1, 2	37-651, 37-652
		5-20	37-653-37-668
94-22	11-29-94	1-4	2-351-2-354
94-23	12- 6-94	1	3-29(a)
		2	3-141
94-24	12- 6-94	1	11-31(b)
		2	11-34(d)
		3	11-35(f), (g)
		4, 5	11-37, 11-38
		6	11-41(b)
		7	11-64(e)
94-25	12-13-94	1	Added 25-136.1
94-26	12-13-94	2	38-1
		3, 4	38-1002(a)(8), (11)
95-1	3- 7-95	1-6	33-301-33-306
95-2	3- 7-95	1	38-1
		2	Added 38-1425
95-3	3- 7-95	1, 2	20-212, 20-213
95-5	4- 4-95	2, 3	15-253, 15-254
		4	15-255(1), (4)
95-6	4-25-95	1	9-21(b)
95-7	4-25-95	1-12	9-831-9-842
95-8	5- 2-95	1, 2	2-191, 2-192
95-10	5-23-95	1, 2	14-6
95-11	5-23-95	1, 2	14-5
95-12	5-23-95	1	Rpld 37-376-37-383
			Added 37-390-37-395
		2	37-279(i), (k), 37-369(a), (b)
			Rpld. 37-279(h), (j), (l), (m), 37-406, 37-454(e)
		3	Rpld. 37-281(a)-(c)
			Added 37-281(n)
			Rpld 37-407(a)-(c)
			Added 37-407(a)
			Rpld 37-454(e), (f)(1)-(4)
			Added 37-454(f)
		4	Rpld 37-426-37-433, 37-476-37-481
95-14	6-27-95	2	11-62(b)
			11-65(c)
		3	11-66
95-15	6-27-95	1-5	Added 2-193-2-198
95-16	6-27-95	2	Added 38-74-38-79
		3	Added 38-56
		4	38-101
			Added 38-102
			38-116-38-118
		5	38-136-38-138
		6	38-157-38-159
		7	38-277-38-279
		8	38-302-38-304

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		9	38-327-38-329
		10	38-352-38-354
		11	38-377-38-379
		12	38-402-38-404
		13	38-427-38-429
		14	38-453-38-455
		15	38-477-38-479
		16	Rpld 38-501-38-507
		17	Rpld 38-526-38-533
		18	38-554, 38-555
		19A	Added 38-577-38-581
		19B	Rpld 38-583
		20A	38-603, 38-604
		20B	Added 38-606
		21	Rpld 38-801
			38-803-38-806
		22	38-826-38-830
			Rpld 38-833
		23	38-851-38-855
		24	38-876-38-880
		25	38-901-38-903
			Rpld 38-904-38-907
			Added 38-904-38-907
			38-908
		26A	38-926-38-928
			Rpld 38-929-38-932
			Added 38-929-38-932
			38-933
		26B	Rpld 38-1026-38-1035
		27A	Rpld 38-951-38-960
		27B	38-976-38-978
			Rpld 38-979, 38-980
			Added 38-979, 38-980
			38-981, 38-982
			Rpld 38-984
		28	38-1001-38-1007,
			38-1009
			Rpld 38-1005
			Added 38-1005
			Rpld 38-1006
			Added 38-1006
			Rnbd 38-1007 as 38-1008
			Added 38-1007
		29	Rpld 38-1051-38-1057
		30	38-1651, 38-1654-38-1656
		31A	Rpld 38-1402-38-1404
			Rpld 38-1406, 38-1407
			Rpld 38-1417
			Rpld 38-1419, 38-1420
			Rpld 38-1422
			Rpld 38-1505
		31B	38-1411
		31C	38-1413
95-17	7-11-95	1	35-1
		2, 3	Added 35-4, 35-5
		4	35-43
95-18	7-11-95	1	Added 39-636-39-643
95-19	7-25-95	1	8-25(c)
		2	8-20(a),
			8-30(b)(1)a.-c.,

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
			8-30(c)(1)a., 8-30(e) 8-31(d)(1), 8-31
95-20	7-25-95	3 4-8 2 3 4 5 6 7 8 9 10 11	Added 8-33-8-37 38-1 Added 38-3(g) Added 38-380(8) 38-582(6) 38-582(b)(4), (5) 38-79(114) 38-79(10)D. 38-1405(g) 38-1408 38-1411(b) Added 38-1411(c) 38-1479(a) Rpld 38-1479(c) 38-1501 Added 38-79(132) 38-77
95-21	7-25-95	1 2 3 4	38-1 Added 38-1426 38-77 38-79(78)
95-22	7-25-95	1 2 3	23-29(c) Added 23-29(c)(2)-(5) 23-56(11.) 23-56(a) Added 23-56(11.) 23-91(11.) 23-91(a) Added 23-91(b) Added 38-860-38-867
95-23	8-29-95	1	25-140
95-24	8-29-95	3 6	25-141 25-139
95-25	8-29-95	1 2 3 4	38-1 38-77 Added 38-79(133)-(135) Added 38-1427
95-26	8-29-95	1 2	2-204(f) 2-206(4) Added 2-206(6) Added 26-4
95-27	9-12-95	1-6	38-1207(a)(2)
95-28	9-12-95	1	20-212(c)
95-29	9-19-95	1	15-32
95-30	9-19-95	2	15-32(note)
95-31	9-26-95	1	Ch. 15, Art. V(title) 15-176, 15-177, 15-179-15-188, 15-190 38-1 38-79(96) 38-1228(note) Rpld 38-1455 5-27
95-32	9-26-95	1	

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		2	Added 5-28
		3	5-29
		4	5-31(d)---(f)
			Rpld 5-31(g)
		5	5-32
		6	5-33
		7-20	5-34-5-47
		21	5-50
		22	5-52
95-33	10-10-95	2	38-1
		3	38-77
		4	38-79(41)
			Rpld 38-79(47)
			Rpld 38-79(125)
95-34	11- 7-95	1, 2	Ch. 33, Art. VII- I(note)
95-36	12- 7-95	1	25-27
95-1	1- 9-96	2	37-535(4), (5)d.
			Added 37-535(5)e.
		3	Added 37-538(8)
		4	37-539(1)
		5	37-540(f), (g), (l)
			Rpld 37-540(h)
			Rnbd 37-540(i) as (h)
			Added 37-540(i)
			Added 37-540(m)
			Rnbd 37-540(m) as (n)
			Rnbd 37-540(n) as (o)
		6	37-542
96-2	1- 9-96	1	34-5
		2	30-118(c)
		3	30-120(2)
			Rpld 30-120(3)
			Rnbd 30-120(4) as (3)
		4	Rpld 34-133(h)
			Rnbd 34-133(i)---(m) as (h)---(l)
		5	Added 30-118(d)
		6	30-250
		7	34-171(7)
96-4	1- 9-96	1	Rpld 15-182(d)
			Rnbd 15-182(e) as (d)
		2	Added 15-185(12)
96-5	1-30-96	1	Added 38-1428
96-6	1-30-96	2	37-394
		3	37-393
96-7	4- 2-96	1-6	Added 2-199-2-200.4
96-8	3-26-96	2	17-286(2), (6), (9)
		3	17-287
		4	17-295
		5-8	17-310-17-313
		9	Added 17-313.1
		10	17-314
96-9	4-16-96	1	Added 2-208(4)d.
96-10	4-30-96	1	Added 38-1205(9)
		2	Added 38-1236
		3	38-1427(d)(8), (9)

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
96-14	5-14-96	4	36-1427(d)(2)
		2	Rpld 37-171-37-180
			Added 37-171-37-181
		3	Rpld 37-276-37-284
			Added 37-276-37-282
		4	Rpld 37-301-37-310
		5	37-331-37-355
		6	Rpld 37-356-37-359
			Added 37-356-37-359
		7	Rpld 37-390-37-395
			Added 37-376-37-386
			Rpld 37-401-37-426
			Rpld 37-451-37-475
96-15	5-14-96	2	30-500
		3	30-502(c)
		4	30-520(b)
		5	30-556(2)
			30-557(2)
			30-559(2)
			30-561(2)
		6	30-562
		7, 8	30-571, 30-572
		9, 10	30-581, 30-582
		11, 12	30-585, 30-586
		13	30-588
		14, 15	30-591, 30-592
		16	30-593(b)
		17	30-594(a)(6)
		18	30-594(c)
		19	30-595(a)(8)
		20	30-595(b)
		21, 22	30-596, 30-597
		23	Added 30-620(3)
		24	Added 30-621(3)
		25	Rnbd 30-622(c) as (d)
			Added 30-622(c), (d)
		26	30-623(4)
96-16	5-21-96	1	14-11e
96-17	7- 9-96	1	38-866(c)
			Added 38-866(e)
		2	38-1289(c)
		3	38-1479(a)
96-18	7- 9-96	1, 2	2-2
96-19	7-23-96	1	25-140(10)
96-20	7-23-96	5.01	Rpld 15-461-15-469
		1.01, 1.02	Added 15-462, 15-463
		1.03	Added 15-461
		2.01-2.03	Added 15-465-15-467
		3.01-3.12	Added 15-468-15-479
		4.01-4.04	Added 15-480-15-483
		5.03	Added 15-464
96-21	8- 6-96	1-10	Added 25-2
96-22	8- 6-96	1-11	Added 25-3
96-23	8-27-96	1	Added 9-812
96-24	8-27-96	1	20-51, 20-52
			Added 20-52(6), (7)
			20-53, 20-54

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
			Ch. 20, Art. III, Div. 2(title) 20-71, 20-91—20-95 Added 20-95(b)(1) 20-96—20-98 20-131, 20-132 Rnbd 20-132(8) as (9) Added 20-132(8) Added 20-134(b) Added 20-135—20-137 Rpld 15-32(note) 21-261—21-263 Rpld 21-264 Added 21-264 Rpld 21-265 Added 21-265 Rpld 21-266, 21-267
96-25	9-10-96	1	
96-26	9-10-96	1—3 4	
		6, 7 2(a) 2(b)	
96-27	9-17-96	2(c)	
		3 1	
96-30	10- 1-96	1	
96-31	10- 8-96	2 3 4	
		1	
96-33	10-29-96	2	
96-34	10-29-96	3, 4 5 6	
		7—14 15, 16 17 18 19	
		20—23 24	
		25 26 27 28 29	
		30—35 36 37	

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		38	3-137
		39-42	3-139-3-142
		43	3-143-3-145
		44	Added Rpld Ch. 3, Art. VII(title)
		45	Added 3-76(note)
96-35	10-29-96	1	23-27(b)(1)
			Rpld 23-27(b)(1)a.-c.
		2	23-32(b)(1)
			Rpld 23-32(b)(1)a.-c.
		3	23-64(b)(1)
			Rpld 23-64(b)(1)a.-c.
			23-64(b)(4)
		4	23-88
		5	23-98(b)(1)
			Rpld 23-98(b)(1)a.-c.
		6	23-163
96-36	11-12-96	1	Added 38-1370-38-1379
96-37	11-12-96	2, 3	15-30, 15-31
96-38	12-10-96	1	Added 25-201-25-206
96-39	12-10-96	3	23-29(note)
			23-56(note)
			23-91(note)
96-40	12-17-96	3	Added 2-30
96-41	12-17-96	1	20-212(g)(1), (2)
		2	20-213
97-01	3-11-97	1-6	Added 2-3
97-02	2-25-97	2	14-1(d)-(h)
97-03	2-25-97	2	38-356
			38-380
			38-405
			38-431
			38-456
		3	38-77
			Ch. 38, Art. VI, Div.
			13(tit.)
		4	38-551
		5	38-552(a), (b)
		6	38-553
		7	38-556
		8	38-557(a)
		9, 10	38-558, 38-559
		11	Added 38-601(4)
		12	38-602(1), (4)c.
		13	38-605(c)
			Added 38-605(i)
		14	Added 38-607
		15	38-1501
		16	38-77
97-05	4-29-97	2	38-74(d)(3)
		3, 4	38-77, 38-78
		5a	38-79(4), (5)
			Rpld 38-79(6)
		5b	38-79(10)g.i.
		5c	38-79(17)
		5d	38-79(29)
		5e	38-79(32), (33)
		5f	38-79(36)-(41)



# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
			Rpld 38-79(42)-(45)
			Rpld 38-79(46)-(50)
			Rpld 38-79(51)-(52)
		5h	38-79(54)
		5i	38-79(59)
		5j	38-79(78)
		5k	38-79(103)
		5l, m.	38-79(105), (106)
		5n	Added 38-79(108)-(110)
		5o	38-79(111)
		5p	38-79(114)
		5q	Added 38-79(125)
		5r, s	38-79(128), (129)
		5t	38-79(132)
		5u	Added 38-79(136)
		5v	Added 38-79(137), (138)
		5w	Added 38-79(139)
		6	38-830(12)
		7	38-850(8)
			Rpld 38-850(14), (15)
			Rnbd 38-850(16) as (14)
		8	38-906(3)
		9	Added 38-981(12)
		10	Rpld 38-1008(12)
			Rnbd 38-1008(13) as (12)
		11	Added 38-1401(c)
		12	Added 38-5
		13	30-43(2)
97-06	5-20-97	2	37-278(a)
		3	37-304(a)
97-09	5-20-97	1	Added 38-1380-38-1390.
97-10	5-20-97	1	Added 30-700
			Added 30-710-30-714
			Added 30-725-30-728
97-11	5-23-97	2	38-77
		3	38-79(133)
			38-79(135)
			Added 38-79(142), (143)
		4	38-1427(b)(2)
			Added 38-1427(b)(8)-(10)
		5	38-1427(d)(2)
		6	38-1427(d)(3)a.
			Rnbd 38-1427(d)(3)b., c. as
			c. d.
			Added 38-1427(d)(3)b.
		7	38-1427(d)(8)
		8	Added 38-1427(d)(12)
		9	38-1427(f)
		10	38-1427(g)
		11	38-1427(h)(2)-(5)
		12	38-1427(i)
		14	Rpld 38-1427(k)
		12	Rnbd 38-1427(l)(10) as (14)
			Added 38-1427(l)(10)-(13)
		15	Added 38-1427(m)
		16	Added 38-1427(n)
		17	Added 38-1427(o)

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section- this Code
97-12	7-15-97	2	21-231(title) 21-231(a) Rnbd 21-231(c)-(f) as (e)-(h) Added 21-231(c), (d) Added 14-7
97-13	7-29-97	3	25-204(b)(1)b.
97-19	10-14-97	2	25-204(b)(3)
		3	25-204(b)(5)a.
		4	3-5(1)
97-20	12- 2-97	2	Added 3-5(24)-(26)
		3	3-6
		4	3-10
		5	3-26
		6	3-27(b)(13)
		7, 8	3-29, 3-30
		9A	3-35(a), (b), (d)
		9B	3-36(a), (d)
		10	3-37(a)
		11	3-101(8)
		12	3-103
		13	Added 3-120(10), (11)
		14	3-140(a)
		15, 16	3-141, 3-142
97-21	12- 2-97	2	Added 31-5-128
97-22	12- 2-97	1	15-90(a)
			Rpld 15-90(b)
97-23	12-16-97	1	32-152-32-157 32-159, 32-160 32-162 32-178-32-181 Rpld 32-182 Rnbd 32-183-32-193 as 32-182-32-192 Rpld 32-194 Added 32-194 17-5(a)
97-25	12-16-97	1	Rpld 9-103
97-27	12-30-97	2	Added 9-103
		3, 4	9-127, 9-128
		5	9-141
		6-11	9-161-9-166
		12, 13	9-176, 9-177
		14	Added 9-181
		15-17	9-191-9-193
		18	Added 9-194
			Rpld 9-195
		19	Rpld 9-206
			Added 9-206
		20	9-207
		21	Rpld 9-227
			Added 9-227
		22	Rpld 9-228, 9-229
		23	Rpld 9-230
			Added 9-230
		24	Rpld 9-231
			Added 9-231

ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		25	Rpld 9-252 Added 9-252 Rpld 9-253 Rpld 9-309
		26	Added 9-309
		27	Rnbd 9-401--9-411 as 9-001--9-911 Rnbd 9-426--9-429 as 9-926--9-929 Added 9-401 Rpld 9-462 Added 9-462
		28	Rpld 9-626, 9-627 Rpld 9-629, 9-630 Added 9-626
		29	9-14 9-21(b)(1) 9-22 9-811
98-01	1-13-98	30	14-8
98-02	1-27-98	2-8	Added 30-1(c), (d) 30-40 Rnbd 30-42(f)-(h) as (g)-(i) Added 30-42(f) Added 30-43(2)a Rpld 30-44 Added 30-44 30-45 30-48.5 2-352(d) Rnbd 2-353, 2-354 as 2-354, 2-356 Added 2-353, 2-355 Added 26-76--26-80 34-152(c) 34-173, 34-174 23-29(c) 23-56 23-91 20-212(a)-(e) 33-321--33-324 2-2(a)(2) 3-5(2)(b) Rnbd 3-5(2)(c) as 3-5(2)(d) Added 3-5(2)(c) 3-6 Rnbd 3-26(b)(2)-(5) as (3)-(6) Added 3-26(b)(2) Rnbd 3-31(a)(2)-(5) as (3)-(6) Added 3-31(a)(2) 3-36(a) 11-31(b), (e) 11-32(c) 11-34(b)
		31	
		32	
		33	
		34	
		35	
		36	
		37	
		38	
98-03	1-27-98	1	
		2	
98-05	2-17-98	3	
98-06	2-17-98	2	
		3, 4	
98-07	2-17-98	1	
		2	
		3	
98-09	3-17-98	1	
98-10	4- 8-98	1-4	
98-11	6- 2-98	2	
98-15	6-23-98	2	
		3	
		4	
		5	
98-16	8- 4-98	1	
		2	
		3	

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
98-17	8-11-98	4	11-35(e), (g)
		5	11-37(a), (b)
		2	28-31
		3	28-32,
			Added 28-32(e)
		4	28-33
		5	28-34
		6	28-35
		7	28-38(a)
		8	28-39(e)
98-18	8-25-98	9	28-40
		10	28-42
98-19	9- 1-98	1	Added 15-604(3)
98-20	9-15-98	3	Added 14-9
		1	Rpld 12-1-12-83
98-21	9-22-98		Added 12-1-12-36
		2	23-27-23-28,
			Added 23-28.5,
98-22	9-29-98		23-29-23-35
		1-8	Added 30-333-30-340
98-23	9-29-98	2	31.5-161
		3	31.5-162
		4	31.5-166
		5	31.5-167
		1	25-140(1)
98-24	10- 6-98	2	25-140(3)
		3	Rnbd 25-140(4)-(6) as 25-
			140(5)-(7),
98-25	10- 6-98		Added 25-140(4)
		4	25-136.1(d)
		2	17-319
		3	17-321
		4	17-324
		5	17-325
		6	Added 17-326(7)
		7	17-329
		8	Rnbd 17-332 as 17-334,
			17-334
98-27	10-20-98	9	Added 17-332
		10	Added 17-333
98-28	10-20-98	2	23-86-23-101
98-29	10-20-98	1	3-87
		2	30-387
		1	Added 9-115-9-121
98-30	11- 3-98	2	24-4(a)
		3	24-4(e)
		4	Added 24-4(i)
		5	Added 38-833
		6	Added 38-868
		7	Added 38-883
		1-4	33-321-33-324
98-31	11- 3-98	1	23-121
		2	23-122
		3	23-124
		4	23-141
		5	23-143
		6	Added 23-142.5

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		7	23-167
		8	23-168
98-34	11-10-98	2	26-95
		3	26-96
98-32	11-10-98	2	35-26
98-33	11-10-98	1	17-235-17-245
98-35	12-1-98	1	9-103(b)
98-36	12-15-98	2	23-92(e)
98-37	12-15-98	2	38-28(c)
		3	38-51
		4	38-74
		5	38-77
		6	38-78
		7	38-79
		8	38-481
		9	38-553
		10	38-558
		11	38-830
		12	38-907
		13	38-932
		14	38-961
		15	38-1008
		16	38-1203
		17	38-1235
		18	38-1251
		19	38-1254
		20	38-1272
		21	38-1287
		22	Added 38-1300
		23	Added 38-1301
		24	38-1377
		25	38-1401
		26	38-1408
		27	38-1426
		28	38-1476
		29	38-1501
		30	38-1502(c)
		31	Added 38-1506
		32	Added 38-1507
		33	30-35(a)
		34	30-45(e)
		35	30-48.5
		36	30-90
99-01	1-12-99	1	Added 28-100-28-114
99-02	1-26-99	2	23-29
		3	Added 23-30(e)
		4	23-56
		5	Added 23-61(d)
		6	23-88
		7	23-91
		8	23-94
		9	23-121
		10	23-141(e)
		11	23-142
		12	Rpld 23-142.5
99-03	2-2-99	1	Added 18-3
99-06	3-23-99	2	2-191(b)

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		3	Rnbd 2-191(c)-(g) as 2-191(e)-(i) 2-191(e), (d)
99-07	3-23-99	1	Added 2-192.5
99-09	3-23-99	2	Added 38-1381
		3	Added 38-1382
		4	Added 38-1383
		5, 6	Added 38-1384
		7	Rnbd 38-1385 as 38-1385.5
			Added 38-1385
		8	Added 38-1385.5
		9	Added 38-1385.7
		10	Added 38-1386
		11	Added 38-1387
		12	Added 38-1388
		13-20	Added 38-1389
99-10	3-23-99	1	Added 30-712
		2	Added 30-714
		3	Added 30-726
		4	Added 30-727
99-11	5-4-99	2	Rpld 23-56-23-65
		3	Added 23-56-23-65
99-12	5-25-99	2	Added 25-220-25-226
99-13	6-15-99	1-6	Added 33-308-33-313
99-14	6-15-99	1-6	Added 33-14-33-319
99-15	6-29-99	2	Added 37-501-37-516
99-16	6-29-99	2	Added 32-211-32-223
99-17	9-21-99	2, 3	Added 38-1, 38-77
		4	Added 38-79(42), (43), (58), (130)
		5	Added 38-1425
99-18	10-19-99	1	Added 25-140(10)
		2-3	Added 25-140(11), (12)
		4	Rnbd 25-140(11)
			as 25-140(13)
99-21	12-14-99	2	Added 38-1
		4	Added 31.5-161, 38-1423
99-22	12-14-99	2, 3	Added 3-10, 3-27
		4, 5	Added 3-29, 3-30
		6	Added 3-35
2000-02	1-4-00	1, 2	Added 18-32(a), (b)
2000-03	2-15-00	1-7	Added 14.5-21-14.5-27
2000-04	2-15-00	2, 3	Added 9-11, 9-12
		4, 5	Added 9-14, 9-21
		6	Added 9-252
		7	Added 9-253
		8	Added 9-811
2000-05	3-7-00	1	Rnbd 17-238(e)
			as 17-238(d)
			Added 17-238(e)
2000-06	3-7-00	1	Added 3-6
2000-07	3-21-00	2	Rpld 9-31-9-42
			Added 9-31-9-37
2000-08	4-11-00	2	Added 38-1
		3	Added 38-3(h)
		4	Added 38-77
		5	Added 38-79(144), (145)

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		6	Added 38-501—38-505
		7	38-1207(a)(6), (b)
		8	Added 38-1257—38-1259
		9	38-1476
2000-09	5-16-00	2	38-1372
		3	38-1373
00-11	10-3-00		Added 9-627
2000-12	6-6-00	2	9-127
		3	9-162(g)
		4	9-193(e)
		5, 6	9-206, 9-363
		7	9-632
		8	9-103
00-12	11-7-00		Added 26-131—26-133
2000-13	6-6-00	2	38-79(10)
2000-14	6-27-00	1	34-1—34-7
			34-27—34-29
			34-46—34-48
			34-67—34-74
			34-91—34-93
			34-131—34-133
			34-151—34-155
			34-171—34-180
			34-201—34-211
			34-226—34-230
			34-246—34-250
			34-266, 34-267
			Added 34-280, 34-290
2000-15	7-18-00	1—6	Added 33-320.1—33-320.6
2000-16	7-18-00	1—4	Added 33-331—33-334
2000-17	8-8-00	1, 2	2-304, 2-307
2000-19	8-29-00	4	Added 2-371
2000-20	8-29-00	1	37-279(d)
		2	37-305(d)
2000-21	8-29-00	2, 3	38-77, 38-79
2000-22	9-19-00	1	Rpld 33-254
		2	Rpld 33-273(e)
2000-23	10-17-00	1	33-48
2001-01	1-30-01	1	32-37
		2	32-178(f)
2001-03	2-13-01	1—3	4-1—4-3
2001-04	2-13-01	1	Added 38-1391—38-1393
2001-05	2-20-01	2	2-181—2-184
2001-06	3-20-01	1	33-271
		2	33-277
		3	33-278
2001-07	4-3-01		Added 17-421—17-423,
			17-441, 17-442,
			17-461—17-472,
			17-481—17-484,
			17-501—17-509,
			17-521
2001-08	4-10-01	1	Added 25-244—25-261
2001-09	5-1-09	2—5	20-61—20-64
		6, 7	Added 20-55, 20-56
		8	20-71
		9	Added 20-72

## CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		16--15	20-91--20-96
		16	20-98
		17	Ch. 20, Art. III, Djc. 3 (title)
		18, 19	20-131, 20-132
		20	20-134
		21, 22	20-136, 20-137
2001-10	5-15-01	1, 2	25-140(10), (12)
2001-13	5-22-01	1	Ch. 20, Art. VI
			20-211
		2	20-212
		3	20-213
2001-14	6-19-01	2	9-115, 9-116
			Rnbd 9-117--9-121
			as 9-118--9-122
			Added 9-117, 9-123,
			9-124
		3-5	24-2--24-4
		6	38-833
		7	Rnbd 38-868
			as 38-858
			Rpld 38-868
		8	38-883
		9	38-1272(e)
2001-15	7-10-01	1	25-140
2001-16	8-21-01	1	25-140(13)--(15)
		2	25-145(a)
2001-17	8-28-01	2	28-101
		3	28-103
		4	28-107
		5	28-111
2001-18	11- 6-01	1	25-140(5)
		2	25-140(10)
		3	25-140(12)
2001-19	11- 6-01	2-5	15-276--15-279
		6-8	15-281--15-283
		9-14	15-301--15-306
2001-22	11-27-01	2	18-32
		3	18-34
		4	Rpld 18-56--18-67
			18-81--18-84
			18-101--18-108
			18-126--18-129
			18-146, 18-147
			18-166--18-169
2001-23	11-27-01	3	Rpld 2-26
		5	Added 2-26
2001-25	12-18-01	2	12-03(AA)
		3	12-13(A)
		4	12-15(A)
		5	12-18(B)
		6	12-19(A), (B), (F)
		7	12-24(M)
		8	12-28(G)
		9	12-34
2001-26	12-18-01	1.A.	Rnb 9-11--9-22
			as 9-1--9-10

Supp. No. 45

4439



ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section: this Code
		Added	9-13-9-20
		Rnb	9-11
		as	9-1
		Rnb	9-13
		as	9-3
		Rnb	9-14
		as	9-4
		Rnb	9-17
		as	9-7
		Rnb	9-18
		as	9-8
		Rpld	9-8
		Rnb	9-19
		as	9-9
		Added	9-13-9-20
		Rnb	9-31-9-75
		as	9-601-9-645
		Rnb	9-76-9-100
		as	9-391-9-415
		Rnb	9-78
		as	9-396
		Rnb	9-101-9-114
		as	9-31-9-44
			9-102
		as	9-32
		Rnb	9-103
		as	9-33
		Rnb	9-104
		as	9-34
		Rnb	9-115-9-125
		as	9-551-9-561
		Rnb	9-126-9-225
		as	9-51-9-150
		Rnb	9-127
		as	9-52
		Rnb	9-162
		as	9-67
		Rnb	9-165
		as	9-90
		Rnb	9-181
		as	9-106
		Rnb	9-194
		as	9-119
		Rnb	9-206
		as	9-131
		Rnb	9-207
		as	9-132
		Rnb	9-226-9-250
		as	9-251-9-275
		Rnb	9-226
		as	9-251
		Rnb	9-227
		as	9-252
		Rpld	9-252
		Added	9-252
		Rnb	9-230, 9-231
		as	9-255, 9-256

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
			as 9-255, 9-256
			Rpld 9-255, 9-256
		1.H.	Rnb 9-251-9-275
			as 9-276-9-300
		1.J.	Rnb 9-276-9-300
			as 9-416-9-440
		1.KK.	Rpld 9-301-9-400
			Added 9-151-9-200
		1.LL.	Rpld 9-401-9-450
		1.MM.	Rpld 9-451-9-500
			Added 9-201-9-250
		1.NN.	Rpld 9-501-9-625
		1.OO.	Rpld 9-626-9-700
		1.PP.	Rnb 9-701-9-810
			as 9-441-9-550
		1.QQ.	Rnb 9-811-9-830
			as 9-301-9-320
		1.RR.	Rnb 9-831-9-900
			as 9-321-9-390
		1.SS.	Rnb 9-901-9-929
			as 9-571-8-600
2002-01	1- 8-02	3-5	17-319-17-321
		6-9	17-323-17-326
		10	17-333
		11	17-334
2002-02	1-15-02	2	14-5
2002-03	4-23-02	1	20-211
		2	20-212(c), (g)
		3	20-213
2002-04	6- 4-02	2	Rpld 5-28
		3	5-29
		4	5-32(i), (m), (n), (q)
		5	5-34(c)(1)
		6	5-37
		7	5-38
		8	5-39
		9	5-40
		10	5-44(a), (b), (f)
		11	5-50(a)(1), (21), (22), (23)
2002-05	6- 4-02	1	38-1372
2002-08	6-25-02	1	34-296(b)
2002-10	6-13-02	1	11-28
		2	11-32(b)
		3	Added 11-34(e)
		4	11-35(e), (f)
		5	11-37
		6	11-41
2002-12	9-17-02	1	Added 38-1026-38-1031
2002-13	9-24-02	2	3-5
		3	3-6
		4	3-9
		5	3-10
		6	3-27
		7	3-28
		8	3-29
		9	Added 3-30(f)

# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		10	3-35
		11	3-36
		12	3-37
		13	3-38
		14	Rpld 3-39
		15	3-126
		16	3-129
2002-14	9-24-02	1	11-28
		2	11-30
		3	Added 11-31(f), (g)
		4	11-32(b)
		5	11-33
		6	11-34
		7	11-35
		8	11-36
		9	11-37
		10	11-40(a)
2002-15	10-15-02	3	2-351--2-356
		4	17-313
		5	17-313.1
2002-18	11- 5-02	1	25-140(12)
2002-19	12- 3-02	1	28-66--28-79
		2	11-62(Hist. note)
2002-20	12- 3-02		Added 37-701--37-760
		4	Rpld 37-196--37-210
			37-196--37-210
			37-226--37-232
			37-251--37-259
2002-22	12-10-02	1	Rpld 34-280
			Added 34-280
			Rpld 34-290
			Added 34-290, 34-291
2003-02	2- 4-03	2	32-212
		4	32-214(a)(1)
2003-05	5-20-03	1-6	Added 25-321--25-326
		8(b)	Added 25-327
		11(d), (e)	25-328(a), (b)
2003-06	5-20-03	1-5	Added 2-421--2-425
		7-10	Added 2-426--2-429
		12-17	Added 2-430--2-435
		20(c)	Added 2-436
		21	2-203(a)
			2-209(a)
2003-07	6- 3-03	1	17-5(a)(7), (8)
2003-08	6- 3-03	1	Added 9-646--9-652
		2	Rpld 6-560
2003-09	6-10-03	2	14-1e(3)
2003-10	8- 5-03	2	2-191(b)
2003-11	8-26-03	2	9-551
		3	9-552
		4	9-553
		5	9-554
		6	9-555(e)
		7	9-556
		8	9-559
		9-11	9-560--9-562
		12	21-4a(1), (2)

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
			Added 24-4(a)(2)f.
			24-4(f). (j)
2003-12	9- 9-03	1	Added 38-1051-38-1056
2003-13	9-16-03	1	17-236(c), (d)
		2	17-238(a), (d)
		3	17-239
		4	17-242
		5	17-244
		6	17-245
2003-14	9-23-03	1	25-140(4), (5), (12)
2003-17	11-11-03	2	30-34
		3	30-42
		4	30-43(1)
		5	30-45(a)
		6	30-48.5
2003-18	12- 2-03	1(a)	Rnb Ch. 38, Art. XVII
			as Ch. 38, Art. XVIII
		1(b)	Added Ch. 38, Art. XVII
		2	Added 38-1725-38-1727
			38-1730-38-1734
			38-1737-38-1741
			38-1744-38-1747
		3	38-77(Table)
		4	Added 38-79(147)-(150)
		5	38-1501
2003-20	12- 9-03	2	Added 38-1059-38-1065
2003-21	12- 9-03	2	38-1400.1
		3	38-1400.2
		4	38-1400.3(a)
		5	38-1400.6
		6	38-1400.7(3)
		7	Rnb 38-1400.9
			as 38-1400.10
			Added 38-1400.9
		8	38-1400.10
2003-22	12-16-03	3	17-421
2004-01	2-10-04	2	38-1
		3	38-3
		4	38-74(d)
		5	38-77
		6	38-78
		7	38-79(1), (3), (5), (7), (10), (12), (14), (17)-(20), (22)-(26), (28), (44), (46), (59)-(61), (73), (76), (78), (81), (82), (84), (87), (94), (114), (120), (121), (132), (137)
			Rpld 38-79(16), (30)-(33), (63), (64), (76), (78), (95), (101), (115)-(117), (119), (122)
		8	38-553
		9	38-855
		10	38-1258
		11	Added 38-1260

ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		12	38-1401
		13	38-1405
		14	38-1408
		15	38-1414
		16	38-1479(a)
		17	38-1501
		18	38-1508
2004-02	4-27-04	2	2-2(b)(3)
2004-03	4-27-04	2	23-86-23-101
2004-04	5-18-04	1	Rpld 21-86-21-89
			21-106-21-115
		2	Added 21-68-21-130
2004-05	5-18-04	1	Rpld 21-261-21-265
			Added 21-261-21-266
2004-08	5-18-04	1	Rpld 15-321, 15-322
			15-341-15-346
		2	Added 15-321-15-325
			15-341-15-354
2004-09	6-15-04	2	14-1
		3	14-4
		4-6	Rpld 14-5-14-7
2004-10	8-31-04	1	17-5(a)
2004-11	9-14-04	2	26-1
2004-12	9-21-04	1	2-191
		2	Rpld 2-192.5
2004-13	9-28-04	1	25-140(5)
			Added 25-140(15)
			Rnbd 25-140(15)
			as 25-140(16)
2004-15	10-12-04	1, 2	Added 38-1080-38-1084
2004-16	10-19-04	1	31.5-5, 31.5-14(1),
			31.5-127
		2	21-173
2004-17	11- 9-04	1	38-77
		2(a)	38-79(5)
		2(b)	Added 38-79(45)
2004-20	12-14-04	3	Added 14-10
2005-01	1-11-05	2	37-278(a)
		3	37-280
		4	37-304(a)
		5	37-307
2005-02	1-11-05	1-5	Added 2-200.5-2-200.9
2005-03	3- 8-05	2	23-121, 23-122,
			23-124, 23-141,
			23-142(e), 23-144
			Added 23-145, 23-161(6)
			Dlt'd 23-166
			23-167
2005-04	3-29-05	1	Added 2-31
2005-07	7-12-05	2	5-26
		3	5-29
		4	5-31
		5	5-32
		6	Added 5-32.1
		7-20	5-33-5-46
		21-23	5-50-5-52
2005-08	7-19-05	1	25-140(5)g, h.

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
2005-10	8-30-05	2	Rnbd 25-140(16) as (19)
		3-8	28-27(b)
		9	28-29-28-34
		10-12	Rpld 28-36
		14	28-37-28-39
2005-11	9-20-05	2	28-40
2005-12	9-20-05	2	23-88, 23-93
		3	18-1-18-3,
			18-32, 18-34,
			18-3(a)-(c), (d)(2),
			(3), (3)(a), (3)(a)4.,
			(6)(b)
			Added 18-3(d)(9)
			Rnbd 18-3(d)(9)-(14)
			as 18-3(d)(10)-(15)
		4	18-32
		5	18-33
		6	18-34(a), (f), (o)(4)
2005-13	10-4-05	1(A)	9-1
		(B)	9-3
		(C)	9-4(d), (f)-(g)
		(D)	9-6
		(E)	9-9(a)
		(F)	9-11(b), (c)(2), (e)
		(G)	9-12
		(H)	9-15
		(I)	9-33
		(J)	9-34
		(K)	Added 9-35, 9-39
		(L)	9-52
		(M)	9-86(a)(5)
		(N)	Dltd 9-86(a)(6), (7)
		(O)	9-87(a)
		(P)	9-117(b)
			9-276-9-278,
			9-286, 9-287
		(Q)	Rpld 9-301, 9-302
		(R)	9-322(b)
		(S)	9-323(c)
		(T)	9-325(a)
		(U)	9-327
		(V)	9-328(e)
		(W)	9-420
		(X)	9-442
		(Y)	9-499
		(Z)	9-541
		(AA)	9-576
		(BB)	9-578
		(CC)	9-579(a), (b)(1)
		(DD)	9-596(a)
		(EE)	9-597(a)(8), (9)
		(FF)	9-598(h), (i)
		(GG)	9-599
		(HH)	9-3, 9-6(a), (b),
			9-12(a)(1), 9-15,
			9-33, 9-52,
			9-86, 9-101(c),

ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
			9-286, 9-322(b), 9-328(k), 9-442, 9-506, 9-576, 9-578, 9-579(a), 9-580, 9-596(a), 9-597(a)(9), 9-598(h), (i), 9-599 32-213--32-217 32-223
2005-16	12- 6-05	2--6 7	
2005-18	12-20-05	1	Added 37-279(e), (f)
		2	Added 37-305(e), (f)
2006-01	2- 7-06	1	23-57 Rnbd 23-57.1 as 23-57.5 23-58(i), (j), 23-59, 23-60(a), (b), 23-61(c), (d), 23-62(a)(2), (6), (b)(3), 23-63
			Added 23-66
2006-02	2- 7-06	1	23-27 Rnbd 23-27.1 as 23-27.5 23-28, 23-28.5, 23-29, 23-30(b)(1), 23-31(b)(1), 23-33
			Added 23-36
2006-03	2- 7-06		Added 23-175--23-187
2006-04	5- 9-06	1	Added 30-740--30-744
2006-06	5-23-06	2	Added 30-501 Rnbd 30-501--30-504 as 30-502--30-505 30-520, 30-550, 30-551 Added 30-552 Rnbd 30-552--30-554 as 30-553--30-555 Dltd 30-555 30-556(2), 30-557(2), 30-558(2), 30-559(2), 30-561(2), 30-562, 30-571, 30-572, 30-573(9), 30-581, 30-582, 30-585, 30-586, 30-591, 30-593--30-597 Added 30-611 Rnbd 30-611, 30-612 as 30-612, 30-613 Dltd 30-613 30-620--30-622 Dltd 30-623 Rnbd 30-624 as 30-623 Dltd 30-625, 30-626

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
2006-09	6-27-06	1	3-6
2006-12	7-11-06	1	11-37
2006-13	7-11-06	2	22-30
		3	22-31
		4-6	22-33-22-35
		7-11	22-51-22-55
2006-14	7-18-06	1	25-140(5), (12)
2006-15	7-18-06	1	Added 25-136.2
2006-16	8- 8-06	1	Added 15-701-15-730
2006-17	10-24-06	1-3, 5	Added 33-335-33-338
2006-18	10-31-06	1	2-191(b), (d)
		2	2-192(a)
2006-19	10-31-06	2	32-213
		3	32-214(c)(10), (11)
		4	32-215(a)(2), (13), (f)(1)
		5	32-216(b)(8)d., (10)b., (13), (20)a.3., c.1., (21)d., (23)a.-c.
		6	32-220
2006-20	11-14-06	1	25-140(10)c.
2006-21	11-14-06	1	Added 35-70
2006-24	12-19-06	1	25-51-25-53, 25-54(a), 25-55-25-60, 25-61(b), 25-81, 25-82(a)-(f), 25-83-25-85, 25-86(a)-(d), 25-87, 25-88(a)-(c)(2), (d) 25-91, 25-92(a), (c), (d), 25-93, 25-94, 25-95(b)-(e), 25-96(a), (1), (b), 25-97(a), (b), 25-98-25-100, 25-101(a), 25-102-25-106, 25-107(a)(1), (3), (b), 25-108(b), (2), (4), (c), (2), (d), (e), 25-109, 25-110(a), (c), (e), (f), 25-111(a), (b), 25-112
2007-01	3-20-07	4	Added 9-558(d)
		5	Added 9-568
		6	Added 9-649(b)(8)
		7	Added 24-4(k)
		8	24-29(c)
		9	Added 24-30(g)(6)
		10	Added 31.5-67(k)
		11	Added 31.5-68(k)
		12	38-1



# ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		13	38-77
		14	Added 38-79(153)
		15	Added 38-1202(6)
		16	Added 38-1203(2)(c), (3)
		17	Added 38-1204(3)(f)
		18	Added 38-1234(9)
		19	38-1470
2007-02	5- 1-07	1	15-38
2007-03	5- 1-07	1	Added 21-276--21-290
2007-04	5-22-07	1(4)	2-371(a)
2007-05	5-22-07	2	15-66
		3	Rpld 15-68
		4	15-69
		5	15-86
		6	Rnbd 15-87
			as 15-70
		7	15-89
		8	Added 15-89.1
		9	15-90
		10	Rnbd 15-91
			as 15-71
		11	Rnbd 15-92
			as 15-72
		12	Added 15-95--15-104
2007-08	7-26-07	1	Added 25-140(5)
			24-140(15)
			Added 25-140(19)
			Rnbd 25-140(19)
			as 25-140(20)
2007-09	8-14-07	1	38-53
2007-12	10-23-07	1, 2	23-121--23-124,
			23-141(b), (c),
			23-144(f), (g),
			23-145(b)(2),
			23-161(3)(6),
			23-162, 23-163,
			23-164(4),
			23-165, 23-167
2007-13	10-30-07	3	17-285, 17-287,
			17-288
			Added 17-290
			17-312(h)
2007-14	12- 4-07	1	31.5-12
2007-15	12-18-07	1	2-200.4
2007-16	12-18-07	1	Added 20-30
2007-17	12-18-07	1	Added 2-175
2008-01	2- 5-08	1	15-368(a), (c)
		2	15-376
		3	15-378
		4	15-379(1)
		5	15-381
		6	15-382(1), (2)a., d.
		7	15-383(1), (2)(c)
		8	15-385(1), (2)
		9	15-386(a), (b)
		10	15-396
		11	15-417

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		12	15-418
2008-02	2- 5-08	1	Added 38-1085--38-1088
2008-03	2- 5-08	1, 2	32-152(8), 32-153, 32-155--32-163, 32-176--32-183
			Rpld 32-184, 32-185
			32-186
			Rpld 32-188
			32-189--32-191
			Rpld 32-192
			32-193, 32-194
			Added 32-195
2008-06	5-13-08	2	30-48(3), (4)
		4	38-1
		5	38-46
		6	Added 38-49(3)
		7	38-51
		8	Added 28-74(b)(2)c.
		9(App. A)	38-77
		10	38-78(b)
		11	38-79(4), (5), (9), (12), (14), (16), (17), (19), (20), (26), (30), (32), (38), (39), (40), (44), (45), (54), (55), (58), (59), (69), (75), (83), (87), (114), (120), (132)
		12	Rpld 38-482
		13	38-581
		14	38-932(a)(8)
		15	38-1208(a)
		16	Dnd 38-1254(3)
		17	Added 38-1258(j)
		18	38-1289(b)
		19	38-1301
		20	38-1344(3)a.
		21	Added 38-1401(d)
		22	38-1408
		23	Added 38-1415(e)
		24	38-1426
		25	38-1476(a)
		26	38-1477
		27	38-1478
		28	38-1479(b)
		29	38-1501(Tbl.)
		30	38-1508(a)
2008-07	5-20-08	2	2-181, 2-182
2008-08	5-20-08	1-3	37-601--37-603
		4	Rmbd 37-604
			as 37-608
			Added 37-604
		5	37-605
		6, 7	Added 37-606, 37-607
		8	37-608
		9-11	Added 37-609--37-611

ORANGE COUNTY CODE

Ordinance Number	Date	Section		Section this Code
2008-13	7- 8-08	2	Added	2-355.1
		3		2-356(c)
		4		17-313(g)(3)
		5		17-313.1(f)(3)
2008-14	7- 8-08	2		2-351-2-356
2008-15	7- 8-08	2	Added	2-451-2-457
2008-16	8-19-08	1, 2		35-26
2008-17	8-19-08	1-3, 5	Added	33-339-33-342
2008-18	9- 9-08	1		33-271
		2		33-273(a)(6)
			Added	33-273(a)(19)
		3		33-275(a)(5)
		4		33-279(a)
2008-19	9-30-08	2		15-176
		3		15-179
		4		15-180
		5		15-181(a), (b)
		6-10		15-182-15-186
		11	Rpld	15-187
		12	Rnbd	15-188
			as	15-187
		13	Rpld	15-189
		14	Rnbd	15-190
			as	15-188
2008-20	12-16-08	1		2-351
		2		2-354(b)(1)
2009-01	1- 6-09	1		2-91(a), (b), (d)
2009-03	2-17-09	1		30-34(b)
				30-42(b)
2009-04	2-24-09	2		34-280, 34-290,
				34-291
2009-05	2-24-09	1		30-78, 30-79, 30-83
		2	Rpld	30-111-30-123
		3		34-5, 34-7(c)(1),
				34-48, 34-71,
				34-133(a), (b), (h)
2009-06	3-10-09	1	Added	38-1090-38-1102
2009-07	3-24-09	2		18-3
		3		18-32
		4		18-34
2009-08	3-24-09	1	Added	35-71-35-77
2009-09	4- 7-09	2		23-27, 23-32
		3		23-57, 23-62
		4		23-88, 23-98
		5		23-121, 23-161
		6		23-176, 23-183
2009-11	4-28-09	2		32-212-32-217,
				32-223,
			Added	32-224
		3		38-1
		4(App. A)		38-77(Table)
		5		38-79(120), (154)
2009-12	4-28-09	1		9-1, 9-4, 9-9,
				9-11, 9-17,
				9-20, 9-33,
				9-86, 9-102,

## CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
			Rpld
2009-16	6-2-09	2	9-115, 9-332(11)
2009-17	6-23-09	2	Ch. 9, Arts. X, XI
2009-18	6-23-09	2	38-1351-35-1390
2009-19	7-14-09	6	35-71-35-77
			15-90
			37-703(a)(1),
			37-706, 37-708,
			37-709(a), (b)(1),
			37-723(h),
			37-735(a)(1)b., (2)b.,
			d., e., l., t., v., w., z.,
			aa., (5)
			37-736, 37-737,
			37-739,
			37-741(a), (b), (h),
			37-742(a),
			37-743(a), (b),
			37-744(A)(1), e.,
			(b)(3), (6), (7), (9), (e),
			(d)(2), (f)(1), (2)g.,
			(g)(1)-(3), (h),
			37-745(a)(3),
			(c)-(e)(2), (4), (7),
			(14)-(17), (h), (i)(7),
			(8), (j),
			37-746(a), (b), (1), (4),
			(6)-(10), (c), (d)(4),
			(e)(10), (11), (8),
			(h)(2), (3), (7), (14),
			(i)
			37-747(a)(1),
			(2)d.-f., h., i., (3),
			(c)(d)(1), (e)(4), (f)(1),
			(g)-(i)(1), (j)(3),
			(k)(1), (l)
			37-748(b), (c),
			37-749(a)-(g), (h)(4),
			(i)(1)a., e., (2), (j)
			37-750, 37-751,
			37-752(a)(1), (b),
			(c)(1),
			37-753(a)(5)-(9),
			37-754(a)-(c)(11)h.,
			(d)(1), (4), (6), (7), (e),
			(f)(1), (2),
			(g)(1)-(11), (h),
			(i)(1)-(4), (6),
			(7)b.-d.,
			37-755(b)-(d)(2),
			(e)-(f)(2), (8),
			37-756(b)(5), (c), (d)
			37-757(a), (d)(2), (6),
			(e)(2),
			37-758(b)(3), (6), (c)
			37-759(c)(1)
2009-20	8-25-09	1	38-1372(c)(1)b.
2009-21	8-25-09	3	17-319,

ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
			17-320(b), 17-321(a)(1), (2), (d), (d)(3), 17-324(a), 17-327, 17-329(a), 17-332(a), 17-333(b), 17-334 14-4
2009-22	8-25-09	1	Added 14-7
2009-23	8-25-09	2	19-1—19-12, 19-41—19-47, 19-66—19-70, 19-91—19-94
2009-24	9-22-09	3	24-2
		1	24-3(a), (b), (e), (f)
2009-25	9-22-09	2	24-4(a)
		3	Added 24-4(d), (m)
		4	24-6
		5	24-7
		6	Added 24-11
		7	Added 34-131(e)
			Rtd 34-131(c)—(e)
			as 34-131(d)—(f)
		8	34-133(k)
2009-26	10- 6-09	1	Added 15-891—15-812
2009-27	10- 6-09	1	25-140(12), (15)
2009-30	10-27-09	1	Dtd 25-52 25-53
2009-31	10-27-09	2	9-475(a)
2009-32	11- 3-09	2	9-33.E
		3	Added 23-229(c)(1)
		4	23-323(a)(3)
		5	23-60(a)
		6	23-62(a)(3)
		7	23-92(f)(6)
		8	23-98(a)(1)c, (4)
		9	23-180(a)
		10	30-583, 30-587, 30-588
		11	Added 30-593(b), 30-595(3) 30-596(2)—(4), 30-597(2)—(4)
2009-33	11- 3-09	2	23-27
			Added 23-37
		3	23-57
			Added 23-67
		4	23-88
			Added 23-102
		5	23-121
			Added 23-170
		6	23-176
			Added 23-188
		7	Added 37-283
		8	Added 37-311

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
2010-02	2-23-10	1-4	37-601-37-604
		5	37-606
		7-9	37-608-37-610
		10, 11	Added 37-611, 37-612
		12	Rmbd 37-611
		as	37-613
2010-04	4-20-10	1	Added 15-820-15-830
2010-05	4-20-10	1	Added 30-751-30-761
2010-08	6-29-10	2	Added 2-452(r)
		Rmbd	2-452(r) as (a)
		3	2-453(c), (d)(1)
		4	2-454
		5	2-455(a)(6)(c), (b)(3), (d)-(f)
		6	2-456
		7	2-457
		2	Dlttd 35-71-35-77
		Added	35-71-35-75
			30-370-30-373
2010-10	9-21-10	2	Added 30-374
			30-385, 30-386
		Dlttd	30-387
		Rmbd	30-388-30-392
		as	30-387-30-391
			30-500, 30-501, 30-503(3), (5), 30-504, 30-520, 30-552, 30-553
2010-11	9-21-10		Added 30-563
			30-570, 30-581, 30-582, 30-583(a), 30-584-30-586(1), 30-588(a), 30-591
		Added	30-598
			30-612-30-614, 30-620-30-624(1)
			23-37(b)(10), 23-67(b)(10), 23-102(b)(10), 23-170(b)(11), 23-188(b)(10), 37-283(c)(10), 37-311(c)(10)
		(b)	23-37(e), 23-67(e), 23-102(e), 23-170(e), 23-188(e), 37-283(f)
		3	Added 37-311(f)
		2	Added 22-1-22-5
		3	Rmbd 22-26-22-37
		Rmbd	22-51-22-56
2010-15	11-23-10	as	22-56-22-61
		Added	22-26-22-29
		4	Added 22-40-22-43
		5	Added 22-50-22-55

# ORANGE COUNTY CODE

Ordinance Number	Date	Section		Section this Code
2010-16	12- 7-10	2	Added	26-140—26-145
2010-17	12- 7-10	2—8	Added	2-461—2-467
2011-01	1-25-11	2		23-141(c)
2011-02	3- 8-11	2		9-23(b)E.
		3		23-29(c)(1)
		4		23-32(a)(3)a.
		5		23-60(a)(Table)
		6		23-62(a)(3)a.
		7		23-93(f)(6)
		8		23-98(a)(4)
		9		23-180(a)(Table)
		10		30-583(b), 30-587(b), 30-588(b)
		11		30-593(e), 30-595(3), 30-596(2), 30-597(2)
2011-04	5-10-11	2	Added Rtd as	23-29(d) 23-29(d) 23-29(e)
		3		23-60(a)
		4	Added	23-92(g)
		5		23-141(c)
		6		23-180(a)
2011-05	6- 7-11	2		23-121—23-124, 23-141—23-145, 23-161, 23-162, 23-164, 23-165, 23-167—23-170
		3		34-155(b)(1).
2011-06	6-21-11	2		35-1
		3		35-41(b)
		4		35-42
		5		35-43
		6		35-44
		7	Added	35-45
		8	Added	35-46
		9		35-65
		10	Added	35-66
2011-09	6-28-11	1	Added	2-451.1
		2		2-452
		3		2-453
		4		2-455(a)
2011-10	8-30-11	1		2-174(a), (b)
2011-11	10-18-11	2	Added	17-325
2011-12	10-18-11	1	Added	26-150—26-159
2011-13	10-18-11	2		2-305(b)(1)a.
		3	Rpld	26-91—26-98
2011-14	11-29-11	3	Rpld	2-26
		5	Added	2-26
2011-15	11-29-11	2		2-31
2011-17	12- 6-11	2		23-95(a), (b), (j)
2011-19	12- 6-11	2		2-462—2-466
2011-20	12- 6-11	1		25-140(10), (12)
2011-21	12-20-11	1—8	Added	33-206—33-213
2011-22	12-20-11	1		14-8(f)

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
2012-02	2- 7-12	1	32-214(a)(1), (k)
2012-03	2- 7-12	1	4-3
2012-04	2- 7-12	2	31.5-5
		3	Added 31.5-98, 31.5-99
2012-05	2-21-12	1-12	Added 25-113-25-124
2012-06	3- 6-12	1(A)	9-33
		(B)	9-34
		(C)	9-35
2012-07	3- 6-12	2	23-32(a)(3)a.
		3	23-62(a)(3)a.
		4	23-98(a)(4)
		5	30-583(b), 30-587(b), 30-588(b)
		6	30-593(e), 30-595(3), 30-596(2), 30-597(2)
2012-08	4- 3-12	1	Rpld 37-1-37-4 Added 37-1-37-7
		2	Rpld 37-171-37-181
		3	Added 37-171-37-174 Rpld Ch. 37, Arts. VII, VIII, X, XI, XIX
		4	37-611(b), (d), (i)
		5	Dlt'd 37-721, 37-722 Rmb'd 37-723 as 37-721 Dlt'd 37-724, 37-725 37-735(a)(1)b.
2012-09	5-22-12	1-9	Added 22-71-22-79
2012-10	6- 5-12	2	15-66
		3	Rpld 15-67
		4	15-69
		5	15-70
		6	15-71(a), (c)
		7	Rpld 15-86
		8	15-89
		9	15-90
		10	Added 15-105-15-110
2012-12	6- 5-12	1	Dlt'd 2-461-2-467 Added 2-461, 2-467
2012-16	9-18-12	2	Added 28-115-28-127
2012-17	10-30-12	1	23-175(b), 23-176, 23-178(a), (f), (g), (h), (n), 23-180, 23-181(b), 23-182(b), (c), (h), (i), 23-183(b)(1), 23-185 Dlt'd 23-188
2012-18	10-30-12	2	23-57
		3	23-58(a), (e), (f), (l), (m)
		4	23-60



ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		5	23-61(d)
		6	23-62(a)(3), (b)(1)
		7	23-63
		8	Dtd 23-67
2012-19	10-30-12	1	23-29(d)
		2	23-60(a)
		3	23-92(g)
2012-22	11-13-12	2	Dtd 23-86--23-102
			Added 23-86--23-101
2013-02	1-29-13	1	Added 38-1390.1-- 38-1390.56
		2	Added 38-77.1
		3	Added 38-79(156)--(174)
2013-04	2-12-13		38-1
2013-06	3-12-13	1(A)	Added 9-4(m)(12)
		(B)	9-323(a), (c)
		(C)	9-326
		(D)	9-327
		(E)	9-328
		(F)	9-330
2013-01	1-15-13	2	23-27
		3	23-28(a), (c), (f), (n), (o)
		4	23-29
		5	23-30(d)
		6	23-325(3), (b)(1)
		7	23-33
		8	Dtd 23-37
2013-05	2-12-13	1, 2	23-86--23-101
2013-09	4- 9-13	1	Rpld 15-111--15-153
		2	Rpld 37-147(3)
		3	Rpld 15-39
		4	Added 15-111--15-120
2013-13	5-21-13	2	30-501, 30-520(6), 30-552(3), 30-554, 30-557(2), 30-563(c), 30-581, 30-585--30- 588, 30-593(2), 30- 594(1)(f), 30-595--30- 30-597, 30-620--30- 622, 30-623(1), 30- 624
			Added 30-506, 30-507, 30- 615
2013-14	5-18-13	1	2-3
2013-15	5-18-13	1	37-5
		2	37-7
		3	30-529
		4	30-556(2)
2013-17	7- 2-13	1	35-73, 35-75
		2	Added 35-76
2013-18	8- 6-13	1	Added 31.5-177
2013-20	10-22-13	2	25-146
2013-21	11-19-13	1	2-371
2014-01	1-28-14	2	32-213--32-216
2014-04	2-11-14	1	38-1381--38-1385 38-1385.5--38-1385.6

# CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
			38-1386, 38-1387
			38-1387.1—38-1387.3
2014-05	2-11-14	1	35-1388—38-1390
			30-700
			30-710—30-714
			30-725—30-727
			Rnbd 30-728
			ns 30-729
2014-06	3-25-14	1	Added 30-728
1199(H.B.)	5-12-14	2	21-245—21-259
2014-10	6-3-14	2	Rpld 19-1—10-13
2014-15	6-10-14	1	15-90
		2	25-161
		3	25-162
		4	Added 25-163
		5	Added 25-164
2014-16	6-24-14	1	Rpld 17-186—17-199
		2	Added 38-1765—38-1776
		3	38-77(Table)
2014-17	6-24-14	1	38-79(115)
		2	15-176—15-188
		3	15-181
2014-24	9-9-14	1	11-62
		2	Rpld 35-26
2014-25	9-23-14	1	Added 35-51—35-59
2014-26	9-23-14	1-3	Added 38-1429
2014-27	10-14-14	2	28-92(a)(1), (2)
		3	18-32
		4	18-34
2014-28	10-21-14	1	37-4, 37-5
2014-29	11-18-14	2	9-4(m)(1), (m)(3)
		3	9-11(d)(1)
		4	Rpld 9-277, 9-278
		5	Added 9-277—9-279
2015-03	1-27-15	1	Rpld 9-286, 9-287
		2	38-77(Table)
		3	38-79(51)
2015-04	5-5-15	5	Rpld 38-1429
2015-05	6-2-15	1	Rpld 33-335—33-338
		2	2-195
		3	Rpld 2-212
		4	15-30
		5	30-34(c)
2015-08	6-16-15	1, 2(A)	30-42(c)
			9-1—9-7
			9-9—9-12
			Rpld 9-13—9-15
			Rpld 9-18—9-20
		1, 2(B)	Rpld 9-32
			9-33
			9-35
		1, 2(C)	Rpld 9-277—9-279
			Added 9-277—9-279
		1, 2(D)	9-551, 9-552
		1, 2(E)	9-597
		1, 2(F)	9-646, 9-647

ORANGE COUNTY CODE

Ordinance Number	Date	Section	Section this Code
2015-10	6-30-15	1	9-649—9-652
		2	33-201
2015-11	6-30-15	1	33-205
		2	33-207
2016-12	6-30-15	1	33-210(a)
		2	38-1
		3	38-77
2015-15	8-4-15	1	38-79(155)
2015-17	9-22-15	2	Added 20-215—20-220
		3	31.5-5
		4	31.5-8
		5, 6	31.5-13
		7, 8	31.5-15, 31.5-16
		9	31.5-67, 31.5-68
		10	31.5-72
		11	31.5-75
		12	Added 31.5-78
		13, 14	31.5-93
		15(a)	31.5-95, 31.5-96
		15(b)	Rpld 31.5-98
		16, 17	Added 31.5-142
		18	Rpld 31.5-99
		19, 20	31.5-126, 31.5-127
		21—24	Added 31.5-143, 31.5-144
		25	31.5-162, 31.5-163
		26	31.5-165—31.5-168
		27	31.5-170
		28	Added 31.5-176.5
		29	31.5-177
		30(a)	Added 31.5-180, 31.5-181
		30(b)	Added 31.5-190—31.5-195
			Rpld 38-1396—38-1395.2
			Rpld 38-1055
			38-1063
			38-1100
			38-1354
		30(c)	Ch. 38, Art. VII, Div. 17, Subdv. IV(title)
		30(d)	Rpld 38-1029(g), (h), 38-1734(8)
			38-1748(9)
		30(e)	Rpld 38-79(87)e, 38-79(131)f
			38-796
		30(f)	38-1424(e)(3)h
		30(g)	38-1388(e)B 38-1389(d)(5)
2015-19	10-20-15	1	38-1059—38-1061
2015-23	12-1-15	1	Added 36-165—36-171

Appendix 69.

# CODE COMPARATIVE TABLE LAWS OF FLORIDA

This table gives the location within this Code of Laws of Florida which are included herein.

Laws of Fla. Chapter	Section	Section this Code
23436(1945)	1, 2	20-211
25068(1949)	1, 2	32-1
26069(1949)	1-4	21-4
26074(1949)	1, 2	21-1
26079(1949)	1-3	30-181-30-183
29349(1953)	1	17-8
29353(1953)	1	30-181
	3	30-183
29354(1953)	1	14-56
31067(1955)		21-3
57-1638	4	20-212
57-1643	1-19	33-26-33-44
	22-28	33-45-33-51
	31	33-52
57-1644	1-6	20-156-20-161
57-1646	2-13	21-132-21-143
57-1646	1, 2	2-28, 2-29
59-853	1	2-27
59-1644	1	21-2
59-1646	1, 2	30-111, 30-112
	3	30-112
	4-6	30-115-30-117
	8	30-118, 30-119
	9	30-118
	10-13	30-120-30-123
	15	30-114
	15, 16	30-117
59-1649	1	33-26
	2	33-44
59-1658	1	30-118
	2	30-120
61-2584	1-5	14-51-14-55
63-1711	1-28	33-116-33-143
	31	33-144
63-1716	1-22	30-31-30-52
65-1999	1	30-32
	2	30-34
	3	30-40
	4	30-44
	5	30-46
65-2011	1, 2	20-186, 20-187
	4-6	20-188-20-190
	8-10	20-191-20-193
65-2015	1-3	30-76-30-78
	4-12	30-82-30-90
	13, 14	30-80, 30-81
	15, 16	30-91, 30-92
	19	30-79
65-2017	1, 2	33-71, 33-72
	2	33-73

# ORANGE COUNTY CODE

Laws of Fla. Chapter	Section	Section this Code
	4-25	33-74-33-95
	29	33-97
67-1818	1	33-116
67-1819	1	33-26
67-1825	1, 2	37-26, 37-27
	4-12	37-28-37-36
	14	37-37
67-1828	1	9-1
	2	9-3
	3	9-5
	4	9-2
	5-12	9-4-9-11
67-1829	1-12	15-216-15-227
	15	15-228
67-1830	1	15-26
		15-36
	2-19	15-27-15-35
	12-19	15-37-15-44
67-1831	1, 2	30-53, 30-34
	3	30-41
	4	30-45
	5-7	30-47-30-49
69-1371	1-24	32-11-32-34
	25-29	32-35-32-38
69-1372	1	37-37
70-836	1, 2	17-7
70-837	1	30-40
71-795	1	30-34
	2	30-38
	3	30-40
	4	30-43
	5, 6	30-45, 30-46
71-796	1, 2	2-1
71-803	1-13	10-1-10-13
72-461	1-4	2-66-2-69
72-625	1, 2	10-2
	3	10-3
	4	10-5
72-626	1, 2	30-40
	3	30-45
	4	30-49
72-629		20-214
72-630	1	20-41
73-569	1	10-5
74-549	1	32-16
74-550	1, 2	30-42, 30-43
74-551	1	15-36
	2	15-43
77-611	1	10-4
78-574	1, 2	17-6
78-575	1	10-5
80-555	1-11	31-26-31-36
80-559	1	4-2
81-450	1	31-28
82-338	1	33-27
	2	33-37
	3	33-49

# CODE COMPARATIVE TABLE—LAWS OF FLORIDA

Laws of Fla. Chapter	Section	Section this Code
	4	33-52
82-339	1	33-117
	2	33-129
	3	33-141
	4	33-144
82-341	1, 2	15-217, 15-218
	3	15-225
	4	15-225
83-460	1	30-83
83-481	1	30-80
84-489	1	15-36
84-490	1—11	15-28—15-35
	12	15-40
	13	15-44
84-491	1	32-12
	2, 3	32-15, 32-16
	5, 6	32-36, 32-37
85-474	1	33-140
91-372	1	31-27, 31-32
99-496	2	31-26—31-36
	3—11	31-26—31-34
2015-172		26-168

Rpid  
Added

Appendix 70.



### SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code will be able to gain a more complete picture of the Code's historical evolution.

Ordinance Number	Date Adopted	Included/Omitted	Supplement Number
2010-03	4-20-10	Omitted	75
2010-12	10-19-10	Omitted	75
2010-13	10-19-10	Omitted	75
2010-15	11-23-10	Included	75
2010-16	12- 7-10	Included	75
2010-17	12- 7-10	Included	75
2011-01	1-25-11	Included	75
2011-02	3- 8-11	Included	75
2011-04	5-10-11	Included	76
2011-05	6- 7-11	Included	76
2011-03	4- 5-11	Omitted	77
2011-06	6-21-11	Included	77
2011-07	6-21-11	Omitted	77
2011-09	6-28-11	Included	77
2011-10	8-30-11	Included	77
2011-11	10-18-11	Included	78
2011-12	10-18-11	Included	78
2011-13	10-18-11	Included	78
2011-14	11-29-11	Included	78
2011-15	11-29-11	Included	78
2011-17	12- 6-11	Included	78
2011-19	12- 6-11	Included	78
2011-20	12- 6-11	Included	78
2011-16	12- 6-11	Omitted	79
2011-18	12- 6-11	Omitted	79
2011-21	12-20-11	Included	79
2011-22	12-20-11	Included	79
2012-02	2- 7-12	Included	79
2012-03	2- 7-12	Included	79
2012-04	2- 7-12	Included	79
2012-05	2-21-12	Included	79
2012-06	3- 6-12	Included	79
2012-07	3- 6-12	Included	79
2012-08	4- 3-12	Included	80
2012-09	5-22-12	Included	80
2012-10	6- 5-12	Included	81
2012-11	6- 5-12	Included	81

ORANGE COUNTY CODE

Ordinance Number	Date Adopted	Included/Omitted	Supplement Number
2012-12	6- 5-12	Included	81
2012-14	6-19-12	Omitted	81
2012-15	6-19-12	Omitted	81
2012-13	6-19-12	Included	82
2012-16	9-18-12	Included	82
2012-17	10-30-12	Included	82
2012-18	10-30-12	Included	82
2012-19	10-30-12	Included	82
2012-20	11-13-12	Omitted	82
2012-21	11-13-12	Omitted	82
2012-22	11-13-12	Included	82
2013-02	1-29-13	Included	83
2013-03	2-12-13	Omitted	83
2013-04	2-12-13	Included	83
2013-06	3-12-13	Included	83
2013-01	1-15-13	Included	84
2013-05	2-12-13	Included	84
2013-08	3-26-13	Included	84
2013-09	4- 9-13	Included	84
2013-07	3-26-13	Omitted	85
2013-12	5-14-13	Omitted	85
2013-13	5-21-13	Included	85
2013-14	6-18-13	Included	85
2013-15	6-18-13	Included	85
2013-16	7- 2-13	Included	85
2013-17	7- 2-13	Included	85
2013-18	8- 6-13	Included	85
2013-20	10-22-13	Included	85
2013-21	11-19-13	Included	85
2013-19	9-24-13	Omitted	86
2013-22	11-19-13	Omitted	86
2013-23	11-19-13	Omitted	86
2014-01	1-28-14	Included	86
2014-02	1-28-14	Omitted	86
2014-03	1-28-14	Omitted	86
2014-04	2-11-14	Included	86
2014-05	2-11-14	Included	86
2014-06	3-25-14	Included	86
1199(H.B.)	5-12-14	Included	87
2014-10	6- 3-14	Included	87
2014-11	6- 3-14	Omitted	87
2014-12	6- 3-14	Omitted	87
2014-13	6- 3-14	Omitted	87
2014-14	6- 3-14	Omitted	87
2014-15	6-10-14	Included	87
2014-16	6-24-14	Included	87

SUPPLEMENT HISTORY TABLE

Ordinance Number	Date Adopted	Included/ Omitted	Supplement Number
2014-17	6-24-14	Included	87
2014-19	7-29-14	Included	87
2014-20	7-29-14	Included	87
2014-21	8-19-14	Included	89
2014-24	9- 9-14	Included	88
2014-25	9-23-14	Included	88
2014-26	9-23-14	Included	88
2014-27	10-14-14	Included	88
2014-28	10-21-14	Included	88
2014-29	11-18-14	Included	89
2014-30	12-16-14	Omitted	89, 90
2014-31	12-16-14	Omitted	89
2015-01	1-27-15	Omitted	90
2015-02	1-27-15	Omitted	89
2015-03	1-27-15	Included	89
2015-04	5- 5-15	Included	90
2015-05	6- 2-15	Included	90
2015-06	6-16-15	Included	90
2015-07	6-16-15	Omitted	90
2015-08	6-16-15	Omitted	90
2015-09	6-30-15	Omitted	90
2015-10	6-30-15	Included	90
2015-11	6-30-15	Included	90
2015-12	6-30-15	Included	90
2015-13	7-28-15	Omitted	90
2015-15	8- 4-15	Included	90
2015-17	9-22-15	Included	91
2015-18	9-22-15	Omitted	91
2015-19	10-20-15	Included	91
2015-23	12- 1-15	Included	91

Appendix 71.

**From:** Overstreet, Doreen  
**To:** Thorp, Steven T  
**Subject:** RE: West Orange Times questions for Steven Thorp  
**Date:** Wednesday, December 23, 2015 12:20:24 PM

---

Thanks. I'm going to cc you on the response.

Doreen Overstreet, APR  
Public Information Officer  
Government Services

**Orange County Government**  
201 S. Rosalind Avenue, 3<sup>rd</sup> Floor  
Orlando, FL 32801  
Office: 407-836-5301  
Mobile: 407-468-5851

**From:** Thorp, Steven T  
**Sent:** Wednesday, December 23, 2015 12:19 PM  
**To:** Overstreet, Doreen  
**Subject:** RE: West Orange Times questions for Steven Thorp

See my changes underlined. I believe this answers what she is looking for.

Steven Thorp  
Planner II - Current Planning

Orange County Planning Division  
Community, Environmental, and Development Services Department  
201 S. Rosalind Ave., 2nd Floor, Orlando, FL 32801  
Tel: 407-836-5549 Fax: 407-836-5862  
Email: [Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net)

**From:** Overstreet, Doreen  
**Sent:** Wednesday, December 23, 2015 12:07 PM  
**To:** Thorp, Steven T  
**Subject:** FW: West Orange Times questions for Steven Thorp

Please review. Not sure if I captured everything. Thanks.

Hi Jennifer — please see answers below in red.

The developer who wants to develop the Windermere Country Club said this was the process they had to go through:

The county has requested the developer file a petition to vacate the plat — removing the golf course from the plat.

The Windermere Country Club is currently in the process of filing the petition with the

county, which if approved, will put the golf course back into acreage and take it out of the plat, releasing the development rights from the county back to the developer.

First question: Is that correct? And if so, when will the hearing be regarding their petition?

That is *partially* correct. Orange County did request from the developer to submit a petition to vacate in order to take the language off of the plat that designates the property as a golf course and dedicates the rights to the developer to develop and access the golf course tract. Additionally, a modification of the existing developers agreement was requested to address the same issues.

Also, regarding Windermere Country Club filing the petition to vacate with the county, we do not see one on file yet – but it may be in the process (just not in our system yet). They were given until the April 21, 2016 Planning and Zoning Commission meeting to take care of both requests so the applicant could proceed with the rezoning on the property.

Second question: The lawyer for the homeowners said the county made the golf course area permanent open space back in the 1980s. If the petition is approved, does that designation of open space change? How will the developer be able to develop the land if it still is permanent open space? And what is the process the developer would need to go through to get the development approved in an area that is open space?

There was a designation for a percentage of "open space" – *not a permanent one*. Therefore, the percentage of open space will change and they will re-designate what the percentage of open space will be. The process the developer would need to go through to get the development approved in an area that is open space would be through the rezoning process at the Planning & Zoning Commission meeting (see April deadline above).

Please let me know if you have any questions or need additional information.

Thanks,

Doreen

Thanks greatly for your time!

For Doreen:

Steven Thorp, Planner II  
407-836-5549  
EMAIL: STEVEN.THORP@OCFL.NET

Best,  
Jennifer Nessler // Staff Writer



720 S Dillard Street // WINTER GARDEN , FL 34787.  
tel (407) 656-2121 // mobile (727) 418-7955

website // newsletter // email

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Appendix 72.



**From:** Overstreet, Doreen  
**To:** "Jennifer Nessler"  
**Cc:** Thorp, Steven T.  
**Subject:** RE: West Orange Times questions for Steven Thorp  
**Date:** Wednesday, December 23, 2015 12:23:24 PM

---

Hi Jennifer – please see answers below in red.

The developer who wants to develop the Windermere Country Club said this was the process they had to go through:

The county has requested the developer file a petition to vacate the plat — removing the golf course from the plat.

The Windermere Country Club is currently in the process of filing the petition with the county, which if approved, will put the golf course back into acreage and take it out of the plat, releasing the development rights from the county back to the developer.

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Please let me know if you have any questions or need additional information.

Thanks,

Doreen

Thanks greatly for your time!

Doreen Overstreet, APR  
Public Information Officer  
Government Services

**Orange County Government**  
201 S. Rosalind Avenue, 3<sup>rd</sup> Floor  
Orlando, FL 32801  
Office: 407-836-5301  
Mobile: 407-468-5851

**From:** Jennifer Nessler [mailto:jnesslar@orangeobserver.com]  
**Sent:** Wednesday, December 23, 2015 10:29 AM  
**To:** Overstreet, Doreen  
**Subject:** West Orange Times questions for Steven Thorp

Hi,

Here are my questions:

The developer who wants to develop the Windermere Country Club said this was the process they had to go through:

The county has requested the developer file a petition to vacate the plat — removing the golf course from the plat.

The Windermere Country Club is currently in the process of filing the petition with the county, which if approved, will put the golf course back into acreage and take it out of the plat, releasing the development rights from the county back to the developer.

First question: Is that correct? And if so, when will the hearing be regarding their petition?

Second question: The lawyer for the homeowners said the county made the golf course area permanent open space back in the 1980s. If the petition is approved, does that designation of open space change? How will the developer be able to develop the land if it still is permanent open space? And what is the process the developer would need to go through to get the development approved in an area that is open space?

Thanks greatly for your time!

For Doreen:

Steven Thorp, Planner II  
407-836-5549  
EMAIL: [STEVEN.THORP@OCFL.NET](mailto:STEVEN.THORP@OCFL.NET)

Best,  
**Jennifer Nessler** // Staff Writer



720 S Dillard Street // WINTER GARDEN , FL 34787  
tel (407) 656-2121 // mobile (727) 418-7955

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Appendix 73.

**Prinsell, Joel**

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**From:** Testerman, Chris  
**Sent:** Wednesday, October 26, 2016 4:35 PM  
**To:** Dethlefs, Diana  
**Cc:** Prinsell, Joel; Evers, Whitney  
**Subject:** RE: Windermere Country Club/Access Rights

Diana,

Think Joel and Whitney would be able to provide the best response....not sure Mr. Tottle will like our answers since we don't "own" the golf course and the assertions below seem to be private matters, and lastly they HOA has/had counsel. Will defer to Joel and Whitney on how to respond but I think not getting too involved would be appropriate. CT

**Christopher R. Testerman**  
**Assistant County Administrator**  
**P.O. Box 1393**  
**Orlando, Florida 32802-1393**  
**Phone 407-836-5883**  
**Fax 407-836-7399**  
**Cell 407-468-6621**  
**[Chris.testerman@ocfl.net](mailto:Chris.testerman@ocfl.net)**

---

**From:** Dethlefs, Diana  
**Sent:** Wednesday, October 26, 2016 11:07 AM  
**To:** Testerman, Chris  
**Subject:** FW: Windermere Country Club/Access Rights

Good morning Chris,

Would you be able to help me appropriately direct Mr. Tottle's below questions? They are a bit complex...

Sincerely,

***Diana M. Dethlefs***

Aide to Commissioner S. Scott Boyd  
District 1 Office, Orange County Government  
407-836-5918  
[facebook.com/commissionerboyd](https://www.facebook.com/commissionerboyd)  
[www.ocfl.net/district1](http://www.ocfl.net/district1)

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**From:** David Tottle [<mailto:dtottle@gmail.com>]  
**Sent:** Monday, October 24, 2016 8:15 AM

**To:** District1, Mail  
**Subject:** Re: Windermere Country Club/Access Rights

To: Ms. Dethlefs  
Copy: Commissioner Boyd

Subj: Windermere Country Club/Access Rights

Thanks for arranging the phone call with Commissioner Boyd last month: the conclusion, wait for BCC PTV decision. More thanks to you for seeing several Windermere Club homeowners and me on October 3rd.

With the Orange County Board of County Commissioners rejection of the Windermere Country Club LLC Petition to Vacate, serious concerns remain:

1. When will the fence permit be revoked and the fence removed?
2. When will Windermere Country Club LLC be noticed for breach of the Newcourse, Inc. agreement with Orange County?
3. Is the District 1 Commissioner's office or Orange County staff appropriate to represent the County's interest in the Windermere Country Club restoration?

Details for each issue follow.

1. Fence. BCC confirmed Tract A is privately owned common open space for the use of all "project" residents. Since the PTV rejection last week, property owner installed new "POSTED/No Trespassing/No Fishing ..." signs. Tract A property owner intimidation directed at homeowner's and their property continues; why? Request: Revoke building permit and require fence removal at property owner's expense within 30 days.

2. Newcourse Inc. The PTV confirmed Windermere Country Club LLC is the owner of Tract A. Butler Bay Unit 3 Plat:

- Note 9: "Tract A & B to be owned by Newcourse Inc, their successors and assigns."
- Butler Bay Unit 3 Replat converted Tract B into 2 residential lots and converted 3 residential lots adjacent to Tract A into the pool, tennis courts and parking as an addition to Tract A (Unit 3: cluster plan 123 lots, PSP 124 lots, plat 122 lots, replat 121 lots)
- Windermere Country Club LLC is the current Newcourse Inc. successor
- Note 13: "Access Rights from Lot 101 and Tract A to McKinnon Road & Lake Butler Blvd. are dedicated to Orange County, Florida." Existing maintenance building does not comply.

The Newcourse agreement was filed with Orange County on June 13, 1985 and noted in the BCC approved PSP on November 18, 1985 as well as the Plat noted above on July 28, 1986. Key provisions of the Newcourse agreement include:

- 13. Obligations "... Newcourse agrees to maintain the Golf Course, the Clubhouse and all associated amenities in first class condition and repair, consistent with the standards set at those private golf courses and clubs considered as the finest quality in Central Florida, including but not limited to the Orlando Country Club.
- 13. a. "landscaping, mowing, fertilizing, and watering all areas of the Property up to the rear lot lines of the Adjoining Lots."
- 13. e. "keep in full force and effect liability insurance in the following amounts:"
- 13. f. "The Clubhouse shall be operated and maintained in a first class manner so as not to disturb or cause any nuisance to residents of Butler Bay." (now known as Windermere Club).
- 15. Management of the Golf Course and Clubhouse "... must have sufficient experience to insure that the Golf Course and Clubhouse are operated and maintained in accordance with the standards of first-class clubs in the Central Florida."
- 17. Miscellaneous b. Successors and Assigns "This Agreement shall be binding upon and shall inure to the benefit of all of the parties, their heirs, successors and assigns."

To confirm the Agreement is valid, Windermere Country Club LLC made the required annual payment to the Windermere Club Homeowner's Association in June 2016:

- 13. d. "pay to Butler Bay Homeowner's Association an equitable share of all funds required to operate and maintain "E" Drive which leads to the Golf Course and Clubhouse ..."
- "E Drive" is platted as Butler Bay Drive North with entrances on Lake Butler Boulevard and McKinnon Road.

After closing the Golf Course and Clubhouse on April 8, 2016, Tract A property owner:

1. Stripped Clubhouse, Maintenance Building and cart barn of all assets
  - o Request: Orange County Code Enforcement inspections of all Tract A structures
2. Killed all Golf Course greens and filled pool with dirt

3. Mowed 2 times (minimally) during spring, summer and fall; no water, no fertilizer, no pruning
  - o Observation: Cheaper to pay Orange County Code Enforcement fine than mow the property
4. Neglected to maintain drainage easements resulting in Adjoining Lots flooding
5. Installed barrier fence in all places where Golf Course property abuts Adjoining Lots and HOA properties
  - o Legal: Clubhouse is nuisance for Windermere Club residents
  - o Observation: No fishing for Orange County residents on 9 Tract A conservation lakes (frequent occurrence prior to fence installation)
6. Offered "\$1,000,000 ... paid to existing HOA as additional consideration for use by the existing HOA at their discretion"
  - o Conclusion: Admits to significant damage and harm inflicted on "existing HOA," perpetrated as corrupt PTV. The Newcourse Inc. agreement with Orange County makes no mention of a golf business or golfers. Based on the original and current code, Tract A operating and maintenance obligations survive in perpetuity. The breach is indisputable and time is of the essence. When will Windermere Country Club LLC be noticed for breach of the valid Newcourse Inc. agreement?

3. Windermere Country Club Restoration. The Tract A property owner has invested 5 years in the pursuit of one objective; destroy Windermere Country Club value to realize significant personal financial gain developing the property for 95 homes. It is fact the Tract A property owner cannot be trusted to represent a legitimate restoration of Windermere Country Club.

As concerning is the Tract A property representation by Mr. Melwani, Planning and Zoning Commission member. With so much at stake for Orange County homeowners, any sense of conflict must be removed. Unknown entanglements and misrepresentations are likely. Considering the willful destruction of the Golf Course, Clubhouse and associated amenities, the highest level of integrity is required; no exceptions.

Recommendation: Any Tract A contract for sale must be approved by Orange County as a condition of offer acceptance.

At this time, the Windermere Club HOA has developed several credible restoration opportunities. Unfortunately, the HOA has no standing. What Orange County organization is responsible for the Windermere Country Club restoration; Orange County staff or District 1?

Thank you for your interest and support with this important and difficult matter.

Sincerely,  
(signed)

David Tottle  
2411 Butler Bay Dr N  
Windermere, FL 34786

On Sep 19, 2016, at 2:36 PM, [district1@ocfl.net](mailto:district1@ocfl.net) wrote:

Thank you for catching that, Mr. Tottle. That is an error on the Long Range Agenda....they missed inserting the "2:00pm" header before the Public Hearings. I have informed the Agenda Development office so they can correct the LRA. To confirm, the Public Hearing remains on the afternoon agenda, which begins at 2:00pm.

Sincerely,

***Diana M. Dethlefs***

Aide to Commissioner S. Scott Boyd

Appendix 74.



**From:** Prinsell, Joel  
**To:** Thorp, Steven T  
**Cc:** Smogor, John; Bray, Michael R  
**Subject:** RE: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)  
**Date:** Wednesday, October 07, 2015 3:14:28 PM

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Steven:

Let me jump in here.

I'm not sure what "agreements" the citizens are referencing. John S. and I have previously met with the party who's seeking to convert the golf course property to a SFR development with cluster homes (over the objections of the residents of Butler Bay). However, there are notes on the 1980s plats (1) where development rights to Tract "A," which is the golf course property, were dedicated to the County; and (2) where access rights to the adjoining public roads were dedicated to the County. So, those dedications are still very much a "live" issue, and the developer is well aware that those notes on the plat are a live issue.

As far as whether the density has been "used up," you should check with John. I don't think that's the case.

But again, the notes on the plat may very well override anything that the owner of the golf course desires to do. That's the legal issue that Mike and I are now studying.

Joel D. Prinsell  
Deputy County Attorney  
Orange County Attorney's Office  
201 S. Rosalind Ave., 3<sup>rd</sup> Floor  
Orlando, FL 32801  
407-836-7320

---

**From:** Thorp, Steven T  
**Sent:** Wednesday, October 07, 2015 2:26 PM  
**To:** Bray, Michael R  
**Cc:** Prinsell, Joel  
**Subject:** RE: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

Well, not sure what I was doing wrong, but appreciate the link.

The citizens are saying that the agreements stipulate that the Golf Course area must stay as a golf course or it must remain undeveloped and that the density allowed by the Butler Bay Cluster Plan have been used up and/or that more density isn't permitted.

Steven Thorp  
Planner II - Current Planning

Orange County Planning Division

Community, Environmental, and Development Services Department  
201 S. Rosalind Ave., 2nd Floor, Orlando, FL 32801  
Tel: 407-836-5549 Fax: 407-836-5862  
[Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net)

---

**From:** Bray., Michael R  
**Sent:** Wednesday, October 07, 2015 2:22 PM  
**To:** Thorp, Steven T  
**Cc:** Prinsell, Joel  
**Subject:** RE: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

Yes, I just did a quick search of the official records on the comptroller's website ("Butler Bay" in the legal remarks, and searched for doc type "Agreements") and found development agreements between the County and the Butler Bay developments dating back to the 80s. See, for example, <http://or.occompt.com/recorder/eagleweb/downloads/3139443.pdf?id=DOCC3139443.A0&parent=DOCC3139443>

What are the citizens saying re: the agreements?

-Mike

---

**From:** Thorp, Steven T  
**Sent:** Wednesday, October 07, 2015 1:57 PM  
**To:** Bray., Michael R  
**Cc:** Prinsell, Joel  
**Subject:** RE: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

Michael,

Thanks for looking into this. Currently, here is the timeline:

October 13, 2015 – Community Meeting  
October 21, 2015 – DRC Meeting  
November 19, 2015 – PZC Meeting  
December 6, 2015 – PZC Recommendations voted on by BCC (though this will most likely get pulled and a public hearing be scheduled)

On a different, but related note, has the County attorney's office found any development agreements between the County and the Butler Bay developments from the 80's to today? There have been mention of these agreement by concerned citizens I've spoken with but I have not been able to find any and the Project Applicant is not aware of any.

If you need any additional information, please feel free to contact me.

Steven Thorp  
Planner II - Current Planning

Orange County Planning Division

Community, Environmental, and Development Services Department  
201 S. Rosalind Ave., 2nd Floor, Orlando, FL 32801  
Tel: 407-836-5549 Fax: 407-836-5862  
[Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net)

---

**From:** Bray., Michael R  
**Sent:** Wednesday, October 07, 2015 1:42 PM  
**To:** Thorp, Steven T  
**Cc:** Prinsell, Joel  
**Subject:** FW: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

Steven,

Joel forwarded your question to me. It looks to be a new issue for us, as well. We're researching, and will get back with you. Could you tell us what the timeline for this is, as far as when it is scheduled to be before the DRC, BCC, etc.?

Michael R. Bray  
Assistant County Attorney  
Orange County Attorney's Office  
201 S. Rosalind Avenue, Third Floor  
Orlando, Florida 32801  
Tel: 407-836-7320  
Fac: 407-836-5888  
email: [Michael.Bray@ocfl.net](mailto:Michael.Bray@ocfl.net)

---

**From:** Thorp, Steven T  
**Sent:** Wednesday, October 07, 2015 7:53 AM  
**To:** Prinsell, Joel  
**Subject:** RE: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

Good Morning Joel,

Do you know if a legal opinion regarding the acceptance of the development right's of the County will be made before the community meeting? This has been a point for any opposition we've received and I haven't had a way to respond to it in a way other than "it's still being discussed". My understanding is that the development rights to the County, per the plat, would be a moot point once the a new plat has been recorded and the tract in question be dedicated in a different fashion. Or would the County assigned it's "development rights" to the property owner prior to approval of the cluster plan/PSP/or plat?

Just trying to get my head around this issue as I've never come across it before.

Thanks,

Steven Thorp  
Planner II - Current Planning

Orange County Planning Division  
Community, Environmental, and Development Services Department  
201 S. Rosalind Ave., 2nd Floor, Orlando, FL 32801  
Tel: 407-836-5549 Fax: 407-836-5862  
[Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net)

---

**From:** Prinsell, Joel  
**Sent:** Tuesday, October 06, 2015 5:25 PM  
**To:** 'Scott A. Glass'  
**Cc:** Smogor, John; Thorp, Steven T; Egipciaco, Lisette  
**Subject:** RE: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

Scott:

Yes, from what I know about the proposal (to redevelop the golf course with single family homes), it should be a lively meeting.

Joel D. Prinsell  
Deputy County Attorney  
Orange County Attorney's Office  
201 S. Rosalind Ave., 3<sup>rd</sup> Floor  
Orlando, FL 32801  
407-836-7320

---

**From:** Scott A. Glass [<mailto:sglass@shutts.com>]  
**Sent:** Tuesday, October 06, 2015 1:56 PM  
**To:** Prinsell, Joel  
**Cc:** Smogor, John; Thorp, Steven T; Egipciaco, Lisette  
**Subject:** RE: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

Thanks, Joel.

I live across the street from the number 9 tee and am trying to stay abreast of what's going on with the application. Unfortunately, I'll be in Maryland Tuesday night when they hold the neighborhood meeting. I suspect it will be an interesting meeting.

Have a great afternoon.

- Scott

---

**From:** [Joel.Prinsell@ocfl.net](mailto:Joel.Prinsell@ocfl.net) [<mailto:Joel.Prinsell@ocfl.net>]  
**Sent:** Tuesday, October 06, 2015 1:52 PM  
**To:** Scott A. Glass  
**Cc:** [John.Smogor@ocfl.net](mailto:John.Smogor@ocfl.net); [Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net); [Lisette.Egipciaco@ocfl.net](mailto:Lisette.Egipciaco@ocfl.net)

**Subject:** RE: Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

Scott:

I'm not aware of any such legal opinion.

Joel D. Prinsell  
Deputy County Attorney  
Orange County Attorney's Office  
201 S. Rosalind Ave., 3<sup>rd</sup> Floor  
Orlando, FL 32801  
407-836-7320

---

**From:** Scott A. Glass [<mailto:sglass@shutts.com>]  
**Sent:** Tuesday, October 06, 2015 1:46 PM  
**To:** Prinsell, Joel  
**Cc:** Smogor, John; Thorp, Steven T; Egipciaco, Lisette  
**Subject:** Proposed Land Use Plan Amendment for Windermere Country Club (Project 15-101)

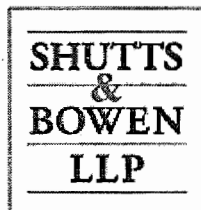
Good afternoon, Joel.

Someone told me that the owner or applicant in the above referenced matter submitted a legal opinion to the County regarding the issue of whether the development rights to Tract A (the golf course) were effectively conveyed to Orange County, or not, as a result of the recording of the Butler Bay-Unit Three plat in Plat Book 18, Page 4, Official Records of Orange County in 1986.

Do you know if a legal opinion was submitted to the County with respect to the referenced project? If so, can I get a copy of it, please? If not, could you let me know that as well?

Thanks.

- Scott



*Founded 1910*

**Scott A. Glass**  
*Partner*

---

**Shutts & Bowen LLP**

300 South Orange Avenue, Suite 1000 | Orlando, FL 32801

Direct: (407) 835-6964 | Fax: (407) 849-7264

[E-Mail](#) | [Biography](#) | [V-Card](#) | [Website](#)

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Appendix 75.

**From:** [Paul H. Chipok](#)  
**To:** [Evers, Whitney](#); [Hill, Olan D](#); [Prinsell, Joel](#)  
**Cc:** [Thorp, Steven T](#); [jpoulos@poulosandbennett.com](mailto:jpoulos@poulosandbennett.com); [Truong M. Nguyen](#)  
**Subject:** RE: Butler Bay Cluster Plan Restrictions.docx  
**Date:** Thursday, November 12, 2015 10:20:24 AM

---

Whitney

If you or Joel have any questions, I am available to meet with you at your convenience. Please let me know.

Paul

**Paul H. Chipok | Shareholder**  
**GRAY | ROBINSON**

301 East Pine Street, Suite 1400 | Orlando, Florida 32801  
T: 407-843-8880 | F: 407-244-5690 | D: 407-244-5683  
E-mail | [Website](#) | [Bio](#) | [vCard](#)

[Facebook](#) | [LinkedIn](#) | [Twitter](#)

---

**From:** [Whitney.Evers@ocfl.net](mailto:Whitney.Evers@ocfl.net) [mailto:[Whitney.Evers@ocfl.net](mailto:Whitney.Evers@ocfl.net)]  
**Sent:** Thursday, November 12, 2015 9:44 AM  
**To:** Paul H. Chipok; [Olan.Hill@ocfl.net](mailto:Olan.Hill@ocfl.net); [Joel.Prinsell@ocfl.net](mailto:Joel.Prinsell@ocfl.net)  
**Cc:** [Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net); [jpoulos@poulosandbennett.com](mailto:jpoulos@poulosandbennett.com); [Truong M. Nguyen](#)  
**Subject:** RE: Butler Bay Cluster Plan Restrictions.docx

Thanks, Paul. I haven't had a chance to sit down with Joel yet to discuss this item, but we will do that before DRC next week and I'll get back to you.

Thanks,  
Whitney

*Whitney E. Evers*  
Assistant County Attorney  
Orange County Attorney's Office  
P.O. Box 1393  
Orlando, FL 32801-1393

407-836-7320  
407-836-5888 fax

---

**From:** Paul H. Chipok [mailto:[Paul.Chipok@gray-robinson.com](mailto:Paul.Chipok@gray-robinson.com)]  
**Sent:** Wednesday, November 11, 2015 7:46 PM  
**To:** [Hill, Olan D](#); [Evers, Whitney](#); [Prinsell, Joel](#)  
**Cc:** [Thorp, Steven T](#); [jpoulos@poulosandbennett.com](mailto:jpoulos@poulosandbennett.com); [Truong M. Nguyen](#)



**Subject:** RE: Butler Bay Cluster Plan Restrictions.docx

Olan and Whitney

I met with Joel Prinsell this afternoon.

We can accept the restrictions 1, 3, 4 and 5.

However, I have included language for a revised restriction 2 in clean and blackline form.

Historically, the Butler Bay Cluster Plan received its zoning approval on February 21, 1985 with no mention of conveyance of development rights from the golf course property. The development rights condition was imposed at the PSP review on November 18, 1985 and included in the Development Agreement recorded at OR 3757/1536. When the Butler Bay Unit 3 Plat, PB 18/4 was approved, a Resolution Vacating and Annuling Plat (a portion of Butler Bay Unit 2) was approved at the same time; see OR 3808/2058. Further, when the Replat of Lots 8, 9, 10 and Tract B, Butler Bay Unit 3, PB 25/116 was approved on April 2, 1990, a Resolution Vacating and Annuling Plat was approved by the BOCC on the same day, see OR 4173/3662.

My proposed language for restriction 2 follows the historical precedent established for this property. First the cluster plan zoning must be addressed and then, through the PSP process a petition to vacate will be filed and the Development Agreement amendment considered, prior to proceeding with a replat.

It would be in error to require the Petition to Vacate to be filed and addressed prior to the rezoning. Releasing the Development Rights in a vacuum does not establish any parameters as to what development rights are being released and does not preclude the property owner from later asking for a complete comprehensive plan change and rezoning to a higher density. That is not our intent. By moving forward on the rezoning first, the potential use on the golf course property by the release of the development rights is limited to 95 units. The revised restriction 2 limits any future development on the property until the petition to vacate is considered and the limited development rights of 95 units are released consistent with the established zoning.

Finally, it is appropriate that the DRC is retracting its prior 11 conditions and recommendation of October 21, 2015. This is a conventional zoning district, R-CE-C. The DRC must look at only technical compliance and it is not within the DRC's purview to be making a specific recommendation of approval or denial on a conventional rezoning. The proposed 5 restrictions, as amended, address how the conventional rezoning modification request could be made to be in technical compliance.

Please consider and use the attached revised restrictions. Please let me know what form of the restrictions will be considered by DRC at its meeting of November 18, 2015.

Thank you for your consideration.

Paul

**Paul H. Chipok | Shareholder**  
**GRAY | ROBINSON**

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**From:** [Olan.Hill@ocfl.net](mailto:Olan.Hill@ocfl.net) [<mailto:Olan.Hill@ocfl.net>]  
**Sent:** Tuesday, November 10, 2015 2:56 PM  
**To:** [Whitney.Evers@ocfl.net](mailto:Whitney.Evers@ocfl.net)  
**Cc:** [Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net); [jpoulos@poulosandbennett.com](mailto:jpoulos@poulosandbennett.com); Paul H. Chipok  
**Subject:** RE: Butler Bay Cluster Plan Restrictions.docx

In order to avoid confusion between a buffer tract and stormwater tract, I've eliminated the word "buffer" from restriction #3. So please consider the modified doc. Thanks, Olan



Olan D. Hill, AICP  
Chief Planner – Current Planning  
Orange County Planning Division  
201 S. Rosalind Ave., 2nd Floor  
Orlando, FL 32802-1393  
Tel: 407-836-5373 Fax: 407-836-5862  
Email: [olan.hill@ocfl.net](mailto:olan.hill@ocfl.net)

---

**From:** Hill, Olan D  
**Sent:** Tuesday, November 10, 2015 1:55 PM  
**To:** Evers, Whitney  
**Cc:** Thorp, Steven T; [jpoulos@poulosandbennett.com](mailto:jpoulos@poulosandbennett.com); 'Paul H. Chipok'  
**Subject:** Butler Bay Cluster Plan Restrictions.docx

Whitney: Attached are the "draft" Butler Bay Cluster Plan restrictions for DRC's consideration at next week's meeting. Please let me and Steve know of any suggested changes. Thanks, Olan



Olan D. Hill, AICP

Chief Planner – Current Planning  
Orange County Planning Division  
201 S. Rosalind Ave., 2nd Floor  
Orlando, FL 32802-1393  
Tel: 407-836-5373 Fax: 407-836-5862  
Email: [olan.hill@ocfl.net](mailto:olan.hill@ocfl.net)

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Appendix 76.

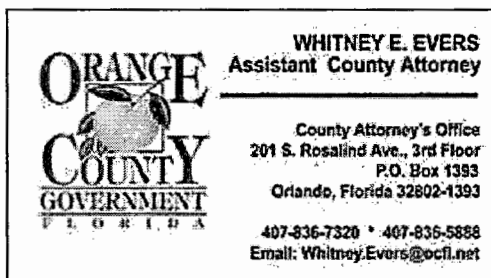
**From:** Evers, Whitney  
**To:** Hill, Olan D; Thorp, Steven T  
**Subject:** Butler Bay  
**Date:** Tuesday, November 17, 2015 11:33:40 AM  
**Attachments:** Butler Bay Cluster Plan Restrictions v5.docx

---

Gentlemen,

Here is the revised restrictions included Joel's changes. Olan, I've redlined it from what we discussed this morning so you can see what changed. Let me know if there are any questions.

Thanks,  
Whitney



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Appendix 77.

**From:** Overstreet, Doreen  
**To:** "Jennifer Nessler"  
**Cc:** Thorp, Steven T  
**Subject:** RE: West Orange Times questions for Steven Thorp  
**Date:** Wednesday, December 23, 2015 12:23:24 PM

---

Hi Jennifer – please see answers below in red.

The developer who wants to develop the Windermere Country Club said this was the process they had to go through:

The county has requested the developer file a petition to vacate the plat — removing the golf course from the plat.

The Windermere Country Club is currently in the process of filing the petition with the county, which if approved, will put the golf course back into acreage and take it out of the plat, releasing the development rights from the county back to the developer.

First question: Is that correct? And if so, when will the hearing be regarding their petition?

That is *partially* correct. Orange County did request from the developer to submit a petition to vacate in order to take the language off of the plat that designates the property as a golf course and dedicates the rights to the developer to develop and access the golf course tract. Additionally, a modification of the existing developers agreement was requested to address the same issues.

Also, regarding Windermere Country Club filing the petition to vacate with the county, we do not see one on file yet – but it may be in the process (just not in our system yet). They were given until the April 21, 2016 Planning and Zoning Commission meeting to take care of both requests so the applicant could proceed with the rezoning on the property.

Second question: The lawyer for the homeowners said the county made the golf course area permanent open space back in the 1980s. If the petition is approved, does that designation of open space change? How will the developer be able to develop the land if it still is permanent open space? And what is the process the developer would need to go through to get the development approved in an area that is open space?

There was a designation for a percentage of “open space” – *not a permanent one*. Therefore, the percentage of open space will change and they will re-designate what the percentage of open space will be. The process the developer would need to go through to get the development approved in an area that is open space would be through the rezoning process at the Planning & Zoning Commission meeting (see April deadline above).

Please let me know if you have any questions or need additional information.

Thanks,

Doreen

Thanks greatly for your time!

Doreen Overstreet, APR  
Public Information Officer  
Government Services

**Orange County Government**

201 S. Rosalind Avenue, 3<sup>rd</sup> Floor  
Orlando, FL 32801  
Office: 407-836-5301  
Mobile: 407-468-5851

---

**From:** Jennifer Nessler [mailto:jnesslar@orangeobserver.com]  
**Sent:** Wednesday, December 23, 2015 10:29 AM  
**To:** Overstreet, Doreen  
**Subject:** West Orange Times questions for Steven Thorp

Hi,

Here are my questions:

The developer who wants to develop the Windermere Country Club said this was the process they had to go through:

The county has requested the developer file a petition to vacate the plat — removing the golf course from the plat.

The Windermere Country Club is currently in the process of filing the petition with the county, which if approved, will put the golf course back into acreage and take it out of the plat, releasing the development rights from the county back to the developer.

First question: Is that correct? And if so, when will the hearing be regarding their petition?

Second question: The lawyer for the homeowners said the county made the golf course area permanent open space back in the 1980s. If the petition is approved, does that designation of open space change? How will the developer be able to develop the land if it still is permanent open space? And what is the process the developer would need to go through to get the development approved in an area that is open space?

Thanks greatly for your time!

For Doreen:

Steven Thorp, Planner II  
407-836-5549  
EMAIL: [STEVEN.THORP@OCFL.NET](mailto:STEVEN.THORP@OCFL.NET)



Best,  
**Jennifer Nessler** // Staff Writer



720 S Dillard Street // WINTER GARDEN , FL 34787  
tel (407) 656-2121 // mobile (727) 418-7955

[website](#) // [newsletter](#) // [email](#)

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Appendix 78.

**vivian villaran**

---

**From:** Jamie Poulos <jpoulos@poulosandbennett.com>  
**Sent:** Thursday, March 24, 2016 10:55 AM  
**To:** Thorp, Steven T; Truong.Nguyen@gray-robinson.com; Almodovar, Diana; Villar, Francisco; Evers, Whitney; Kalus, Matthew E  
**Cc:** Hill, Olan D; 15-101 Windermere Country Club Redevelopment  
**Subject:** RE: Butler Bay Cluster Plan / PTV Meeting Dates

Steven – Just want to clarify that the PTV application was formally submitted to the County on February 1, 2016. As you know, we met with staff on March 8, 2016 to discuss some County comments and are currently in the process of responding to the comments to resubmit.

Thanks,  
Jamie

*Jamie T. Poulos, P.E. LEED® A.P.*

**POULOS & BENNETT**

2602 E. Livingston St.  
Orlando, FL 32803  
c. 407.443.6912  
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---

**From:** Steven.Thorp@ocfl.net [mailto:Steven.Thorp@ocfl.net]  
**Sent:** Thursday, March 24, 2016 9:09 AM  
**To:** Jamie Poulos; Truong.Nguyen@gray-robinson.com; Diana.Almodovar@ocfl.net; Francisco.Villar@ocfl.net; Whitney.Evers@ocfl.net; Matthew.Kalus@ocfl.net  
**Cc:** Olan.Hill@ocfl.net  
**Subject:** Butler Bay Cluster Plan / PTV Meeting Dates

All,

Planning is in the process of creating the agenda and ad for the April 21, 2016 PZC meeting. As the Butler Bay Cluster Plan was continued to a date certain (April 21, 2016) to allow for the PTV process to take place, and, to my understanding, the PTV has yet to go through or start this process, we will need to continue it to another date certain.

As the PTV has not come in yet, it is complicating figuring out which date to continue the Cluster Plan to. Does anyone have an expected date or time frame for the PTV to be heard by the BCC? I need to know this information, as I need to figure which month to continue the cluster plan to (May, June, July...).

Thank you,

Steven Thorp  
Planner II - Current Planning

Orange County Planning Division  
Community, Environmental, and Development Services Department  
201 S. Rosalind Ave., 2nd Floor, Orlando, FL 32801  
Tel: 407-836-5549 Fax: 407-836-5862  
Email: [Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net)

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Your e-mail communications, including your e-mail address may be  
disclosed to the public and media at any time.

Appendix 79.

**From:** [Nick Lepp](#)  
**To:** [Thorp, Steven T](#)  
**Cc:** [Hill, Olan D](#)  
**Subject:** RE: Windermere CC  
**Date:** Friday, April 29, 2016 8:31:00 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

---

Thank you both

---

Nick Lepp, AICP CTP  
Principal



**RENAISSANCE  
PLANNING**

120 S. Orange Ave, Suite 1200 | Orlando, FL 32801  
O: 407.487.0061 x129  
C: 321.274.7865  
[citiesthatwork.com](http://citiesthatwork.com)

---

**From:** [Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net) [<mailto:Steven.Thorp@ocfl.net>]  
**Sent:** Friday, April 29, 2016 8:23 AM  
**To:** Nick Lepp <[nlepp@citiesthatwork.com](mailto:nlepp@citiesthatwork.com)>  
**Cc:** [Olan.Hill@ocfl.net](mailto:Olan.Hill@ocfl.net)  
**Subject:** RE: Windermere CC

Good Morning Nick,

Please see the attached cluster plan documents outlining the original area. Do note a portion of this area has been incorporated into the Town of Windermere.

Regards,

Steven Thorp  
Planner II - Current Planning



Orange County Planning Division  
Community, Environmental, and Development Services Department  
201 S. Rosalind Ave., 2nd Floor, Orlando, FL 32801  
Tel: 407-836-5549 Fax: 407-836-5862  
Email: [Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net)



---

**From:** Hill, Olan D  
**Sent:** Friday, April 29, 2016 8:15 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere CC

See below.....



Olan D. Hill, AICP  
Chief Planner – Current Planning  
Orange County Planning Division  
201 S. Rosalind Ave., 2nd Floor  
Orlando, FL 32802-1393  
Tel: 407-836-5373 Fax: 407-836-5862  
Email: [olan.hill@ocfl.net](mailto:olan.hill@ocfl.net)

---

**From:** Nick Lepp [<mailto:nlepp@ciesthatwork.com>]  
**Sent:** Wednesday, April 27, 2016 6:13 PM  
**To:** Hill, Olan D  
**Subject:** RE: Windermere CC

OK, calling in that "I owe you" (see below) favor

What is the boundary of the original butler bay cluster the applicant is referring to that has a total of 327 units?

I only count 148 on the 116 acres in the Windermere county club neighborhoods (north and south of Mckinnan.

thanks



---

Nick Lepp, AICP CTP  
Principal



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PLANNING**

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C: 321.274.7865  
citiesthatwork.com

---

**From:** [Olan.Hill@ocfl.net](mailto:Olan.Hill@ocfl.net) [<mailto:Olan.Hill@ocfl.net>]

**Sent:** Tuesday, November 10, 2015 3:26 PM

**To:** Nick Lepp <[nlepp@citiesthatwork.com](mailto:nlepp@citiesthatwork.com)>

**Subject:** RE: Windermere CC



Thanks! I knew there was reason for waiting..... ☺ You're Hired! Or how much to I owe you?



Olan D. Hill, AICP  
Chief Planner – Current Planning  
Orange County Planning Division  
201 S. Rosalind Ave., 2nd Floor  
Orlando, FL 32802-1393  
Tel: 407-836-5373 Fax: 407-836-5862  
Email: [olan.hill@ocfl.net](mailto:olan.hill@ocfl.net)

---

**From:** Nick Lepp [<mailto:nlepp@ciesthatwork.com>]  
**Sent:** Tuesday, November 10, 2015 3:24 PM  
**To:** Hill, Olan D  
**Subject:** RE: Windermere CC

Fyi,  
page 9, transportation, you have the date as 2105 instead of 2015.

---

Nick Lepp, AICP CTP  
Project Manager



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---

**From:** [Olan.Hill@ocfl.net](mailto:Olan.Hill@ocfl.net) [<mailto:Olan.Hill@ocfl.net>]  
**Sent:** Tuesday, November 10, 2015 2:54 PM  
**To:** Nick Lepp <[nlepp@ciesthatwork.com](mailto:nlepp@ciesthatwork.com)>  
**Subject:** RE: Windermere CC

Hi Nick: It's not officially released until Thursday, Nov. 12<sup>th</sup> – but I've gone ahead and attached a draft for you to review.

Please note, that as a "conventional zoning district", a R-CE-C (Cluster Plan) is simply reviewed by staff for technical purposes only. Although Code allows us to apply a limited amount of restrictions to conventional zoning districts, we have far less ability to apply "Conditions" like we typically do for a negotiated PD District.

When the "Cluster Plan" was originally taken to DRC on October 21<sup>st</sup>, they got a little over zealous

and recommended eleven (11) restrictions that were more typical of a PD. It wasn't until after that DRC meeting that we and legal determined DRC crossed the line. All this to say.....next week (Nov. 18<sup>th</sup>) we're taking the case back to DRC in order for them to formally reduce their 11 conditions/restricts to 5 true restrictions. A draft of the 5 new/revised restrictions are also attached.

In the attached staff report, you'll find the original 11 DRC-recommended restrictions/conditions. So assuming DRC reduces them next Wednesday, we'll have to make the PZC aware of the changes at the actual hearing (via overhead and handouts).

Finally, as you'll read in the report, the Staff Recommendation is (and will continue to be) "Denial". We just have to provide restrictions in the event the PZC and/or BCC decides to approve.

Cal me if you have questions, Thanks, Olan.



Olan D. Hill, AICP  
Chief Planner – Current Planning  
Orange County Planning Division  
201 S. Rosalind Ave., 2nd Floor  
Orlando, FL 32802-1393  
Tel: 407-836-5373 Fax: 407-836-5862  
Email: [olan.hill@ocfl.net](mailto:olan.hill@ocfl.net)

---

**From:** Nick Lepp [<mailto:nlepp@ciesthatwork.com>]  
**Sent:** Tuesday, November 10, 2015 1:58 PM  
**To:** Hill, Olan D  
**Subject:** Windermere CC

Olan,

How are things... hope all is well.

Was looking for the staff report on the Windermere CC rezoning scheduled to go in front of P&Z next week, don't see it online. Can I get a copy?

---

Nick Lepp, AICP CTP  
Project Manager



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disclosed to the public and media at any time.

Appendix 80.

**vivian villaran**

---

**From:** Kalus, Matthew E  
**Sent:** Friday, May 13, 2016 4:13 PM  
**To:** Villar, Francisco  
**Cc:** Almodovar, Diana; Kunkel, Joe  
**Subject:** PETITION TO VACATE - Windermere County Club

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Francisco,

I have the following observations regarding the above referenced Petition to Vacate for a portion of the plat of "Butler Bay - Unit Three" recorded in Plat Book 18, Page 4, and a portion of the plat of "A Replat of Lots 8, 9, 10 and Tract B Butler Bay - Unit Three" recorded in Plat Book 25, Page 116, pursuant to FS 177.101:

- 1.) Attachment A appears to be a Boundary Survey that lists five (5) parcels, listed A through F. My understanding was that the Vacation was for only the Development Rights as noted in Note 12 of the plat of "Butler Bay - Unit Three" and nothing more. A revised Attachment A should be resubmitted reference only Note 12 of the plat of "Butler Bay - Unit Three" recorded in Plat Book 18, Page 4. Are we also vacating the access rights in Note 13? I don't recall that.
- 2.) The proposed Developer's Agreement in Attachment B should be resubmitted with the appropriate revisions as indicated above.
- 3.) The proposed Memo in Attachment C should be resubmitted with the appropriate revisions as indicated above.
- 4.) Resubmit Attachment D if we are not vacating Note 13.

Please let me know if you need anything else.  
Matt

**Matthew Kalus, PSM, GISP**  
**Assistant Project Manager**  
**Development Engineering Division**  
**Public Works Department**  
**4200 S. John Young Parkway**  
**Orlando, FL 32839**  
**407-836-7856**

Appendix 81.

**From:** [Truong M. Nguyen](#)  
**To:** [District1, Mail](#)  
**Cc:** [Webb, Laura](#); [Villar, Francisco](#); [Thorp, Steven T](#)  
**Subject:** Windermere Country Club  
**Date:** Wednesday, October 05, 2016 8:52:00 PM  
**Attachments:** [Offered Concessions \(Windermere Country Club\).pdf](#)  
[15101-Concept B 09-29-2016 Color.pdf](#)

---

Good evening Commissioner Boyd;

As you may recall, our firm represents the owner of the now closed Windermere Country Club. We have a petition to vacate plat notes that is scheduled for BOCC hearing on October 18, 2016. We respectfully request that the hearing be moved to a date in December of 2016. We are in the process of working with the HOA Board to offer concessions with respect to the redevelopment of the Golf Course and have met with HOA Board and HOA legal counsel to discuss mutually agreeable terms. We have sent a third revised set of concessions and conceptual plan to HOA counsel based on comments and input from homeowners. We have also requested a community meeting with the HOA members to answer any questions regarding the conceptual plan and concessions before a final vote by HOA member. We invite the County and staff to take part in the next meeting as homeowners may have questions for the County staff regarding our conceptual plan and offered concessions.

I have attached the most current conceptual plan prepared by the WCC team and summary of the offered concessions for the golf course development. We appreciate any input and comment from the County staff and your office regarding the latest conceptual plan and offered concessions. I look forward to hearing from your office regarding moving the hearing date for WCC's petition to vacate plat notes from October 18, 2016 to a later date in December of 2016.

Regards,

**Truong M. Nguyen | Shareholder**  
**GRAY | ROBINSON**

301 East Pine Street, Suite 1400 | Orlando, Florida 32801  
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## PROPOSED CONCESSIONS AND AMENITIES

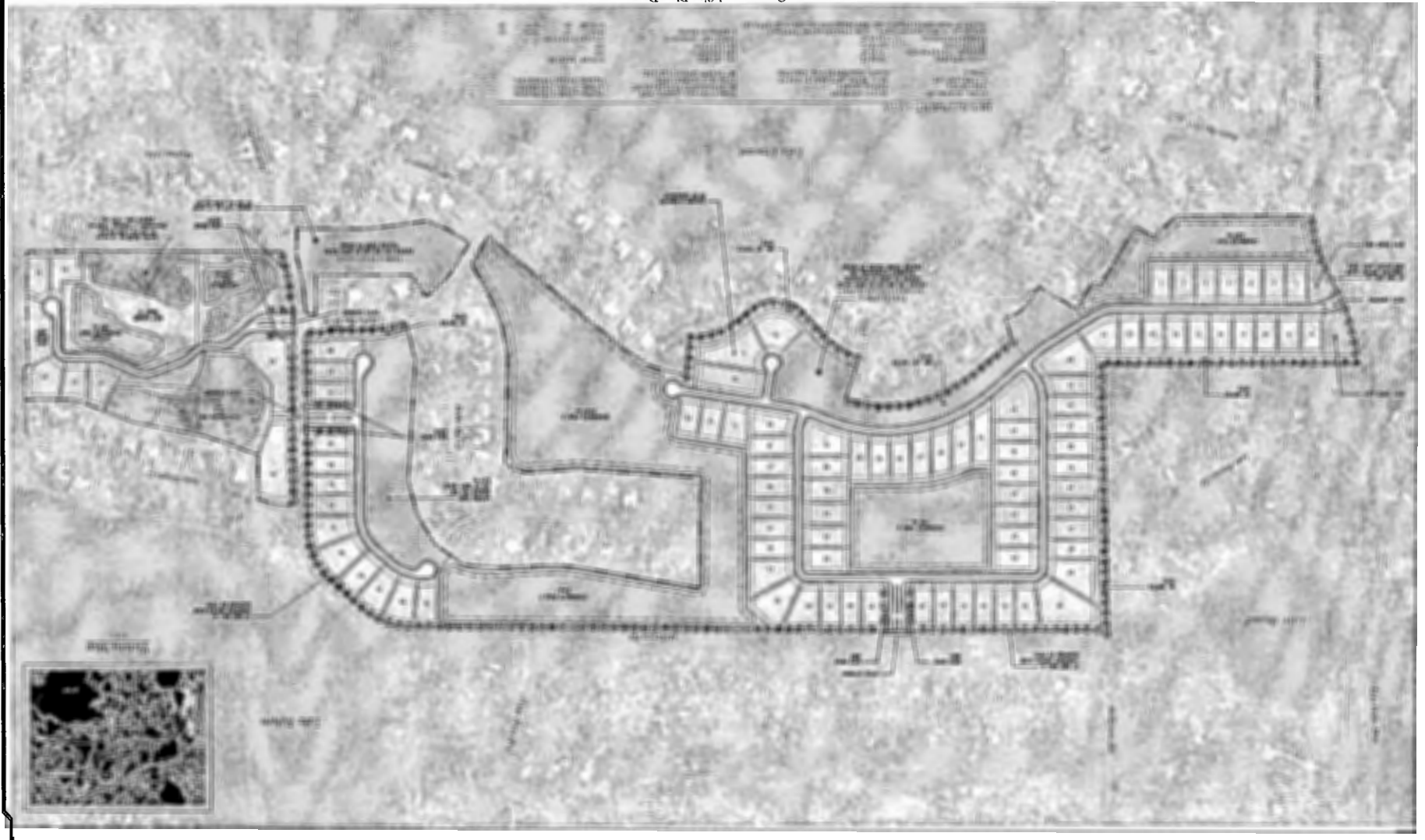
### (FOR DISCUSSION PURPOSES)

- All new lots in the redevelopment golf course ("New Lots") are to be on sewer and City water.
- Minimum 100 feet from rear of existing homes to building envelope for new homes on New Lots.
- New homes on New Lots subject to 2,500 square foot minimum floor area.
- No interior walls between the current lots and New Lots to maximize access to open and common space for members of both HOAs.
- Exterior wall to be built along McKinnon for the security of both HOAs' members.
- All 95 New Lots will be approximately half an acre each, consistent with the existing zoning and the County requirements. The New Lots will occupy roughly 50 acres of the total 155 acres. Of the remaining 105 acres, the majority will be ponds, parks and green space creating a new subdivision that will have large parks, open space and water features for the use and enjoyment of the existing lot and New Lot owners.
- All identified conservation areas are to remain intact with no encroachment from housing.
- Fountains for aeration and algae control will be installed on all new ponds in new redevelopment.
- The New Lots will have its own entrances and exits so there will be no additional traffic within the existing lot subdivision roads.
- Existing HOA can close their gates and become a truly gated community.
- A new 3,500 square foot clubhouse, with parking, will be built beside the existing tennis courts as an amenity for the use and benefit of both HOAs' members. This clubhouse, park and common space will be dedicated to the New Lots' HOA. This new clubhouse and recreation area will have vehicular access to both existing lots and New Lot owners.
- The existing tennis courts will be retained as an amenity to existing and New Lot owners. These tennis courts will be dedicated to the New Lots' HOA for use and enjoyment by both HOAs' members.
- The entire 17<sup>th</sup> fairway will be dedicated to the New Lots' HOA as a park and open space for use and enjoyment of both HOAs' members.

- A new children's playground area to be provided beside the new clubhouse. This area will be dedicated to the New Lots' HOA for the use and enjoyment of both HOAs' members.
- The entire 12<sup>th</sup> fairway to be dedicated to the New Lots' HOA to be used as a park and open space for the use and enjoyment of both HOAs' members.
- Both HOAs' members will share in the maintenance costs of shared amenities, park and open space and other common areas which are dedicated for the use and enjoyment of the existing lot owners and New Lot owners.
- \$1,000,000.00 from the closing proceeds of the sale of the New Lots to a homebuilder will be paid to the existing HOA as additional consideration, for use by the existing HOA at their discretion, which may include defraying future common amenities maintenance and assessments costs.

# Windermere Country Club

## Conceptual Site Plan B



Appendix 82.

**vivian villaran**

---

**From:** Villar, Francisco  
**Sent:** Thursday, October 6, 2016 12:39 PM  
**To:** Kunkel, Joe  
**Subject:** Windermere Country Club Plat Vacation  
**Attachments:** BCC Report - Windermere Country Club Plat Vacation.doc; Public Hearing Reports for 10.18.2016 Windermere Country Club Plat Vacation.ppt

Good afternoon Joe,

I attached the draft BCC memo and Power Point presentation that I'm working on for the Windermere Country Club Plat Vacation. I tried to contact Whitney but there was no answer.

Regards,

Francisco J. Villar, P.E.  
Engineer III  
Public Works Department  
Development Engineering Division  
4200 South John Young Parkway  
Orlando, FL 32839  
Tel: 407-836-7921  
Fax: 407-836-8003  
[francisco.villar@ocfl.net](mailto:francisco.villar@ocfl.net)





Interoffice Memorandum

DATE: October 18, 2016

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners (BCC)

FROM: Joseph C. Kunkel, P.E., Deputy Director, Public Works Department

SUBJECT: **WINDERMERE COUNTRY CLUB PLAT VACATION**  
**Bryan DeCunha on behalf of Windermere Country Club, LLC**

**Reason For Vacation**

The petitioner requests that Orange County 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. The petitioner wishes to vacate in order to allow for future development.

**Location of Property/Legal Description**

The property lies east of Winter Garden Vineland Road and north of Lake Butler Boulevard. Public interest was created per the plat of Butler Bay – Unit Three, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida. The parcel address is 2710 Butler Bay Drive North and it lies in District 1.

**Statement of No Objection**

The Real Estate Management and Environmental Protection Divisions have consented to the request. The Relationship Disclosure and Specific Expenditure forms have been submitted.

**Staff Findings**

**Staff Recommendations**

Approval of this request will have no adverse effect on Orange County. Staff has no objection to this request.

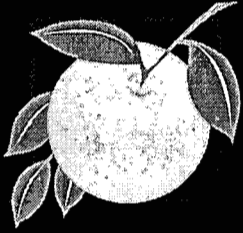
**ACTION REQUESTED: APPROVAL OF WINDERMERE COUNTRY CLUB PLAT VACATION – DISTRICT 1**

# **Windermere Country Club Plat Vacation**

**Applicant:**

**Bryan DeCunha, on behalf of  
Windermere Country Club, LLC**

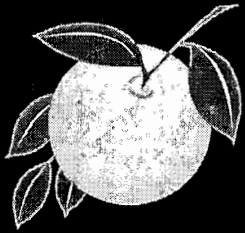
**October 18, 2016**



# Windermere Country Club Plat Vacation

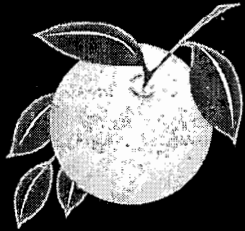






## Windermere Country Club Plat Vacation

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, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida.

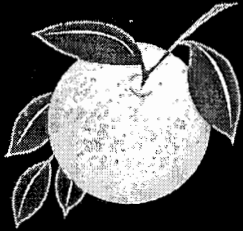


# Windermere Country Club Plat Vacation

Plat of Butler Bay – Unit Three

General Notes:

12. Development rights to the Conservation Easement and Tract A are dedicated to Orange County, Florida.

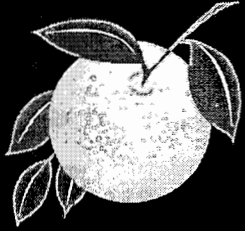


# Windermere Country Club Plat Vacation

## Plat of Butler Bay – Unit Three

### General Notes:

13. Access Rights from Lot 101 and Tract A  
from McKinnon Road & Lake Butler Blvd.  
are dedicated to Orange County, Florida.



# Windermere Country Club Plat Vacation

Appendix 83.

**vivian villaran**

---

**From:** Villar, Francisco  
**Sent:** Thursday, October 13, 2016 2:01 PM  
**To:** Kunkel, Joe  
**Cc:** Almodovar, Diana; Alber, Julie; Kalus, Matthew E  
**Subject:** Windermere Country Club PowerPoint Presentation  
**Attachments:** V.G.12 Public Hearing Reports for 10.18.2016 Windermere Country Club Plat Vacation.ppt; BCC Report - Windermere Country Club Plat Vacation Updated.doc

Good afternoon Joe,

Attached is the PowerPoint presentation and BCC staff report. I think there is a lot of information on the slides but I didn't want to leave anything out. Please let me know what you think.

Regards,

Francisco J. Villar, P.E.  
Engineer III  
Public Works Department  
Development Engineering Division  
4200 South John Young Parkway  
Orlando, FL 32839  
Tel: 407-836-7921  
Fax: 407-836-8003  
[francisco.villar@ocfl.net](mailto:francisco.villar@ocfl.net)

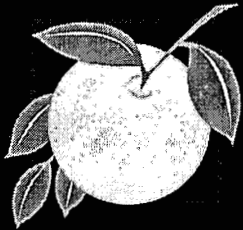


# **Windermere Country Club Plat Vacation**

**Applicant:**

**Bryan DeCunha, on behalf of  
Windermere Country Club, LLC**

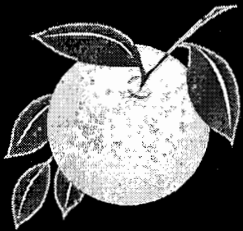
**October 18, 2016**



# Windermere Country Club Plat Vacation

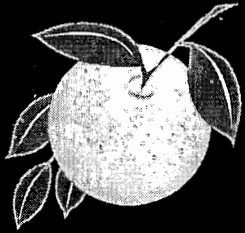






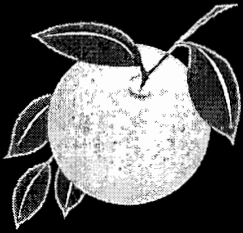
## Windermere Country Club Plat Vacation

Petition to vacate the development rights to Tract A and the access rights from Tract A (Golf Course) to McKinnon Road and Lake Butler Boulevard, dedicated to Orange County per the plat of Butler Bay – Unit Three, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida.



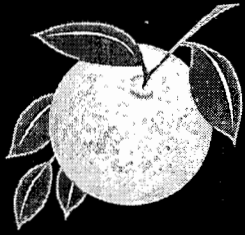
## Windermere Country Club Plat Vacation

On November 18, 1985, the BCC approved the Butler Bay Preliminary Subdivision Plan. Condition of approval #12 stated that the "Development rights to the Conservation Areas and golf course, except for the clubhouse and maintenance facility, shall be dedicated to Orange County".



## Windermere Country Club Plat Vacation

Condition of approval #1 stated that the development shall be in accordance with the approved cluster plan, which identified an open space requirement.

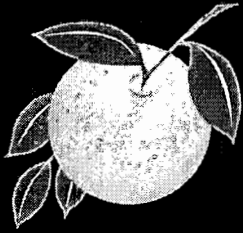


# Windermere Country Club Plat Vacation

Plat of Butler Bay – Unit Three

General Note #12:

Development rights to the Conservation Easement and Tract A are dedicated to Orange County, Florida.

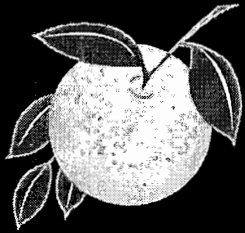


# Windermere Country Club Plat Vacation

Plat of Butler Bay – Unit Three

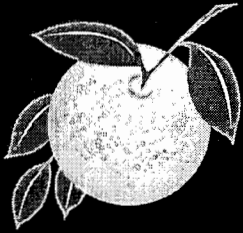
General Note #13:

Access Rights from Lot 101 and Tract A  
from McKinnon Road & Lake Butler Blvd.  
are dedicated to Orange County, Florida.



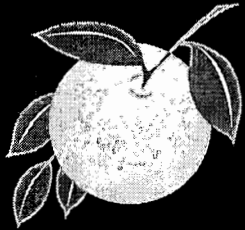
## Windermere Country Club Plat Vacation

Applicant's request is only for the vacation of the development and access rights of Tract A. The development rights to the Conservation Easement, as identified in General Note #12, and access rights from Lot 101 to McKinnon Road and Lake Butler Boulevard, as identified in General Note #13 will remain dedicated to Orange County.



## Windermere Country Club Plat Vacation

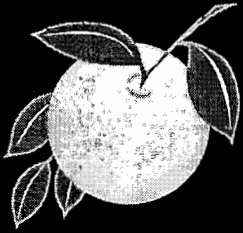
Should development and access rights be granted to the applicant, the Development Engineering Division will review the future access locations as part of any proposed development.



## Windermere Country Club Plat Vacation

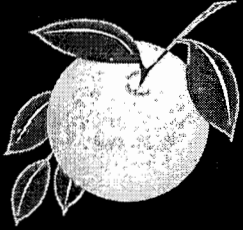
The Environmental Protection Division has expressed concerns regarding wetlands and the Conservation Easement areas and will review any potential impacts as part of any future development and may require appropriate access to the conservation areas be provided with future development.





## Windermere Country Club Plat Vacation

Previous conditions of approval of the BCC required the subject dedications as part of the original development. Removal of the development and access dedications would allow for development beyond that originally approved by the BCC. Therefore, staff recommends denial of the request to vacate the dedicated development and access rights.



# Windermere Country Club Plat Vacation

## Questions

# **Windermere Country Club Plat Vacation**

**Applicant:**

**Bryan DeCunha, on behalf of  
Windermere Country Club, LLC**

**October 18, 2016**



Interoffice Memorandum

DATE: October 18, 2016

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners (BCC)

FROM: Joseph C. Kunkel, P.E., Deputy Director, Public Works Department

SUBJECT: **WINDERMERE COUNTRY CLUB PLAT VACATION**  
**Bryan DeCunha on behalf of Windermere Country Club, LLC**

**Reason For Vacation**

The petitioner requests that Orange County vacate the development rights to Tract A (Golf Corse), as identified in General Note #12, and access rights from Tract A to McKinnon Road and Lake Butler Boulevard, as identified in General Note #13, dedicated to Orange County per the plat of Butler Bay – Unit Three. The petitioner wishes to vacate in order to allow for future development.

**Location of Property/Legal Description**

The property lies east of Winter Garden Vineland Road and north of Lake Butler Boulevard. Public interest was created per the plat of Butler Bay – Unit Three, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida. The parcel address is 2710 Butler Bay Drive North and it lies in District 1.

**Statement of No Objection**

The Real Estate Management, Environmental Protection, Roads and Drainage, and Development Engineering Divisions have no objection to the request. Development rights to the Conservation Easement, as identified in General Note #12, and access rights from Lot 101 to McKinnon Road and Lake Butler Boulevard, as identified in General Note #13 will remain dedicated to Orange County. Should development and access rights be granted to the applicant, the Development Engineering Division will review the future access locations as part of any proposed development. Similarly, the Environmental Protection Division has expressed concerns regarding wetlands and the Conservation Easement areas and will review any potential impacts as part of any future development and may require appropriate access to the conservation areas be provided with future development. The Relationship Disclosure and Specific Expenditure forms have been submitted.

### **Staff Findings**

The Tract A areas currently consist of a golf course and associated infrastructure, such as cart paths, restrooms, a maintenance structure and a clubhouse with paved parking area. Existing conservation, drainage and utility easements will not be impacted by the requested action.

The requirement for the dedication of the development and access rights was a condition of approval for the Preliminary Subdivision Plan approved by the BCC in 1985. The PSP approval included a condition that the development shall be in accordance with the approved cluster plan, which identified an open space requirement.

### **Staff Recommendations**

Previous conditions of approval of the BCC required the subject dedications as part of the original development. Removal of the development and access dedications would allow for development beyond that originally approved by the BCC. Therefore, staff recommends denial of the request to vacate the dedicated development and access rights.

**ACTION REQUESTED: DENIAL OF THE REQUEST TO VACATE THE DEVELOPMENT AND ACCESS RIGHTS TO TRACT A DEDICATED TO ORANGE COUNTY PER THE PLAT OF BUTLER BAY – UNIT THREE– DISTRICT 1**

Appendix 84.

**From:** Evers, Whitney  
**To:** Thorp, Steven T; Prinsell, Joel; Testerman, Chris; Weiss, Jon; Kunkel, Joe; Vargas, Alberto A; Raasch Jr., Eric P  
**Subject:** RE: Butler Bay PTV PPT  
**Date:** Tuesday, October 18, 2016 11:31:41 AM  
**Attachments:** Butler Bay BCC Pres-R-Clean-ST legal edits.pptx  
image001.png

---

Steven,

Joel and I have reviewed the final PPS and have made some additional changes to slides 9, 10, 21, and 23. I've attached the revised version; please let me know if there are any questions.

Thanks,  
Whitney

*Whitney E. Evers*  
Assistant County Attorney  
Orange County Attorney's Office  
P.O. Box 1393  
Orlando, FL 32801-1393

407-836-7320  
407-836-5888 fax

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**From:** Thorp, Steven T  
**Sent:** Monday, October 17, 2016 4:39 PM  
**To:** Prinsell, Joel; Evers, Whitney; Testerman, Chris; Weiss, Jon; Kunkel, Joe; Vargas, Alberto A; Raasch Jr., Eric P  
**Subject:** Butler Bay PTV PPT

All,

As discussed, attached is the PowerPoint for the Butler Bay PTV for your edits/review.

Thanks,

Steven Thorp  
Planner II - Current Planning



Orange County Planning Division  
Community, Environmental, and Development Services Department  
201 S. Rosalind Ave., 2nd Floor, Orlando, FL 32801  
Tel: 407-836-5549 Fax: 407-836-5862

Email: [steven.thorp@ocfl.net](mailto:steven.thorp@ocfl.net)



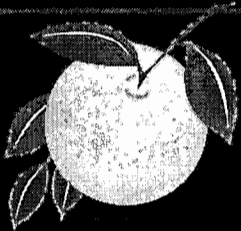
***Board of County Commissioners***

**Windermere Country Club  
Plat Vacation**

**Applicant:**

**Bryan DeCunha, on behalf of  
Windermere Country Club, LLC**

**October 18, 2016**



## **Windermere Golf Course and Country Club Butler Bay Cluster Plan**

**Applicant:** Bryan DeCunha, on behalf of Windermere Country Club, LLC

**Zoning:** R-CE-C (Country Estate Cluster District)

**Acreage:** 155.00 Gross Acres (Tract "A" only)

**District:** 1

**Existing Approval:** 340 single family lots (327 platted)  
& 155-acre golf course  
*(Development & Access Rights dedicated to County via the PSP, a Developer's Agreement, and Plat)*

**Request:** Petition to vacate the development rights to Tract A and the access rights from Tract A (Golf Course) to McKinnon Road and Lake Butler Boulevard, dedicated to Orange County per the plat of Butler Bay – Unit Three, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida

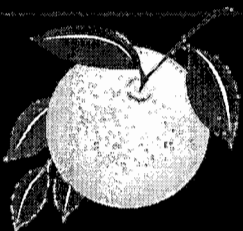


## Windermere Golf Course and Country Club Butler Bay Cluster Plan

### Current Butler Bay Rezoning Chronology (RZ-15-10-038)

- Application Submitted: August 21, 2015
- PZC Public Hearing: November 19, 2015 (Continued\*)  
April 16, 2016 (Continued\*)  
July 21, 2016 (Continued\*)  
November 17, 2016

*\* Continued until after consideration of PTV by the BCC*

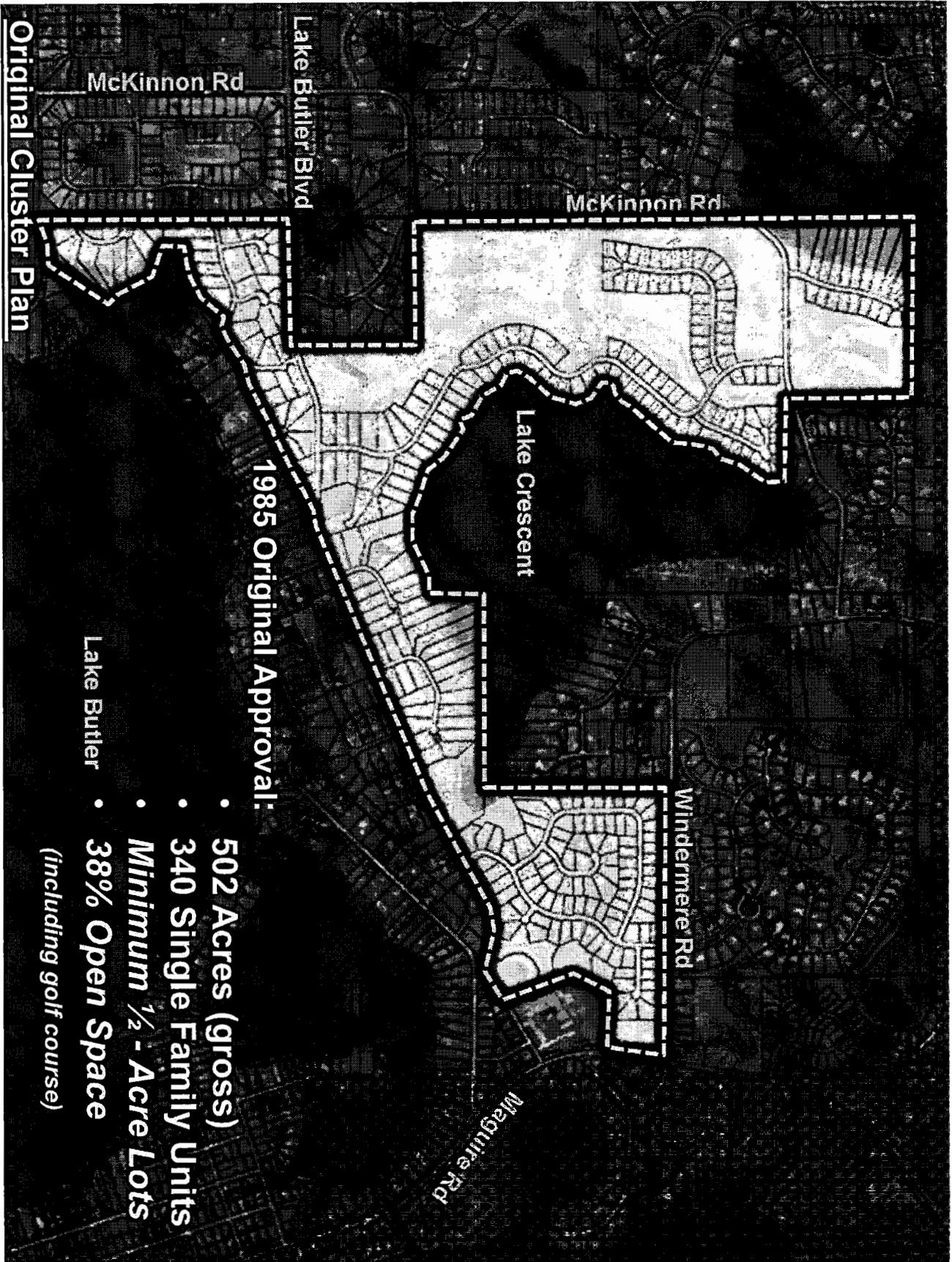


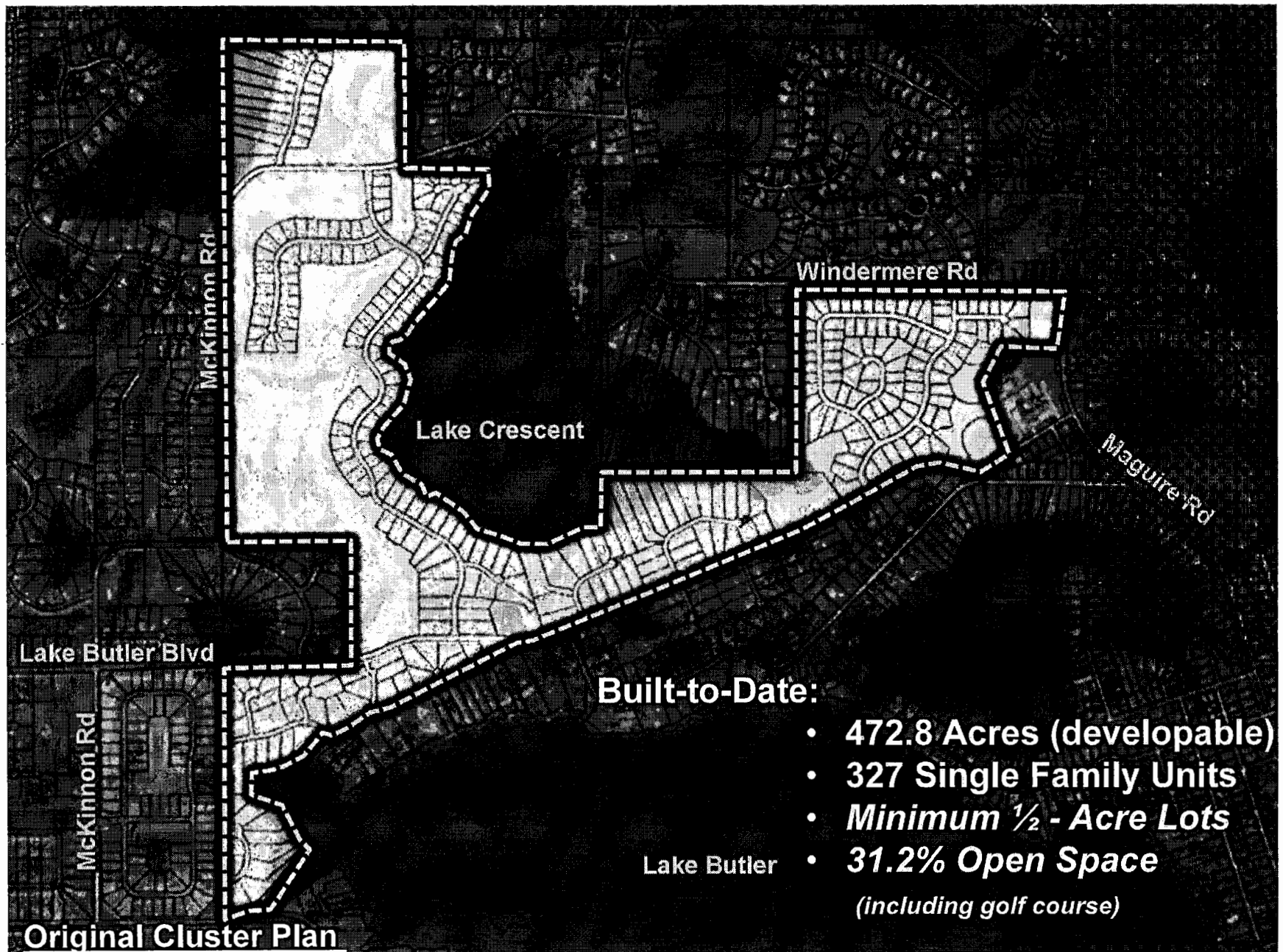
# Windermere Golf Course and Country Club

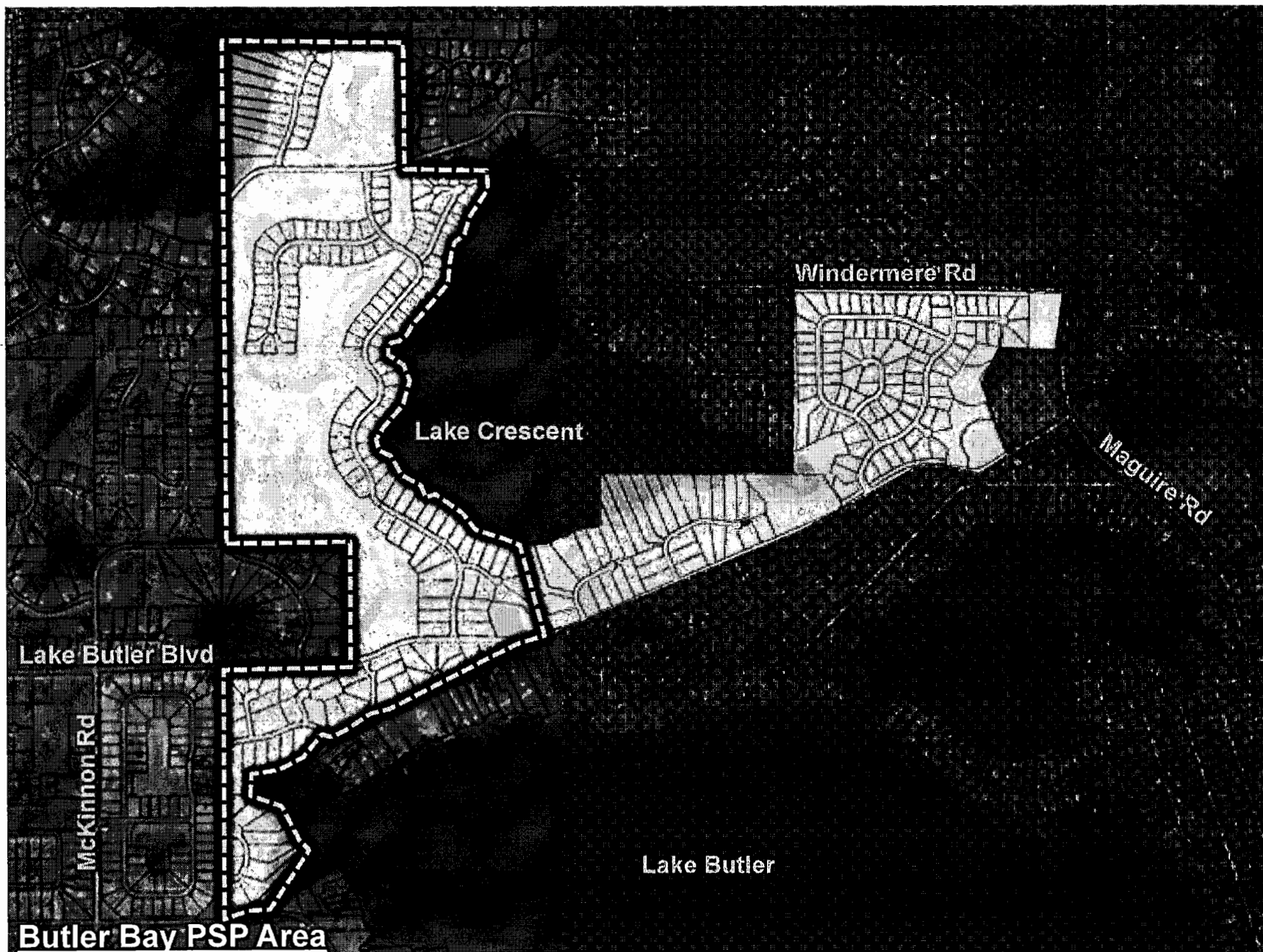
## Butler Bay Cluster Plan

### Project Chronology

- Original Cluster Plan (Zoning) Approved: Feb. 21, 1985









# **Windermere Golf Course and Country Club**

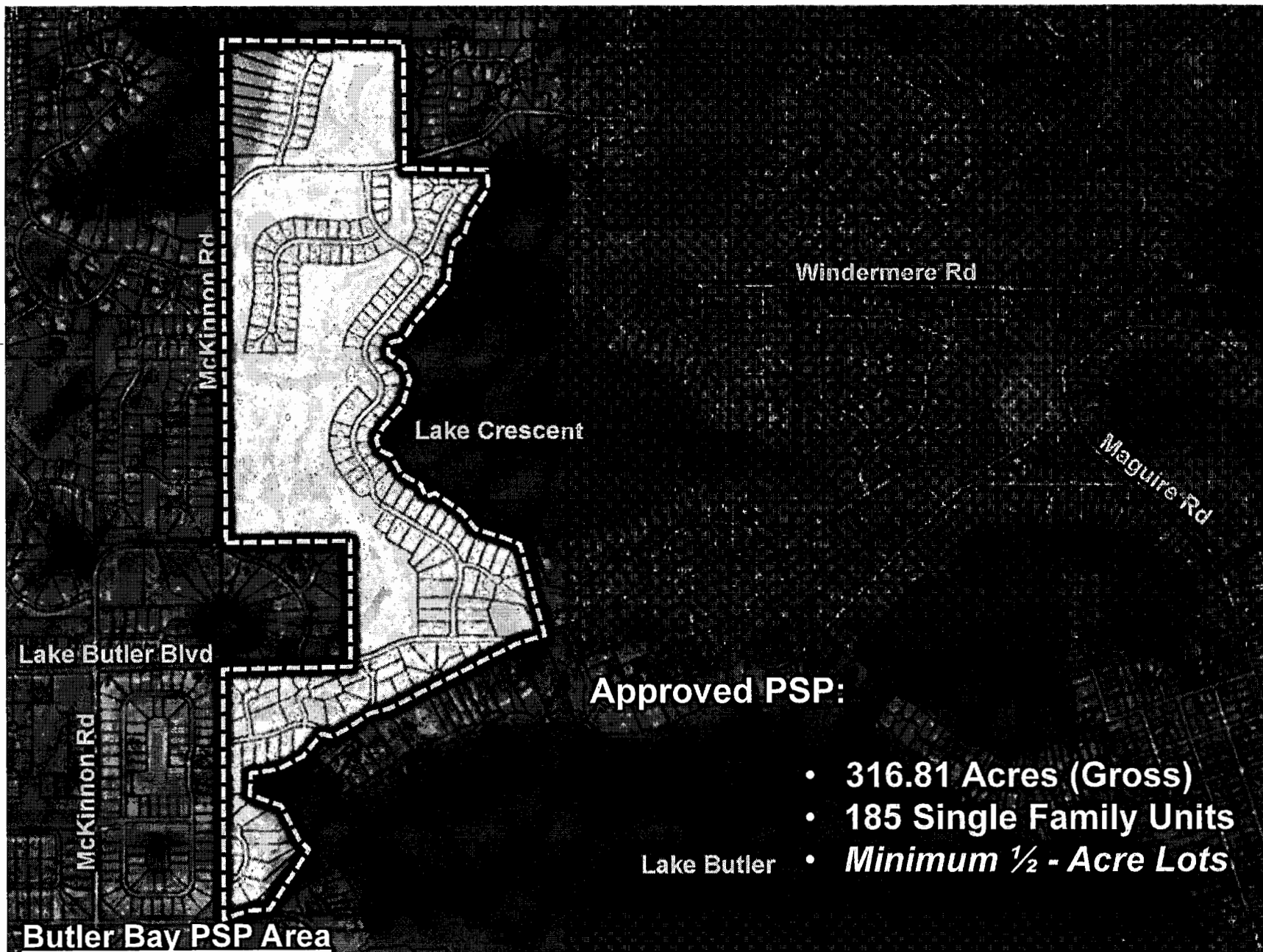
## **Butler Bay Cluster Plan**

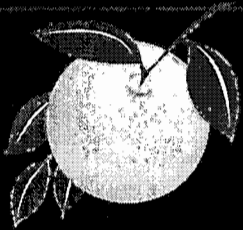
### **Project Chronology**

- Butler Bay PSP Approved:

**Nov. 18, 1985**





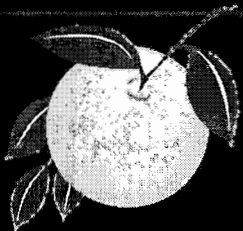


# Windermere Golf Course and Country Club

## Butler Bay Cluster Plan

### Project Chronology

- **Butler Bay PSP Approved:** **Nov. 18, 1985**
  - **Condition of Approval # 12** – Required Dedication of Development Rights for Conservation Areas and Golf Course



# **Windermere Golf Course and Country Club**

## **Butler Bay Cluster Plan**

### **Project Chronology**

- **Subject Butler Bay Unit 3 Plat Recorded:** **Jul. 28, 1986**
  - **Approved by BCC on July 21, 1986**
    - **General Note # 12 :** Development rights to the Conservation Easement and Tract A are dedicated to Orange County, Florida.
    - **General Note # 13 :** Access Rights from Lot 101 and Tract A from McKinnon Road & Lake Butler Blvd. are dedicated to Orange County, Florida.

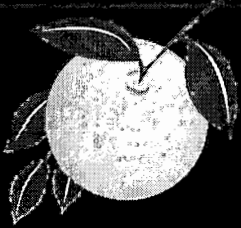


# **Windermere Golf Course and Country Club**

## **Butler Bay Cluster Plan**

### **Project Chronology**

- **Special Exception Approved (golf course):** **Feb. 2, 1989**



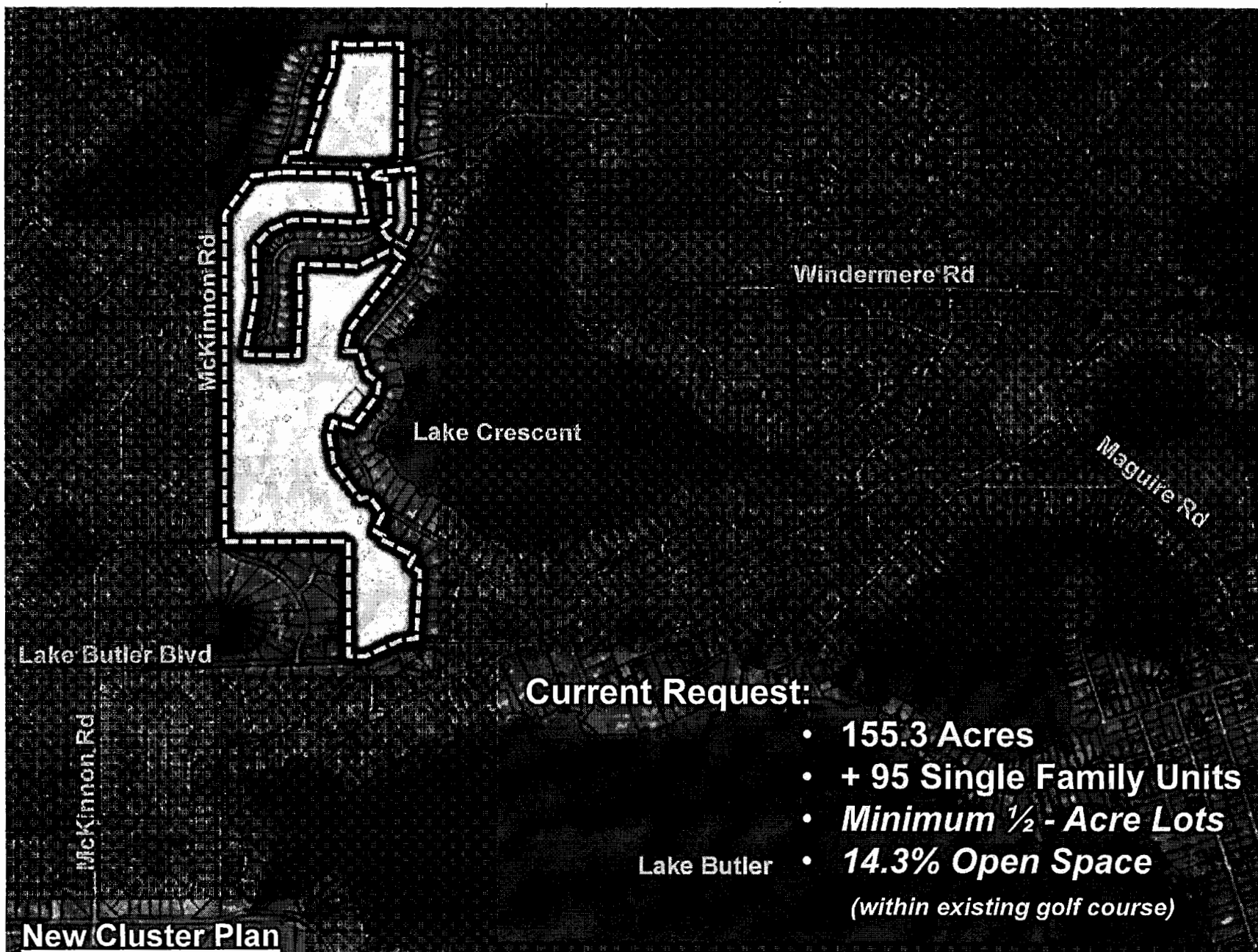
# **Windermere Golf Course and Country Club**

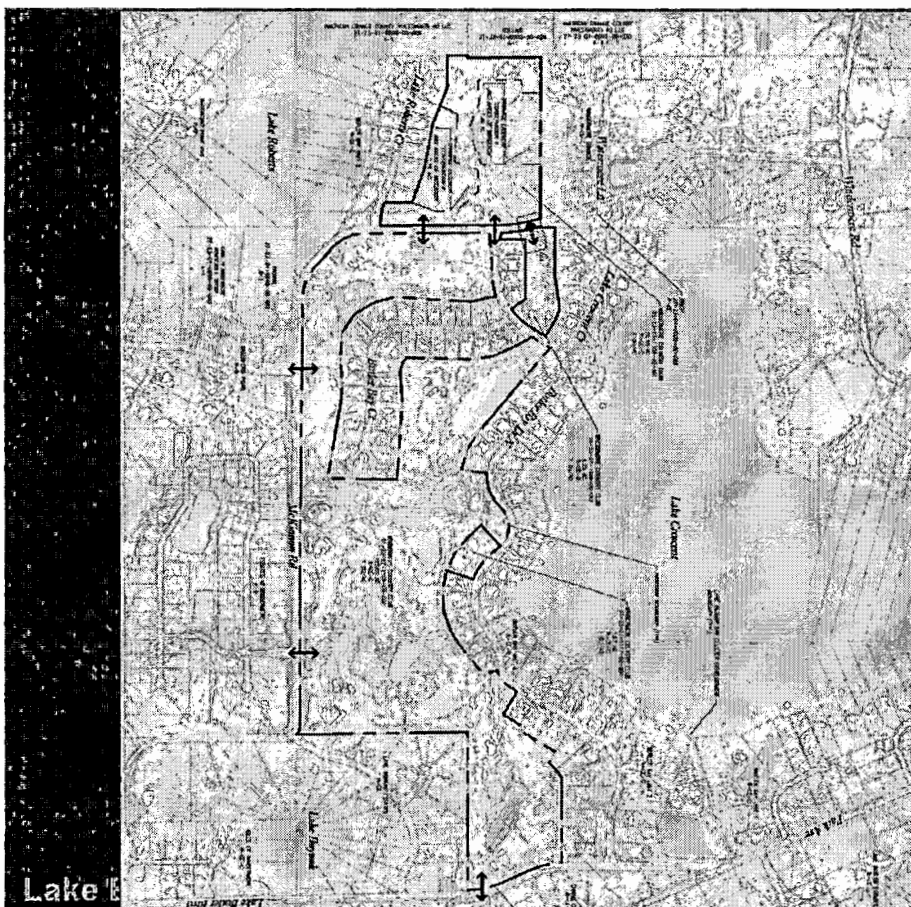
## **Butler Bay Cluster Plan**

### **Project Chronology**

- **New Cluster Plan Submitted:**

**Aug. 21, 2015**





Lake Butler

McKinnon Rd

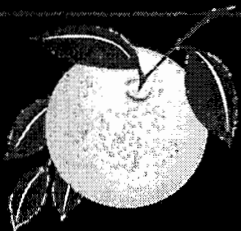
**New Cluster Plan****Current Request:**

Lake Butler

- 155.3 Acres
- + 95 Single Family Units
- *Minimum 1/2 - Acre Lots*
- *14.3% Open Space*  
(within existing golf course)

Windermere Rd

Maguire Rd



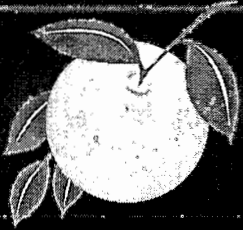
# Windermere Golf Course and Country Club

## Butler Bay Cluster Plan

### Project Chronology

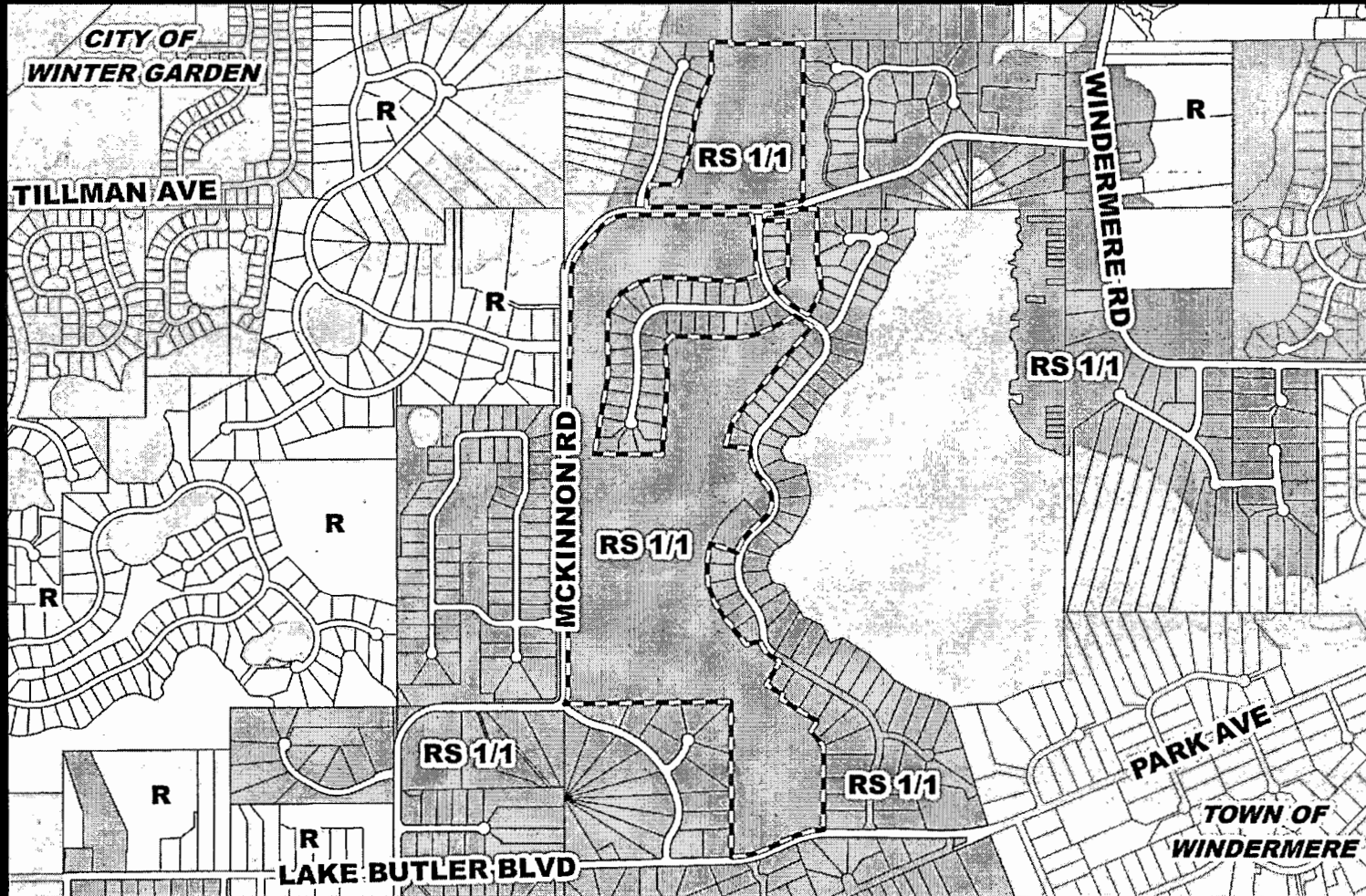
- Golf Course Closed by Owner: April 2016

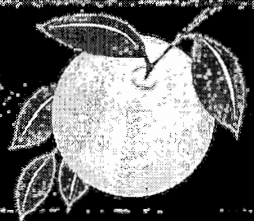




# Windermere Golf Course and Country Club

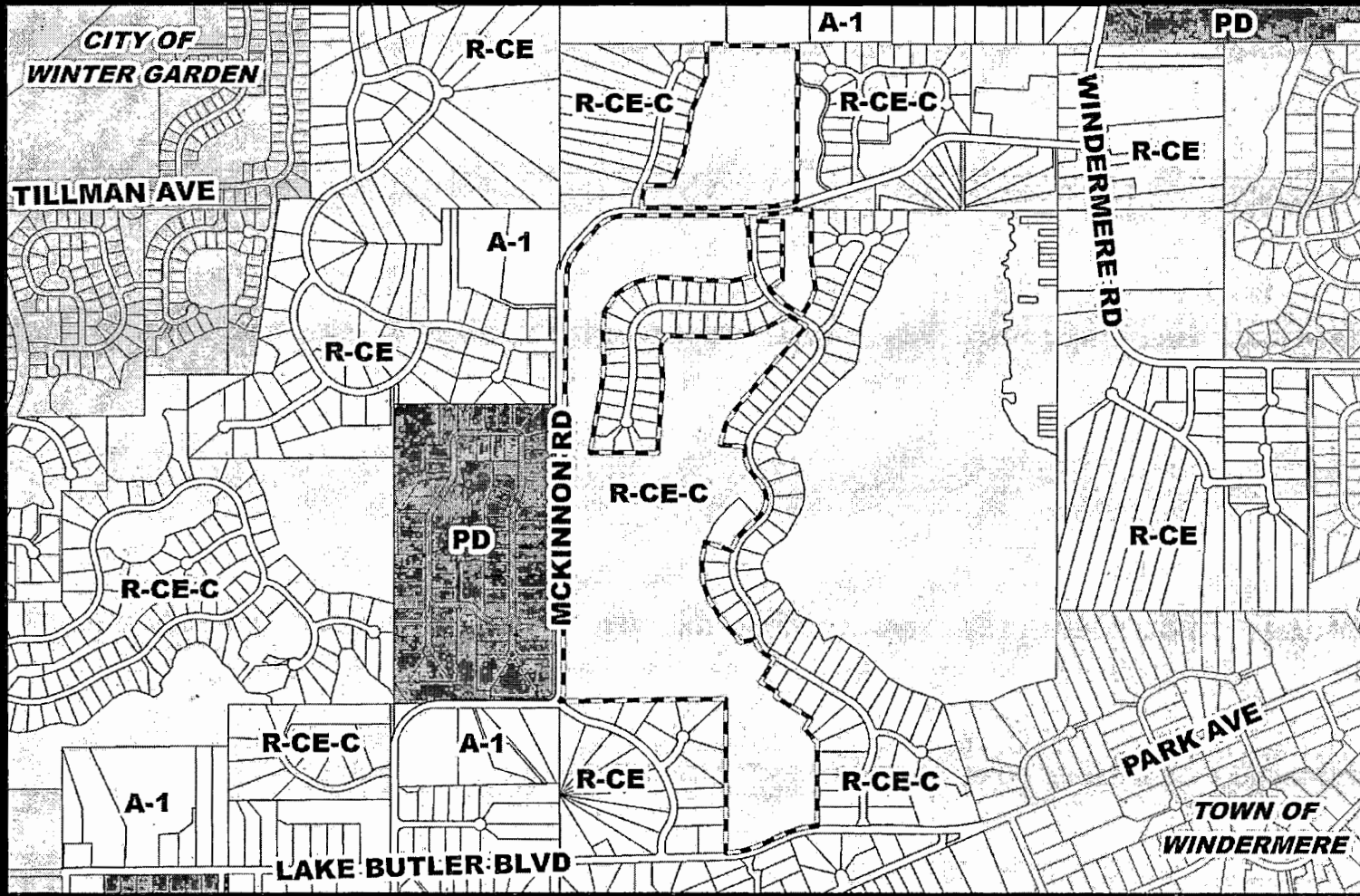
## Butler Bay Cluster Plan





# Windermere Golf Course and Country Club

## Butler Bay Cluster Plan

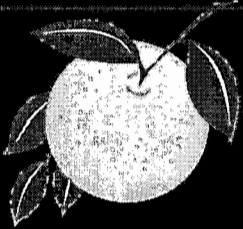




## **Windermere Golf Course and Country Club Plat Vacation**

### **Applicant's Request:**

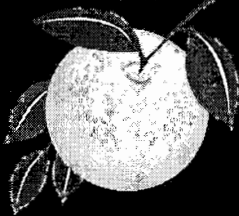
**Petition to vacate the development rights to Tract A and the access rights from Tract A (Golf Course) to McKinnon Road and Lake Butler Boulevard, dedicated to Orange County per the plat of Butler Bay – Unit Three, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida.**



## **Windermere Golf Course and Country Club Plat Vacation**

### **Impacts of Requested Plat Vacation:**

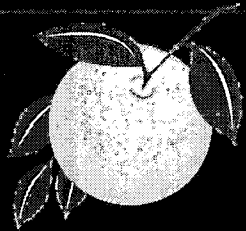
- **Vacates the Development Rights and Access Rights to Tract A (Golf Course) only**
- **Development Rights for Conservation Areas remain in place**
- **Access Rights for Lot 101 remain in place**
- **All other Easements ( Drainage, Utility, Etc.) remain in place**



## **Windermere Golf Course and Country Club Plat Vacation**

**F.S. § 177.101(3) states that before the Board of County Commissioners vacates a plat in whole or in part, it must be shown that:**

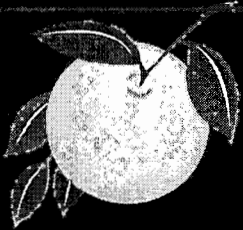
- 1) The applicant owns the fee simple title to the whole or part of the tract in question, and**
- 2) The vacation will not affect the ownership or right of access of persons owning other parts of the subdivision**



## **Windermere Golf Course and Country Club Plat Vacation**

### **Should the PTV be Approved:**

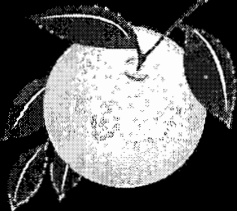
- **Environmental Protection Division**
  - Concerns regarding additional wetland and conservation area impacts
  - Access to Conservation Easements
- **Development Engineering Division**
  - Access points will be determined with future development
- **Planning Division**
  - No entitlements or development rights granted by the vacation of the plat notes
  - Tract A is still required to go through the rezoning process



## **Windermere Golf Course and Country Club Plat Vacation**

### **Considerations:**

- **Previous Conditions of Approval required the Development and Access dedications as part of the original development approval.**
- **Removal of Development and Access dedications would allow development beyond the original approval.**
- **The purpose and intent of Cluster Zoning Ordinance (then and now) is to “enhance the living environment through creation of permanent open space.” *Art. XXXVI, Sec 1. (old), Sec. 38-551 (new)***
- **Under Cluster Zoning, owner can offer and county can accept the dedication of development rights. *Art XXXVI, Sec. 7 (old), Sec. 38-557 (new)***



## **Windermere Golf Course and Country Club Plat Vacation**

### **Staff Recommendation:**

- **Denial of the Petition to Vacate the Development Rights to Tract A and the Access Rights from Tract A to McKinnon Road and Lake Butler Boulevard.**



***Board of County Commissioners***

**Windermere Country Club  
Plat Vacation**

**Applicant:**

**Bryan DeCunha, on behalf of  
Windermere Country Club, LLC**

**October 18, 2016**

Appendix 85.

**APPROVED MEETING MINUTES  
OCTOBER 21, 2015**

14. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) of Orange County unless the activity conducted is not required to obtain approval from FDEP in accordance with Florida Statutes. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S., unless the activity conducted is not required to obtain approval from FDEP in accordance with Florida Statutes.
15. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or any other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall first apply for an Orange County Dock Construction Permit prior to installation. Application shall be made to the Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction.
16. A Master Utility Plan (MUP) 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.
17. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
19. The developer is required to provide a five-foot wide sidewalk along the entire Old Lake Pickett Road frontage.

***MOTION CARRIED.***

**13. RZ-15-10-038 – DISTRICT 1  
BUTLER BAY CLUSTER PLAN**

Present for discussion were Jamie Poulos, Paul Chipok, Yog Melwani, Bryan Deconha, and Kendell Keith. Also present were Anne Ryan, James Mangan, Brigitte Hicks, Kathleen Levin, Suzanne Eckhoff, and Scott Glass. Steven Thorp, the Project Manager, presented this case to DRC. The applicant is requesting to rezone two parcels consisting of 155.00 gross acres from R-CE-C to R-CE-C in order to redevelop an existing private golf course and club house into 95 single-family residential dwelling units.

**APPROVED MEETING MINUTES  
OCTOBER 21, 2015**

There are two outstanding issues related to the dedication of development and access rights to the County. The Project Manager also mentioned that a Capacity Enhancement Agreement (CEA) is required, in progress, and this project cannot move forward to the BCC until the CEA is approved.

A community meeting was held on October 13, 2015, at Windermere Elementary School. 191 residents were in attendance. Community residents were adamantly opposed to the requested proposed redevelopment of the golf course. Issues raised included the question of incompatibility, the expectation of green space, increase traffic, stormwater runoff (including impacts to surrounding lakes), and general mistrust of the existing property owner.

The plat shows dedication of the development rights and the access rights to Orange County, and an existing developer's agreement grants those rights to the county; therefore, the applicant does not currently own the development rights. It is the opinion of the County Attorney's Office that the applicant would have to, at the very least, petition the county to vacate its rights and renegotiate the developer's agreement.

Brigette Hicks, a resident from the Windermere Country Club HOA, stated the following concerns on behalf of the residents:

- Environmental impacts – bird sanctuary / animal green space
- Overcrowding of schools
- Traffic issues
- Depreciation of property because of the loss of green space and golf course
- Request that the County keep development rights

***MOTION by John Smogor (stepped out of Chair), seconded by Art Interiano, TO RECOMMEND DENIAL OF THE BUTLER BAY CLUSTER PLAN, DUE TO THE ABOVE STATED ISSUES OF COMPATIBILITY AND DEVELOPMENT RIGHTS, subject to submittal of a revised plan, and nevertheless recommending the following restrictions.***

1. Development shall conform to the Butler Bay Cluster Plan dated "Received \*," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this cluster plan and the preliminary subdivision plan dated "Received \*," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development.

**APPROVED MEETING MINUTES  
OCTOBER 21, 2015**

For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. A minimum 50' buffer shall be required along all existing lots.
5. The minimum living area of any single unit shall be 2,400 square feet.
6. The Developer shall obtain water service from Orange County Utilities. The Developer shall connect to Orange County's reclaimed water system to provide irrigation for this development if required at the time of PSP review.
7. The following Education Condition of Approval shall apply:
  - a) Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on MM/DD/YYYY.
  - b) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the ## residential units allowed under the zoning existing prior to the approval of zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

**APPROVED MEETING MINUTES  
OCTOBER 21, 2015**

- d) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- 8. 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.
- 9. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- 10. 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).
- 11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

***MOTION CARRIED.***

Appendix 86.



**Environmental Protection Division**

**CONSERVATION AREA  
DETERMINATION**

**Determination No:** CAD-15-08-106

**Date Issued:** December 10, 2015

**Expiration Date:** December 10, 2020

**Activity Location:**

2710 & 2730 Butler Bay Drive North, Windermere, Florida 34786  
Parcel ID #: 01-23-27-1108-00-001 and 01-23-27-1117-00-001  
Orange County Commission District: 1

**Permittee / Authorized Entity:**

Windermere Country Club, LLC  
2710 Butler Bay Drive North  
Windermere, Florida 34786  
E-mail: [BDecunha@aol.com](mailto:BDecunha@aol.com)

The Environmental Protection Division (EPD) has received your certified survey dated "Received November 12, 2015", which delineates the extent of the approved Orange County conservation area on the referenced property.

Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808-7896  
407-836-1400 / Fax: 407-836-1499  
[www.OCEPD.org](http://www.OCEPD.org)



The conservation areas, as delineated in the field, have been classified as follows:

Wetland Identification Number	Class	Remarks
W1	III	Florida Land Use, Cover, and Forms Classification System (FLUCFCS) 618; Shrub wetland, isolated, and less than 5 acres.
W2	II	FLUCFCS 618, Shrub wetland, isolated, and greater than 5 acres but less than 40 acres.
W3	III	FLUCFCS 618; Shrub wetland, isolated and less than 5 acres.
SW1*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW2*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW3*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW4*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW5*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW6*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW7*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW8*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW9*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW10*	III	FLUCFCS 534; Reservoirs less than 5 acres
SW11*	III	FLUCFCS 534; Reservoirs less than 5 acres

*\* These surface waters are part of the issued SFWMD Surface Water Management Permit No. 48-00288-S issued August 14, 1986 and therefore alteration and maintenance of these systems are exempt from certain permitting requirements pursuant to rule 62-340.700 (2), Florida Administrative Code.*

Approved, subject to the following Conditions:

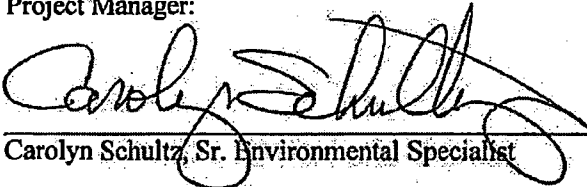
1. This survey accurately depicts the jurisdictional surface water/wetland boundary as agreed upon by EPD during a site inspection conducted on August 26, 2015. This determination letter, along with the approved survey, constitutes final approval of the Conservation Area Determination (CAD).
2. EPD's review of the CAD request and subsequent issuance of this CAD does not mean, and cannot be construed to mean, that the County believes that the property owner presently has a right to rezone or develop Tract "A" as shown on the plat for Butler Bay, Unit Three (the golf course property), and that the County's position is that Tract "A" cannot be rezoned or developed unless and until the BCC decides in its sole discretion to surrender the County's development rights over Tract "A."
3. The limits of wetlands and surface waters delineated on the approved survey are only binding for a period of five (5) years from the date of CAD issuance provided physical conditions on the property do not change so as to alter the boundaries of surface waters or wetlands during that period. The limitations of this condition cannot be modified to allow

for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project. Changes in surface waters or wetland boundaries resulting from work authorized by a permit pursuant to Chapter 15, Article 10, Section 15-376, will not be considered as altering the boundary for the purposes of this condition.

4. This CAD does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If this determination conflicts with those of any other Agency, Department, or Division, the applicant must rectify the conflict or comply with the most stringent conditions.
5. No construction, clearing, alteration, filling or grading is allowed within the limits of any conservation area unless approved by the County.
6. The property owner/permittee is also responsible for addressing any adverse secondary impacts to surface waters, wetlands, or conservation areas that may occur as a result of the development of the site.
7. The County may revoke this CAD upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
8. This CAD supersedes any existing determinations made on this parcel.

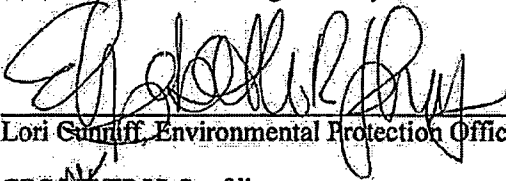
If you should have any questions concerning this review, please contact Carolyn Schultz at 407-836-1546 or [Carolyn.Schultz@ocfl.net](mailto:Carolyn.Schultz@ocfl.net).

Project Manager:



Carolyn Schultz, Sr. Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



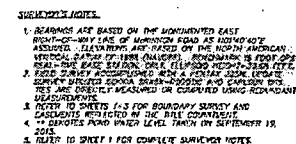
Lori Samuff, Environmental Protection Officer

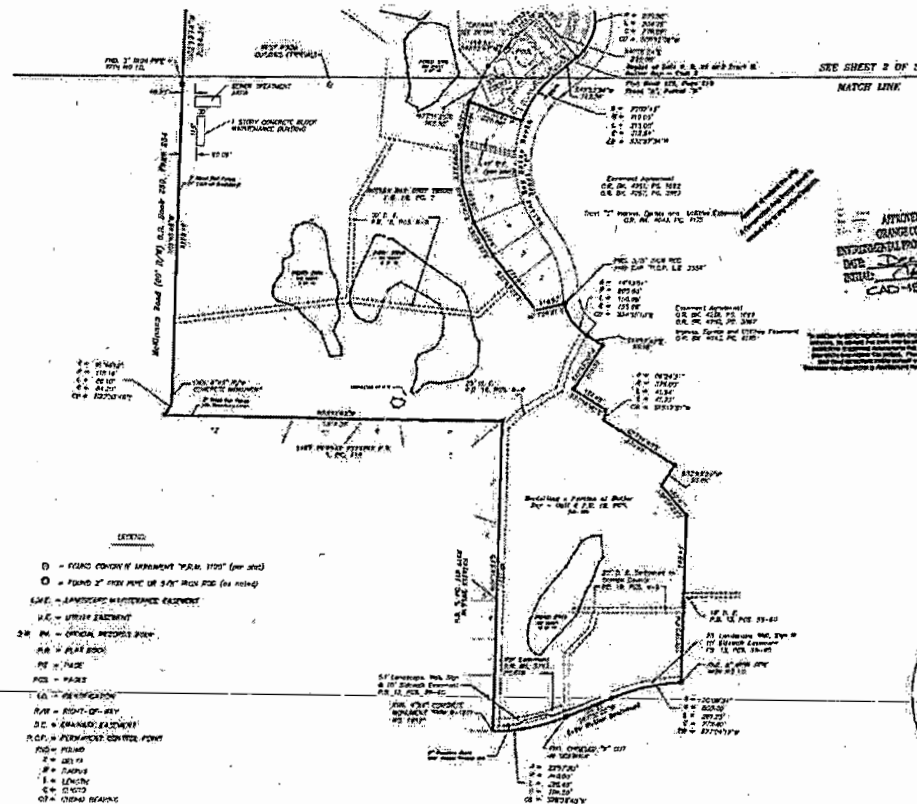
CRS/NERJ/LC: gfdjr

Attachment: Survey, sheets 1-10

C: Jennifer Thomson, SFWMD - [jthomson@sfwmd.gov](mailto:jthomson@sfwmd.gov)  
Rocco Campanale, OCPAO - [rcampanale@ocpafl.org](mailto:rcampanale@ocpafl.org)  
Bill Keenan, Bio-Tech Consulting - [bill@bio-techconsulting.com](mailto:bill@bio-techconsulting.com)







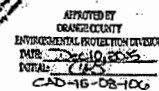
ATTENTION  
WINDERMERE GOLF & COUNTRY CLUB  
DATE: 12-10-2015  
BY: CAD-15-05-106

WINDERMERE GOLF & COUNTRY CLUB  
1000 WINDERMERE DRIVE  
WINDERMERE, ONTARIO L4R 1A1  
Bryan McCubbin, Manager

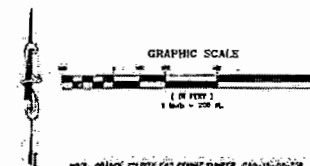
**RUDD**  
LANDSCAPE ARCHITECTS  
1000 WINDERMERE DRIVE  
WINDERMERE, ONTARIO L4R 1A1  
Tel: (905) 709-1111  
Fax: (905) 709-1112  
www.rudd.ca



NOTE: GRANT COUNTY CAD DISTRICT NUMBER: CAD-19-08-106

[illegible][illegible]

**PLEASE REFER TO SHEETS 6  
THROUGH 10 FOR POND DETAILS.**



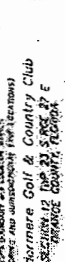
THIS SHEET NOT COMPLETE WITHOUT SHEETS T-5 FOR BOUNDARY & TITLE INFORMATION.  
SHEETS T-1 ARE REQUIRED TO PROPERLY DEFINE THE BOUNDARIES AND JURISDICTIONAL LINE LIMITS.

[illegible]

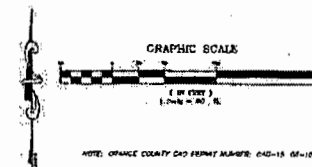
Undermore Country Club, Ltd.  
a Florida Limited Liability Company  
&  
Armen DeCunha, Manager

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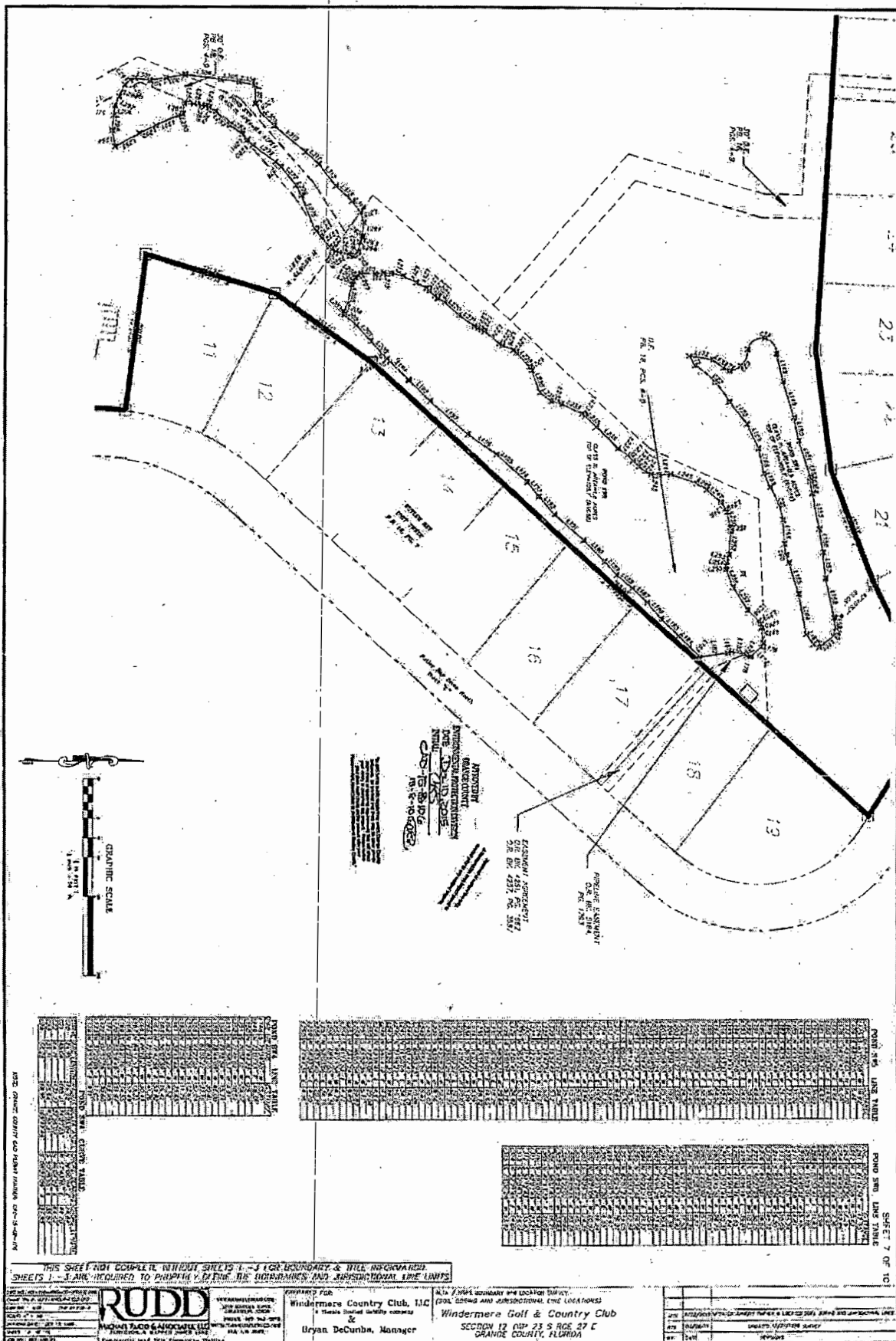
DOES SHEET NOT COMPLETE WITHOUT SHEETS 1-5 LIGN BOUNDARY & THE BOUNDARY

[illegible]

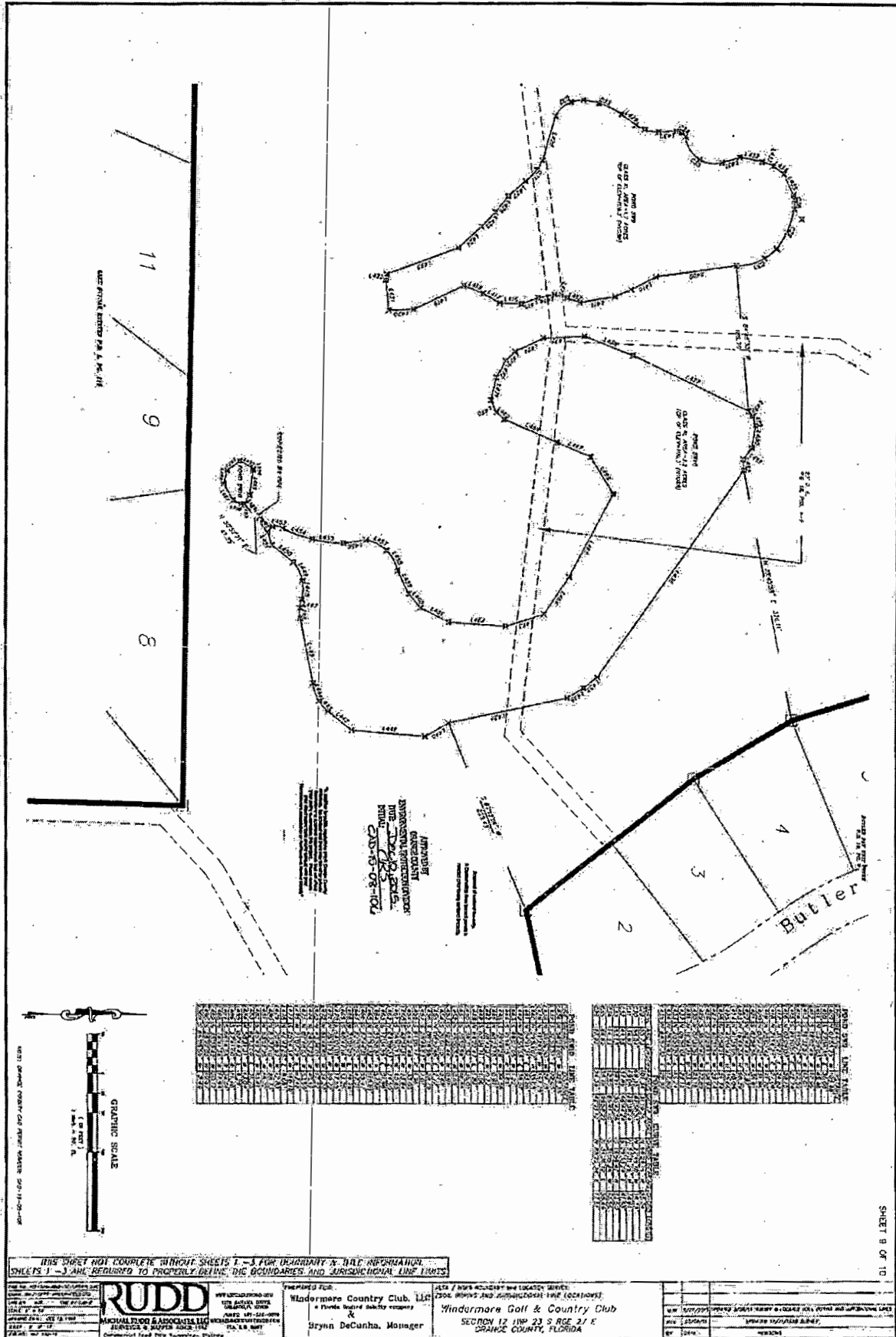
1000 BROADWAY • 11 LEXINGTON AVENUE  
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2480274 ORANGE CO. FL.  
12:46:20PM 03/06/86

DEVELOPER'S AGREEMENT

OR3757 P51536

THIS AGREEMENT is made by and between ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida ("Orange County") and WINDERMERE LAKES, LTD., a Florida limited partnership, 5401 Kirkman Road, Suite 600, Orlando, Florida 32819 ("Owner").

R E C I T A L S:

1. Owner owns certain real property located in the unincorporated area of Orange County (the "Property") more particularly described in Exhibit "A" attached hereto.
2. Owner applied to subdivide the Property.
3. On November 18, 1985, Orange County conducted a public hearing to consider Owner's request for Preliminary Subdivision Plan Approval for the Property.
4. Orange County has authority to regulate the subdividing of real property located in the unincorporated area of Orange County and has the authority to impose necessary conditions in connection with the review and approval of any such Preliminary Subdivision Plan.
5. At the public hearing on November 18, 1985, the Board of County Commissioners of Orange County adopted certain conditions of approval for the Preliminary Subdivision Plan for the Property based upon the Orange County Subdivision Regulations and based upon considerations relating to the area surrounding the Property, including without limitation, developments abutting the Property, water bodies abutting the Property and other circumstances affecting the Property.
6. The conditions of approval adopted by Orange County assure compliance with the Orange County Subdivision Regulations and assure compatibility of development on the Property with surrounding development and with the surrounding environment.
7. Orange County and Owner desire to memorialize the conditions of approval.

NOW, THEREFORE, in consideration of the foregoing and of the terms and conditions stated below, Orange County and Owner agree as follows:

1. Recitals. The foregoing recitals are true and form a material part of this Agreement.
2. Conditions of Approval. The following conditions of approval apply to the Property and shall control all future development of the Property permitted by the Preliminary Subdivision Plan approval granted by Orange County on November 18, 1985 (unless said conditions of approval are amended or modified by Orange County): see Exhibit "A" attached.

APPROVED BY THE BOARD OF COUNTY  
COMMISSIONERS AT THEIR MEETING

FEB 24 1986

Florida	Paid
Rec Fee	37.00
Doc Tax	
Int Tax	
Total	37.00

THOMAS H. LOCKER  
Orange County  
Comptroller  
By         
Deputy Clerk

Return to Clerk to BCC - 5th Floor, County Administration Building - Beverly

3. Recording: The parties hereto agree that an executed copy of this Agreement shall be recorded at the Developer's expense in the Official Records of Orange County, Florida, prior to platting all or any part of the Property.

4. Letter from Orange County: Upon written request from the Owner, Orange County, or any successor agency or entity, will execute a document (the form of which is reasonably satisfactory to Owner) which evidences the status of compliance by Owner with the attached conditions of approval. Said document shall be prepared in recordable form and shall be delivered to Owner within ten (10) days of receipt by the County of the request for same.

5. Recording Modifications to Conditions of Approval: Any modifications to the Conditions of Approval referenced in Paragraph 2 above shall be recorded in the Public Records of Orange County, Florida.

6. Effective Date: This Agreement takes effect on the later of the dates stated below.

ORANGE COUNTY, FLORIDA

By: Bob Havel  
Vice-Chairman, Board of County  
Commissioners

DATE: FEB 24 1986

ATTEST: THOMAS H. LOCKER,  
Clerk to Board of County  
Commissioners

By: Mary J. Harrison  
Deputy Clerk

WINDERMERE LAKES, LTD., a Florida  
limited partnership

By: Raymond G. Conway  
General Partner  
(Corporate Seal)

DATE: January 31, 1986

ATTEST:

By: Beverly P. Holloran  
Secretary

OR3757 PG 1537

STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared **ROBERT S. HARRELL, VICE-Chairman of the Board of County Commissioners of Orange County, Florida,** to me known to be the person described in and who executed the foregoing Developer's Agreement, and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of FEBRUARY, 1986.

My Commission Expires:

Notary Public, State of Florida at Large  
My Commission Expires November 4, 1989  
Bonded Thru Brown & Brown, Inc.

*Beverly L. Halloran*  
Notary Public

STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared **Raymond G. Conway, General Partner of Windermere Lakes, Ltd.** a Florida limited partnership, to me known to be the person described in and who executed the foregoing Developer's Agreement, and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31 day of JANUARY, 1986.

My Commission Expires:

*Arthur D. Feinberg*  
Notary Public

Notary Public State of Florida at Large  
My Commission expires April 19, 1986

OR3757 PG 1538

into compliance with revised State Law and to remove inconsistencies and clarify portions of the existing ordinance.

Mr. Ray West, member of the H.A.R.V. Board, was present to answer questions from the Commissioners.

Upon a motion by Commissioner Carter, seconded by Commissioner Harrell and carried, with all present Commissioners voting AYE, Commissioner Treadway was absent, the Board adopted an Ordinance to amend Article IV, as described above.

(Ordinance on file in the office of the Clerk to Board of County Commissioners).

Public  
hearing

Preliminary  
subdivision  
plan

Butler Bay

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Preliminary Subdivision Plan for Butler Bay on the following described property:

That part of the Replat of Metcalf Park, as recorded in Plat Book Q, Page 18, of the Public Records of Orange County, Florida; described as follows:

OR 3757 P 1539

Begin on the Northern right of way line of Park Ave. and the Southeast corner of the Homeowners Park of Butler Bay Unit One, as recorded in Plat Book LL, Pages 82 through 94 of the Public Records of Orange County, Florida; thence leaving the Northernly right of line of Park Ave. run along the boundary line of said Butler Bay Unit One N.30°41'40"W. 395.90 feet; thence continue along said boundary line run N.87°54'26"W. 308.39 feet; thence leaving said boundary of Butler Bay Unit One run N.02°51'17"E. 655.01 feet; thence N.01°11'12"E. 1300.86 feet to the Southerly right of way line of Windermere Road; thence through the following courses and distances run along the Southerly right of way line of said Windermere Road; thence S.88°38'04"E. 44.92 feet; thence S.87°42'31"E. a distance of 519.40 feet to the point of curvature of a curve concave Southerly and having a radius of 673.31 feet with a central angle of 07°56'11"; thence Easterly along the arc of said curve 93.27 feet to the point of a reverse curve concave Northerly and having a radius of 849.98 feet with a central angle of 07°54'00"; thence Easterly along the arc of said curve 117.20 feet to the point of tangency; thence S.87°40'20"E. a distance of 2069.10 feet to a point on the Westerly right of way of the Seaboard Coast Line Railroad; thence leaving the South right of way of Windermere Road, run S.10°27'59"W. along said Westerly right of way 519.45 feet to the point of curvature of a curve concave Southeasterly and having a radius of 1,490.98 feet; thence Southwesterly 85.07 feet along the arc of said curve through a central angle of 03°16'09" to a point on said curve and also being the Northeast corner of an Orange County School Property as recorded in Official Record Book 1708, Pages 267 and 268 of the Public Records of Orange County, Florida; thence leaving said Seaboard Coast Line Railroad run along said school property boundary line through the following courses and distances; thence N.87°11'23"W. 570.56 feet (570.00 feet per deed); thence S.34°48'40"W. 400.00 feet; thence S. 18°40'17"E. 810.35 feet to the Southwest corner of said school property and said point being on the Northernly right of way of Park Ave.; thence through the following courses and distances run along said Northernly right of way line; thence S.60°38'17"W. 270.98 feet to the point of curvature of a curve concave Northerly and having a radius of 257.52 feet; thence Westerly 187.61 feet along the arc of said curve through a central angle of 41°44'33" to point of tangency; thence N.77°37'10"W. 207.60 feet to the point of curvature of a curve concave Southerly and having a radius of 853.51 feet; thence Westerly 541.67 feet along the arc of said curve through a central angle 43°04'30" to the point of tangency; thence S.59°18'20"W. 586.44 feet to the point of beginning.

Containing 103.556 acres.

Subject to Easements and Restrictions of Record.

(NOTE: Legal reflects peaceful occupation for Westerly property line).

EXHIBIT "A"



## TOGETHER WITH

Commencing at the Northeast corner of the Northwest 1/4 of Section 7, Township 23 South, Range 28 East, Orange County, Florida, run thence S. 02°52'28"W. along the East line of said Northwest 1/4 907.60 feet to the Northerly right of way line of Park Avenue; thence run S. 59°18'20"W. 155.21 feet along said Northerly right of way line for the Point of Beginning at the point of curvature of a curve concave Northerly having a radius of 1683.37 feet and a central angle of 09° 19'00"; thence run Southwesterly along the arc of said curve 273.73 feet to the point of tangency; thence run S. 68°37'20"W. along said right of way line 2906.07 feet; thence S. 21°38'40"E. 10.00 feet; thence S. 68° 00'20"W. along said right of way line 235.00 feet to the centerline of an existing canal; thence leaving aforesaid Northerly right of way line, run N. 15°59'40"W. along said canal centerline 1055 feet more or less to the water edge of Lake Crescent; thence run Easterly along said waters edge 1000 feet more or less to the West line of aforesaid Section 7; thence run N. 02°52'28"E. along said West line 540 feet more or less to the Northwest corner of the South 1/2 of the North 1/2 of the Northwest 1/4 of said Section 7; thence run S. 87°54'26"E. along the North line of said South 1/2 of the North 1/2 of the Northwest 1/4 a distance of 1970.80 feet to the Southwest corner of the East 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 7; thence continue S. 87°54'26"E. 312.20 feet to a point 395.90 feet N. 30°41'40"W. from the Point of Beginning; thence run S. 30°41'40"E. 395.90 feet to the Point of Beginning.

Containing therein 59.0 acres more or less.

CR3757 PG 1540

## TOGETHER WITH

For a Point of Beginning begin at the Southwest corner of the Northeast 1/4 of Section 12, Township 23 South, Range 27 East, Orange County, Florida; said point being the Southwest corner of Butler Bay Unit Two as recorded in Plat Book 13, Pages 59 and 60 of the Public Records of Orange County, Florida; and said point also being a point on the Southerly right of way line of Park Avenue and the point of curvature of a curve concave Northwesterly and having a 800.00 foot radius; thence through the following courses and distances along said Southerly boundary of Butler Bay Unit Two; run Northeasterly 322.31 feet along the arc of said curve through a central angle of 23°05'02" to the point of tangency; thence N. 67°00'00"E. 189.82 feet to the point of curvature of a curve concave Southeasterly and having a 740.00 foot radius; thence Northeasterly 326.57 feet along the arc of said curve through a central angle of 25°17'07" to the point of tangency; thence S. 87°42'53"E. 666.88 feet to the point of curvature of a curve concave Northwesterly and having a 7651.33 foot radius; thence Easterly 199.99 feet along the arc of said curve through a central angle of 01°29'51" to the point of tangency; thence S. 89°12'45"E. 211.51 feet to a point on the Northerly right of way line of Metcalf Road as recorded in Official Record Book 1098, Page 150 of the Public Records of Orange County, Florida; thence leaving said Southerly boundary line run S. 68°00'20"W. 1659.42 feet along said right of way of Metcalf Road; thence S. 21°59'40"W. 60.00 feet; thence N. 68°00'20"E. 248.47 feet; thence leaving said Metcalf Road right of way line run S. 57°49'00"W. 220.62 feet; thence S. 69°02'00"W. 167.63 feet to the Southeast corner of a 30.00 foot wide road right of way as recorded in Official Record Book 1573, Page 427 of the Public Records of Orange County, Florida; thence along the boundary of said road right of way run N. 20°58'00"W. 30.00 feet; thence S. 69°02'00"W. 430.08 feet; thence S. 20°58'00"E. 30.00 feet; to the Southwest corner of said right of way; thence leaving said right of way run S. 69°02'00"W. 435.16 feet to the waters edge of Lake Butler; thence through the following courses and distances along the waters edge: run S. 31°22' 40"W. 61.31 feet; thence S. 52°43'51"W. 164.27 feet; thence S. 62°45' 21"W. 119.33 feet; thence N. 81°31'31"W. 148.23 feet; thence S. 72°49' 49"W. 110.17 feet; thence S. 55°20'20"W. 126.77 feet; thence S. 39°16' 45"W. 92.96 feet; thence S. 17°11'20"E. 93.63 feet; thence S. 26°44'59"E. 58.42 feet; thence S. 68°17'08"E. 122.29 feet; thence S. 51°53'10"E. 126.45 feet; thence S. 45°46'36"E. 128.97 feet; thence S. 33°33'27"E. 124.06 feet; thence S. 05°35'17"E. 133.06 feet; thence S. 51°17'01"W. 143.30 feet; thence S. 08°36'27"W. 107.42 feet; thence S. 19°11'16"W. 163.11 feet; thence S. 20°00'13"W. 113.72 feet; thence S. 15°17'30"W. 123.39 feet; thence S. 09°57'30"W. 96.60 feet; thence S. 86°12'46"E. 64.55 feet; thence N. 45°46'27"E. 60.88 feet; thence N. 66°27'49"E. 66.45 feet; thence leaving said waters edge run S. 36°27'24"W. 107.50 feet to the Northerly right of way line of West Lake Butler Road; thence along said Northerly right of way line run N. 83°47'16"W. 78.50 feet to the point of

radius; thence Westerly 180.21 feet along the arc of said curve through a central angle of  $21^{\circ}55'40''$  to the point of tangency; thence  $S.74^{\circ}17'04''W.$  196.23 feet to the point of curvature of a curve concave Northwesterly and having a 410.76 foot radius; thence Southwesterly 17.78 feet along the arc of said curve through a central angle of  $02^{\circ}28'46''$  to a point on the West line of the East 1/2 of the Southwest 1/4 of said Section 12; thence leaving said Northerly right of way from a tangent bearing of  $S.76^{\circ}45'50''W.$  run  $N.01^{\circ}40'18''E.$  2636.92 feet along said West line of the East 1/2 of the Southwest 1/4 of said Section 12 to the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 12 and being a point on the Southerly right of way line of Lake Butler Blvd. and also being the Southwest corner of Lake Buynak Estates as recorded in Plat Book 3, Page 115 of the Public Records of Orange County, Florida; thence  $S.89^{\circ}54'58''E.$  1325.20 feet along the Southerly boundary of Lake Buynak to the Point of Beginning.

Containing therein 59.6027 acres; subject to easements and restrictions of record.

TOGETHER WITH

Butler Bay Unit Two, Plat Book 13, Pages 59-60

OR 8757 PG 1541

For a Point of Beginning, begin at the Southwest corner of the Northeast 1/4 of Section 12, Township 23 South, Range 27 East, Orange County, Florida; thence  $N.01^{\circ}39'57''E.$  1291.88 feet along the West line of said Northeast 1/4 also being the East boundary line of Lake Buynak Estates as recorded in Plat Book 3, Page 115 of the Public Records of Orange County, Florida; to the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 12; thence  $N.28^{\circ}50'29''E.$  468.57 feet; thence  $N.32^{\circ}43'20''E.$  474.20 feet to the waters edge of Lake Crescent; thence run along the waters edge through the following courses; thence  $S.44^{\circ}24'53''E.$  69.12 feet; thence  $S.28^{\circ}25'38''E.$  120.56 feet; thence  $S.64^{\circ}00'10''E.$  159.71 feet; thence  $S.23^{\circ}50'01''E.$  161.45 feet; thence  $N.68^{\circ}24'34''E.$  110.23 feet; thence  $S.55^{\circ}36'31''E.$  273.80 feet; thence  $S43^{\circ}15'36''E.$  265.58 feet; thence  $S.58^{\circ}50'14''E.$  185.01 feet; thence  $S.69^{\circ}45'37''E.$  246.99 feet; thence  $S.45^{\circ}41'50''E.$  62.02 feet to a point on the center line of an existing canal also being the Northwesterly line of Lot 102 of Butler Bay Unit One as recorded in Plat Book 11, Pages 92, 93 and 94 of the Public Records of Orange County, Florida; thence  $S.15^{\circ}59'40''E.$  1010.84 feet along the Westerly line of said Butler Bay Unit One to a point on the Northerly right of way line of Park Avenue; thence  $S.68^{\circ}00'20''W.$  167.56 feet along said right of way line; thence  $N.89^{\circ}12'45''W.$  239.34 feet to the point of curvature of a curve concave Northwesterly and having a 7651.33 foot radius; thence Westerly 199.99 feet along the arc of said curve through a central angle of  $01^{\circ}29'51''$  to the point of tangency; thence  $N.87^{\circ}42'53''W.$  656.69 feet to the point of curvature of a curve concave Southeasterly and having a 740.00 foot radius; thence Southwesterly 326.57 feet along the arc of said curve through a central angle of  $25^{\circ}17'07''$  to the point of tangency; thence  $S.67^{\circ}00'00''W.$  189.82 feet to the point of curvature of a curve concave Northwesterly and having a 800.00 foot radius; thence Southwesterly 322.31 feet along the arc of said curve through a central angle of  $23^{\circ}05'02''$  to the Point of Beginning.

Containing therein 63.2832 acres. Subject to easements and restrictions of record.

TOGETHER WITH

A parcel of land situate in Section 1 and 12, Township 23 South, Range 27 East, Orange County, Florida, described as follows:  
For a Point of Beginning begin at the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of said Section 12, and said point being the Northeast corner of Lake Buynak Estates as recorded in Plat Book 3, Page 115 of the Public Records of Orange County, Florida; thence  $N.89^{\circ}11'43''W.$  1324.38 feet along the North boundary line of said Lake Buynak Estates and the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 12 to the Northwest corner of Lake Buynak Estates and said point also being the Easterly right of way line of McKinnon Road and a point on a curve concave Northwesterly and having a 118.10 foot radius; from a tangent bearing  $N.43^{\circ}26'06''E.$  thence through the following courses and distances along said Easterly right of way run Northeasterly 86.07 feet along the arc of said curve through a central angle of  $41^{\circ}45'26''$  to the point of tangency; thence  $N.01^{\circ}40'40''E.$  1230.06 feet to a point on the North line of said Section 12; thence  $N.02^{\circ}19'14''E.$  1200.00 feet; thence leaving said right of way line run  $S.87^{\circ}40'46''E.$  340.00 feet to a point of curvature of a curve concave Southeasterly and having a 411.67 foot radius; thence from a tangent bearing of  $N.18^{\circ}30'00''E.$  run Northeasterly 961.94 feet along the arc of said curve through a central angle of  $133^{\circ}51'52''$  to the point of tangency; thence  $S.27^{\circ}37'08''E.$  129.82 feet to the point of curvature of a curve concave Northeasterly

and having a 230.00 foot radius; thence Easterly 361.28 feet along the arc of said curve through a central angle of 90°00'00" to the point of a compound curve concave Northwesterly and having a 470.00 foot radius; thence Northeasterly 200.00 feet along the arc of said curve through a central angle of 24°22'52" to a point; thence from a tangent bearing of N. 38°00'00"E run S. 52°00'00"E. 400.00 feet to the waters edge of Lake Crescent also being at a contour elevation of 102.8 feet (Orange County Datum); thence along the waters edge and the 102.8 foot contour elevation through the following courses and distances run thence S. 29°49'44"W. 140.00 feet; thence S. 70°24'19"W. 61.02 feet; thence N. 87°43'55"W. 72.88 feet; thence S. 34°06'48"W. 134.62 feet; thence S. 25°29'52"E. 99.65 feet; thence S. 75°34'55"E. 146.75 feet; thence S. 11°33'52"E. 201.96 feet; thence S. 04°10'29"W. 107.24 feet; thence S. 23°03'37"W. 89.96 feet; thence S. 31°31'13"W. 235.66 feet; thence S. 56°54'41"W. 170.83 feet; thence S. 25°38'35"W. 127.58 feet; thence S. 16°40'49"E. 131.74 feet; thence S. 70°43'14"E. 98.57 feet; thence S. 31°11'24"E. 97.03 feet; thence leaving said waters edge and 102.8 contour elevation run S. 32°43'20"W. 18.00 feet to the Northwest corner of Lot 123 of Butler Bay Unit Two as recorded in Plat Book 13, Pages 59 and 60 of the Public Records of Orange County, Florida; thence continue S. 32°43'20"W. 474.20 feet along the Northwesterly boundary line of said Butler Bay Unit Two; thence continue along said Butler Bay Unit Two boundary, S. 28°50'29"W. 468.57 feet to the Point of Beginning.

Containing therein 98.559 acres. Subject to easement and restrictions of record.

TOGETHER WITH

OR3757 PG1542

A parcel of land situate in Section 1, Township 23 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 12, and said point being on the Northeast corner of Lake Buynak Estates as recorded in Plat Book 3, Page 115 of the Public Records of Orange County, Florida; thence N. 88°11'43"W. 1324.38 feet along the North boundary line of said Lake Buynak Estates and the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 12 to the Northwest corner of Lake Buynak Estates and said point also being the Easterly right of way line of McKinnon Road and a point on a curve concave Northwesterly and having a 118.10 foot radius; from a tangent bearing of N. 43°26'06"E. thence through the following courses and distances along said Easterly right of way, run Northeasterly 86.07 feet along the arc of said curve through a central angle of 41°45'26" to the point of tangency; thence N. 01°40'40"E. 1230.06 feet to a point on the North line of said Section 12; thence N. 02°19'14"E. 1200.00 feet for a Point of Beginning; thence continue along said right of way line run N. 02°19'14"E. 883.76 feet to the point of curvature of a curve concave Southeasterly and having a 367.99 foot radius; thence Northeasterly 264.02 feet along the arc of said curve through a central angle of 41°06'29" to the point of tangency; thence N. 43°25'43"E. 207.55 feet to the point of curvature of a curve concave Southeasterly and having a 318.57 foot radius; thence Northeasterly 286.58 feet along the arc of said curve through a central angle of 40°56'46" to the point of tangency; thence S. 88°37'31"E. 1035.50 feet to the point of curvature of a curve concave Northwesterly and having a 1187.00 foot radius; thence Northeasterly 341.29 feet along the arc of said curve through a central angle of 16°28'26" to point on said curve; thence leaving said right of way line from a tangent bearing of N. 14°54'03"E. run S. 01°45'56"W. 7.01 feet to the North line of the Southeast 1/4 of Section 1, Township 23 South, Range 27 East, Orange County, Florida; thence S. 88°12'22"E. 898.22 feet along said North line of the Southeast 1/4 to the waters edge of Lake Crescent also being a contour elevation of 102.8 feet (Orange County Datum); thence along the waters edge and the 102.8 foot contour elevation through the following courses and distances: run thence S. 18°51'19"W. 36.96 feet; thence run S. 00°41'46"W. 170.19 feet; thence S. 33°44'53"W. 177.61 feet; thence S. 38°42'40"W. 170.04 feet; thence S. 14°25'00"W. 126.17 feet; thence S. 21°30'13"W. 93.71 feet; thence S. 38°50'41"W. 131.86 feet; thence S. 16°21'54"W. 148.87 feet; thence S. 03°44'18"W. 143.86 feet; thence S. 13°25'44"W. 154.86 feet; thence S. 48°35'14"W. 193.92 feet; thence S. 50°10'14"W. 176.73 feet; thence S. 36°19'51"W. 106.47 feet; thence S. 29°49'44"W. 92.07 feet; thence leaving said waters edge and 102.8 contour elevation run N. 52°00'00"W. 400.00 feet to a point on a curve concave Northwesterly and having a 470.00 foot radius thence from a tangent bearing of N. 38°

angle of 90°00'00" to the point of tangency: thence N.27°37'08"W. 129.82 feet to the point of curvature of a curve concave Southerly and having a radius of 411.67 feet; thence Southwesterly 961.94 feet along the arc of said curve through a central angle of 133°52'52" to the point of tangency; thence from a tangent bearing of N.18°30'00"E. run N. 87°40'46" W. 340.00 feet to the Point of Beginning.

Containing therein 76.5969 acres;

Subject to easements and restrictions of record.

Note: The following section was prepared by others.

That part of the South 1/2 of Government Lot 2 lying North of McKinnon Road right of way (Less the East 758 feet thereof), Section 1, Township 23 South, Range 27 East, lying with the West 1/4 of the Northeast 1/4 of said Section 1

TOGETHER WITH

The Southeast 1/4 of the Northwest 1/4 of Section 1, Township 23 South, Range 27 East (Less McKinnon Road right of way over the Southerly portion thereof)

TOGETHER WITH

All that land lying Northwesterly of McKinnon Road in the East 1/2 of the Southwest 1/4 of Section 1, Township 23 South, Range 27 East.

Location: Between Lakes Robert, Crescent, Buynak and Butler  
District #3

A public hearing was held and Planning & Development Director Tracy Watson reviewed additional recommendations submitted by the Development Review Committee under date of November 14, 1985, for this project. Mr. Watson reviewed the conditions of approval for Butler Bay.

Attorney Tom Ross, representing the developer, stated that the conditions of approval were acceptable. He discussed the requirements for maintenance of the reverse swales on the lakefront lots.

A short discussion followed regarding minimum one acre lots on south section of the project.

OR3757 PG 1543

Attorney Tom Ross stated that the developer agreed to a minimum of one acre lots south of Lake Butler Boulevard.

The following people addressed the Board concerning the Butler Bay project:

1. Dave Riley, representing Lake Crescent Homeowners Association.
2. Attorney Lee Chotas, representing Mr. and Mrs. Hill.
3. Tracy Dent
4. J. B. Rogers, 3725 Lake Bynak Drive

Developer Emory Conway was present and answered questions concerning Lake Crescent.

The Board and staff discussed approval of the north portion and have the applicant withdraw the south portion (Lake Butler Cove), as that plan requires redesign, or add additional stipulations to provide for roadways and drainage.

Upon a motion by Commissioner Marston, seconded by Commissioner Carter and carried, with all present Commissioners voting AYE. Commissioner Treadway was absent; the Board approved the Preliminary Subdivision Plan for Butler Bay, subject to the following amended conditions:

1. Development in accordance with the Cluster approval conditions by the P&Z Commission on February 21, 1985, the Preliminary Subdivision Plan dated Received 8/9/85, the Subdivision Regulations, and the Zoning Resolution, unless herein waived. Preliminary Subdivision Plan approval automatically

Place this page  
in Bay Prel. S/D  
of approval.  
Mon #14 reworded.

ED PAGE

18, 1985

Page

6, in accordance with Subdivision Regulations  
as amended.

2. Existing wetland vegetation along the shoreline of Lakes Butler, Crescent and Roberts shall be left in its natural state, except for the lake access as allowed by the Orange County Lakeshore Protection Ordinance. The boundary of shoreline wetland vegetation shall be flagged and surveyed and must be shown as a Conservation Easement on the construction plan and plat submittals with development rights dedicated to Orange County. Upon completion of flagging of this area, and prior to construction plan submittal, the applicant shall notify the Orange County Planning and Environmental Protection Departments so that a field verification can be performed. This restriction on vegetation clearing within the easement area shall be recorded in each deeded lot and a copy of such deed provided to the Orange County Planning Department at the time of plat approval. There shall be no fill below the 101' contour on Lake Butler.
3. The two lowland areas east of Lots 116 - 122 (Phase IV) shall be incorporated into the design of the project and must comply with the Mitigation Plan (dated received April 19, 1985), and the recommendations of the Conservation Area Analysis Report by Lotspeich and Associates (dated 2/7/85). After completion of the mitigation program, the applicant shall notify the Orange County Planning and Environmental Protection Departments so that field verification can be performed.
4. Development Plan for the Clubhouse and Tract F shall be processed through the Commercial Site Plan process.
5. The applicant shall enter into a Developer's Agreement with the County to address ownership and maintenance of all common private facilities.
6. The applicant shall provide sidewalks in compliance with the Subdivision Regulations.
7. Lots 123 - 140 of Butler Bay, Unit Two, shall be vacated prior to plat approval.
8. Any building area containing muck shall be demucked and replaced with suitable fill material prior to construction.
9. All lakefront lots, at time of platting, shall have a minimum lot width of 110' at the normal high water elevation.
10. A soil log will be required on each lot prior to issuance of septic tank permit.
11. The developer shall submit a Storm Water Management Plan in conformance with State Regulations for discharge into outstanding Florida waters.
12. Development rights to the Conservation Areas and golfcourse, except for the clubhouse and maintenance facility, shall be dedicated to Orange County.
13. The Lake Butler Cove Plan, to be submitted at a later date, shall have minimum one (1) acre size lots.
14. The drainage system shall not be designed to discharge stormwater into Lake Crescent which will result in a degradation of Lake Crescent water quality. Prior to construction of drainage system, background water quality shall be determined for Lake Crescent and used as a standard for determining water quality. The Developer shall provide to each property owner a copy of the recorded restrictions in order to prevent degradation of the water quality.

Public Works  
Hovercraft,  
Inc.  
Test of  
Boats  
Lake Mason/  
Taft  
Retention  
Pond

Upon a motion by Commissioner Harrell, seconded by Commissioner Marston and carried, with all present Commissioners voting AYE, Commissioner Treadway was absent, the Board granted a temporary permit for a period of ninety (90) days for testing of boats by Hovercraft, Inc., at the Taft Retention Pond (Lake Mason) off Baggy Creek Road.

RECEIVED  
November 18, 1985  
County Commission, Orange County

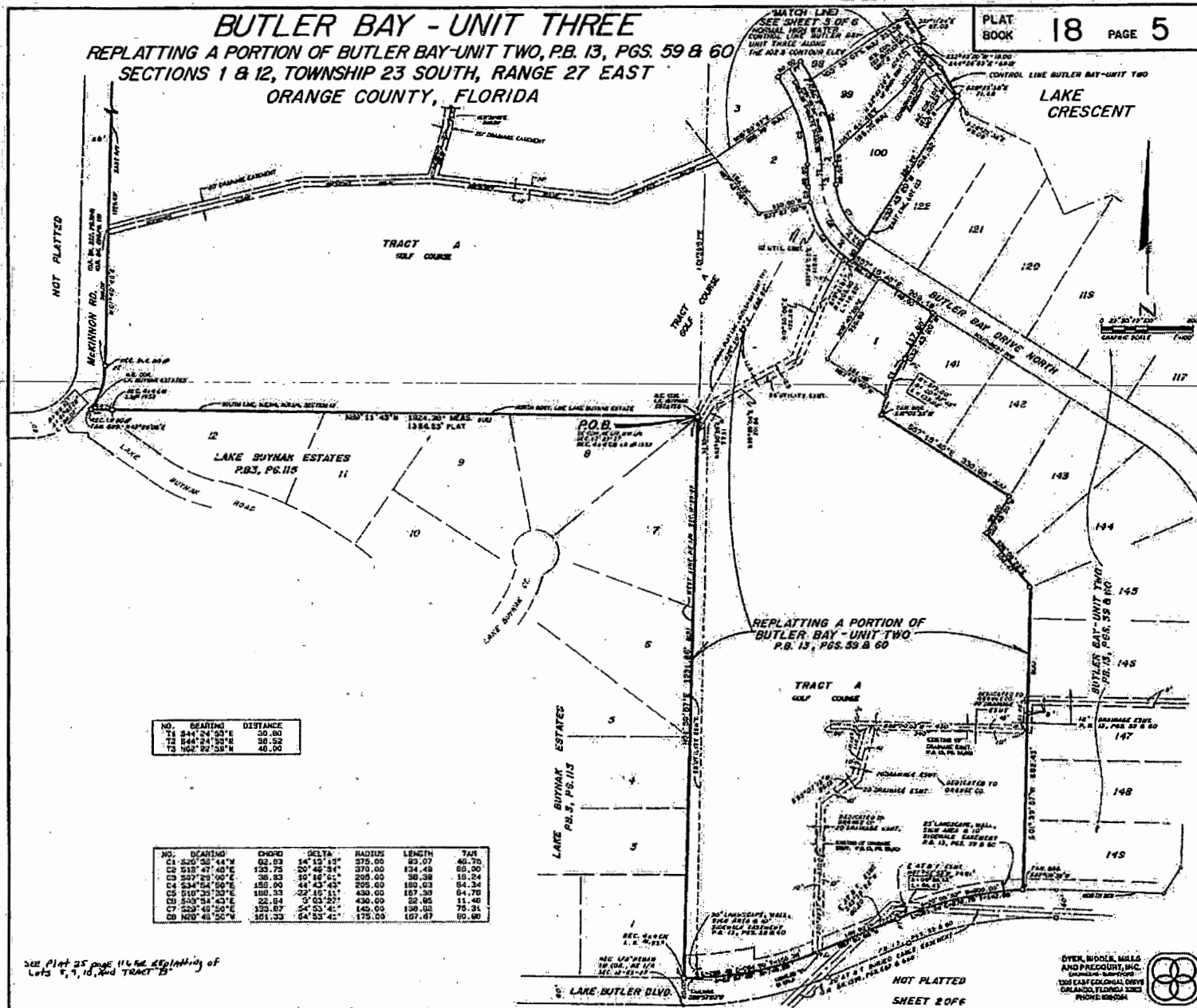
OR3757 PG1544  
DEC 9 1985

November 18, 1985

PUBLIC WORKS & Page  
DEVELOPMENT DIRECTOR

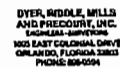






**BUTLER BAY - UNIT THREE**  
**REPLATTING A PORTION OF BUTLER BAY-UNIT TWO, P.B. 13, PGS. 59 & 60**  
**SECTIONS 1 & 12, TOWNSHIP 23 SOUTH, RANGE 27 EAST**  
**ORANGE COUNTY, FLORIDA**

**SEE SHEET 5 OF 6**



**SHEET 3 OF 6**

SEE Plat 25 page III, depicting  
of Lots 8, 9, 10, and TRACT B3

001726

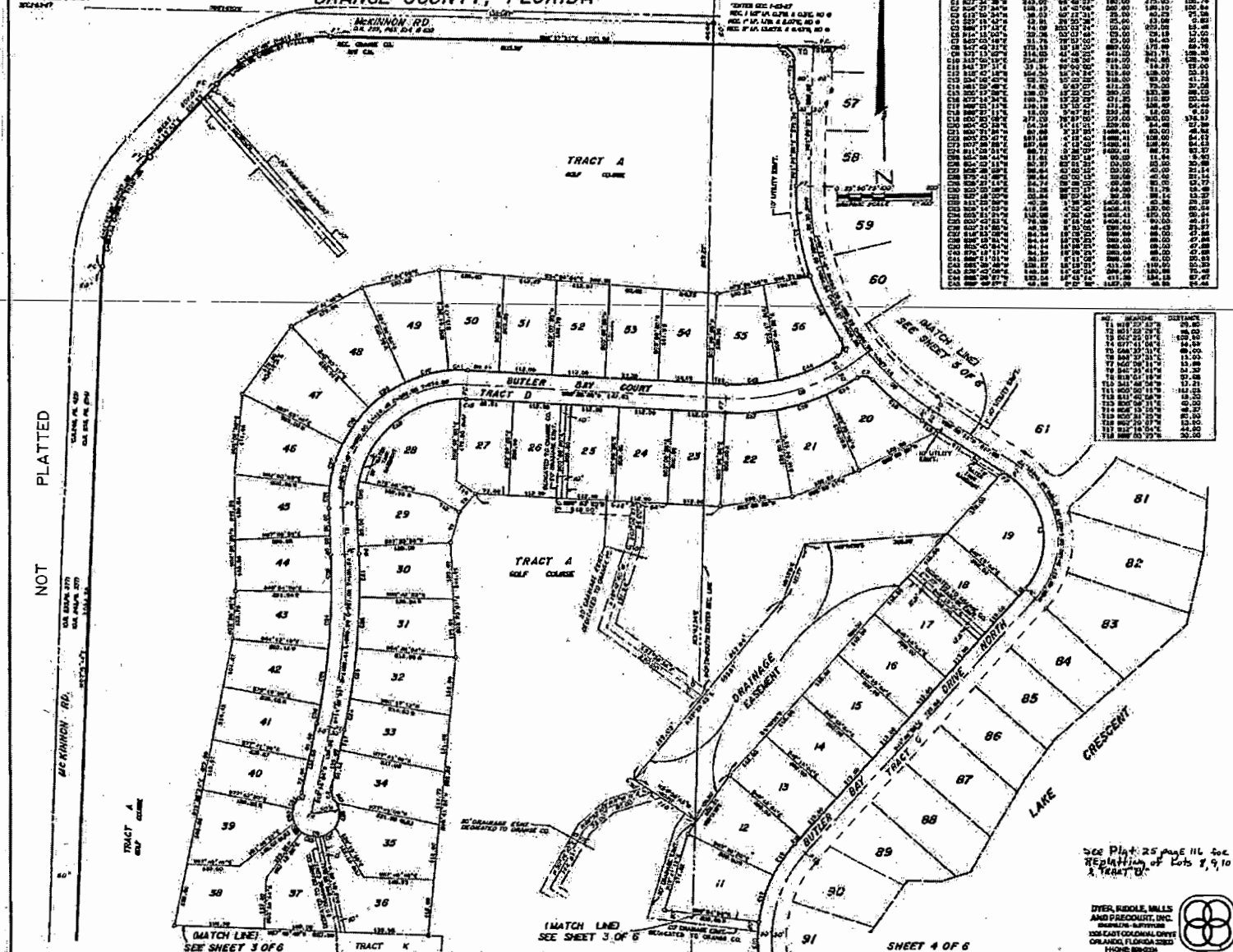


# **BUTLER BAY - UNIT THREE** REPLATTING A PORTION OF BUTLER BAY-UNIT TWO, PB 13, PGS. 59 & 60 SECTIONS 1 & 12, TOWNSHIP 23 SOUTH, RANGE 27 EAST ORANGE COUNTY, FLORIDA

PLAT BOOK 18 PAGE 7

NOTICE: SEE BUTLER BAY UNIT TWO, PLAT 13, PGS. 59 & 60, FOR A MORE DETAILED DESCRIPTION OF THE PROPERTY.

NOT PLATTED



NO.	MEASURE	CHAINS	FEET	ACRES	LENGTH	WIDTH
1	100.00	100.00	100.00	1.00	100.00	100.00
2	100.00	100.00	100.00	1.00	100.00	100.00
3	100.00	100.00	100.00	1.00	100.00	100.00
4	100.00	100.00	100.00	1.00	100.00	100.00
5	100.00	100.00	100.00	1.00	100.00	100.00
6	100.00	100.00	100.00	1.00	100.00	100.00
7	100.00	100.00	100.00	1.00	100.00	100.00
8	100.00	100.00	100.00	1.00	100.00	100.00
9	100.00	100.00	100.00	1.00	100.00	100.00
10	100.00	100.00	100.00	1.00	100.00	100.00
11	100.00	100.00	100.00	1.00	100.00	100.00
12	100.00	100.00	100.00	1.00	100.00	100.00
13	100.00	100.00	100.00	1.00	100.00	100.00
14	100.00	100.00	100.00	1.00	100.00	100.00
15	100.00	100.00	100.00	1.00	100.00	100.00
16	100.00	100.00	100.00	1.00	100.00	100.00
17	100.00	100.00	100.00	1.00	100.00	100.00
18	100.00	100.00	100.00	1.00	100.00	100.00
19	100.00	100.00	100.00	1.00	100.00	100.00
20	100.00	100.00	100.00	1.00	100.00	100.00
21	100.00	100.00	100.00	1.00	100.00	100.00
22	100.00	100.00	100.00	1.00	100.00	100.00
23	100.00	100.00	100.00	1.00	100.00	100.00
24	100.00	100.00	100.00	1.00	100.00	100.00
25	100.00	100.00	100.00	1.00	100.00	100.00
26	100.00	100.00	100.00	1.00	100.00	100.00
27	100.00	100.00	100.00	1.00	100.00	100.00
28	100.00	100.00	100.00	1.00	100.00	100.00
29	100.00	100.00	100.00	1.00	100.00	100.00
30	100.00	100.00	100.00	1.00	100.00	100.00
31	100.00	100.00	100.00	1.00	100.00	100.00
32	100.00	100.00	100.00	1.00	100.00	100.00
33	100.00	100.00	100.00	1.00	100.00	100.00
34	100.00	100.00	100.00	1.00	100.00	100.00
35	100.00	100.00	100.00	1.00	100.00	100.00
36	100.00	100.00	100.00	1.00	100.00	100.00

NO.	MEASURE	CHAINS	FEET	ACRES	LENGTH	WIDTH
1	100.00	100.00	100.00	1.00	100.00	100.00
2	100.00	100.00	100.00	1.00	100.00	100.00
3	100.00	100.00	100.00	1.00	100.00	100.00
4	100.00	100.00	100.00	1.00	100.00	100.00
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21	100.00	100.00	100.00	1.00	100.00	100.00
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31	100.00	100.00	100.00	1.00	100.00	100.00
32	100.00	100.00	100.00	1.00	100.00	100.00
33	100.00	100.00	100.00	1.00	100.00	100.00
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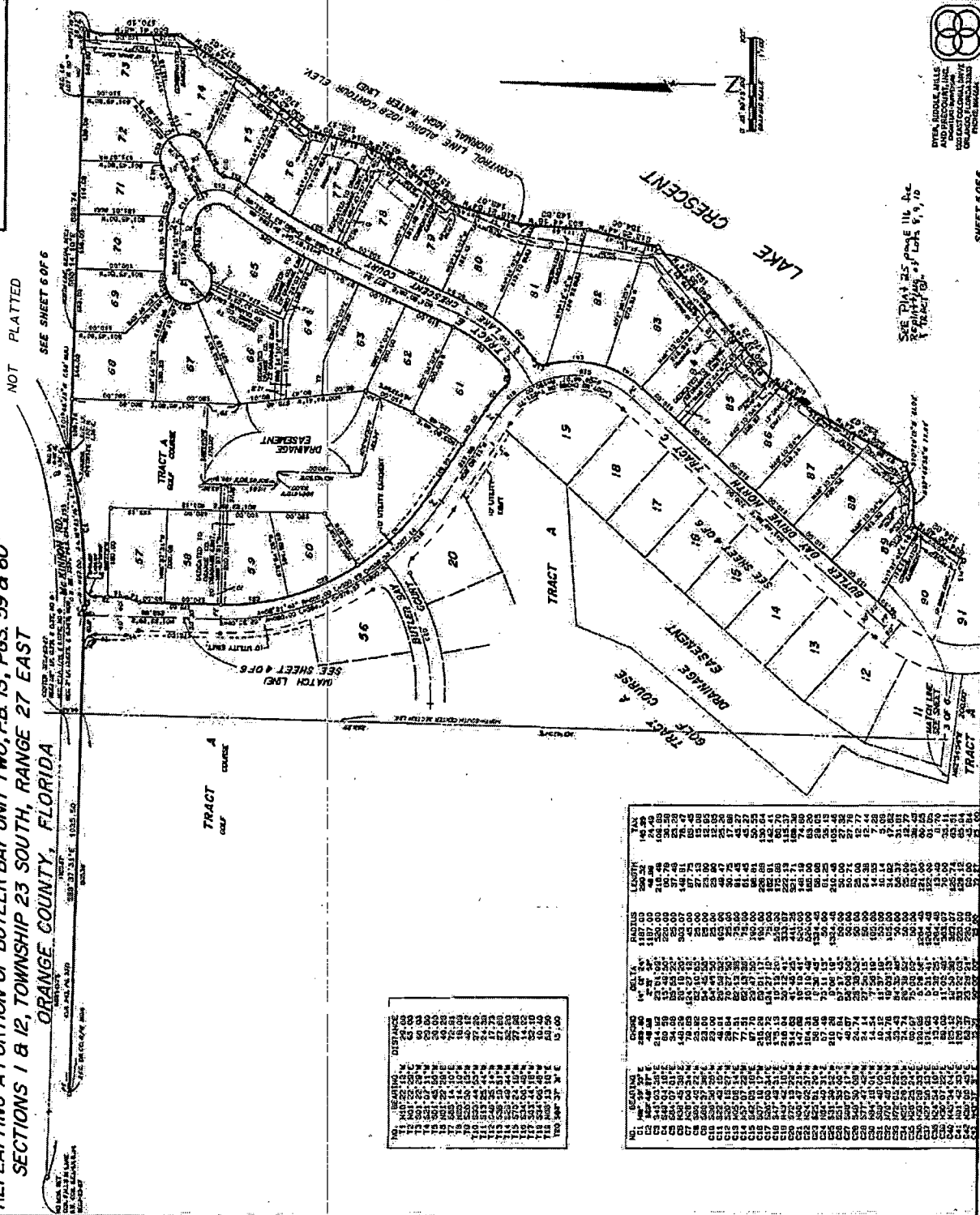
See Plat 25 page 116 for replatting of Lots 7, 9, 10 & Tract D.

DYER, RIDGLEY, MILLS AND F. REED, INC.  
 SURVEYING ENGINEERS  
 100 EAST COLLEGE AVENUE  
 ORLANDO, FLORIDA 32803  
 PHONE 581-5000



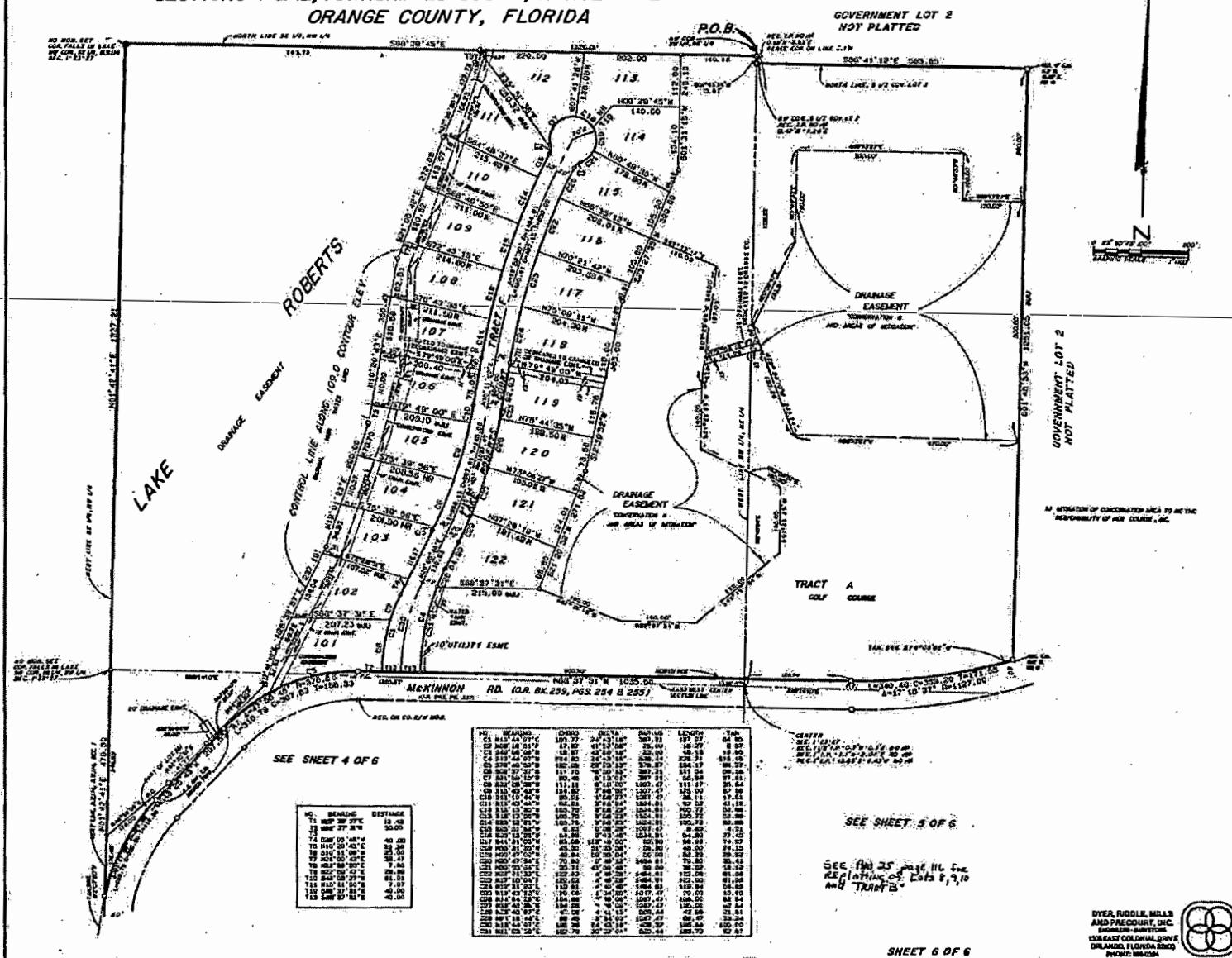
001727

**BUTLER BAY - UNIT THREE**  
REPLATTING A PORTION OF BUTLER BAY-UNIT TWO, PB. 13, PGS. 59 & 60  
SECTIONS 1 & 12, TOWNSHIP 23 SOUTH, RANGE 27 EAST  
ORANGE COUNTY, FLORIDA



**BUTLER BAY - UNIT THREE**  
 REPLATTING A PORTION OF BUTLER BAY-UNIT TWO, P.B. 13, PGS. 59 & 60  
 SECTIONS 1 & 12, TOWNSHIP 23 SOUTH, RANGE 27 EAST  
 ORANGE COUNTY, FLORIDA

PLAT BOOK 18 PAGE 9



001729

Appendix 87.

October 21, 2015 DRC Meeting  
Commission District: # 1

**GENERAL INFORMATION**

APPLICANT	Jamie Poulos, Poulos & Bennett, LLC
OWNER	Windermere Country Club
HEARING TYPE	Planning and Zoning Commission
PROJECT NAME	Butler Bay Cluster Plan
REQUEST	<p>R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster District)</p> <p><i>To rezone two (2) parcels consisting of 155.00 gross acres from R-CE-C to R-CE-C in order to redeveloped an existing private golf course and club house into 95 single family lots and detached residential homes.</i></p>
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
PARCEL ID NUMBERS	01-23-27-1108-00-001 and 01-23-27-1117-00-001
TRACT SIZE	155.00 gross acres
PROPOSED USE	95 single family lots and detached residential homes
OUTSTANDING ISSUES	<ol style="list-style-type: none"><li>1. Per the recorded Butler Bay Unit III plat, <u>development rights</u> for Tract "A", the Golf Course, were dedicated to the County.</li><li>2. Per the recorded Butler Bay Unit III plat, <u>access rights</u> for Tract "A", the Golf Course, were dedicated to the County.</li></ol>

**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-CE-C (Country Estate Cluster District) zoning, would allow for development that is consistent with the West Windermere Rural Settlement and the residential development in the area. The area surrounding the existing golf course and clubhouse area is exclusively characterized as single-family residential dwelling development with lot sizes of at least a half-acre. The proposed development would maintain the consistency of surrounding lot sizes and residential product types in the adjacent developments.

However, issues of compatibility and previous development commitments remain. The golf course has been used as open space and a recreational area for the Butler Bay Subdivision and community at large, since the late 1980's.

Additionally, there were restrictions placed within a recorded development agreement and plat for Butler Bay Unit III that dedicated the development rights of the property and access to Orange County. There is a reasonable expectation that the community considers these restrictions in perpetuity. Redevelopment of the golf course and removal of the open space could be considered as an adverse impact to the immediate community.

**Comprehensive Plan (CP) Consistency**

The subject property is located within the West Windermere Rural Settlement and has a CP Future Land Use Map designation of RS 1/1 (Rural Settlement 1/1). This designation recognizes areas suitable for large lot, single family development at a maximum residential density of one (1) dwelling unit per developable acre.

The requested R-CE-C zoning is consistent with the underlying RS 1/1 FLUM designation and also allows a maximum residential density of one (1) dwelling unit per developable acre. However, the R-CE-C zoning allows residential lots to be "clustered" with minimum 1/2 acre lots.

Notwithstanding the concerns with existing plat restrictions and previous developer commitments, the following Comprehensive Plan (CP) provisions are applicable to the requested R-CE-C zoning, and may be considered for purposes of determining consistency:

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density shall be calculated by the total number of units divided by developable land. (Nature lakes and designated Conservation Areas are excluded from the gross land area.)

**FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use map change.

**OBJ FLU6.2** states Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized

the need to maintain agricultural areas and rural uses in the rural services area while providing for rural communities.

**FLU6.2.1** states that Rural Settlements were implemented to recognize communities that existed at the time of the 1991 CPP adoption. This policy change is being implemented as part of this update's strategy to focus development within the County's USA and discourage the proliferation of extended Rural Settlement boundaries. In addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living.

**FLU6.2.5** states that the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

**FLU6.2.6** The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(C). (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19; Amended 6/10, Ord. 10-07, Policy 1.1.11)

Clustering shall be supported to maintain the rural character through preservation of open space and lot layout and design. Generally recognized and accepted conservation subdivisions can be used where they minimize impacts on areas with rural character provided their use is consistent with the overall intent of Rural Settlement boundaries.

Clustering, with permanent protection of open space, shall be encouraged or required for all new development and redevelopment within the Wekiva Study Area, based on location, i.e., Urban Service Area, Rural Service Area, Rural Settlement, Growth Center and overall project acreage. The County shall evaluate incentives to further the implementation of open space preservation and maximum impervious surface ratios and include these in the Land Development Code by January 1, 2007.

**GOAL OS1** It is a goal of Orange County to protect and preserve valuable open space resources.

#### **Community Meeting Summary**

A community meeting was held on October 13, 2015 at Windermere Elementary School. Excluding the applicant and various Orange County staff, 191 residents were in attendance. Community residents were adamantly opposed to the request, and the proposed redevelopment of the golf course. Issues raised included, the perception of incompatibility, the expectation of green space, increased traffic, stormwater runoff (including impacts to surrounding lakes), and general mistrust of the existing property owner.

**SITE DATA**

<b>Existing Use</b>	Golf Course and Club House
<b>Adjacent Zoning</b>	N: A-1 (Citrus Rural District) (1957)
	E: R-CE-C (Country Estate Cluster District) (1985)
	R-CE-C (Country Estate Cluster District) (2000)
	W: A-1 (Citrus Rural District) (1957)
	R-CE-C (Country Estate Cluster District) (1985)
	R-CE (Country Estate District) (1971)
	PD (Planned Development District, Windermere Estates) (1994)
	R-CE (Country Estate District) (1986)
	S: R-CE-C (Country Estate Cluster District) (1985)
<b>Adjacent Land Uses</b>	N: Single-family residential
	E: Single-family residential
	W: Single-family residential
	S: Single-family residential

**R-CE-C (COUNTRY ESTATE CLUSTER DISTRICT) DEVELOPMENT STANDARDS**

**R-CE-C District Summary \***

Min. Lot Area:	1/2 acre (21,780 sq. ft.)
Min. Lot Width:	100 ft.
Max. Height:	35 ft.
Min. Living Area:	1,500 sq. ft.
<b>Building Setbacks:</b>	
Front:	30 ft.
Rear:	25 ft.
Side:	10 ft.
Side Street:	15 ft.

*\* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*



**Permitted Uses**

The intent and purpose of the R-CE-C zoning district is to provide an alternative approach to residential development under specified residential zoning districts. The R-CE-C district enhances the living environment through the creation of permanent open space and provides flexibility in lot size, housing styles and building placement for a variety in development design compatible with abutting development. The district maintains gross densities compatible with and equal to those possible under the conventional zoning.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and single-family dwellings, home occupations (as defined in Sec. 38-1 of the Orange County Code), citrus and fruit crop cultivations, etc.

**SPECIAL INFORMATION**

**Subject Property Analysis**

The subject 155.00 gross acre property is located at 2710 and 2730 Butler Bay Drive North and is currently developed with a golf course and associated clubhouse. Though this request, the applicant is seeking to rezone from R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster district) in order to redevelop the subject property into a maximum of 95 single family lots and detached residential homes. Consistent with the underlying Rural Settlement 1/1 Future Land Use Map (FLUM) designation and R-CE-C zoning, residential density would be limited to 1.0 unit per developable acre, with a minimum lot size of a half (1/2) acre. This request is being brought to the Development Review Committee (DRC) in order to satisfy the requirements of Orange County Code Section 38-552, which states that a proposed R-CE-C (Cluster Development Plan) be reviewed by the planning, zoning, and engineering departments, as well as other appropriate county departments.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Rural Settlement 1/1 (RS 1/1) Future Land Use Map designation.

**State of Florida Notice**

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

**Rural Settlement**

The subject property is located within the West Windermere Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located in an Airport Noise Zone.

**Environmental**

Wetlands and surface waters are located on site. An Orange County Conservation Area Determination application CAD-15-08-106 was submitted on August 11, 2015 and it is in progress. The CAD must be completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) prior to submitting any development plan or permit application.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area without first obtaining permission from EPD. Reference Orange County Code Chapter 15, Article X, Section 15-376. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers. The recorded subdivision plat shows mitigation areas and conservation easements that have to be respected or vacated.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

This project site has a prior land use that may have resulted in spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. Residential lots shall be configured to meet requirements of the Individual On-Site Sewage Disposal Ordinance regarding setbacks, lot size, soils and elevations. Reference Orange County Code Chapter 37, Article XVII.

**Transportation / Access**

Based on the Concurrency Management System database dated August 31, 2105, capacity is available to be encumbered for this project. This information is dated and is subject to change.

Based on the 9th Edition of ITE, the proposed development will generate 1,002 daily and 100 PM peak hour trips. The applicant will be required to obtain an approved capacity encumbrance letter prior to obtaining a building permit. A traffic study will also be required for review and approval by Transportation planning.

**Code Enforcement**

There are no active code enforcement violations on the subject properties.

**Water / Wastewater / Reclaim**

Water:	<u>Existing service or provider</u> Orange County Utilities	A 24 inch water main is located in the Mckinnon Road right of way abutting the site.
Wastewater:	Orange County Utilities	The nearest wastewater main is a four inch force main located on Mckinnon Road at Casabella Drive. There is 6 inch force main located on Lake Whitney Drive at Longmeadow Way
Reclaim Water:	Orange County Utilities	The nearest reclaimed water main is an 8 inch main located on Mckinnon Road at Lake Butler Blvd.

**Schools**

OCPS review of the request and need for a Capacity Enhancement Agreement is pending.

**Parks and Recreation**

The Parks and Recreation Division reviewed the request, but did not provide any objections.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

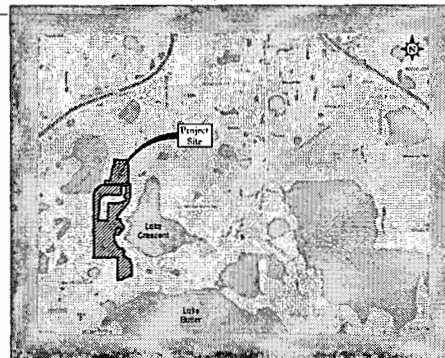
# Land Use Plan for Lake Butler Bay Cluster Development Plan

Orange County, FL

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

Sheet Index		
Sheet Id.	Sheet Title	Date
C1.00	Existing Conditions	
C2.00	Land Use Plan	
C3.00	Site Data	
Reference Drawings		
Boundary Survey		

**Applicant:**  
Windermere Country Club  
2710 Butler Bay Dr. N.  
Windermere, FL 34786  
(407) 547-7774



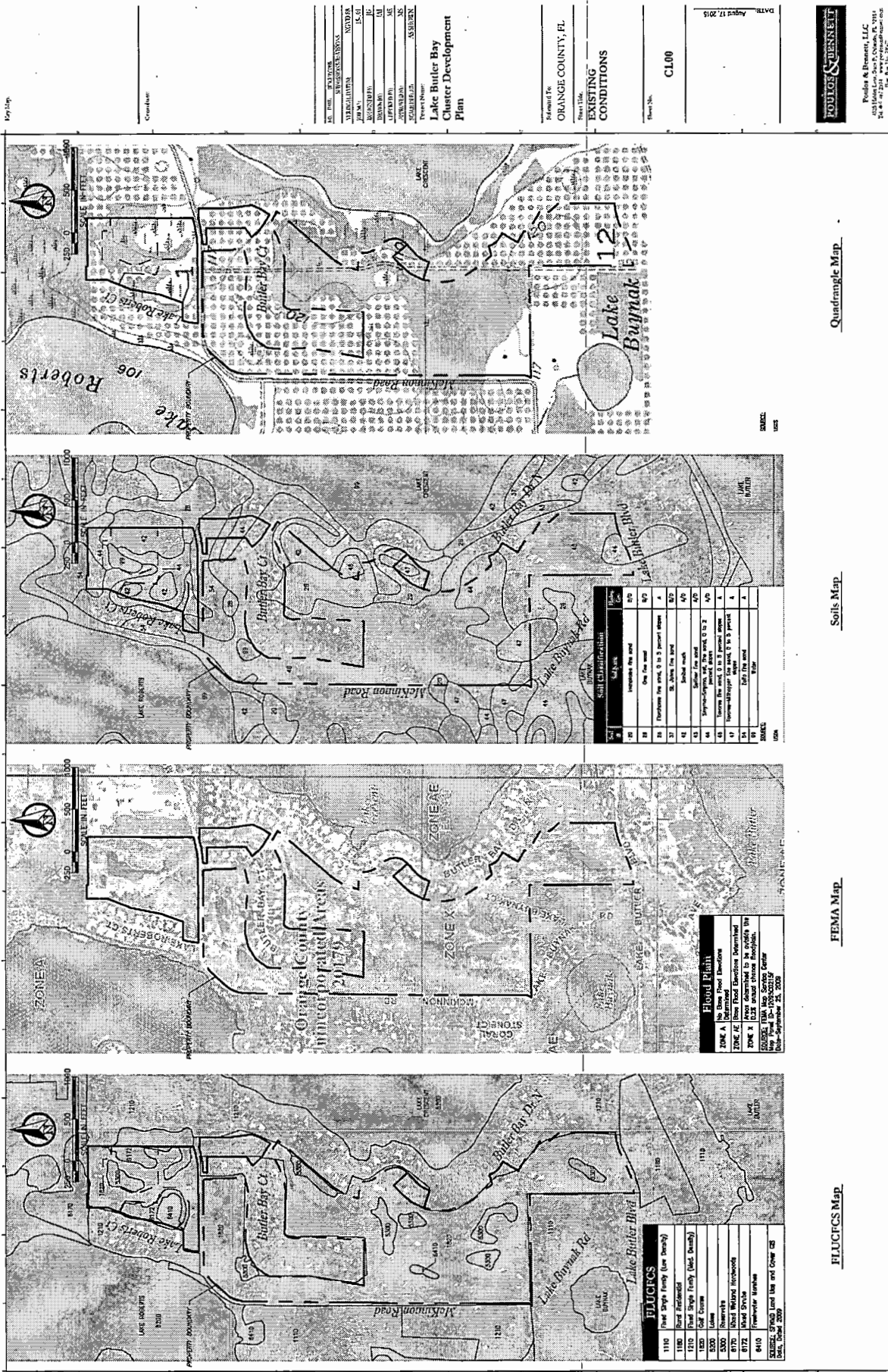
Vicinity Map  
Scale 1" = 1,000'

Civil Engineer:  
**Poulos & Bennett, LLC**  
4625 Holder Lane, Suite B  
Orlando, FL 32814  
407.487.2594

Surveyor:  
**Land Tech Surveying & Mapping**  
350 S. Central Ave.  
Orlando, FL 32762  
407.355.1036  
407.365.1638

Environmental Consultant:  
**Bio-Tech Consulting, Inc.**  
2912 E. Robinson St.  
Orlando, FL 32803  
407.894.5969  
407.894.5970

**POULOS & BENNETT**  
4625 Holder Lane, Suite B, Orlando, FL 32814  
Tel: 407.487.2594 www.poulosandbennett.com  
Eng. Reg. No. 29467  
15 103





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

AREA:	OVERALL GOLF COURSE AREA PER BOUNDARY SURVEY
255.9 AC.	TOTAL PLATTED CONSERVATION AREA
22.6 AC	NET DEVELOPABLE AREA WITHIN GOLF COURSE PROPERTY
242.7 AC	

EXISTING USES:  
GOLF COURSE / CLUB HOUSE / TENNIS COURTS

PROPOSED USE:  
RESIDENTIAL, SINGLE FAMILY DETACHED

EXISTING ZONING / DENSITY:  
R-C-E-C / 2.83 DU/AC.

PROPOSED ZONING / DENSITY  
R-C/C/ 1.0 DU/AC

FUTURE LAND USE:  
RURAL SETTLEMENT M

WATER SHED:  
ORANGE COUNTY ATTUR

WASTEWATER SERVICE  
AUGUST 1996

RECLAIMED WATER SERVICE:  
ORANGE COUNTY UTILITIES - SERVICE NOT AVAILABLE

STORMWATER;  
THE FLOODING RISK

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 BASIN STORMWATER MANAGEMENT FACILITIES WILL BE DETERMINED BY PRELIMINARY SUBDIVISION PLANS AND FINAL CONSTRUCTION PLAN APPROVAL.

NEIGHBORHOOD PARK  
DIVERSITY AND NAT

**NOTES**

2. EARTH ACCESS SHALL BE PERMANENT CURB-GATED COMMUNITY DRAINAGE, ARTICLE VII OF THE LAND DEVELOPMENT CODE AND SHALL BE ADDRESSED AT THE PRELIMINARY SUBDIVISION PLAN STAGE.
3. SUBDIVISION ROADWAY CROSS SECTIONS SHALL BE DEVELOPED AND APPROVED WITH THE PUP.

### LOT STANDARDS

MIN. LOT WIDTH	200 FT
MIN. FRONT AREA	2,500 SF
MAX. BUILDING AREA	2 STORY/25 FT
MAX. LOT COVERAGE	60%

## LETRADOS

SIZE	20 FT
WEAR	25 FT
SIGNAL	20 FT

Land Use District	Total Area (Ac.)	Conservation Area (Ac.)	Developable Area <sup>(1)</sup> (Ac.)	Net Density	Total Units Allowed per Net Density	Proposed Units	Stormwater Mitig. Acres (15%) (Ac.)	Common Open Space <sup>(2)</sup> (Ac.)	Recreation/ Park <sup>(3)</sup> (Ac.)
Residential	338.35	12.6	183.70	1 sh/Ave	142 <sup>(3)</sup>	92 <sup>(2)</sup>	23.41	0	0.74

(1) Developable Area: The gross land area excluding natural waterbodies (as measured to the Normal High Water Elevation) and designated conservation (wetlands) areas.  
(2) See Allowable Unit Calculation  
(3) Open Space: Per Orange County Code 24-29 (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/open space required - 2.5 Ac./1000 residents, 0.3 residents per acre.

## STUDENT POPULATION PER Q.C.

School Type	Residential Units	Multiple gas R/O's	Student Population
Elementary Students	95	12,000	19
Middle School Students	95	10,000	19
High School Students	99	10,154	11
Total Students			21

**SEE THE SUPPLEMENTARY**

ITE TRIP GENERATION								
DESCRIPTION	ITE CODE	PEAK TRIP GENERATION RATES*			UNITS	PEAK TRIPS		
		WEEKDAY	AM	PM		DAILY	AM	PM
SINGLE FAMILY	250	10.25	0.78	1.03	95	974	34	08

\*RATES BASED ON ITE TRIP GENERATION - COMMODITY

### ANALYTICAL CHEMICAL CALCULATIONS

1. **NET DEVELOPABLE AREA WITHIN GOLF COURSE PARCEL:**  
 251.9 AC. TOTAL GOLF COURSE PARCEL AREA  
 12.6 AC. TOTAL PLANNED DEVELOPMENT AREA  
 24.7 AC. NET PHOTODUPLICATION AREA WITHIN GOLF COURSE PROPERTY
2. **NET DEVELOPABLE AREA WITHIN CLUSTER PLAN OUTSIDE OF GOLF COURSE AREA:**  
 472.9 AC. TOTAL PLANNED DEVELOPMENT AREA OUTSIDE GOLF COURSE PROPERTY EXCLUDING CLUSTER PLANS  
 142.7 AC. NET DEVELOPABLE AREA WITHIN GOLF COURSE PROPERTY PER CALCULATIONS  
 330.1 AC. NET DEVELOPABLE AREA WITHIN CLUSTER PLAN OUTSIDE OF GOLF COURSE AREA
3. **TOTAL ALLOWABLE UNITS ON LAND WITHIN CLUSTER PLAN OUTSIDE OF GOLF COURSE PROPERTY:**  
 330.1 AC. 80.05 UNITS/AC. = 2640 UNITS
4. **EXISTING UNITS TO BE ALLOCATED TO GOLF COURSE PROPERTY:**  
 527 UNITS TOTAL EXISTING PLANNED UNITS IN CLUSTER PLAN (PER PLANS)  
 329 UNITS - 280 UNITS = 49 UNITS
5. **ALLOWABLE UNITS ON GOLF COURSE PROPERTY:**  
 142.7 AC. NET DEVELOPABLE AREA WITHIN GOLF COURSE PROPERTY  
 24.7 AC. TOTAL UNITS BASED ON 1.00/AC.  
 142 UNITS - 47 UNITS = 95 UNITS

† King Mary

**Consultant:**

NO. 107, DENVER, CO		SPRINGFIELD, ILLINOIS	
VERTICAL DATE	VERTICAL DATE	VERTICAL DATE	VERTICAL DATE
1950	1950	1950	1950
1951	1951	1951	1951
1952	1952	1952	1952
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2026	2026	2026	2026
2027	2027	2027	2027
2028	2028	2028	2028
2029	2029	2029	2029
2030	2030	2030	2030
2031	2031	2031	2031
2032	2032	2032	2032
2033	2033	2033	2033
2034	2034	2034	2034

**Project Name:**

## Lake Butler Bay Cluster Development Plan

Submitted To:

ORANGE COUNTY, FL

Start Time:

## SITE DATA

Sheet No. \_\_\_\_\_

**C3.00**

DATE: August 17, 2015



**Poulos & Bennett, LLC**  
4325 Hinkle Lane, Suite P, Orlando, FL 32812  
Tel. 407 497 2574 [www.poulosandbennett.com](http://www.poulosandbennett.com)  
Reg. P. in Fla. 2357

Appendix 88.



**CASE # RZ-15-10-038**

Commission District: # 1

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jamie T. Poulos, Poulos & Bennett, LLC
<b>OWNER</b>	Windermere Country Club
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>PROJECT NAME</b>	Butler Bay Cluster Plan
<b>REQUEST</b>	<p><b>R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster District)</b></p> <p><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></p>
<b>LOCATION</b>	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
<b>PARCEL ID NUMBERS</b>	01-23-27-1108-00-001 and 01-23-27-1117-00-001
<b>PUBLIC NOTIFICATION</b>	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. A community meeting was also held for this application on October 13, 2015 at Windermere Elementary School ( <i>refer to meeting summary on page 6</i> ).
<b>TRACT SIZE</b>	155.00 gross acres
<b>PROPOSED USE</b>	Ninety-five (95) single-family lots with one (1) detached residential home per lot.

**STAFF RECOMMENDATION**

**DRC RECOMMENDATION – (October 21, 2015)**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the amended Butler Bay Cluster Plan and requested R-CE-C (Country Estate Cluster District) zoning.**

Should the Planning and Zoning Commission (PZC) make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Butler Bay Cluster Plan and requested R-CE-C (Country Estate Cluster District) zoning, the following restrictions were recommended by the DRC:

1. Development shall conform to the Butler Bay Cluster Plan dated " November 3, 2015" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the Cluster Plan may be developed in accordance with the uses, densities, and intensities described in such Cluster Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this cluster plan and the cluster plan dated "November 3, 2015" the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to

- Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. A minimum 50' foot buffer shall be required along all existing lots.
  5. The minimum living area of any single unit shall be 2,400 square feet.
  6. The Developer shall obtain water service from Orange County Utilities. The Developer shall connect to Orange County's reclaimed water system to provide irrigation for this development if required at the time of PSP review
  7. The following Education Condition of Approval shall apply:
    - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on MM/DD/YYYY.
    - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the ## residential units allowed under the zoning existing prior to the approval of zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
    - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
    - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  8. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least 30 days prior to submittal of the first set of construction plans. The MUP must be approved prior to construction plan approval.
  9. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
  10. 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).

11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The subject property is currently zoned **R-CE-C (Country Estate Cluster District)** and is developed as the Windermere Golf Course and Country Club and is immediately surrounded by single-family residential homes on ½-acre lots. Through this request, the applicant is seeking to amend the previously approved Butler Bay Cluster Plan in order to redevelop the subject 155.00-acre private golf course and country club with up to 95 single-family detached residential homes on minimum ½-acre lots.

Although the proposed use is compatible and consistent with the surrounding single family development within the Butler Bay Subdivision, it would adversely impact existing adjacent property owners who knowingly purchased lots and homes adjacent to planned open space and recreational areas.

Additionally, as a result of all development and access rights being previously conveyed to Orange County through the recorded Butler Bay Unit III plat and a recorded Agreement between the original developer and the County, there was a reasonable expectation by the community that the property would remain undeveloped in perpetuity.

### **Comprehensive Plan (CP) Consistency**

The subject property is located within the West Windermere Rural Settlement and has a CP Future Land Use Map (FLUM) designation of RS 1/1 (Rural Settlement 1/1). This designation recognizes areas suitable for large lot, single family development at a maximum residential density of one (1) dwelling unit per developable acre.

The requested R-CE-C zoning is consistent with the underlying RS 1/1 FLUM designation and also allows a maximum residential density of one (1) dwelling unit per developable acre. However, the R-CE-C zoning allows residential lots to be "clustered" with minimum ½-acre lots.

Notwithstanding the concerns with existing plat restrictions and previous developer commitments, the following Comprehensive Plan (CP) provisions are applicable to the requested R-CE-C zoning, and may be considered for purposes of determining consistency:

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density shall be calculated by the total number of units divided by developable land. (Nature lakes and designated Conservation Areas are excluded from the gross land area.)

**FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use map change.

**OBJ FLU6.2** states Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the rural services area while providing for rural communities.

**FLU6.2.1** states that Rural Settlements were implemented to recognize communities that existed at the time of the 1991 CPP adoption. This policy change is being implemented as part of this update's strategy to focus development within the County's USA and discourage the proliferation of extended Rural Settlement boundaries. In addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living.

**FLU6.2.5** states that the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

**FLU6.2.6** The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(C). (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19; Amended 6/10, Ord. 10-07, Policy 1.1.11)

Clustering shall be supported to maintain the rural character through preservation of

open space and lot layout and design. Generally recognized and accepted conservation subdivisions can be used where they minimize impacts on areas with rural character provided their use is consistent with the overall intent of Rural Settlement boundaries.

Clustering, with permanent protection of open space, shall be encouraged or required for all new development and redevelopment within the Wekiva Study Area, based on location, i.e., Urban Service Area, Rural Service Area, Rural Settlement, Growth Center and overall project acreage. The County shall evaluate incentives to further the implementation of open space preservation and maximum impervious surface ratios and include these in the Land Development Code by January 1, 2007.

**GOAL OS1** It is a goal of Orange County to protect and preserve valuable open space resources.

**Community Meeting Summary**

A community meeting was held on October 13, 2015 at Windermere Elementary School. Excluding the applicant and various Orange County staff, 191 residents were in attendance. Community residents were adamantly opposed to the request to amend the Butler Bay Cluster Plan and redevelop the existing private golf course and country club. Issues raised included, the perception of incompatibility; the expectation of maintained open space and recreational areas; increased traffic; stormwater runoff (including impacts to surrounding lakes); and general mistrust of the existing property owner.

**SITE DATA**

<b>Existing Use</b>	Windermere Golf Course and Country Club
<b>Adjacent Zoning</b>	N: A-1 (Citrus Rural District) (1957)
	E: R-CE-C (Country Estate Cluster District) (1985)
	R-CE-C (Country Estate Cluster District) (2000)
	W: A-1 (Citrus Rural District) (1957)
	R-CE-C (Country Estate Cluster District) (1985)
	R-CE (Country Estate District) (1971)
	PD (Planned Development District, Windermere Estates) (1994)
	R-CE (Country Estate District) (1986)
	S: R-CE-C (Country Estate Cluster District) (1985)

**Adjacent Land Uses**    N:    Single-family residential  
                                     E:    Single-family residential  
                                     W:    Single-family residential  
                                     S:    Single-family residential

**R-CE-C (COUNTRY ESTATE CLUSTER DISTRICT) DEVELOPMENT STANDARDS**

**R-CE-C District Summary \***

Min. Lot Area:	1/2 acre (21,780 sq. ft.)
Min. Lot Width:	100 ft.
Max. Height:	2-story / 35 ft.
Min. Living Area:	2,400 sq. ft. (as proposed)
Max. Lot Coverage:	60%
<b>Building Setbacks:</b>	
Front:	30 ft.
Rear:	25 ft.
Side:	10 ft.
Side Street:	15 ft.

\* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

**Permitted Uses**

The intent and purpose of the R-CE-C zoning district is to provide an alternative approach to residential development under specified residential zoning districts. The R-CE-C district enhances the living environment through the creation of permanent open space and provides flexibility in lot size, housing styles and building placement for a variety in development design compatible with abutting development. The district maintains gross densities compatible with and equal to those possible under the conventional zoning.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and single-family dwellings, home occupations (as defined in Sec. 38-1 of the Orange County Code), citrus and fruit crop cultivations, etc.

**SPECIAL INFORMATION**

**Subject Property Analysis**

The subject 155.00 gross acre property is located at 2710 and 2730 Butler Bay Drive North and is currently developed as the Windermere Golf Course and Country Club. Though this request, the applicant is seeking to rezone from R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster district) in order to redevelop the

subject property into 95 single-family detached residential homes on minimum ½-acre lots. Consistent with the underlying Rural Settlement 1/1 Future Land Use Map (FLUM) designation and R-CE-C zoning, residential density would be limited to 1.0 unit per developable acre, with a minimum lot size of a half (1/2) acre.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Rural Settlement 1/1 (RS 1/1) Future Land Use Map (FLUM) designation.

**State of Florida Notice**

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

**Rural Settlement**

The subject property is located within the West Windermere Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located in an Airport Noise Zone.

**Environmental**

Wetlands and surface waters are located on site. An Orange County Conservation Area Determination application CAD-15-08-106 was submitted on August 11, 2015 and it is in progress. The CAD must be completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) prior to submitting any development plan or permit application.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area without first obtaining permission from EPD. Reference Orange County Code Chapter 15, Article X, Section 15-376. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers. The recorded subdivision plat shows mitigation areas and conservation easements that have to be respected or vacated.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS)



and/or the Florida Fish & Wildlife Conservation Commission (FWC):

This project site has a prior land use that may have resulted in spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. Residential lots shall be configured to meet requirements of the Individual On-Site Sewage Disposal Ordinance regarding setbacks, lot size, soils and elevations. Reference Orange County Code Chapter 37, Article XVII.

**Transportation / Access**

Based on the Concurrency Management System database dated August 31, 2015, capacity is available to be encumbered for this project. This information is dated and is subject to change.

Based on the 9th Edition of ITE, the proposed development will generate 1,002 daily and 100 PM peak hour trips. The applicant will be required to obtain an approved Capacity Encumbrance Letter (CEL) prior to obtaining a building permit. A traffic study will also be required for review and approval by Transportation Planning Division.

**Code Enforcement**

There are no active code enforcement violations.

**Water / Wastewater / Reclaim**

Water:	<u>Existing service or provider</u> Orange County Utilities
--------	--

A 24-inch water main is located in the Mckinnon Road right of way abutting the site.

Wastewater:	Orange County Utilities
-------------	-------------------------

The nearest wastewater main is a four inch force main located on Mckinnon Road at Casabella Drive. There is 6 inch force main located on Lake Whitney Drive at Longmeadow Way

Reclaim Water:	Orange County Utilities
----------------	-------------------------

The nearest reclaimed water main is an 8-inch main located on Mckinnon Road at Lake Butler Blvd.

**Schools**

The applicant is working with Orange County Public Schools (OCPS) to address potential public school capacity issues. The applicant and/or their successor(s) in interest shall comply with the terms of any Capacity Enhancement Agreement (CEA) entered into for this project.

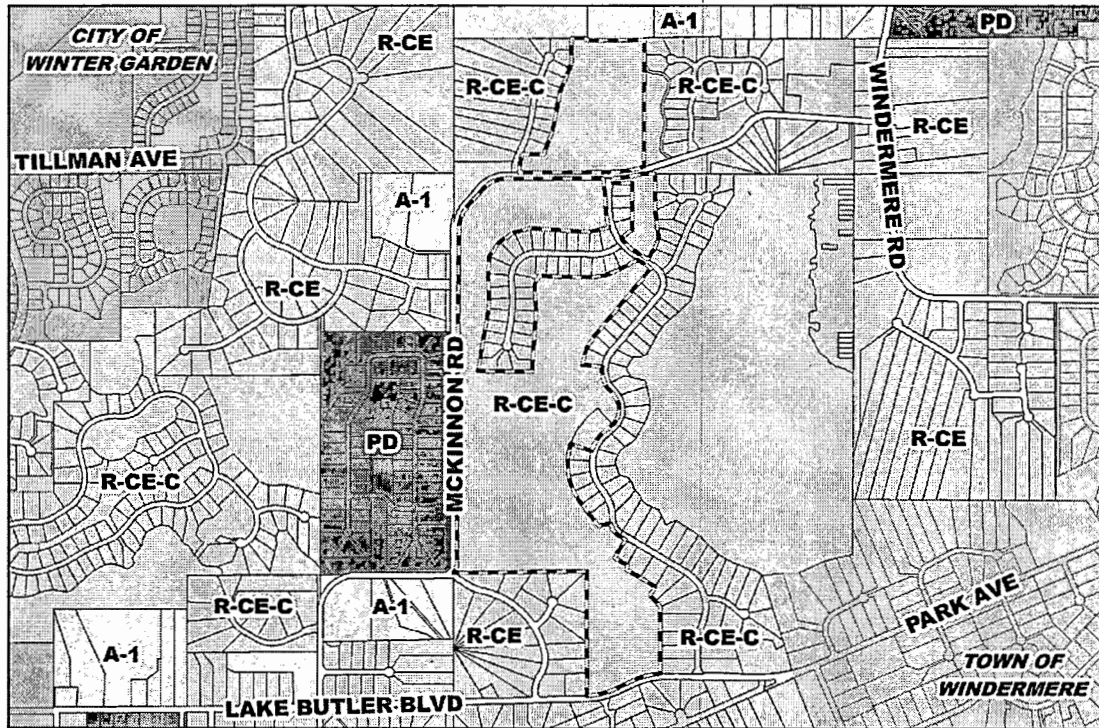
**Parks and Recreation**

The Parks and Recreation Division reviewed the request, but did not provide any objections.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

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

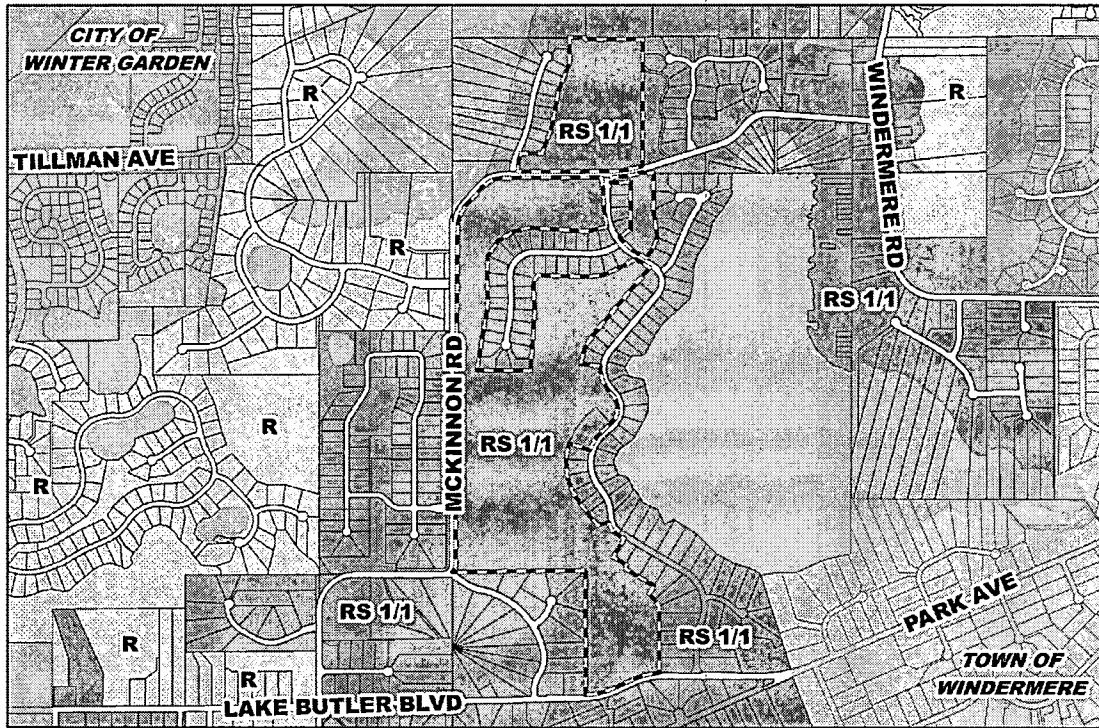
**DISTRICT:** # 1

**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

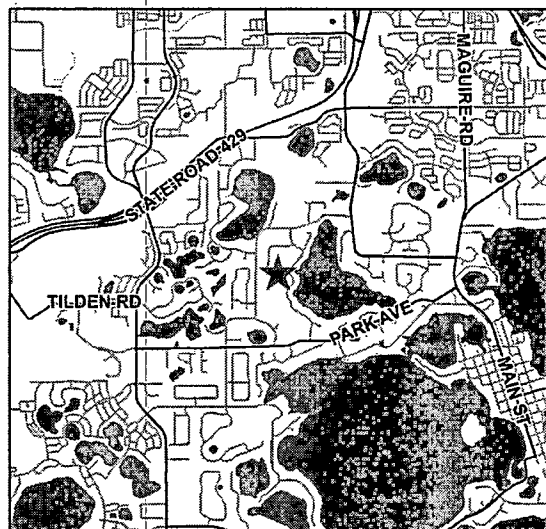
LOCATION: 2710 and 2730 Butler Bay Drive North; or generally located north of Lake Butler Boulevard, between McKinnon Road and Butler Bay Drive North, and southeast of Lake Roberts

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

Butler Bay Cluster Plan / Cover Sheet

Cluster Plan  
for

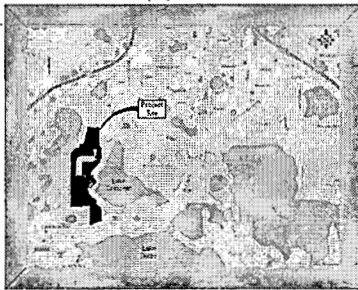
# Lake Butler Bay Cluster Development Plan

RZ-15-10-038  
Orange County, FL

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

Sheet Id.	Sheet Title	Index/Rev.					
		1	2	3	4	5	6
C1.00	Existing Conditions	•	•				
C1.00	Land Use Plan	•	•				
C2.00	Title Data	•	•				
		Reference Drawings					
R1.0 - T3.0		Boundary Survey					
		Date					
1	05/18/2015	Submit To Orange County					
2	11/19/2015	Submit To Orange County					

**Applicant:**  
Windsor Country Club  
2710 Butler Bay Dr. N.  
Windsor, FL 34786  
(907) 547-7774



Vacuity Map  
Scale 1" = 200'

**Civil Engineer:**  
Foulos & Bennett, LLC  
2001 E. Robinson St.  
Orlando, FL 32803  
(407) 497-2394

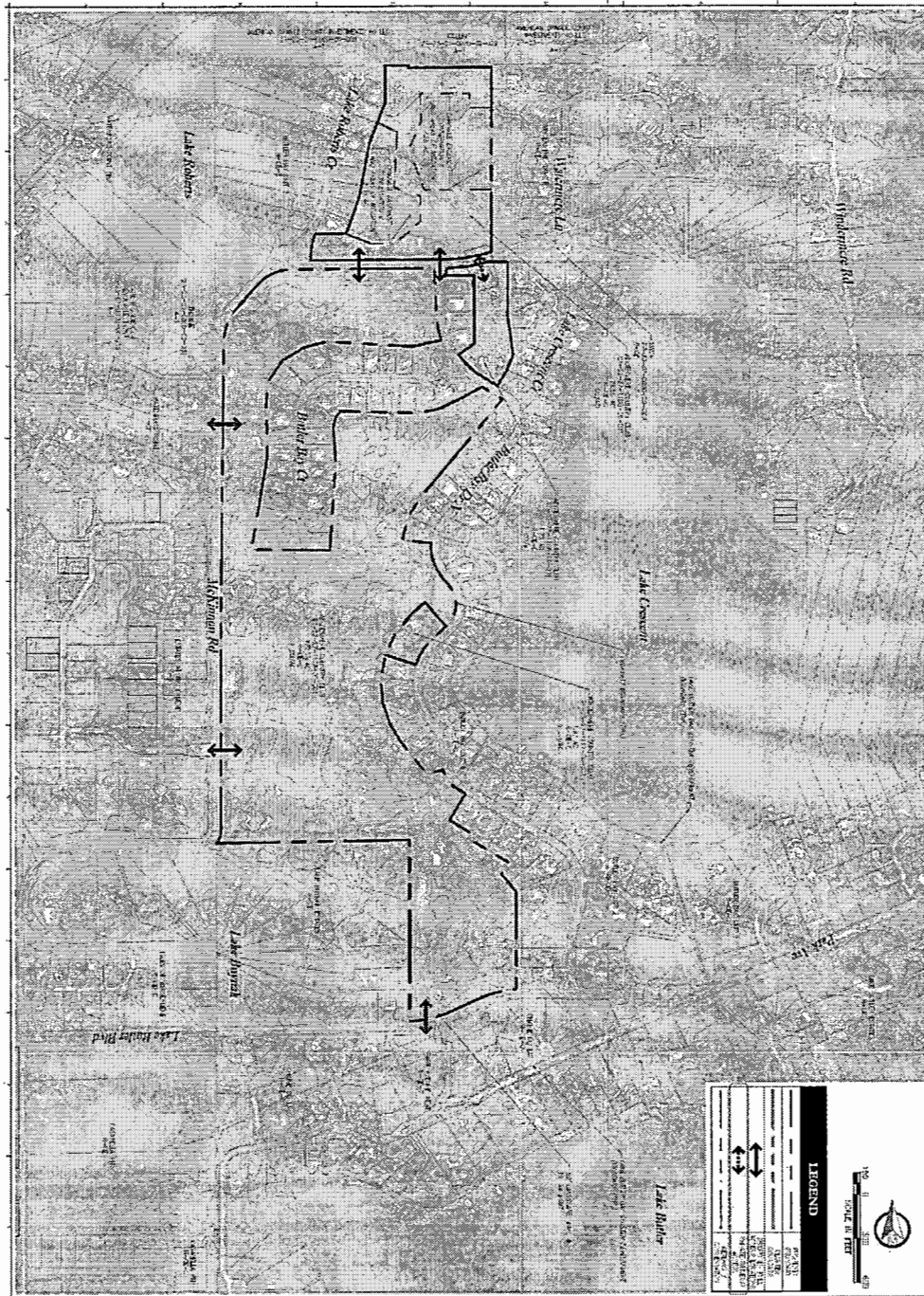
**Surveyor:**  
Land Tech Surveying & Mapping  
2001 E. Robinson St.  
Orlando, FL 32803  
(407) 497-2394

**Environmental Consultant:**  
Bio-Tech Consulting, Inc.  
2001 E. Robinson St.  
Orlando, FL 32803  
(407) 497-2394

**FOULOS & BENNETT**  
2001 E. Robinson St., Orlando, FL 32803  
Tel: 407-497-2394 www.foulosandbennett.com  
Fax: 407-497-2394



# Butler Bay Cluster Plan



POULOS & BENNETT  
Poulou & Bennett, LLC  
2001 N. Lincoln Ave., Chicago, IL 60614  
Tel: 407.397.2344 Fax: 407.397.2345  
http://www.poulou.com

DOI: 10.1002/for

Orange County, FL  
Land Use Plan  
Sheet 55 of 55  
C2.00

**Lake Butler Bay  
Cluster Development  
Plan**

[illegible]

**PROJECT DATA SUMMARY****GENERAL INFORMATION:**

LOCATION: SOUTH AND EAST OF THE DANIEL WEBSTER WESTERN BULEWAY, 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-CC-C / 0.85 DU/AC.

**PROPOSED ZONING / DENSITY:**

R-CC-C / 1.0 DU/AC.

**FUTURE LAND USE:**

RURAL SETTLEMENT 1/A

**WATER SERVICE:**

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

**WASTE WATER SERVICE:**

ON-SITE SEPTIC

**RECLAIM WATER SERVICE:**

ORANGE COUNTY UTILITIES - 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:**

1. ACCESS RIGHTS TO MCKINNON ROAD AND LAKE BUTLER BOULEVARD TO BE ADDRESSED AT THE PRELIMINARY SUBDIVISION PLAN STAGE.
2. 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.
3. 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/25 FT  
MAX. LOT COVERAGE 60%

**SETBACKS**

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

**LAND USE & SITE DATA SUMMARY**

Land Use District	Total Area (Ac.)	Conservation Area (Ac.)	Developable Area <sup>(1)</sup> (Ac.)	Net Density	Total Units Allowed per Net Density	Proposed Units	Stormwater Mgmt Acres (15%) (Ac.)	Common Open Space <sup>(3)</sup> (Ac.)	Recreation / Park <sup>(4)</sup> (Ac.)
Residential	155.30	12.6	142.70	1 du/Acre	142 <sup>(2)</sup>	95 <sup>(2)</sup>	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 Cods 24-29(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 OCS	Student Population
Elementary Students	95	0.196	19
Middle School Students	95	0.100	10
High School Students	95	0.114	11
<b>Total Students:</b>			<b>40</b>

**ITE TRIP GENERATION**

DESCRIPTION	ITE CODE	PEAK TRIP GENERATION RATES*			UNITS	PEAK TRIPS		
		WEEKDAY	AM	PM		DAILY	AM	PM
SINGLE FAMILY	210	10.25	0.76	1.03	95	974	74	98

\*NOTE: BASED ON ITE TRIP GENERATION - 9TH EDITION

**ALLOWABLE UNIT CALCULATIONS**

1. 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
2. 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
3. TOTAL ALLOWABLE UNITS ON LAND WITHIN CLUSTER PLAN OUTSIDE OF GOLF COURSE PROPERTY:  
330.1 AC. X 0.85 UNITS/AC. = 280 UNITS
4. EXISTING BUILT UNITS TO BE ALLOCATED TO GOLF COURSE PROPERTY:  
327 UNITS TOTAL EXISTING PLATTED UNITS IN CLUSTER PLAN (PER PLATS)  
327 UNITS - 280 UNITS = 47 UNITS
5. 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

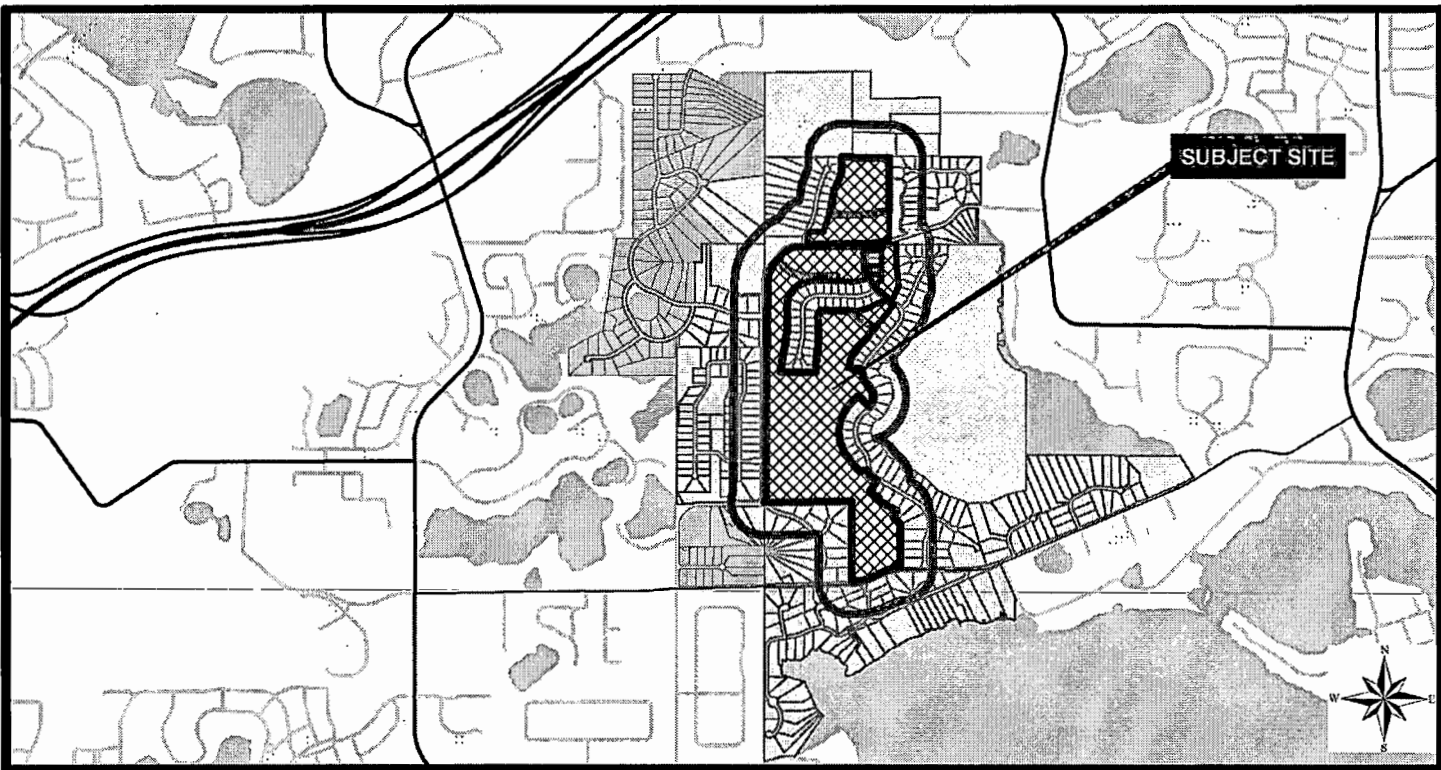
**MISCELLANEOUS NOTES**

1. THERE WILL BE A MINIMUM 50' TRACT DEDICATED TO AND MAINTAINED BY THE PROPOSED HOMEOWNERS ASSOCIATION (HOA) 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.
2. 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.
3. 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.
4. PRIOR TO MASS GRADING, CLEANING, 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).

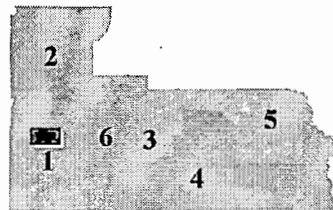
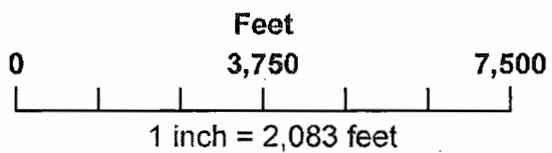
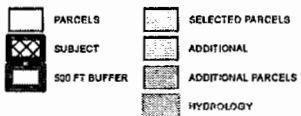


Notification Map

Public Notification Map  
RZ-15-10-038  
523 Notices



Legend



\\Ocna\gmd\p08\Business Systems\Board Administration\PZC\0015\11- November\RZ-15-10-038\MAP.mxd

## **Tab 2**

### **RZ-15-10-037 / BUTLER BAY CLUSTER PLAN**

#### **MODIFIED CLUSTER PLAN RESTRICTIONS FOR DRC CONSIDERATION**

1. Notwithstanding the applicable R-CE-C District development standards, residential development within the 155-acre subject property shall be limited to a maximum of 95 single family lots with one detached residential home per lot.
2. Prior to consideration of any rezoning, applicant shall: (1) via a petition to vacate pursuant to Section 177.101(3), Florida Statutes, request and have received approval from the Board of County Commissioners (if at all) to remove the notes/restrictions regarding development rights and access to Tract A on the Plat, and (2) request and have received approval from the Board of an amendment to that certain Developer's Agreement by and between Windermere Lakes, Ltd., a Florida limited partnership, and County, approved by the Board on February 24, 1986, and recorded at OR Book 3757, Page 1536, in order to amend and/or remove the references to the restrictions regarding development rights and access to Tract A.
3. A minimum 50-foot wide tract, to be owned and maintained by a Homeowner's Association (HOA), shall be established between any proposed lots (or internal roadways) and existing single family residential lots. The tract shall be exclusive of any required building setbacks, and uses within the tract shall be limited to stormwater management, landscaping, and perimeter walls only.
4. The minimum living area of any proposed single family unit shall be 2,400 square feet.
5. The applicant and/or their successor(s) in interest shall comply with the terms of any Capacity Enhancement Agreement (CEA) entered into for this project.

Appendix 89.



**Interoffice Memorandum**

Date: September 1, 2016

09-1-16P04:12-RCV

TO: Katie Smith, Deputy Clerk, Comptroller Clerk's Office

THRU: Cheryl Gillespie, Agenda Development Supervisor  
Agenda Development Office, BCC

FROM: Diana M. Almodovar, P.E., Manager, Development Engineering Division

THRU: Francisco J. Villar, P.E., Engineer III  
Development Engineering Division, Public Works Department  
Telephone: 407-836-7921  
E-mail address: [francisco.villar@ocfl.net](mailto:francisco.villar@ocfl.net)

RE: **Request for Public Hearing for the Windermere Country Club Plat Vacation  
Bryan DeCunha on behalf of Windermere Country Club, LLC**

Applicant: Bryan DeCunha  
Windermere Country Club, LLC  
2710 Butler Bay Drive North  
Windermere, FL 24786

Location: S01/T23/R27 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, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida. The parcel ID number is 01-23-27-1108-00-001. The parcel address is 2710 Butler Bay Drive North and it lies in District 1.

Estimated time required for public hearing: Two (2) minutes.

Hearing controversial: Yes.

Advertising timeframes: Publish the petition, the Clerk's estimated hearing date, time and place at least 14 days prior to the date set for the public hearing. Publish the notice of adoption within 30 days of the hearing date.

October 18, 2016  
@ 2pm  
001759

**Request for Public Hearing for the Windermere Country Club Plat Vacation  
Bryan DeCunha on behalf of Windermere Country Club, LLC**

Applicant/Abutters to

Be notified:

Yes – Mailing labels sent via e-mail to the Clerk's office.

Hearing by Fla. Statute

# or code:

Pursuant to Section 177.101 of the Florida Statutes.

Spanish contact person:

Para mas información referente a esta vista pública, favor de comunicarse con la División de Ingeniería de Desarrollos (Development Engineering Division) al número 407-836-7921.

Materials being submitted as backup for public hearing request:

1. Memo from the property owner's attorney requesting the plat vacation
2. Receipt of payment of petition fees
3. Mailing labels (sent via e-mail to the Clerk's office)


***SPECIAL INSTRUCTIONS TO CLERK (IF ANY):***

1. Please notify Francisco Villar of the scheduled date and time. The Development Engineering Division will notify the customer.

**PUBLIC WORKS DEPARTMENT  
DEVELOPMENT ENGINEERING DIVISION  
REQUEST FOR COUNTY MAYOR'S APPROVAL  
August 5, 2016**

Request authorization to schedule a Public Hearing for the Windermere Country Club Plat Vacation. This is a request from Windermere Country Club, LLC to vacate the development and access rights to Tract A dedicated to Orange County per the plat of Butler Bay – Unit 3, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida. Property lies in District 1.

Requested Action  
Approved by

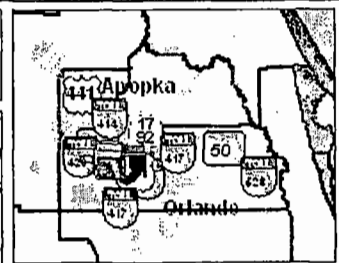
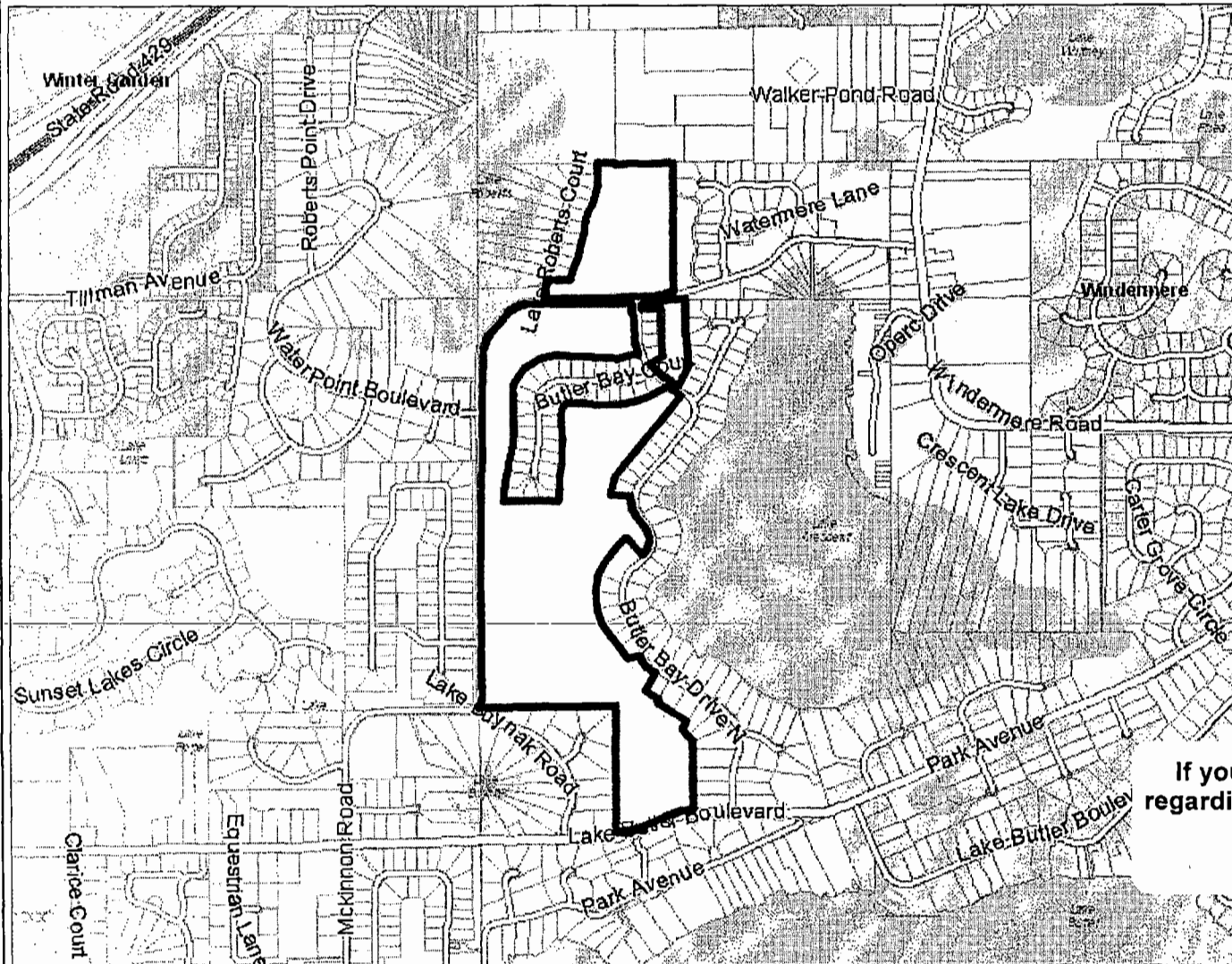
  
Mayor Teresa Jacobs

\_\_\_\_\_  
(Date)

**NOTE: FURTHER PROCESSING NECESSARY:**

Please return to Francisco J. Villar via interoffice mail.

# Windermere Country Club Plat Vacation



**Legend**

Petitioner's property

If you have any questions  
regarding this map, please call  
**Francisco Villar**  
at 407-836-7921.

1: 17,014 



**Notes**

**GRAY | ROBINSON**  
ATTORNEYS AT LAW

407-244-5683  
PAUL.CHIPOK@GRAY-ROBINSON.COM

301 EAST PINE STREET  
SUITE 1400  
POST OFFICE BOX 3068 (32802-3068)  
ORLANDO, FLORIDA 32801  
TEL 407-843-8880  
FAX 407-244-5690  
gray-robinson.com

BOCA RATON  
FORT LAUDERDALE  
FORT MYERS  
GAINESVILLE  
JACKSONVILLE  
KEY WEST  
LAKE LAND  
MELBOURNE  
MIAMI  
NAPLES  
ORLANDO  
TALLAHASSEE  
TAMPA

**MEMORANDUM**

**TO:** Mayor Jacobs and Board of County Commissioners  
**FROM:** Truong M. Nguyen  
**DATE:** July 18, 2016  
**SUBJECT:** Support of Windermere Country Club Petition to Vacate; Property Referenced as Golf Course, Not Common Open Space

Petitioner, owners of a defunct former golf course, is requesting the Board approve a Petition to Vacate the development rights to Tract A dedicated to Orange County, Florida, as indicated in Note #12, and the access rights to Tract A dedicated to Orange County, Florida, as indicated in Note #13 of the Plat of Butler Bay - Unit 3, as recorded in Plat Book 18, Page 4, Public Records of Orange, County, Florida. As the information in this Memorandum makes clear, Petitioner's request fully complies with all relevant County Code provisions and should be approved.

Windermere Country Club has filed a rezoning application, Application #RZ-10-038, to modify the Cluster Plan to 1) bring the 155 acres under the current standard of 1 unit per 1 acre and 2) change the 155 acres from golf course (a referenced use and not open space) to residential area to accommodate 95 lots. At the November 19, 2015 Planning and Zoning Commission meeting, the Planning and Zoning Commission continued the rezoning application to April 21, 2016 and directed Windermere Country Club to file a Petition to Vacate the 155 acre Tract A/golf course property and to modify the 1986 Developer's Agreement applicable to the Butler Bay, Unit 3 Plat<sup>1</sup>.

**BACKGROUND**

The Butler Bay Cluster Plan, where the Tract A/Golf Course Property is located, received its zoning approval on February 21, 1985. There was no mention of conveyance of development rights from the Golf Course Property in this zoning approval.<sup>2</sup>

<sup>1</sup> Tab I

<sup>2</sup> See Minutes of February 21, 1985 Planning and Zoning Commission Meeting (Tab A) and Minutes of February 25, 1985 Board of County Commission Meeting (Tab B).



Mayor Jacobs and Board of County Commissioners  
July 18, 2016  
Page 2

Language regarding dedication of the development rights to the Golf Course Property to Orange County first emerged during PSP review on November 18, 1985.<sup>3</sup> That condition to convey development rights was included in the "1986 Developer's Agreement".<sup>4</sup> When the Butler Bay Unit 3 Plat<sup>5</sup>, was approved, a Resolution Vacating and Annuling a portion of the Butler Bay Unit 2 Plat was approved at the same time.<sup>6</sup> Further, when the Replat of Lots 8, 9, 10 and Tract B was approved on April 2, 1990<sup>7</sup>, a second Resolution Vacating and Annuling Plat was approved by the BOCC on the same day.<sup>8</sup>

GOLF COURSE PROPERTY IS NOT "COMMON OPEN SPACE", "COMMON AREA", OR "COMMON PRIVATE FACILITIES."

The Windermere Country Club golf course is privately held property and maintained by the Golf Course Property owner. It is not common open space. The County's ordinances and a review of the history of the County approvals associated with the Golf Course Property make this very clear.

Section 34-155(a)<sup>9</sup> defines "open space" and states it may include private parks and recreation areas provided: (i) they have been designated as a tract on the plat, (ii) they are adequate for the intended purpose, (iii) assurance has been given by deed restriction or Covenants, Conditions and Restrictions ("CCRs") that the area will be maintained and (iv) the area must be identified on the plat as 'common areas' for owners of property within the subdivision. In this case, the Golf Course Property is not identified as 'common area' on the plat. There is no plat dedication of Golf Course Property to any other lot or property owners. The CCRs do not include the Golf Course Property nor provide for maintenance of the golf course. In fact, the "Property" as defined in Exhibit A to the CCRs is limited to Lots 1-123, PB 18, Pages 4-9 and notably does not include the Tract A/Golf Course Property. The CCR definition of "Common Area" requires that common area be owned by the "Association". Article XII of the CCRs is titled "Covenants and Restrictions Relating to Golf Course". Section 1 states "All Owners of Lots on the Property acknowledge the existence of a private golf course on lands adjoining the Property. The golf course is for the use and enjoyment of the members of the private golf club". Section 3 creates a 10 foot easement in favor of the golf course across the rear of each lot adjacent to the golf course. The easement prohibits fences, walls or shrub planting. See OR Book 3808, Page 1478 (Tab K). The plat note 12 and 13 on PB 18, Page 4,

<sup>3</sup> Attached Tab C

<sup>4</sup> Development Agreement recorded at OR 3757/1536 (Tab D) and hereinafter "1986 Developer's Agreement."

<sup>5</sup> PB 18/4 (Tab E)

<sup>6</sup> See OR 3808/2058 (Tab F).

<sup>7</sup> Replat of Lots 8, 9, 10 and Tract B, Butler Bay Unit 3, PB 25/116 (Tab G).

<sup>8</sup> See OR 4173/3662 (Tab H)

<sup>9</sup> Tab J

Mayor Jacobs and Board of County Commissioners  
July 18, 2016  
Page 3

which are applicable to the golf course are between the Golf Course Property owner and the County, the subdivision owners are not parties to those plat note restrictions. Clearly, there is no dedication or identification on the plat that the Tract A/Golf Course Property is common area for the owners of property within the subdivision. Further, the subdivision lot developer and their successors, the individual lot owners, were on notice through the CCRs that the golf course was not common area or common open space for the benefit of the lot owners. Rather, the lot owners acknowledge through the CCRs the existence of a private golf course for the use and enjoyment of the members of the private golf club. There is no documented expectation that the lot owners have any legal or equitable interest in the Tract A/Golf Course Property.

The 1986 Developer's Agreement (Tab D) approved by the Board of County Commissioners on February 26, 1986 incorporated the November 18, 1985 Preliminary Subdivision Plan conditions of approval (Tab C). That 1986 Developer's Agreement recognizes that the conditions shall control all future development of the property "(unless said conditions of approval are amended or modified by Orange County)".

The 1986 Developer's Agreement, Condition 5, provides: "The applicant shall enter into a Developer's Agreement with the County to address ownership and maintenance of all common private facilities." The "Developer's Agreement - Common Private Facilities" was approved by the Board of County Commissioners on July 21, 1986<sup>10</sup>. That Development Agreement was executed by "Windermere Lakes, Ltd." who was not the owner of the Golf Course Property. Further, the "Property" subject to that Developer's Agreement is Lots 1-123 of "Butler Bay Unit 3" not the Tract A/ Golf Course Property. The Tract A/Golf Course Property by the terms of that 1986 Developer's Agreement is not "common private facilities."

In regards to open space, the Tract A/Golf Course Property is zoned R-CE-C. Section 38-556<sup>11</sup>, requires 40% of each lot to be pervious surface. Section 38-557<sup>12</sup>, Common Open Space, Subsection (a) refers to Chapter 24 for open space regulations. Section 24-29(e)<sup>13</sup> provides, that for residential cluster districts, when the density is less than or equal to 1 unit per acre, there is no common open space required. Section 24-26<sup>14</sup>, Definitions, states "Common Open Space" shall mean a type of open space designed and intended for the use or enjoyment of occupants of a project. That Section also defines "Residential Private Open Space" to include front, rear and side yards excluding parcel driveways and structures. Both common open space and residential private open space are included as part of the definition of "Open Space."

<sup>10</sup> Tab L. Recorded at OR Book 3808, Page 1466.

<sup>11</sup> Tab M.

<sup>12</sup> Tab N.

<sup>13</sup> Tab O.

<sup>14</sup> Tab P.

Mayor Jacobs and Board of County Commissioners  
July 18, 2016  
Page 4

Section 24-27<sup>15</sup>, Legislative findings, at Subsection (e) states:

"Consistency in the definition of open space and the provisions for open space are necessary to balance between private property rights and the protection of the public health, safety and welfare."

Section 24-28<sup>16</sup>, Applicability, provides, in part, that the open space standards are minimum standards, "however, an applicant may provide a greater percentage of open space but a greater percentage of open space will not be required by the county." Section 24-30<sup>17</sup>, Open Space Design Guidelines, subsection (e), Ownership and Maintenance, states common open space areas shall be the responsibility of a property owners' association or a mandatory homeowner's association. In Butler Bay Unit 3, this responsibility is addressed through the July 21, 1986 "Developer's Agreement - Common Private Facilities" (Tab L), which does not include the Tract A/Golf Course Property.

Notwithstanding the foregoing, in 1985 the standard for common open space was 25%. Attached as Tab T is a chart prepared by Poulos and Bennett making clear that the owners' proposed revision to Tract A/Golf Course Property within the Cluster Plan retains total Butler Bay Cluster Plan gross common open space at 25%.

Notwithstanding the foregoing, the 1985 approved Cluster Plan (Tab A) does not define the term "Gross Open Space". As defined by the Orange County Code, "Open Space" includes "Residential Private Open Space" and "Common Open Space". In the 1985 Cluster Plan, reference is made to having 38% "Gross Open Space" within the Butler Bay Cluster Plan. Attached as Tab U is a chart prepared by Poulos and Bennett which establishes that the total Butler Bay Cluster Plan open space (calculated utilizing both common open space and residential open space) after redevelopment of Tract A to 95 lots will be 45.3% of the total area. For just the 155 acres within Tract A after redevelopment to 95 lots the open space will be 60.6%.

## CONCLUSION

Under the current Orange County Code there is no common open space requirements for an R-CE-C project when density is less than or equal to 1 unit per acre. The County, by releasing the development rights for 95 units back to the Tract A/Golf Course Property, maintains an overall density within the Butler Bay Cluster Plan of 1 unit per one acre in full compliance with County Code.

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<sup>15</sup> Tab Q.

<sup>16</sup> Tab R.

<sup>17</sup> Tab S.

Mayor Jacobs and Board of County Commissioners  
July 18, 2016  
Page 5

Even if the old standard of 25% common open space was applied to the request for 95 units on the Golf Course Property, the overall common open space within the Butler Bay Cluster Plan will remain at 25% common open space, also fully compliant with the County Code.

In the event that the 38% "gross open space" as listed in the original 1985 Butler Bay Cluster Plan is interpreted to apply to the current cluster plan modification request, the resulting modified Butler Bay Cluster Plan, with 95 units assigned to the Tract A/Golf Course Property, will exceed the 38% gross open space, also fully compliant with the County Code.

This memorandum establishes that the release of the development rights back to the Tract A/Golf Course Property owner through the vacation of the plat as applicable to Tract A/Golf Course Property can be accomplished in compliance with the open space standards.



---

Appendix 90.



## ZONING DIVISION

**MITCH GORDON, Manager**

201 South Rosalind Avenue, 1st Floor • Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687  
407-836-5525 • Fax 407-836-5507  
www.orangecountyfl.net



April 4, 2008

**Textron Financial Corporation**

c/o Andrew L. Much, Esq.  
11575 Great Oaks Way, Suite 210  
Alphretta, Georgia 30022

*Filed 05*  
*1204/08*

Tim Boldig  
Assistant Manager

Chief Planners

Carol Hossfield  
Permitting

Rocco Relvini  
Customer Relations

Bob Windom  
Project Review

Re: Windermere County Club at Butler Bay

To Whom It May Concern:

This is in response to the April 3, 2008 request for verification of zoning and other information relating to property located in the 2700 Block of North Butler Bay Drive within Orange County, Florida jurisdiction. Verification of zoning pertains only to uses permitted on the property and does not imply fulfillment of any development standard required for improvement of the property.

This will serve to verify that the following described property:

Tract A, BUTLER - BAY UNIT THREE, as recorded in Plat Book 18, Page 4,  
Public Records of Orange County, Florida,

Parcel ID #01-23-27-1108-00-001, addressed as 2710 North Butler Bay Drive,

AND

Tract A, A REPLAT OF LOTS 8, 9, 10 AND TRACT B, BUTLER BAY - UNIT  
THREE, as recorded in Plat Book 25, Page 116, Public Records of Orange County,  
Florida

Parcel ID #01-23-27-1117-00-001, addressed as 2730 North Butler Bay Drive,

is located in an R-CE-C, Rural Country Estate Cluster District.

The Orange County Comprehensive Policy Future Land Use Map (FLUM) designates the above-described property as Rural Settlement 1/1 (RS 1/1) and the R-CE-C zoning is consistent with the Map designation.

The R-CE-C district permits a variety of land uses and although Orange County Zoning Regulations are available online at www.municode.com, the Use Table is occasionally unavailable. For informational purposes we are therefore enclosing a copy of the Orange County Zoning Regulations Use Table (Sec. 38-77).

2710/2730 N. Butler Bay Dr.  
Zoning Verification  
April 4, 2008

The Table utilizes Standard Industrial Classification (SIC) numbers prepared by the United States Office of Management and Budget to identify specific uses within each of the zoning districts in Orange County. Please note that Golf and Country Clubs and a variety of outdoor recreation uses are permitted as a Special Exception in the R-CE-C district under SIC Group #7997 subject to condition 132. A numerical list of conditions is included with the Use Table.

On February 1, 1989 the Orange County Board of Zoning Adjustment (BZA) approved a Special Exception and variance for a privately owned / operated recreational facility on Parcel #01-23-27-1108-00-001, subject to certain conditions.

On May 31, 1989 the BZA approved a Special Exception and variance for a privately owned / operated recreational facility on Parcel # 01-23-27-1117-00-001, subject to certain conditions.

For informational purposes, we are enclosing excerpts of the BZA minutes where the approvals occurred and which contain the conditions.

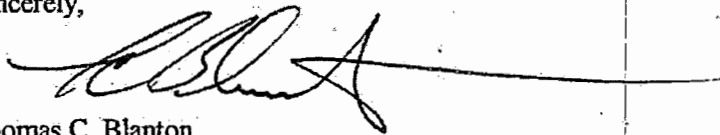
Review of the Orange County Code Enforcement Division tracking system reveals there are no active case files, as of this date, for zoning violations on the above-described property.

If building and / or land use permits have been issued by Orange County, with subsequent inspections and Certificates of Occupancy to allow the existing improvements, then it is presumed said improvements fulfilled the applicable minimum development requirements at the time said permits were issued.

Please contact the Orange County Division of Building Safety at (407) 836-5550 to request copies of any records regarding building permits, inspections, building code violations and Certificates of Occupancy.

We appreciate the opportunity to provide this information and should you require further assistance please contact our office at your convenience.

Sincerely,



Thomas C. Blanton  
Development Coordinator

Enclosures: As stated (3)  
Fee Receipt



**GRAY|ROBINSON**  
ATTORNEYS AT LAW

407-843-8880

DTROTTER@GRAY-ROBINSON.COM

April 3, 2008

**VIA HAND DELIVERY**

ph 407-836-5525

Mr. Tom Blanton  
Orange County Zoning Division  
201 S. Rosalind Avenue  
Orlando, FL 32802

Re: Windermere Country Club at Butler Bay  
Parcel ID nos. 01-23-27-1108-00-001 and 01-23-27-1117-00-001  
Request for Zoning Verification Letter

Dear Mr. Blanton:

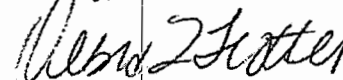
Enclosed is this firm's check in the amount of \$121.00 representing the fee to obtain a zoning verification letter for the Windermere Country Club property. In connection with this request attached is a copy of the legal description, a vicinity map and the parcel identification numbers. In the letter, please confirm the zoning of the property and that it is in zoning compliance.

Please address the zoning verification letter to:  
Textron Financial Corporation  
c/o Andrew L. Much, Esq.  
11575 Great Oaks Way, Suite 210  
Alpharetta, GA 30022

We would appreciate whatever you can do to expedite this request. Please call me at 407-418-6521 (direct) or 407-843-8880 (general) as soon as the letter is completed, and I will send a courier to pick it up.

Thank you for your kind assistance.

Sincerely,



Debra L. Trotter  
Real Estate Paralegal to Phillip R. Finch, Esq.

Enclosures

cc via e-mail: Matt Galvin  
Deirdre Moore, Esq.  
Thomas M. Little, Esq.

\\65233\\2 - # 1742223 v1

SUITE 1400  
301 EAST PINE STREET (32801)  
P.O. BOX 3068  
ORLANDO, FL 32802-3068  
TEL 407-843-8880  
FAX 407-244-5690  
gray-robinson.com

CLEARMONT  
FORT LAUDERDALE  
JACKSONVILLE  
KEY WEST  
LAKELAND  
MELBOURNE  
NAPLES  
ORLANDO  
TALLAHASSEE  
TAMPA

**RECEIVED**

**APR 03 2008**

**ORANGE COUNTY  
ZONING DEPARTMENT**

001771

PARCEL A:

Tract A, BUTLER BAY-UNIT THREE, according to the plat thereof as recorded in Plat Book 18, Pages 4 through 9, of the Public Records of Orange County, Florida.

AND

PARCEL B:

Tract A, A REPLAT OF LOTS 8, 9, 10 AND TRACT B, BUTLER BAY - UNIT THREE, according to the plat thereof as recorded in Plat Book 25, Page 116, Public Records of Orange County, Florida.

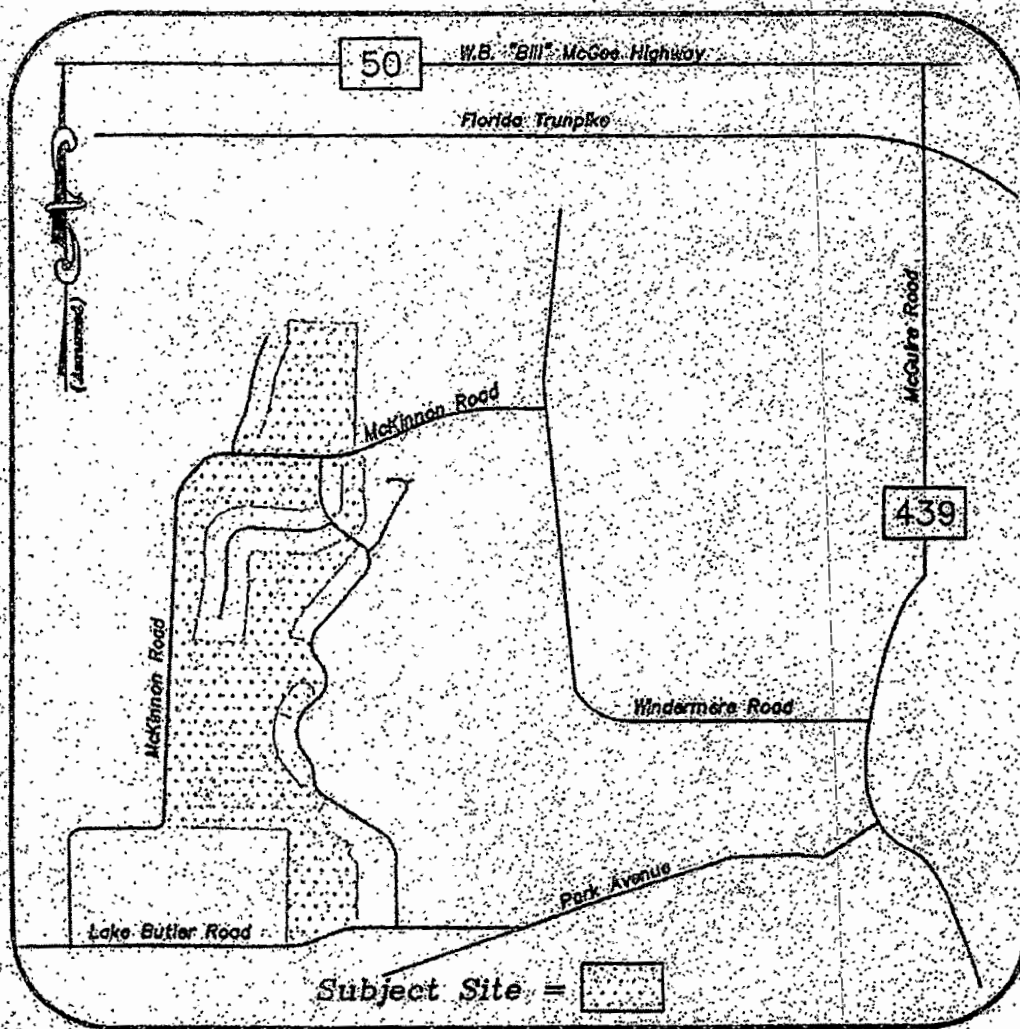
TOGETHER WITH a non-exclusive perpetual easement for ingress, egress and utilities for the benefit of Parcel A pursuant to that certain Grant of Easement for Ingress, Egress and Utilities executed by Butler Bay Association, Inc. to and in favor of FLORIDA COUNTRY CLUBS, INC., dated December 27, 1988 and recorded December 29, 1988 in Official Records Book 4043, page 4175 of the Public Records of Orange County, Florida.

ALSO TOGETHER WITH a non-exclusive perpetual easement for vehicular and pedestrian ingress and egress for the benefit of Parcel A pursuant to that certain Easement Agreement executed by Butler Bay Association, Inc. to and in favor of ATLANTA GOLF PARTNERS dated November 28, 1990 and recorded January 3, 1991 in Official Records Book 4251, page 1662, as rerecorded in Official Records Book 4257, page 3687, of the Public Records of Orange County, Florida.

ALSO TOGETHER WITH a non-exclusive perpetual easement over the rear ten (10) feet of each residential lot within Butler Bay Unit Three which adjoins Parcel A, for the purpose of maintaining a natural buffer area between Parcel A and residential uses, for the benefit of Parcel A pursuant to Article XII Section 3 of that certain Declaration of Covenants, Conditions and Restrictions for Butler Bay Unit Three executed by Windermere Lakes, Ltd. and Lake Butler Estates, Ltd. recorded in Official Records Book 3808, page 1478, of the Public Records of Orange County, Florida.

Parcel No. 01-23-27-1108-00-001

Parcel No. 01-23-27-1117-00-001



Location Map

**Identify Results****Coordinate Position**

Geographic: 28° 30' 29" N, 81° 34' 4" W

**Cities**

City Name: Unincorporated

AREA: 8462183435.23832

LEN: 2276199.623222

**Orange County Zoning**

Zoning: R-CE-C

Planning and Zoning Date: Thursday, February 21, 1985

Jurisdiction: Unincorporated

Zoning Comment: Changed per Zoning Staff (A. Sanchez)

AREA: 12565743.0461138

LEN: 29760.4356056178

**Orange County Future Land Use**

Land Use: 1/1

Land Use Label: RS 1/1

AREA: 17388255.366688

LEN: 50614.7111650329

**Quarter Sections**

Section Township Range: 01-23-27-SW-C

PAOSTAGE\_PAMAP\_AREA: 7005409.22743

PERIMETER: 10587.12801

PA\_MAP\_BD\_: 0

FEAT\_NUM: 0

STATUS: RE

RTS\_ID: 272301

AREA: 7005408.6464055

LEN: 10587.1265680379

**Section Township Range**

S- 01-23-27

T-

R:

Section: 01

Township: 23

Range: 27

AREA: 27835125.2185238

LEN: 21080.5034504314

**Orange County Boundary**

AREA: 27976840811.5222

LEN: 916610.54833606

**Rural Settlements**

Name: West Windermere RS

AREA: 254192002.345704

LEN: 267962.771012241

**BZA**

PARCELID: 01-23-27-1108-00-001

CONDITIONS: Privately owned/operated recreational facility; waste water treatment plant - see file for restrictions; (Also, 2-6-86 #2, temporary sales trailer)

BZAMEETINGDATE: Feb 1, 1989

HEARINGNUMBER: 4

AREA: 0

LEN: 0

**Parcels**

View Parcel

Section Number: 01

Township Number: 23

Range Number: 27

Subdivision Number: 1108

Block Number: 00

Parcel Number: 001

CONDO\_FLAG: 0

ACREAGE: 122.1174

Name: LINKSCORP FLORIDA WINDERMERE LLC

CITY\_CODE: ORG

LAND\_VALUE: 1909418

*Golf Links & Country Clubs*  
*SIC 2997*

**Identify Results****Coordinate Position**

Geographic: 28° 30' 29" N, 81° 33' 59" W

**Cities**

City Name: Unincorporated

AREA: 8462183435.23832

LEN: 2276199.623222

**Orange County Zoning**

Zoning: R-CE-C

Planning and Zoning Date: Thursday, February 21, 1985

Jurisdiction: Unincorporated

Zoning Comment: Changed per Zoning Staff (A. Sanchez)

AREA: 12565743.0461138

LEN: 29760.4356056178

**Orange County Future Land Use**

Land Use: 1/1

Land Use Label: RS 1/1

AREA: 17388255.366688

LEN: 50614.7111650329

**Quarter Sections**

Section Township Range: 01-23-27-SE-D

PAOSTAGE\_PAMAP\_AREA: 6949866.73016

PERIMETER: 10545.12321

PA\_MAP\_BD\_: 0

FEAT\_NUM: 0

STATUS: RE

RTS\_ID: 272301

AREA: 6949866.5462555

LEN: 10545.123189469

**Section Township Range**

S- 01-23-27

T-

R:

Section: 01

Township: 23

Range: 27

AREA: 27835125.2185238

LEN: 21080.5034504314

**Orange County Boundary**

AREA: 27976840811.5222

LEN: 916610.54833606

**Rural Settlements**

Name: West Windermere RS

AREA: 254192002.345704

LEN: 267962.771012241

**Lot Lines**

FNODE\_: 1011

TNODE\_: 989

LPOLY\_: 0

RPOLY\_: 0

LENGTH: 168.5197

LOTS\_: 930

LOTS\_ID: 949

STATUS: RE

RTS\_ID: 272301

AREA: 0

LEN: 168.519997546285

**BZA**

PARCELID: 01-23-27-1117-00-001

CONDITIONS: Recreational facility

BZAMEETINGDATE: May 31, 1989

HEARINGNUMBER: 1

AREA: 0

LEN: 0

**Parcels**

View Parcel

<http://owpgis01.ocfl.net/imf/imfDrillIdentify.jsp?x1=474255.06628301594&y1=1517886.6...> 4/3/2008

Records found for parcel search [01-23-27-1117-00-001] Records 1 - 1 of 1

Parcel Id	Address	Owner	Map
01-23-27-1117-00-001	2730 N BUTLER BAY DR	LINKSCORP FLORIDA WINDERMERE LLC	<a href="#">Show Map</a>

[Show Map](#) | [View Previous Year](#) | [TRIM Notices](#) | [View Property Taxes](#) | [Find Neighborhood Schools](#) | [Tax Year](#)

Quick Search Toolbar

Search by: ☒ Parcel ID ☐ 15-digit number

Parcel Information [Previous Parcel](#) [Next Parcel](#)

Parcel Id	01-23-27-1117-00-001
Location	2730 N BUTLER BAY DR
Municipality	UNINC ORG CNTY, FLORIDA
Millage Rate	16.8553 <a href="#">details</a>
Property Use	3800

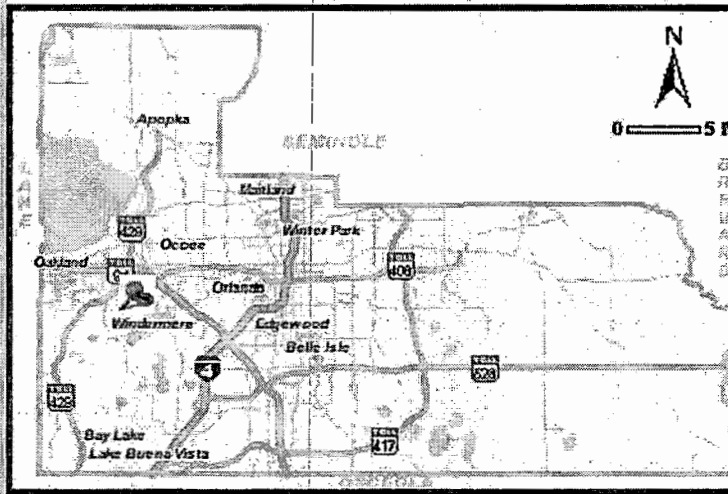
Owner Information

Property Name:	WINDEMERE CC - TENNIS & POOL
Owner Name(s):	LINKSCORP FLORIDA WINDERMERE LLC
Mailing Address:	2801 LAKESIDE DR STE 207
	BANNOCKBURN, IL. 60015

Map

[Location](#) | [Neighborhood](#) | [Parcel](#) | [Interactive](#)

This map is not a survey. Used for illustrative purpose



Legal Information

Legal Description:	<a href="#">View Plat</a>
A REPLAT OF LOTS 8 9 10 & TRACT B BUTLER BAY UNIT 3 25/116 TRACT A	

Sales Information

[Sales Analysis Report](#)

Records found for parcel search [01-23-27-1108-00-001]

Records 1 - 1 of 1

Parcel Id	Address	Owner	Map
01-23-27-1108-00-001	2710 BUTLER BAY DR	LINKSCORP FLORIDA WINDERMERE LLC	<a href="#">Show Map</a>

[Show Map](#) | [View Previous Year](#) | [TRIM Notices](#) | [View Property Taxes](#) | [Find Neighborhood Schools](#) | [Tax Year](#)

**Quick Search Toolbar**

Search by:

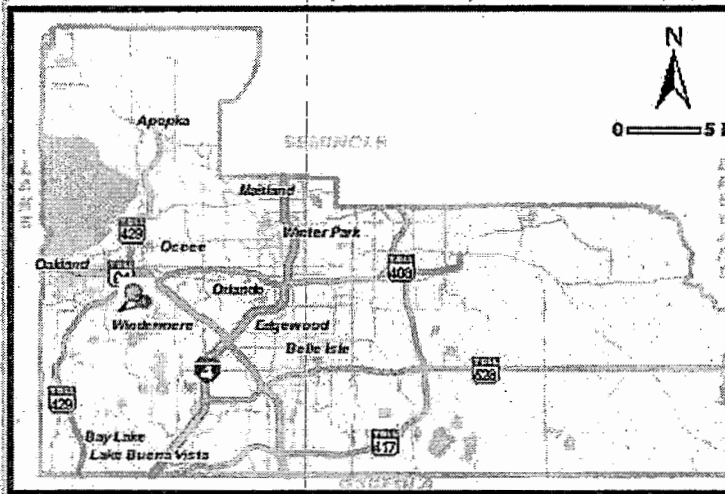
**Parcel Information** [Previous Parcel](#) [Next Parcel](#)

**Map**

[Location](#) | [Neighborhood](#) | [Parcel](#) | [Interactive](#)

This map is not a survey. Used for illustrative purpose

<b>Parcel Id</b>	01-23-27-1108-00-001
<b>Location</b>	2710 BUTLER BAY DR
<b>Municipality</b>	UNINC ORG CNTY, FLORIDA
<b>Millage Rate</b>	16.8553 <a href="#">details</a>
<b>Property Use</b>	3800



**Owner Information**

<b>Property Name:</b>	WINDERMERE COUNTRY CLUB
<b>Owner Name(s):</b>	LINKSCORP FLORIDA WINDERMERE LLC
<b>Mailing Address:</b>	2801 LAKESIDE DR STE 207
	BANNOCKBURN, IL 60015

**Legal Information**

<b>Legal Description:</b>	<a href="#">View Plat</a>
BUTLER BAY UNIT 3 18/4 TRACT A	

**Sales Information**

[Sales Analysis Report](#)

**OFFICIAL RECEIPT  
ORANGE COUNTY ZONING DIVISION**

No. 3785

Date: 04-04-03

Owner/Applicant: Gray / Robinson

Contact#: 407-418-6521

Parcel ID/Address: 01-23-27-1109-00-001 & 01-23-27-1117-00-001 Check #: 265306

Code	Fee Description	Amount
<b>Permitting</b>		
199	Garage Sale .....	\$13.00
	Community Sale (Each Additional Residence).....	\$ 0.50
219	Off-Site Directional Sign (In R-O-W).....	\$25.00
<b>Review Fees</b>		
202	Alcohol Beverage License.....	\$257.00
198	Billboard Application.....	\$223.00
172	Billboard Registration (Existing Boards).....	\$200.00
173	Billboard Annual Registration.....	\$100.00
174	Eminent Domain.....	\$256.00
175	Model Homes.....	\$88.00
197	Non-Conforming Use Determination.....	\$410.00
220	Zoning Land Use.....	\$11.00
<b>Land Clearing</b>		
216	Land Clearing (No Construction).....	\$115.00
203	Tree Removal (Individual. No Bldg Permit).....	\$76.00
205	Tree Replacement Fund (Non-specimen, per inch).....	\$100.00
205	Tree Replacement Fund (Specimen, per inch).....	\$200.00
192	Re-advertisement of Public Hearing.....	\$88.00
211	Reschedule Appeal.....	\$67.00
<b>Street Addressing</b>		
213	Commercial/Residential (Vacant or New).....	\$18.00
213	Each additional Address.....	\$18.00
194	Street Name Petition (New or Change).....	\$368.00
<b>Zoning Verification</b>		
204	General (Conventional Zoning).....	\$121.00
212	P-D or DRI.....	\$210.00
201	Certification.....	\$121.00
<b>Research (Zoning Verification/Copy Fees not Incl.)</b>		
176	Research - Per hour (no written response).....	\$40.00
177	Research - Per hour (written response).....	\$60.00
210	Miscellaneous.....	
200	Copy fee - per page.....	\$0.15
200	Copy fee - per page (front & back).....	\$0.20
<b>SUBDIVISION DETERMINATION (LOT SPLIT)</b>		
215	Zoning.....	\$340.00
221	Engineering.....	\$239.00
<b>Total</b>		<b>\$579.00</b>
<b>DRC/BCC Appeal (Lot Split) Application</b>		
178	Zoning.....	\$227.00
179	Planning.....	\$338.00
<b>Total</b>		<b>\$565.00</b>

Reviewed by: 

Total

121.00

43-52

Customer (white)

Zoning (yellow)

VALIDATION Building and Zoning  
PAID 2008/04/04 09:48:23 \$121.00  
001-324250-DALIA -00001699  
0401 Zoning Receipts pg.1 3785  
0204 Detail Zoning Verif. \$ 121.00  
**TOTAL \$ 121.00**  
9001 Check \$ 121.00

001778



Appendix 91.

**REZONING - PUBLIC HEARING NOTICE**

**Project Name :** Butler Bay Cluster Plan  
**Rezoning Case # :** RZ-15-10-038  
**Staff Contact :** Steven Thorp, Planner II  
**Hearing Date:** Thursday, November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

**IN FAVOR****OPPOSED**

**COMMENTS:** I WAS DIRECTOR OF MARKETING AT WINDERMERE COUNTRY CLUB FROM AUG 2011 - DEC 2012. I WITNESSED THE COURSE RENOVATION CARRIED OUT BY MR. DE CUNHA AT CONSIDERABLE COST TOGETHER WITH EXHAUSTIVE EFFORTS TO DRIVE BUSINESS TO THE CLUB.

**NAME:** CHRIS DORAN **ADDRESS:** 402 ENGLISH LAKE DR. WINTER GARDEN  
**PHONE #:** 407 616 4891

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1383  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5800 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

**NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING**

THIS INFORMATION IS INTENDED TO ASSIST YOU IN PREPARING YOUR PRESENTATION. PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Planning and Zoning Commission (PZC) determines when and for how long an individual may speak.
- (2) Be concise and to the point. Do not repeat previous comments.
- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on compatibility with the surrounding area and/or concerns with impact on public services.

**FOR YOUR INFORMATION, ALL PZC MEETINGS ARE DIGITALLY RECORDED & TELEVIEWED ON ORANGE TV:**

CHANNEL 129 ON BRIGHTHOUSE  
CHANNEL 9 ON COMCAST  
CHANNEL 99 AT&T U-VERSE

You may also watch the PZC public hearing live on: <http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV.aspx>

Previous PZC public hearings are available at: <http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV/VideoArchive.asp>

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111.

Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Planificación al 407-836-5800.

**REZONING - PUBLIC HEARING NOTICE**

**Project Name :** Butler Bay Cluster Plan  
**Rezoning Case # :** RZ-15-10-038  
**Staff Contact :** Steven Thorp, Planner II  
**Hearing Date :** Thursday, November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☒ **IN FAVOR**

**OPPOSED** ☐

**COMMENTS:**

**NAME:** Mark Hess **ADDRESS:** 4311 Down Pt Ln Windermere  
**PHONE #:** 407-876-9006

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-8600 Fax #: (407) 836-8082  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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**REZONING - PUBLIC HEARING NOTICE**

**Project Name :** Butler Bay Cluster Plan  
**Rezoning Case #:** RZ-15-10-038  
**Staff Contact :** Steven Thorp, Planner II  
**Hearing Date:** Thursday , November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

**IN FAVOR****OPPOSED**

**COMMENTS:** I AM AN AVID GOLFER WHO HAS PLAYED HERE SEVERAL TIMES. I AM SORRY TO SEE IT CLOSE, BUT UNDERSTAND IT IS A BUSINESS AND ITS CLOSURE WILL HELP OTHER GOLFE COURSES SURVIVE.

**NAME:** Desmond Joseph **ADDRESS:** 1850 Black Lake Blvd Winter Garden 34787  
**PHONE #:** 407-395-9264 or 407-894-2939

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5852  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

**NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING**

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- (4) Your comments should focus on compatibility with the surrounding area and/or concerns with impact on public services.

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**REZONING - PUBLIC HEARING NOTICE**

**Project Name :** Butler Bay Cluster Plan  
**Rezoning Case # :** RZ-15-10-038  
**Staff Contact :** Steven Thorp, Planner II  
**Hearing Date:** Thursday, November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☒ **IN FAVOR**☐ **OPPOSED****COMMENTS:**

The most desirable option would be to have WCC as a GOLF COURSE (PRIVATE & PUBLIC) HOWEVER due to the declining revenue in the GOLF INDUSTRY. IT would be preferred to develop the LAND AS OPPOSED TO HAVING

**NAME:** Victor Figueroa**ADDRESS:** 11626 Woodchase Circle**PHONE #:** 407-904-7367

Orlando, FL

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION

P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-5600 Fax #: (407) 836-5862

E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)**NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING**

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☒ **IN FAVOR****OPPOSED** ☐**COMMENTS:**

IF THE CLUB IS GOING TO CLOSE, THIS  
IS A GOOD PLAN

**NAME:**ART WIMER**ADDRESS:**2025 LAKE CRESCENT CT**PHONE #:**407 909 1995**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1383  
ORLANDO, FLORIDA 32802-2887  
Phone #: (407) 836-6800 Fax #: (407) 836-6862  
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☒ IN FAVOR

OPPOSED ☐

COMMENTS:

NAME: VIPUL PATEL ADDRESS: 6655 DUNCASTER ST.  
PHONE #: 321-663-0548 WINDERMERE, FL. 34786

MAIL, FAX, OR EMAIL TO:  
ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1363  
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## REZONING - PUBLIC HEARING NOTICE

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Rezoning Case #: RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
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IN FAVOR

OPPOSED



COMMENTS: I perceive no negative impact

NAME: Gary Swift  
PHONE #: 407-383-4810

ADDRESS: 9111 Balmoral Mews

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## REZONING - PUBLIC HEARING NOTICE

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Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday , November 19, 2015 - 9:00 am

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☒ IN FAVOR

OPPOSED ☐

COMMENTS:

NAME: VARESH R PATEL ADDRESS: 1637 GLENWICK DR.  
PHONE #: 321 695-1942 WINDERMERE FL 34786

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## REZONING - PUBLIC HEARING NOTICE

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IN FAVOR

OPPOSED



COMMENTS:

NAME: CHANDRIKA RAVAL ADDRESS: 13830 Orange Crest Dr  
PHONE #: 670 728-6733 Windermere 34786

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## REZONING - PUBLIC HEARING NOTICE

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IN FAVOR

OPPOSED



COMMENTS:

NAME: Darren Hinchey ADDRESS: 2529 Tryon Place  
PHONE #: 407 921 9889 W. Jernice P.O. 24286

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday , November 19, 2015 - 9:00 am

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IN FAVOR

OPPOSED



COMMENTS:

NAME: Manish Parikh ADDRESS: 4054 River Glen Ave., Windermere, FL 34786  
PHONE #: 407-312-5927

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case #: RZ-16-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday, November 19, 2015 - 9:00 am

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IN FAVOR

OPPOSED



COMMENTS:

NAME: SANDY SREENIVASAN ADDRESS: 5132 Fairway Oaks - Unit 34786  
PHONE #: 407-709-8663

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## REZONING - PUBLIC HEARING NOTICE

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IN FAVOR

OPPOSED



COMMENTS:

NAME: Gloria Gomez ADDRESS: 416 E. 6th Ave. Winter Springs  
PHONE #: -

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ORLANDO, FLORIDA 32802-2687  
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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
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IN FAVOR

OPPOSED



COMMENTS: I support the redevelopment and rezoning of  
Windermere Country Club.

NAME: Catherine Hall ADDRESS: Windermere  
PHONE #: -

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case #: RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday, November 19, 2015 - 9:00 am

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IN FAVOR

OPPOSED



COMMENTS:

NAME: RICHARD ELMER ADDRESS: 2167 WINDERMERE RD  
PHONE #: 407-497-5384 WINDERMERE FL 34786

MAIL, FAX, OR EMAIL TO:  
ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2587  
Phone #: (407) 836-8808 Fax #: (407) 836-8862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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CHANNEL 90 AT&T U-VERSE

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IN FAVOR

OPPOSED



COMMENTS: HAVE BEEN A MEMBER OF U.C.C. FOR 20 YRS. HATE TO SEE A GREAT G.C. IN GREAT CONDITION GO AWAY. BUT WOULD RATHER SEE BEAUTIFUL HOMES INSTEAD OF 128 ACRES OF FALLOW, OVER BROWN WOODS AND FIELDS. VPRY NASTY TO LOOK AT.

NAME: J.J. BORGAN

ADDRESS: 7719 CLEMENTINE WAY GRL 32819

PHONE #: 407-304-6933

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5662  
E-Mail Address: PLANNING@OCFL.NET

MR. DeCunha has done  
ALL HE COULD TO SAVE A  
GOLF CLUB. THAT IS REALLY  
UNSAVEABLE.

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IN FAVOR

OPPOSED



COMMENTS:

NAME: Alfred Ruiz ADDRESS: 9019 Pinnacle Circle,  
PHONE #: 407 310 5940 Windermere, 34786

MAIL, FAX, OR EMAIL TO:  
ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1383  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5852  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Monday, November 16, 2015 1:37 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere club

-----Original Message-----

**From:** manoj bhatia [<mailto:xraymanmd@icloud.com>]  
**Sent:** Monday, November 16, 2015 10:02 AM  
**To:** Planning Internet Mail  
**Cc:** Yog Melwani  
**Subject:** Windermere club

I am a Windermere resident. I am in favor of the redevelopment plan for Windermere club.

Sent from my iPhone

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☒ IN FAVOR

OPPOSED ☐

COMMENTS: \_\_\_\_\_

NAME: HARRY KARAM CHANDAN ADDRESS: 11266 Villawater Lane  
PHONE #: 407-927-7470 Windsor Forest FL 34786

MAIL, FAX, OR EMAIL TO:  
ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
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☒ **IN FAVOR**

**OPPOSED** ☐

COMMENTS:

NAME: Lori Telenda ADDRESS: 1517 Glenwick Dr.  
PHONE #: 940-634-2359 Windermere, FL

MAIL, FAX, OR EMAIL TO:  
ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

34786

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☒ IN FAVOR

OPPOSED ☐

COMMENTS:

NAME: Jay Heckenroth ADDRESS: 1517 Glenwick Dr.  
PHONE #: 214 244 7857 Windermere, FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5800 Fax #: (407) 836-5862  
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IN FAVOR

OPPOSED



COMMENTS:

The proposed project will provide new  
residential availability and increase  
property value of surrounding properties.

NAME:

Hetal Engineer

ADDRESS:

12259 Montalvo Circle

PHONE #:

407-836-0363

Windsor, FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1383  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
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Appendix 92.



**REZONING - PUBLIC HEARING NOTICE**

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IN FAVOR

OPPOSED



COMMENTS:

at this pace, we are going to end  
up like a huge city with no  
green areas and horrible traffic!  
Please do not build more houses!

NAME:

Patricia Kindl

ADDRESS:

3412 Cilas Ct

PHONE #:

321-277-7711

Winder mead, FL 34786

**MAIL, FAX, OR EMAIL TO:**

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ORLANDO, FLORIDA 32802-2687  
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IN FAVOR

OPPOSED



COMMENTS: *I have been a Windermere resident for over 10 years. Recently moved on the golf course to prepare for retirement. This would be a NIGHTMARE! DISGRACE!*

NAME: *John + Cathy Marzella* ADDRESS: *12651 Butler Bay Ct.*  
 PHONE #: *407-432-6700 OR 321-436-2091* *Windermere, FL 34786*

**MAIL, FAX, OR EMAIL TO:**

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 ORLANDO, FLORIDA 32802-2687  
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☐ **IN FAVOR****OPPOSED** ☒**COMMENTS:**

**NAME:** Dwight Dykstra **ADDRESS:** 2053 Lak. Crescent Ct.  
**PHONE #:** 407-702-4657 Windermere FL 34786

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
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☐ IN FAVOR

OPPOSED ☒

COMMENTS: SEE ATTACHED

NAME: DONALD E. GRUBB ADDRESS: 2807 BUTLER BAY DR. N  
PHONE #: 407-876-0373 WINDERMERE FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
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Rezoning Case # RZ-15-10-038

Project Name: Butler Bay Cluster Plan

I ask you to oppose this request because of growing traffic considerations. As a resident of Windermere Club, it used to take me 8-10 minutes to drive from my home, through Windermere to Apopka-Vineland Road. Now, due to new home construction west of our location, it can take more than 20 minutes to drive the same route – and it's only going to get worse as new homes already approved are built. Why is this happening – because of the Butler Chain of Lakes, the only way to get from west of Windermere to the Mall at Millenia, Restaurant Row on Sand Lake Road, the churches on Apopka-Vineland Road, etc., is to go through Windermere via Park Avenue or Chase Road. Even with rotaries to improve traffic flow, traffic is still backing up significantly through town and will continue to get worse as additional homes are built. There is no solution to this problem either, as road widening or additional roads/routes through town are not feasible. The request to change this golf course and designated green space to 95 house lots will only further exacerbate this problem. I urge you to oppose this request.

Sincerely,



Ronald Grubb

2807 Butler Bay Dr. N

Windermere, FL 34786

rongrubb@gmail.com

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

NAME: Lorraine Brugnoli ADDRESS: 2959 Marqueras Ct  
PHONE #: 407 8760494 Windermer FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

for obvious reasons

NAME: SPECTOR ADDRESS: 12200 PARK AVENUE  
PHONE #: 407 2566256 WINDERMERE

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IN FAVOR

OPPOSED

COMMENTS: *It is awful that this issue is even allowed. The people in that neighborhood purchased their homes in a golf community. It should remain a preserve. This is outrageous.*

NAME: *Kent Kate Wallace*  
PHONE #: *8505970323*

ADDRESS: *13112 Lutz Point Lane*  
*Windermere FL 34786*

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: *At what point does the County start saying "no" to developers, and protect the quality of life of the citizens? This is a functional business that the owner is purposely planning down to profit through development.*  
NAME: *Elbert & Chris Schameck* ADDRESS: *2026 W. Crescent Ct*  
PHONE #: *954-914-6863* *Windermere FL 34786*

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☐ IN FAVOR

OPPOSED ☒

### COMMENTS:

NAME: Ricke Goode ADDRESS: 2924 Sanbittern Crk  
PHONE #: 407 468 7791 Windermere, FL 34786

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☐

IN FAVOR

OPPOSED

☒

COMMENTS: *This is not good for our community.*

NAME: *Daniel Cicero*  
PHONE #: *(407) 963-9473*

ADDRESS: *2606 Coral Stone Ct.*  
*Windermere FL 34786*

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☐ IN FAVOR

☒ OPPOSED

**COMMENTS:**

*Too much traffic, construction stripping the land of trees going on already in this area.*

NAME: *SUSAN E. TRAVIN* ADDRESS: *3624 LAKE BUYNAL RD,*  
PHONE #: *407-876-4696* *WINDERMERE, FL 334786*

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☐ IN FAVOR

OPPOSED ☒

SEPTIC TANK POISON  
THE WELL WATER WOULD  
LIVE LOWER ELEVATION

COMMENTS: 190. More Cars a day on Road Can not Handle the Traffic. Nor the ground Contamination from Runoff & Leaks & wells. Lake Crescent will die from over grass weed & algae, all from over Development. Bay goes By to Windermere Club as we know it!

NAME: Gerald E Morin

ADDRESS: 2139 1K CRESCENT, CT 34786

PHONE #: 407-2956382 work

Home 407-8760439

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THIS WILL JUST BE BEGINNING  
OF WINDERMERE + SURROUNDING  
GREEN AREAS TO BE CRAMMED WITH  
HOUSES + CEMENT / LESS DRAINAGE  
AND LESS NATIVE WILD LIFE  
+ PLANTS / MESSING WITH  
FLORIDA ECOSYSTEM

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11/9/2015

Project Name: Butler Bay Cluster Plan.

**From:** Elmer's Paint & Body Inc. <elmerspb@aol.com>

**To:** PLANNING <PLANNING@OCFL.NET>

**Subject:** Project Name: Butler Bay Cluster Plan.

**Date:** Mon, Nov 9, 2015 1:15 pm

**Attachments:** Windermere Re Zoning Form 11-9-15.pdf (1190K)

It is exactly that. A cluster! It is not fair to jam in or encroach on a mature, quiet, peaceful, professional community, with such a horrible idea of cramming in homes with zero lot lines and think that a 30 foot buffer (which the home owners will trim and cut down to a matter of a foot) and think that it is okay for this community if you do not live here in this community. None of us signed to purchase our last homes here in a community with a wall around it or fences. Our association does not allow fences. This will ruin the lay out and look and flow we all love and moved here to enjoy. There just in not any other neighborhoods out there with this kind of natural open landscape and natural green spaces with nice rolling hills. Our neighborhood matches and flows the same way it did when we all bought here and we do not expect anything less that what we moved here for. If you lived here you would also agree that this is not anything any of us want to be crammed in our community. Besides there are too many septic tanks and water fertilization run off problems. No one will take care of the wall or buffer zone. Once the homes are jammed in and completed, no one will care if those homes are kept up the way our community takes pride in our community. Go do this jamming homes in your community, not ours! We live here, not you... Please take our wishes in consideration. This is one of the areas last untouched, beautiful communities that is always up to code and clean and well kept with pride. This new development will cause our community to give up and move out, resulting in property value drop and it will (like other communities that have not lasted as long as this one) lead to less care, less pride, less appreciation and will fall into a level of a lower class community. This will also spread throughout the entire surrounding areas and soon bring these issues to other communities in the area... Save old Windermere. Don't let this to happen here or anywhere else. The greed to come from another country, purchase a property for \$2 million dollars, knowing you want to kill off a golf course in prime real estate and turn around and make millions and walk away with multi millions, is about as greedy as it comes. Please do not let the greed of one man take this community down to its knees. We need to appreciate and have pride in this community.. Not many left...

Thank you,  
Gerald E. Morin

Proud Home owner  
Windermere Country Club

## REZONING - PUBLIC HEARING NOTICE

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☐

IN FAVOR

OPPOSED

☒

COMMENTS:

NAME: Caroline Knuth ADDRESS: 6100 Gulfport Blvd #211  
PHONE #: 407-340-3586 Gulfport FL 33707

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Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☐

IN FAVOR

OPPOSED

☒

COMMENTS:

NAME:  
PHONE #:

*Richard K. Knapp*  
407-298-4444

ADDRESS:

8449 Silver Star Pl  
Orlando, FL 32818

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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COMMENTS:

NAME: Harold Davidson ADDRESS: 740 Del Ray Dr  
PHONE #: 407-484-4875 Orange City FL 32763

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COMMENTS:

NAME: Nancy Kruth ADDRESS: 8449 Silver Star Rd.  
PHONE #: 407-902-8031 Orlando, FL 32818

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COMMENTS:

NAME: Richard Daniel Knott ADDRESS: 6100 Gulfport Blvd S Unit 211  
PHONE #: 407-902-8028 Gulfport, FL 33707

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COMMENTS:

NAME: Lea Ann Knuth ADDRESS: 12753 Butler Bay Ct  
PHONE #: 407-876-0905 Windermere, 34786

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COMMENTS: Impact on the area will be plain crazy.

NAME: C Thompson

ADDRESS: 13007 Water Pointe Blvd

PHONE #: 321 436 7755

Windermere 34786

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**COMMENTS:**

NAME: John MacQueen ADDRESS: 1410 Crescent Lake Dr  
PHONE #: 321-276-7057 Windermere, FL 34786

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### COMMENTS:

NAME: LORRAINE MACQUEEN ADDRESS: 1410 Crescent Lake Dr.  
PHONE #: 321-231-8310 Wildermeade, FL 34786

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ORANGE COUNTY PLANNING DIVISION  
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COMMENTS:

NAME: Charles Wilson ADDRESS: 2833 BUTLER Bay Dr N  
PHONE #: 407-697-4660 WINDERMERE 34786

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COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: Marc Liever ADDRESS: 2024 Roberts Point Dr  
PHONE #: 813-777-9800 Windermere, FL 34786

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COMMENTS: TOTALY BAD FOR COMMUNITY! EXCESSIVE IMPACT, SLOWLY, SCHOOL IMPACT, REDUCED VALUE OF HOMES, IMPACT ON COUNTRY STREET & DIS TO OVERCROWDING - OWNER OF GOLF COURSE HAS BEEN OFFER THIS REZONING SINCE PRELIMINARY DOES NOT HAVE DEVELOPMENT RIGHTS!!

 NAME: JAMES ADAMS

 ADDRESS: DEVELOPMENT RIGHTS!!

 PHONE #: 407-217-7177
2936 BUTLER BAY DR. N  
 WINTERHURST, FL 34786
**MAIL, FAX, OR EMAIL TO:**

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P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-5600 Fax #: (407) 836-5852

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☐

IN FAVOR

OPPOSED

☒

COMMENTS:

Should stay a green space

NAME:

Jennifer + Shawn Walsh

ADDRESS:

12716 Windermere Isles

PHONE #:

407 217 2426

Place, Windermere, FL  
34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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☐

IN FAVOR

OPPOSED

☒

COMMENTS:

This proposed re-zoning will be terrible for many people. Property values will decrease and traffic will be horrible. We need this golf course. Too much building in the area, schools, etc.

NAME:

Kathy and Kyle Brown

ADDRESS:

2219 Ridgewind Way

PHONE #:

407-592-2081

Windermere FL 34786

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ORLANDO, FLORIDA 32802-2687

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: No matter what the outcome. Please make side walks  
on McKinnon Road around Lake Roberts. We are  
not able to safely travel in that direction from Waterford  
It is a Windermere Country Club and this company wants to add  
NAME: Alan + Cindy Boone ADDRESS: 12929 Water Point Blvd  
PHONE #: 407-719-8653 Windermere, FL 34786

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P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
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☐ IN FAVOR ☒ OPPOSED  
COMMENTS: There is NO need to eliminate even more green space in this area.

NAME: Ray Williamson ADDRESS: 1710 MAPLE LEAF DR  
PHONE #: 407 625 8480 WINDERMERE FL 34786

MAIL, FAX, OR EMAIL TO:  
ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5608 Fax #: (407) 836-5662  
E-Mail Address: PLANNING@OCFL.NET

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IN FAVOR

OPPOSED



COMMENTS: TRAFFIC ON WEST LAKE BUTLER DRIVE AND MCKINNAW ROAD IS ALREADY TERRIBLE. ADDING THIS MANY MORE HOMES WILL ONLY ADD TO THE PROBLEM. WE DON'T HAVE THE INFRASTRUCTURE TO SUPPORT THIS PROJECT, NOR DO RESIDENTS WANT IT. KEEP WINDERMERE PL

NAME: JOHN MUCHNICK ADDRESS: 2000 ROBERTS PT. DRIVE  
PHONE #: (407) 421-0098 WINDERMERE, FL 34986

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Friday, November 13, 2015 2:53 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Country Club & Golf Course Redevelopment

---

**From:** Sarah Moody [<mailto:smoody@cmoodypa.com>]  
**Sent:** Friday, November 13, 2015 10:04 AM  
**To:** [gbruhn@town.windermere.fl.us](mailto:gbruhn@town.windermere.fl.us); [rsmith@town.windermere.fl.us](mailto:rsmith@town.windermere.fl.us); [president@windermereclubhoa.net](mailto:president@windermereclubhoa.net); Mayor; District1, Mail; District2, Mail; District3, Mail; District4, Mail; District5, Mail; District6, Mail; Planning Internet Mail  
**Subject:** Windermere Country Club & Golf Course Redevelopment

I OPPOSE the redevelopment of Windermere Country Club & Golf Course.

My husband, two children and I moved to Windermere Club in 2013 from East Orlando's Baldwin Park to get away from the busy, overcrowded city. We live on Butler Bay Drive North overlooking the 18th fairway. As an avid golfer, it was my husband's dream to live on a golf course, especially in the quiet, beautiful Windermere area. Right away, my husband became a member of the course and has enjoyed playing here with friends. Our five year old daughter has taken many golf lessons here and we hope to start our three year old son when he's a little older. Not only was the golf culture and open view important to us when choosing where to live, but the wildlife also helped us decide to move to this area. We regularly see owls, eagles, turtles, alligators and many migrating birds that come to our pond. The redevelopment of the course would be devastating to our wildlife, culture and home value. Please do not give back the development rights!!

Thank you,  
Sarah Moody  
2322 Butler Bay Drive North  
Windermere, FL 34786



## REZONING - PUBLIC HEARING NOTICE

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Rezoning Case # : RZ-15-10-038  
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☐

IN FAVOR

OPPOSED



COMMENTS:

NAME George Aquel  
PHONE # 407-484-0900

ADDRESS 12548 Butler Bay Ct  
Windermere, FL 34786-6100

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ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO FLORIDA 32802 2687  
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☐

IN FAVOR

OPPOSED

☒

COMMENTS:

NAME: Kenneth O. Carter ADDRESS: 3130 Butler Bay Dr N  
PHONE #: 407-883-6187 Windermere FL 34786

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☐ IN FAVOR

OPPOSED



COMMENTS:

NAME: Dwight Dykstra ADDRESS: 2053 Lak Crescent Ct  
PHONE #: 407-702-4657 Windermere FL 34786

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Friday, November 13, 2015 2:58 PM  
**To:** Thorp, Steven T  
**Subject:** FW: URGENT please help us save our neighborhood!!

**From:** Marcy Kraft [<mailto:marcykraft06@gmail.com>]  
**Sent:** Thursday, November 12, 2015 9:17 AM  
**To:** Planning Internet Mail  
**Subject:** Fwd: URGENT please help us save our neighborhood!!

I oppose.  
Marcy Kraft  
15916 Citrus Knoll Drive  
Winter Garden FL 34787

## REZONING - PUBLIC HEARING

Project Name : Butler Bay Cl  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp  
Hearing Date: Thursday , Nov

**Note:** If you wish to make comments, please return this entire document day prior to the public hearing. Any commentary submitted to the Planning Commission is therefore open for review and inspection by any member of the public, in

☐

**IN FAVOR**

**COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NAME:**

**ADDRESS:**

**PHONE #:**

\_\_\_\_\_  
\_\_\_\_\_

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ORANGE COUNTY PLANNING DIVISION

P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-5600 Fax #: (407) 836-5601

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☐ IN FAVOR

☒ OPPOSED

COMMENTS:

NO!

NAME: Allyson Friedman ADDRESS: 13061 Water Point Blvd  
PHONE #: 407.721.0315 Windermere

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Friday, November 13, 2015 2:59 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Butler Bay Cluster Plan  
**Attachments:** Attachment-1.jpeg; ATT00002.txt

-----Original Message-----

**From:** Daniel Ryan [<mailto:windermerechef7@gmail.com>]  
**Sent:** Thursday, November 12, 2015 12:30 AM  
**To:** Planning Internet Mail  
**Subject:** Butler Bay Cluster Plan

I Daniel Ryan  
4339 Indian deer rd Windermere fl  
321-388-2026

I am opposed to the environmental damage that will be caused if Orange County commissioners decide to build homes on the Windermere country club golf course. Due to the fact there are protected wet lands that are embodied by the course itself.

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 - 9:00 am

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IN FAVOR

OPPOSED



**COMMENTS:** We purchased a home in the Windermere Club with the golf course adjacent to our property with the expectation that this would remain. We oppose development due to the environmental, financial and lifestyle impact this will have on our community. The owner has intentionally caused the golf club to fail, to justify this development plan.

NAME: Michael Eckhoff  
PHONE #: 407-909-1123

ADDRESS: 1940 Lake Roberts Court  
Windermere, FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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OPPOSED



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NAME: Suzanne Eckhoff ADDRESS: 1940 Lake Roberts Court  
PHONE #: 407-909-1123 Windermere, FL 34786

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## Thorp, Steven T

**From:** Pontius, Terri-Lynn  
**Sent:** Friday, November 13, 2015 3:02 PM  
**To:** Thorp, Steven T  
**Subject:** FW: URGENT please help us save our neighborhood!!

**From:** Philip Krupoff [mailto:pkrupoff@cfl.rr.com]  
**Sent:** Wednesday, November 11, 2015 4:46 PM  
**To:** Planning Internet Mail  
**Subject:** Fw: URGENT please help us save our neighborhood!!

----- Original Message -----

**From:** Michele Kade

**To:** WAber315@aol.com ; MikeAdler72@aol.com ; CME4DK@embargmail.com ; diverren@aol.com ; Ozell.Bailey@harmonicinc.com ; HomeBatt@aol.com ; CarenBella56@earthlink.net ; Golfer1@embargmail.com ; Roy@Werusa.com ; Boger1@hotmail.com ; VABonner@aol.com ; JimBorgan@yahoo.com ; Borsio@hotmail.com ; EliseBill@earthlink.net ; Bob Brannan@sunbelt-beverage.com ; SBritt@cfl.rr.com ; DBrown030@cfl.rr.com ; Buzzandsuzy@earthlink.net ; VBryson2@yahoo.com ; Bartontheartist@aol.com ; Cannconsult@Rogers.com ; RustyBoy@yahoo.com ; KOCarter@yahoo.com ; ChapmanRG@aol.com ; delta1@cfl.rr.com ; ChinMookChung@aol.com ; ACooper9@cfl.rr.com ; cooliemania@aol.com ; CasaRandy@aol.com ; jdaughtridg@cfl.rr.com ; JeffDeane@aol.com ; JoeDoher@MyFloridaMove.com ; Erniedouglas@verizon.net ; Frankie838@aol.com ; PJErick@Bellsouth.net ; dafetters ; aq7uit@msn.com ; FLKDEBSTR@earthlink.net ; VFriedman@cfl.rr.com ; GGar399122@aol.com ; JGardner3@cfl.rr.com ; VGate@aol.com ; MarkLoriG@aol.com ; JKGlock@cfl.rr.com ; Lglock@yahoo.com ; NovemberBill@aol.com ; JGodsill@cfl.rr.com ; VZGrant@msn.com ; RonGrubb@gmail.com ; ggubbins@aol.com ; RobertoGuillen01@msn.com ; TSG1988@aol.com ; JGustafson4@cfl.rr.com ; Kerry Hall@earthlink.net ; Dham444@aol.com ; Bob.Hartman@lmco.com ; MaJen94@aol.com ; OHeylek@cfl.rr.com ; MikeHightower@unistudios.com ; Christine.Hill@us.pwsglobal.com ; TayKimball05@earthlink.net ; RHylton805@aol.com ; EJarvis2@cfl.rr.com ; TomJones@TravelDirect.com ; Steve.Jones@vacationclub.com ; LTKan@aol.com ; TKennin267@aol.com ; miranmoonkim@yahoo.com ; MJKingsley@sbcglobal.net ; IKinnear@aol.com ; Kruczek@cyberspann.com ; PKrupoff@cfl.rr.com ; OriDiane@earthlink.net ; JLANtry@aol.com ; Chris.Leach@vsa.rohde-schwartz.com ; LestersNC@aol.com ; MLee@NewPlan.com ; Tim.Levin@vacationclub.com ; Sanghwan1@aol.com ; SueL@mpinet.net ; bigforegolf44@yahoo.com ; L71160@gru.net ; JLuc@nextel.blackberry.net ; lugojaner@earthlink.net ; JMalaussena@yahoo.com ; RichardMader@aol.com ; Martws@aol.com ; DisneyGolf@aol.com ; ActorLori@aol.com ; cbsgram@cfl.rr.com ; PMeyers@SCSEnergyLLC.com ; JimMikes@tampabay.rr.com ; arabiannts@aol.com ; ipsmoon@hotmail.com ; OJMorales@earthlink.net ; JoanneMorini@gmail.com ; Nancy-Joe@prodigy.net ; msellenmg@aol.com ; Rneely@akerman.com ; NestorOrlando@aol.com ; EileenN@earthlink.net ; TFN71534@msn.com ; Cbn830 ; Andy61@cfl.rr.com ; shunterpark@earthlink.net ; HPatel2240@aol.com ; StPeetJr@aol.com ; gndpeppy@stny.rr.com ; RShanePerkins@hotmail.com ; Pett69@aol.com ; HPhillips@bahamabreeze.com ; AllenPichon@msn.com ; MarkP@tierasoft.com ; poundsgap@outlook.com ; George Huxhold ; Leigh Ann ; MVPman18@aol.com ; Kradkewich@limitedbrands.com ; Pat & Lloyd Rawls ; Davesagatorfan@yahoo.com ; BigForeGolf@aol.com ; OrvJaneR@wctel.net ; Joellen.ross@genspring.com ; RPSalaMD@aol.com ; RSchmidt@cwisdom.com ; DickSchulze@verizon.net ; Bob@crosswindsgolf.com ; RASergott@aol.com ; EFSeybold@cfl.rr.com ; R.Smith7548@yahoo.com ; trispecht@otcdsl.net ; RFSprick@yahoo.com ; pegandbste@hotmail.com ; Preland@earthlink.net ; MDLJWard@aol.com ; Watkins143@aol.com ; BoilerMaker2x@aol.com ; wilwayco@aol.com ; Richie@protekconstruction.com ; Dr.pain504@msn.com ; MWright124@cfl.rr.com ; Stacey Aster ; Brenda Suhr ; Jennifer Bradshaw ; suzanne.eckhoff ; Inglur Inc. Rivers ; Judith DelToro ; Maria Long ; Liz ; lorraine sheldon ; cathy@manzella.net ; nzaworski ; Jill Parker ; ploy26 ; Cassie & Johnny Rivers ; Sofia Chiswick ; tbart8794 ; tomhill1967@gmail.com ; tandreassen@windermeregolf.com ; vietris ; Vijay kasi ; Michele Kade ; Bob Kade ; Karen McChesney ; Ana Aguel

**Sent:** Wednesday, November 11, 2015 4:30 PM

**Subject:** Fwd: URGENT please help us save our neighborhood!!

I am definetaly opposed to this.

Philip Krupoff  
8130 Belshire Dr  
Orlando, FL 32835  
407 294 1230

----- Forwarded message -----

From: **Suzanne Eckhoff** <suzanne.eckhoff@gmail.com>

Date: Wed, Nov 11, 2015 at 9:50 AM

Subject: URGENT please help us save our neighborhood!!

Here is an email we sent to our Orange County friends asking for them to vote against the development project. Please feel free to pass this on to your circle of friends, and you can change our

Dear Friends,

You may not be aware, but the owner of the Windermere Club (where we live), is trying to turn the golf course into 95 houses. We would really appreciate your support in fighting against this, as we are in a lengthy legal battle with the developer and his extensive legal team.

The county owns the development rights since 1985, and there is no legal precedent for the county to relinquish those rights. It is important for the Orange County residents to show opposition to this project which will effect the water ways, irrigation, wildlife, traffic and of course property values. In a recent community meeting over 400 Windermere residents rejected the development, and the only person who wants to move forward with this project is Mr. Bryan DeCunha, the golf course owner/developer.

If you choose to email, mail or fax this letter (by Tuesday, November 17) it just needs your name, address and phone number. Please forward this to any spouses, friends or neighbors who live in Orange County.

We believe we can all make a difference and preserve this area. We thank you all for your friendship and support.

**REZONING - PUBLIC HEARING NOTICE**

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday, November 19, 2015 - 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

NAME: DOUGLAS MILANOS ADDRESS: 1837 LAKE ROBERTS CT  
PHONE #: 407-463-9893 WINDERMERE, FL 334786

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IN FAVOR

OPPOSED



COMMENTS: Plan is inconsistent with the Established Area

NAME: Chester Kennedy ADDRESS: 1903 Lake Roberts Ct  
 PHONE #: 407 865 3095 Windermere Fl 32786

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IN FAVOR

OPPOSED



COMMENTS: WE ARE STRONGLY OPPOSED TO THE PROPOSED REZONING. WE RESIDE IN WINDERMERE CLUB ON THE 12TH FAIRWAY. WE PURCHASED OUR HOME 4.5 YEARS AGO. WE HAD MANY CHOICES AND SPECIFICALLY BOUGHT OUR HOME BECAUSE OF ITS LOCATION ON A 601F COURSE TO RETAIN VALUE IN OUR INVESTMENT. REDEVELOPING THE AREA WOULD CAUSE US A SUBSTANTIAL

NAME: NELSON H:11 PARKER

ADDRESS: 12537 BUTLER BAY CT.

PHONE #: 217-6018

WINDERMERE, FL 34786

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FINANCIAL DEVALUATION IN OUR PRIMARY HOME. FURTHER, RE-DEVELOPMENT WOULD IMPACT SIGNIFICANTLY OUR QUALITY OF LIFE AND CREATE NOISE POLLUTION, LIGHT POLLUTION AND INCREASED TRAFFIC FOR YEARS TO COME. REZONING WOULD LEAD TO THE LOSS OF A

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: *This rezoning will significantly decrease the TAXABLE value of our home as well as the other homes in the immediate area. The county may be inclined to vote in favor of the rezoning because it means more tax revenue from the new home sites, don't.*

NAME: *Loice Wilmer*

ADDRESS: *2504 Ridge wind way*

PHONE #: *(407) 217-2236*

*Windermere FL 34786*

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*underestimate the decrease in taxable value to the surrounding homes as well as the negative effect on the way our elected county officials are viewed by the surrounding homeowners*

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IN FAVOR

OPPOSED



COMMENTS:

NAME: Richard J. Reeth ADDRESS: 2243 Ridgewind Way  
PHONE #: 321 354-8662 Windermere, FL 34786

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IN FAVOR

OPPOSED



COMMENTS: *When I purchased my home in this area over 30 years ago the green space was an important part of the decision. I am strongly opposed to losing any more of it. We do not need more houses or traffic than we already have.*

NAME: *William Freeman*

ADDRESS: *3629 Late Bynum Rd.*

PHONE #: *407 876-3549*

*Windermere, FL 34786*

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

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☐

IN FAVOR

OPPOSED

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COMMENTS:

NAME: THOMAS F. NICHOLS ADDRESS: 1230 BUTLER BAY CT  
PHONE #: 407-836-0462 DUNEDMERE FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
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COMMENTS:

NAME: Fred Hernandez ADDRESS: 3177 Butler Bay Dr A1  
PHONE #: (407) 443-1319

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COMMENTS:

NAME: STEPHEN SCHREIBER ADDRESS: 2436 RIDGEWIND WAY  
PHONE #: 407-876-8252 WINDERMERE, FL 33786

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COMMENTS: SEE ATTACHED

NAME: EDWARD E. GRUBB ADDRESS: 2807 BUTLER BAY DR. N  
PHONE #: 407-876-0373 WINDERMERE FL 34786

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Rezoning Case # RZ-15-10-038

Project Name: Butler Bay Cluster Plan

As one of the 147 homeowners in Windermere Club who will be greatly affected by this request, I urge you to oppose it for the following reason: When Butler Bay Unit 3 was developed, the subject property was designated "green space" to allow for lots of less than one acre for the overall development. Development rights to the property were assigned to the county, but even those rights were to keep the property as "permanent green space". "Permanent" means forever, so any request to change the character of this parcel should continue to keep it "green", i.e., a park, but definitely not 95 house lots. Those of us who live here have paid a premium to live in a golf course community. To have that taken away, plus have to put up with construction for 5-10 years during buildout, plus lose value on our property just to enrich a modern day carpetbagger is not right. We already lost value on our homes with the housing crash, and now as values start to recover, are faced with the possibility of losing value again through no fault of our own. I ask you to put yourselves in our position as you make this decision. Is this something you would approve if it was your neighborhood and your livelihood? There is plenty of raw land available for development in Orange County, but green space is disappearing rapidly. I ask you to save our green space and vote "no" on this request.

Sincerely,



Ronald Grubb

2807 Butler Bay Dr. N

Windermere, FL 34786

rongrubb@gmail.com

## REZONING - PUBLIC HEARING NOTICE

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IN FAVOR

OPPOSED

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COMMENTS: CAN'T SEE HOW YOU COULD ALLOW THIS OR COMPENSATE  
CURRENT RESIDENTS FOR LOSS OF PROPERTY VALUE, INCLUDING  
THOSE LIKE ME WHO DON'T LIVE NEXT TO GOLF COURSE.

NAME: STEVEN HOFF ADDRESS: 3426 COCADO CT  
PHONE #: 407-217-5497 WINDERMERE, FL 34786

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COMMENTS:

NAME: Valerie Fairchild ADDRESS: 2259 Fountain Key Cir  
PHONE #: 407.913.9181 Windermere, FL 34786

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COMMENTS: • LOCAL SCHOOLS ARE CURRENTLY OVERCROWDED  
• LOCAL ROADS CANNOT ACCOMMODATE ADDITIONAL TRAFFIC CREATING  
VEHICLE CONGESTION, TRAFFIC, & ACTIVITY  
• GOLF COURSE OFFERS THE AREA A GOOD NEIGHBORHOOD DYNAMIC

NAME: PAUL HOANG

ADDRESS: 1836 WATERMEADOW LANE

PHONE #: 407-683-2147

WINDERMERE, FL 34706

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COMMENTS:

NAME: David M. Lennon ADDRESS: 2031 Roberts Pointe DR.  
PHONE #: 407-340-2894 Windermere, FL 34786

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COMMENTS:

NAME: Kemp Moore, III ADDRESS: 2050 Roberts Point Dr  
PHONE #: 407 909 0603 Windermere, FL 34786

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COMMENTS: *DEVELOPER'S ACTIONS SHOW INTENT TO RUN THE GOLF COURSE OUT OF BUSINESS IN ORDER TO "CONVINCE" COMMISSION THE ONLY ALTERNATIVE IS TO REZONE. NOT ONE RESIDENT IN THAT COMMUNITY NOR IN ALINE IS IN FAVOR OF ADDING TRAFFIC/CHILDREN TO OVER SATURATED ROADS AND SCHOOLS. DEVELOPER'S REQUEST SHOULD BE DENIED. THANK YOU*

NAME: DAN LAMPKINADDRESS: 2600 CORAL STRATE CTPHONE #: 321-297-0733WINDERMERE FL 34786**MAIL, FAX, OR EMAIL TO:**ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Monday, November 16, 2015 1:39 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Butler Bay Cluster Plan RZ-15-10-038

**From:** Lucy Cogswell [<mailto:lcogswell55@gmail.com>]  
**Sent:** Monday, November 16, 2015 8:03 AM  
**To:** Planning Internet Mail  
**Subject:** Fwd: Butler Bay Cluster Plan RZ-15-10-038

RZ-15-10-038

Dear Planning Commission,

I am OPPOSED to the proposed rezoning of the Windermere Golf Course into 95 homes. The county has the development rights and the owner of the golf course knew that going in. He has driven the club into the ground on purpose in order to get your approval for this change. The residents of the CC don't want in and neither does the golfing community at large, who enjoy and play regularly on the WWC Golf course.

This development was planned with the golf course, it was part of it approval process and to get that approval the golf course development rights were deeded to the citizens of the county, probably to protect it from this exact scenario.

Please listen to the citizens who already live here and say no to an outside developer. He bought a viable golf course for a song, and drove it into the ground, knowing he wanted to develop it, without regard for the homeowners who wanted to live on a golf course.

YOU HAVE THE CONTROL. SAY NO.

--  
Lucy S. Cogswell

--  
Lucy S. Cogswell

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☐

IN FAVOR

OPPOSED

☒

COMMENTS: THE SPACE IS COUNTY OPEN SPACE - THIS NEEDS TO BE  
PRESERVED.  
CONSTRUCTION RUN-OFF WILL ENTER LAKE CRESCENT -  
THE FEEDER LAKE FOR THE BUTLER CHAIN OF LAKES  
THESE LAKES NEED TO BE PROTECTED  
NAME: MIKE STEB WARD ADDRESS: 21225 BUTLER BAY DR.  
PHONE #: 407 876 2893 WINTER HAVEN, FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Monday, November 16, 2015 1:44 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Butler Bay Cluster Plan/Rezoning Case # RZ-15-10-038

**From:** [hedwards2027@aim.com](mailto:hedwards2027@aim.com) [<mailto:hedwards2027@aim.com>]  
**Sent:** Sunday, November 15, 2015 9:32 AM  
**To:** Planning Internet Mail  
**Subject:** Butler Bay Cluster Plan/Rezoning Case # RZ-15-10-038

Howell Edwards  
2027 Water Key Drive  
Windermere, FL 34786  
(407)909-0624

I am **OPPOSED** to the Butler Bay Cluster Plan (Rezoning Case # RZ-15-10-038) for the following reasons:

1. Adding these homes to this area will result in additional automobile traffic in the Windermere area. There is already a significant amount of traffic and backup in the Town of Windermere, specifically on Main Street. During peak rush hour times it is congested and travel is often significantly delayed. The resulting traffic increase will only contribute to the problem and increase the risk of accidents. The intersection of Windermere Road and Stoneybrook West Parkway/Roberson Road is already a nightmare. There is no light at that intersection, and it is highly traveled by teenagers going to West Orange High School. In addition, it is very close to Lake Whitney Elementary school which has its own traffic issues during drop off and pick up times. I have personally witnessed many close calls at that intersection and adding more cars to the area will only exacerbate the problem.
2. Additional students will be added to the area's schools which in many instances are already too crowded.
3. The plan will eliminate the green space in the area. This green space makes the Windermere community unique and highly attractive to potential home buyers and eliminating it and replacing it with 90+ homes will hurt home values in the area, especially those in proximity to the existing green space. There are already enough homes in the Windermere area. What we need is more green space which will continue to make Windermere the unique and highly sought after community it has always been.

Again, I am **OPPOSED** to the Butler Bay Cluster Plan (Rezoning Case # RZ-15-10-038)

Howell Edwards

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday, November 19, 2015 - 9:00 am

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IN FAVOR

OPPOSED



COMMENTS: In 1992 I paid \$90,000 for my plot of land in Windermere CC, far in excess of housing estate land prices. When Windermere CC is converted to a housing estate not only will I lose my view that I paid for I will also lose an estimated \$160,000 on the value of my home. Who will pay the compensation for my financial loss?

NAME: KENNETH J. LINGE ADDRESS: 12856 BUTLER BAY COURT

PHONE #: 407 876 1551

WINDERMERE FL 34786.

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ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-6600 Fax #: (407) 836-5862  
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☐

IN FAVOR

?

OPPOSED

☐

**COMMENTS:**

ACCORDING TO THIS NOTICE NO CHANGE IS PROPOSED,  
SINCE THE "FROM" AND "TO" ZONING IS IDENTICAL. THUS I AM  
UNABLE TO EXPRESS AN OPINION ON THIS ZONING CHANGE.  
HOWEVER I AM AGAINST BUILDING HOUSES ON THE GOLF COURSE.

NAME: JOHN VAN VALKENBURGH

ADDRESS: 2205 LAKE CRESCENT CT.  
WINTERGARDEN FL 34786

PHONE #: 407-252-5768

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Tuesday, November 17, 2015 1:08 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Rezoning case #RZ-15-10-038  
**Attachments:** ZoningNoticeP1.jpg; ZoningNoticeP2.jpg

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**From:** John Van Valkenburgh [<mailto:johnvanv@cfl.rr.com>]  
**Sent:** Monday, November 16, 2015 11:16 PM  
**To:** Planning Internet Mail  
**Subject:** Rezoning case #RZ-15-10-038

Dear Sirs,

I have attached the zoning notice I received along with my comments. Basically, I can't offer an opinion either FOR or AGAINST, because no zoning change is detailed in this notice and I thus am unable to tell which way to vote. However, I am against the development of houses on our existing golf course for the following reasons:

- 1) Although I do not live directly adjacent to the golf course, development of the course would certainly impact all residents' home values in a very negative, and expensive, way.
- 2) If the golf course is truly no longer viable, I believe that various other options exist but have not been fully explored...such as purchase by a group of homeowners out of a foreclosure or other means and subsequent maintenance as a less manicured but quite attractive open area. I believe the neighborhood has the financial resources to accomplish something along these lines.
- 3) I believe that the green area represented by the golf course is a requirement needed to satisfy the original green space requirements when the property was developed.
- 4) Since the area currently has no sewer connection, there is the possibility that additional contamination of Lake Crescent and Lake Roberts could occur, affecting the downstream Butler Chain of Lakes.
- 5) Traffic on the only available roads, McKinnon and Lake Butler Boulevard/Park Avenue, has increased dramatically and will be seriously impacted by any further development. Expansion of these roads is nearly impossible due to the existing structures and old trees alongside the roads. Exiting of either the front or rear gates of Windermere Club is already dangerous due to the increased traffic and poor visibility on the curving roads.
- 6) Many additional housing units have already been constructed or are in process in the surrounding areas immediately west, southwest and northwest of Windermere Club. These homes are already increasing traffic on the narrow and curving roads that are the only connection to our neighborhood, and are already supplying additional units into the housing market.
- 7) In large part, our decisions to live in this neighborhood were based on what were supposed to be agreed-to zoning restrictions that have kept the neighborhood beautiful and pleasant for nearly 30 years. It would be sad to think that the County could not be trusted to live up to its own planning and zoning rules.

- 8) Likewise, the owner of the golf course understood the risks and possible rewards of the status quo when he purchased the club. His business problems should not be resolved on the financial backs of the surrounding homeowners who placed their trust in him.

Please consider the impact on the longtime homeowners/taxpayers/voters in the area. Whatever the business situation at the country club, there are other alternatives that should be considered besides more houses.

Thank you for your consideration,

John Van Valkenburgh  
2205 Lake Crescent Court  
Windermere, FL 34786  
407-252-5768 (cell)

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday, November 19, 2015 - 9:00 am

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☐ IN FAVOR

☒ OPPOSED

COMMENTS:

NAME: George Bowlin ADDRESS: 12707 Water Park Blvd  
PHONE #: Winderme, FL 34786

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P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Tuesday, November 17, 2015 1:04 PM  
**To:** Thorp, Steven T  
**Subject:** FW: OPPOSED TO DEVELOPMENT OF WINDERMERE COUNTRY CLUB!

**From:** Beau Currie [<mailto:BCurrie@cpfinc.com>]  
**Sent:** Tuesday, November 17, 2015 10:43 AM  
**To:** Planning Internet Mail  
**Cc:** 'mec720@aol.com'  
**Subject:** OPPOSED TO DEVELOPMENT OF WINDERMERE COUNTRY CLUB!

OPPOSED! I think the City of Windermere should purchase and operate the course as a municipal golf course. This would enhance and protect life in Windermere. Over development will ruin Windermere. Some things in this world must be protected. Windermere is a jewel. Don't ruin it!

New slogan? "Over development among the lakes of Windermere".

Thanks,

Beau

**Beau Currie**  
President  
Currie, Peak and Frazier, Inc.



D (407) 781-1901 | TF (800) 225-6893 x127 | F (407) 438-5447  
[BCurrie@cpfinc.com](mailto:BCurrie@cpfinc.com) | [www.CPFinc.com](http://www.CPFinc.com) | All About CPF  
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(800) 225-6893, option 3 or [support@cpfinc.com](mailto:support@cpfinc.com)

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☐ **IN FAVOR**

**OPPOSED** ☒

**COMMENTS:**

**NAME:** Jerry DeFalso **ADDRESS:** 1855 Watermere Lane  
**PHONE #:** 407-406-0648 Windermere, FL 34786

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
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**REZONING - PUBLIC HEARING NOTICE**

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**Rezoning Case # :** RZ-15-10-038  
**Staff Contact :** Steven Thorp, Planner II  
**Hearing Date:** Thursday , November 19, 2015 -- 9:00 am

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☐**IN FAVOR****OPPOSED**☒**COMMENTS:***See attached note***NAME:** *John - Michael Brack***ADDRESS:** *1848 Watermore Lane***PHONE #:** *407 - 656 - 0037**Windermer, FL 34786***MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION

P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

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The applicant in this case is nothing more than a successor developer asking for relief tied to an economic claim. The county and successor developer agreed to development restrictions and approved density. The community, and most particularly the affected homeowners made economic decisions in reliance of those publicly recorded development agreements. The developer clearly financially benefited from use of the green space by creating a golf front community. Golf and green space frontage lots were sold at substantial premiums and homeowners paid higher real estate taxes to the county, reflecting the increased market value of their properties. The successor developer now comes back to the table asking for additional density units under the false claim of economic hardship tied to the nationwide trend of reduced demand for golf courses.

Publicly recorded developer agreements effectively create a deed restriction for the benefit of surrounding homeowners. Irrespective of the successor developer's claim of hardship and redevelopment in the best interest of the community, they have several reasonable remedies that don't involve residential redevelopment. First, the successor developer must document they can't reasonably sell the rights to operate the golf community to another party. Secondly, the successor developer must document deeding the property over to the affected HOA for use as open greenspace for which it was originally designed is not a viable option. Third, the successor developer has negotiated in good faith a financial settlement with the affected homeowners.

Developers reasonably create value by providing necessary and reasonable development of land resources. They fill an important need in the community. This case clearly involves transferring value from one party to the other. No value or public benefit is being created. If approved, the undertaking is nothing less than a public taking under the guise of public good. The successor developer's intent is purely economic and contemplated under the highest and best use principle. He creates economic value by taking it from the very homeowners he sold it to in the first place.

If approved, the county should expect homeowners, such as myself, to immediately file breach of contract suits against the successor developer, naming the county as well, for breach of contract. You simply can't claim economic hardship. If you develop and sell a golf front community using cluster zoning the value created has already been sold and you've acknowledged adequate consideration by virtue of the higher purchase price. Unless you can clearly document reservation of future development rights, as well as a majority of the public, will recognize it for what it is.

The successor developer will obviously claim precedence referring to redevelopment of other Central Florida golf communities. Each case must be considered independently with a compelling and high standard of diligence. With each redevelopment considered, public watchdogs such as yourself must consider the long-term ramifications of creating a double standard. If a property cannot be economically maintained in its current use, then the owner must exhaust every possible self-remedy before compelling the government to intervene.

Public and open disclosure of all potential conflicts and remedies are essential in the process. I trust our public officials will protect the community from private interests determined to financially and politically overwhelm and usurp the public they've pledged to serve.



**REZONING - PUBLIC HEARING NOTICE**

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Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday , November 19, 2015 - 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

Applicant does not have rights. Harmful to community. Golf course is permanent.

NAME: Maurer Sauter

ADDRESS: 13024 Water Point Blvd

PHONE #: 407 909 1489

Windermere FL 34786

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393

ORLANDO, FLORIDA 32802-2887

Phone #: (407) 836-5600 Fax #: (407) 836-5862

E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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You may also watch the PZC public hearing live on: <http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV.aspx>

Previous PZC public hearings are available at: <http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV/VideoArchive.asp>

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111.

Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Planificación al 407-836-5600.

**REZONING - PUBLIC HEARING NOTICE**

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday , November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.



IN FAVOR

OPPOSED



## COMMENTS:

APPLICANT DOES NOT HAVE DEVELOPMENT RIGHTS  
PREVIOUSLY DESIGNATED ON PERMANENT BASE  
BUT LOCATE IS PERMANENT OPEN SPACE

NAME: GEORGE SAUTER

ADDRESS: 13024 WATERSHED BLVD

PHONE #: 407-408-4381

WINDERMERE, FL 334786

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION

P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-5600 Fax #: (407) 836-5662

E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)**NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING**

THIS INFORMATION IS INTENDED TO ASSIST YOU IN PREPARING YOUR PRESENTATION. PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Planning and Zoning Commission (PZC) determines when and for how long an individual may speak.
- (2) Be concise and to the point. Do not repeat previous comments.
- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on compatibility with the surrounding area and/or concerns with impact on public services.

FOR YOUR INFORMATION, ALL PZC MEETINGS ARE DIGITALLY RECORDED & TELEVISED ON ORANGE TV:

CHANNEL 199 ON BRIGHTHOUSE

CHANNEL 9 ON COMCAST

CHANNEL 99 AT&amp;T U-VERSE

You may also watch the PZC public hearing live on: <http://www.ocfl.net/OpenGovernment/OrangeTV/VisionTV.aspx>

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Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Planificación al 407-836-5600.

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:09 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Country Club Rezoning Request

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:17 PM  
**To:** Dan Lampkin  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Windermere Country Club Rezoning Request

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Dan Lampkin  
**Date:** 11/17/2015 9:16 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Subject:** Windermere Country Club Rezoning Request

Dear Commissioners,

I'm Dan Lampkin, a 16 year resident of neighboring community Estates at Windermere. I OPPOSE this rezoning request for several reasons. 1st) the Developer's actions show clear intent to deceive the residents and the Commission of their original intent. They purchased this Golf Course expressing intent to improve. As testimony at Windermere Elementary School indicated (as well as observation), the Developer has not attempted to improve the facility, but, in fact, has taken steps over time to actually "create" the appearance of only one way forward; to Rezone. Their representative stated it was not a financially viable golf course due to necessary capital improvements. If I fail to maintain my property, I don't have the luxury of asking the County for a "handout," in this case Rezoning. It's clear the intent all along was to position itself to attempt to develop homes in an effort to "flip" the property. Obviously, the ONLY obstacle in the way is the original zoning of that area as "green space." So, for all the residents within the community itself, as well as those in the surrounding communities, who bought in with the expectation of the "green space" being a golf club, the Developer is now asking this Commission to ignore the opposition of all to benefit one. With the over saturated roads and schools, this would merely exacerbate those infrastructure deficiencies. Further, the amount and duration of construction

would also accelerate deterioration of current roads. If this were to go forward, property values barely recovering from the previous debacle would again be eroded. While the Developer has the right to request the Rezone, I respectfully submit the residents of this and the communities immediately surrounding are relying on the implied trust in their government representatives to protect their long-vested interests. As such, I respectfully request you OPPOSE this request.

Thank you,

Dan Lampkin  
2600 Coral Stone Ct  
Windermere, FL 34786

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:09 AM  
**To:** Thorp, Steven T  
**Subject:** FW: The Redevelopment of the Windermere Country Club and Golf Course

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:15 PM  
**To:** Charles Burke  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: The Redevelopment of the Windermere Country Club and Golf Course

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Charles Burke  
**Date:** 11/17/2015 4:57 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** The Redevelopment of the Windermere Country Club and Golf Course

Dear Ms. Demostene,

My name is Charles M. Burke and I am a homeowner in the Windermere Club at Lake Roberts. I am adamantly opposed to the redevelopment of the Windermere Country Club and Golf Course.

I recently retired after serving 33 years in the US Military and working in the Aviation Industry for 15 years. I moved to Florida and bought a home on the Windermere Golf Course to be close to my grandchildren and to take advantage of the peace and serenity that accompanies living in a golf course environment.

I am concerned of the potential ill affects the Redevelopment portends for this Windermere Community.

Financially, I paid a premium to live on the Windermere Golf Course and have been a full paying member of the Course since I moved in. I am, therefore, financially and emotionally invested in the continued viability of the Golf Course and Club. Reportedly, redeveloping the golf course could decrease home values by as much as \$100,000 or more.

The continued viability of the aquifer is also a concern. Most homes in the Windermere Club depend on well and septic for water and sewage. The potential compromise of the flood plane, the green space, and the aquifer by the addition of some 250 homes in such a small area is a major concern.

The planned number of additional homes will most certainly aggravate the already crowded traffic patterns on Windermere Road, McKinnon Road, and Lake Butler Boulevard.

In closing, Ms. Demostene, I respectfully request you also oppose the Redevelopment of the Windermere Country Club and Golf Course.

Thank you for your service to the community.

Charles M. Burke  
1801 Lake Roberts Ct.  
Windermere, FL 34786  
407-756-7885

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:09 AM  
**To:** Thorp, Steven T  
**Subject:** FW: OPPOSED - Rezoning Case RZ-15-10-038 , butler Bay Cluster Plan

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:15 PM  
**To:** Ron Sheldon  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: OPPOSED - Rezoning Case RZ-15-10-038 , butler Bay Cluster Plan

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Ron Sheldon  
**Date:** 11/17/2015 3:57 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com)  
**Subject:** OPPOSED - Rezoning Case RZ-15-10-038 , butler Bay Cluster Plan

Good afternoon Planning and Zoning Board members,

My wife and I purchased our home on the Windermere Country Club at 2002 Lake

Crescent Ct in 2001 specifically because I was a member of the Windermere Country Club and we wanted to live on the golf course. Our lot is approximately 1/2 of an acre.

In doing our due diligence at the time of our purchase in 2001 we noted that this area was zoned as 1 acre lots and wanted to know if we were going to run into any unforeseen issues because our lot was less than 1 acre. We were told by our realtor that all lots within Windermere Club were zoned as one acre lots and the golf course made up the shortage of our 1/2 acre lot when we bought our property and the lot sizes were approved by

Orange County due to the fact that the development rights were transferred to Orange County, and Orange County had designated the golf course as PERMAMENT green space, and no one would be able to develop any further because Orange County had the development rights and designated this green space as permanent.

Without question, our property's value has substantial ties to the adjacent golf course

property itself. All the property owners within Windermere Club will suffer significant irreparable financial harm and to the "quality of life" afforded us should Orange County relinquish the develop rights and allow destruction of the permanent green space designated as the Windermere Country Club. This value proposition has been collectively conveyed over hundreds of transaction of the sales and purchases of the Windermere Club golf course lots for the past 30 years.

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This green space is home to much wildlife including Bald Eagles, Cranes, Turtles, Bobcats, etc., and with the dwindling un-developed land in the area due to a huge influx of construction leaves very few places remaining for this wild life to go.

In addition to the detrimental financial implications for the homeowners of Windermere Club will incur, along with the negative impact to the existing wildlife this proposed development of the Windermere Country Club would cause, we are also surrounded by Lake Crescent, essentially the headwaters of the Butler Chain of Lakes. Currently there are flooding and run off issues due to the current increased development, and this will be exasperated through further development of the Windermere Country Club. The Butler Chain of Lakes is now pristine and the harm from this proposed development plan would be irreparable.

In the end no one benefits through this proposed development except for the Canadian developer.

We strongly oppose this proposed re zoning plan and ask that you and your peers to reject this proposal and keep the designated permanent green space known as the Windermere Country Club for the good of the residents, the county and the future of our great State.

Kind Regards,

Ron Sheldon & Lorraine Sheldon

2002 Lake Crescent Court

Windermere, FL 34786



407-848-9441

[Ronrsheldon@gmail.com](mailto:Ronrsheldon@gmail.com)

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: The Redevelopment of the Windermere Country Club and Golf Course

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:13 PM  
**To:** George Aguel  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: The Redevelopment of the Windermere Country Club and Golf Course

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** George Aguel  
**Date:** 11/17/2015 3:43 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Subject:** The Redevelopment of the Windermere Country Club and Golf Course

Dear members of the Orange County Planning and Zoning Commission,

Please accept this message as my very strong opposition to the proposal coming before you to consider the re-development of the Windermere Country Club and Golf Course. My family and I are 25 year residents of this community and we purchased our home principally because of the location and environment created by the golf course and related green spaces associated with it. This having been my single greatest investment, makes the concept of removing this environment highly inconceivable to us.

I recognize that you have a difficult role in your capacity...but greatly hope that you will be able to come to the conclusion that this proposal is not appropriate based on all the special facts in this case and that it warrants your vote to reject it.

Thank you,

George Aguel



12548 Butler Bay Ct.  
Windermere, Fl. 34786  
[georgeaguel@gmail.com](mailto:georgeaguel@gmail.com)



**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Country Club

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:12 PM  
**To:** Delinda Kennington  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Windermere Country Club

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Delinda Kennington  
**Date:** 11/17/2015 3:42 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** Windermere Country Club

**Planning and Zoning Board Members:**

Please, do NOT allow the Windermere Country Club to be developed into yet another subdivision in the Windermere area. We were members of this club and enjoyed the activities greatly until Brian decided it was worth more as a development and chased everyone out. He has had offers to buy the club and keep it a golf course ( at less profit, I am sure), but has turned them down. His lack of business acumen should not punish those of us who have lived here for many years. We would gladly re-join the club if it were sold to someone else who would maintain it nicely.

**Delinda Kennington**

**3727 Lake Buynak Road**



Windermere, FL 34786

[delindaik@aol.com](mailto:delindaik@aol.com)



**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: OPPOSED - rezoning of the Butler Bay Cluster plan

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:11 PM  
**To:** Julie Peluso  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: OPPOSED - rezoning of the Butler Bay Cluster plan

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Julie Peluso  
**Date:** 11/17/2015 3:33 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** OPPOSED - rezoning of the Butler Bay Cluster plan

Dear Tina Demostene,

Over 20 years ago we purchased our lot and built our home on the pretense that we had bought into a community (Windermere Club) that had as its key feature a golf course and country club. Never was it indicated during the sales process that this very important asset could be taken away by an individual looking to reap a huge profit at the expense of every homeowner in our community. We are adamantly opposed to any redevelopment of this permanent open space.

Sincerely,  
Julie and Tony Peluso  
Homeowners in Windermere Club

Julie Peluso  
[JKPeluso@aol.com](mailto:JKPeluso@aol.com)

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: FW: Windermere Country Club Rezoning

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:10 PM  
**To:** ed  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: FW: Windermere Country Club Rezoning

---

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** ed  
**Date:** 11/17/2015 2:56 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** FW: Windermere Country Club Rezoning

Committee Members:

The development of Windermere Country Club will have a **significant negative** impact on homeowners in Windermere Club. The original developers of this community deeded the development rights to Orange

County. The county made adjustments to the Orange County cluster plan that enabled the original developer to build homes on half acre lots. We ask Orange County to protect these rights. Home owners paid a premium to have green space behind their homes.

The homeowners should also have a claim on this greenspace as does the county. The development rights should remain with the county and homeowners. The owner of Windermere Country Club would like to build 90 plus homes on this property. The owner purchased the golf course and the purchase **did not include** the development rights.

Orange County was designated as the trustee for these rights. The Windermere Club Home Owners Association represents the homeowners and could also be a trustee to protect these development rights. The HOA would not be able to develop this property, only enjoy the green space the homeowners purchased with their homes.

By converting these rights back to the HOA, this green space would be protected. The Golf Course owner has a right to not operate a golf course, the owner does not have a right to rezone and develop into single family homes.

Regards,

*Ed L Jarvis [kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)*

The Jarvis Team

Ed & Ginger Jarvis

Realty Executives Central Florida

Cell 407-415-7633

[EdLJarvis@gmail.com](mailto:EdLJarvis@gmail.com)

[TheJarvisTeam.com](http://TheJarvisTeam.com)



**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: FW: Redevelopment of Windermere Country Club

---

**From:** Tina Demostene -P&Z D3 [mailto:tdemostenecrc@gmail.com]  
**Sent:** Tuesday, November 17, 2015 11:09 PM  
**To:** Anselm, Dara  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: FW: Redevelopment of Windermere Country Club

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** "Anselm, Dara"  
**Date:** 11/17/2015 2:41 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** FW: Redevelopment of Windermere Country Club

Hello Ms. Demostene,

I'm writing to express my opposition to the request for redevelopment of the Windermere Country Club Golf course. Below are two previous emails that I've sent to various commissioners and mayors further detailing why I believe this will be bad for the community. Please vote against the redevelopment request and protect the quality of life that Windermere is known for.

Thank you for your attention.

Sincerely,

**Dara Anselm**

Director Process Development, IPSM

Marriott Vacations Worldwide Corporation

6649 Westwood Blvd

Orlando, FL 32821

(407) 513 - 6597 - office

(407) 446 - 4803 - cell

(407) 206 - 6262 - fax

[dara.anselm@mvwc.com](mailto:dara.anselm@mvwc.com)

This communication contains information from Marriott Vacations Worldwide Corporation that may be confidential. Except for personal use by the intended recipient, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing and/or using it. If you have received this communication in error, please immediately delete it and all copies, and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law.

**From:** Anselm, Dara [<mailto:Dara.Anselm@vacationclub.com>]

**Sent:** Monday, November 16, 2015 1:46 PM

**To:** 'gbruhn@town.windermere.fl.us'; 'rsmith@town.windermere.fl.us'; 'president@windermereclubhoa.net'; Mayor; District1, Mail; District2, Mail; District3, Mail; District4, Mail; District5, Mail; District6, Mail

**Subject:** RE: Redevelopment of Windermere Country Club

Hello all,

I am unable to attend the public meeting later this week so wanted to once again express my opposition to the redevelopment of the Windermere Country Club Golf course. After attending the informational meeting held at the Lake Whitney Elementary School where the developers' attorney explained the proposed design I am even more convinced that this is a terrible plan. The negative impacts far outweigh the potential tax revenues so I ask you to please vote "NO".

Thank you for your time.

Sincerely,

**Dara Anselm**

Director Process Development, IPSM

Marriott Vacations Worldwide Corporation

6649 Westwood Blvd

Orlando, FL 32821

(407) 513 - 6597 - office

(407) 446 - 4803 - cell

(407) 206 - 6262 - fax

[dara.anselm@mwwc.com](mailto:dara.anselm@mwwc.com)

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**From:** Anselm, Dara

**Sent:** Tuesday, September 29, 2015 9:40 AM

**To:** [gbruhn@town.windermere.fl.us](mailto:gbruhn@town.windermere.fl.us); [rsmith@town.windermere.fl.us](mailto:rsmith@town.windermere.fl.us); [president@windermereclubhoa.net](mailto:president@windermereclubhoa.net); [mayor@ocfl.net](mailto:mayor@ocfl.net); [district1@ocfl.net](mailto:district1@ocfl.net); [district2@ocfl.net](mailto:district2@ocfl.net); [district3@ocfl.net](mailto:district3@ocfl.net); [district4@ocfl.net](mailto:district4@ocfl.net); [district5@ocfl.net](mailto:district5@ocfl.net); [district6@ocfl.net](mailto:district6@ocfl.net)

**Subject:** Redevelopment of Windermere Country Club

Dear Mayors, Commissioners, Town Manager and HOA President,

I am writing to let you know that as a resident of the neighboring Estates at Windermere I adamantly oppose the redevelopment of the Windermere Country Club. It is my belief that the proposed redevelopment would negatively impact the desired quality of life that compelled me to purchase my home here.

Excessive traffic would stress rural roads already clogged, diminished green space negatively impacts the environment through loss of habitat and water table replenishment, air quality is reduced during construction due to dust circulation and

after construction increased vehicle exhaust without green space to offset, added subdivision walls obstructing views and wildlife movement and finally more homes mean the potential for increased crime rates.

If I had wanted to live in Hunter's Creek, I would have purchased there and not paid a premium to live in an urban oasis known as The Estates at Windermere. I urge you to not allow the redevelopment of Windermere Country Club.

Thank you for your consideration.

Sincerely,

**Dara Anselm**

Director Process Development, IPSM

Marriott Vacations Worldwide Corporation

6649 Westwood Blvd

Orlando, FL 32821

(407) 513 - 6597 - office

(407) 446 - 4803 - cell

(407) 206 - 6262 - fax

[dara.anselm@mwwc.com](mailto:dara.anselm@mwwc.com)

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PLEASE NOTE: Florida has a very broad public records law (F. S. 119). All e-mails to and from County Officials are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: FW: WCC - Planning & Zoning Commission Contact Information

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:09 PM  
**To:** John Bolanovich  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: FW: FW: WCC - Planning & Zoning Commission Contact Information

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** John Bolanovich  
**Date:** 11/17/2015 2:51 PM (GMT-05:00)  
**To:** "jdunnopc@gmail.com", "mbb@cfl.rr.com", "tdemostenecrc@gmail.com",  
"tdemostenecrc@gmail.com", "patpz2011@gmail.com", "rvb@avconinc.com",  
"jwade@aceconstructionmanagement.com", "plwean@wmlo.com", "jacanteropzc@aol.com",  
"kseraaj.pz@gmail.com"  
**Subject:** FW: FW: WCC - Planning & Zoning Commission Contact Information

We oppose this re-development plan.

John & Allison Bolanovich

2231 Ridgewind Way

Windermere, FL 34786

**From:** Lisa McCarthy [mailto:lmdmccarthy@gmail.com]

**Sent:** Tuesday, November 17, 2015 2:40 PM

**Subject:** Fwd: FW: WCC - Planning & Zoning Commission Contact Information

PLEASE READ AND HELP OUT IF YOU CHOOSE:

----- Forwarded message -----

**From:** savewcc <[wcc@savewcc.com](mailto:wcc@savewcc.com)>

**Date:** Tue, Nov 17, 2015 at 1:54 PM

**Subject:** FW: WCC - Planning & Zoning Commission Contact Information

**To:** savewcc <[wcc@savewcc.com](mailto:wcc@savewcc.com)>

We have complied a list of people who support the Opposition to the Windermere Country Club & Golf Course Redevelopment.

This list is getting bigger and has in fact gone international.(we apologize duplicates)

First, we apologize for duplicate e-mails but we want to be sure we get everyone who has shown support for the opposition.

**There will be a Planning & Zoning Board hearing this Thursday to address**

**the Redevelopment of the Windermere Country Club and Golf Course.**

Please try to attend the hearing on:

**Thursday, November 19, 2015**

**9:00am**

**Orange County Commission Chambers**

**201 S. Rosalind Ave**

Orlando, FL

We have been working with our Lawyer on a strategy for this meeting. We have been advised the more people we have representing the opposition at this meeting and the more e-mails we send to the Planning & Zoning Commission, the more impressive we will stand.

Once again, we urge you to send an e-mail to the members of those members of the Zoning Commission noted below!

(Even forwarding of your message(s) to the Orange County Commissioners via the web-site will provide the Zoning Commission our stand)

**We need to reinforce our stand opposing the redevelopment!!! Please send your e-mails of opposition to the members of the Planning & Zoning Commission!!!**

We plan to meet outside the Chambers at 8:30am on Thursday, please plan to attend and bring a friend.

**Orange County, Florida / Planning & Zoning Commission (PZC) Representatives**

<b>DISTRICT</b>	<b>NAME</b>	<b>EMAIL ADDRESS</b>
<b>1</b>	James Dunn	<a href="mailto:jdunnopc@gmail.com">jdunnopc@gmail.com</a>
<b>2</b>	Marvin B. Barrett	<a href="mailto:mhb@cfl.rr.com">mhb@cfl.rr.com</a>
<b>3</b>	Tina Demostene (Vice Chair)	<a href="mailto:tdemosteneCRC@gmail.com">tdemosteneCRC@gmail.com</a>
<b>4</b>	Pat DiVecchio	<a href="mailto:patpz2011@gmail.com">patpz2011@gmail.com</a>
<b>5</b>	Rick Baldocchi	<a href="mailto:rvb@avconinc.com">rvb@avconinc.com</a>
<b>6</b>	JaJa J. Wade	<a href="mailto:jwade@aceconstructionmanagement.com">jwade@aceconstructionmanagement.com</a>
<b>At-Large</b>	Paul Wean (Chair)	<a href="mailto:plwean@wmlo.com">plwean@wmlo.com</a>
<b>At-Large</b>	Jose Cantero	<a href="mailto:jacanteropzc@aol.com">jacanteropzc@aol.com</a>
<b>At-Large</b>	Kevin Serraj	<a href="mailto:kseraaj.pz@gmail.com">kseraaj.pz@gmail.com</a>

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Save Windermere Country Club and Golf Course

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:06 PM  
**To:** Michele Kade  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Save Windermere Country Club and Golf Course

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Michele Kade  
**Date:** 11/17/2015 2:38 PM (GMT-05:00)  
**To:** [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Subject:** Save Windermere Country Club and Golf Course

I strongly OPPOSE the redevelopment of Windermere CC and Golf Course into 95 single family residential lots. This land was designated as "permanent" open space. When we bought our home in 2004, we only looked at properties which were located on a golf course. We paid a premium to live on a golf course and never would have imagined this would be taken away from us. Please do not give up the developmental rights for this permanent open space.

Thank you.

Michele Kade  
2013 Butler Bay Drive North  
Windermere, FL



**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Country Club Meeting - Nov. 19, 2015

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:05 PM  
**To:** Chet Moody  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Windermere Country Club Meeting - Nov. 19, 2015

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Chet Moody  
**Date:** 11/17/2015 2:32 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com), [rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), Paul Wean, [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com), [kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Cc:** Sarah Moody  
**Subject:** Windermere Country Club Meeting - Nov. 19, 2015

Ladies and Gentlemen:

I write today to voice my opposition to Windermere Country Club & Golf Course Redevelopment. My family and I purchased our home at 2322 Butler Bay Dr. N. in the Country Club two years ago. We overlook the 18th tee and fairway. I am a member of the Club and have been since we moved into the neighborhood. My wife and I will be out of town on Nov. 19th and cannot attend, but I would be remiss if I didn't communicate our objection to the Club owner's attempts to redevelop the Club and Course.

I understand your job is to evaluate the Club owner's re-zoning application. For a multitude of reasons that the Windermere Club HOA's attorney (Kurt Ardaman), consultant (Ed Williams), and others will explain at the meeting, the application should be denied outright. Primarily, as I understand it, the Club owner has no right to develop the golf course. That right was bargained away to the County 30 years ago by the original developer of our neighborhood in exchange for building on smaller lots. As a result, the rezoning sought by the current Club

owner shouldn't even be considered because he has no right to develop the course even if rezoning were approved.

My wife and I purchased our home with the understanding that the Club and Course could not be developed. We relied on that and the County and its officials should uphold and protect our rights; rights that the County bargained for 30 years ago.

Thank you for your attention to this matter. Should you have any questions, please feel free to respond or call me.

Sincerely,

***Chesley G. Moody, Jr., Esquire***  
***Florida Bar Board Certified - Construction Law***

C. Moody, P.A.  
37 North Orange Avenue, Ste. 500  
Orlando, Florida 32801  
(407) 926-4028 (p)  
(407) 926-4029 (f)  
[cmoody@cmoodypa.com](mailto:cmoody@cmoodypa.com)  
[www.cmoodypa.com](http://www.cmoodypa.com)

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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Club- NO DEVELOPMENT!

**From:** Tina Demostene -P&Z D3 [<mailto:tdemosteneCRC@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:04 PM  
**To:** Scotty  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Windermere Club- NO DEVELOPMENT!

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Scotty  
**Date:** 11/17/2015 2:20 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemosteneCRC@gmail.com](mailto:tdemosteneCRC@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Cc:** Rhonda Pelak  
**Subject:** Windermere Club- NO DEVELOPMENT!

I am writing this email to show my support for the land at Windermere Club to either remain as a golf-club which is a part of the fabric of Windermere or to be turned into GREEN SPACE as it was originally intended. I do not support any further development in a town that is surrounded by OVER DEVELOPMENT. We are all killing a jewel. Keep it well, keep it good and KEEP IT GREEN!

Thanks.

"Scotty"  
Legacy Industrial  
13440 West Colonial Drive, Suite # 2  
Winter Garden, FL 34787  
P: 888-652-0333



Cell: 407-687-6020  
[www.hdepoxy.com](http://www.hdepoxy.com)



**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:11 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Opposition to the redevelopment of the Windermere County Club Golf course

---

**From:** Tina Demostene -P&Z D3 [mailto:tdemostenecrc@gmail.com]  
**Sent:** Tuesday, November 17, 2015 11:03 PM  
**To:** Tolan, Brian  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Opposition to the redevelopment of the Windermere County Club Golf course

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** "Tolan, Brian"  
**Date:** 11/17/2015 2:18 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Cc:** Rashtol, Brian Tolan  
**Subject:** Opposition to the redevelopment of the Windermere County Club Golf course

I would like to express our sincere opposition to the redevelopment of the Windermere County Club Golf course. Although we do not live within that community we are 16 year residents of the Town of Windermere and believe it would be detrimental to the overall community as a whole to allow this redevelopment to occur.

The original planning documents presented for the neighborhood did not allow for future redevelopment. The roads are already too busy, the water, sewer lines and runoff collection areas were not engineered for these additional homes. The people that bought into this neighborhood did so with increased property values due to the Country Club nature of the community. Golf course frontage owners paid premiums for the values of their lots based on the frontage on the course.

I sincerely hope that you listen to the voice of your constituents on this plea for representation.

Sincerely,

Brian and Rashelle Tolan

2917 Sunbittern Cft.

Windermere, FL 34786

407-876-8845

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**"There are no problems we cannot solve together, and very few that we can solve by ourselves" - Lyndon Johnson**

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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: RE:

**From:** Tina Demostene -P&Z D3 [mailto:tdemostenecrc@gmail.com]  
**Sent:** Tuesday, November 17, 2015 11:02 PM  
**To:** Bob Kade  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE:

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Bob Kade  
**Date:** 11/17/2015 2:15 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:**

Please respect the original Orange County land Plat that shows that WCC is a "Permanent Green Space Area".  
Which will protect the Windermere Club  
And surrounding communities.

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Save WCC

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:01 PM  
**To:** Vince Vezzi  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Save WCC

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Vince Vezzi  
**Date:** 11/17/2015 2:14 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@acceconstructionmanagement.com](mailto:jwade@acceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Subject:** Save WCC

Gentlemen :

As a tax payer in Orange County , and frequent golfer for the last twenty Five years of WCC , I am Not in favor of this course and beauty being destroyed for redevelopment .

This is a crazy idea, and quite frankly would cause a traffic nightmare for the area.

Enough nonsense . We don't need anymore housing in Windermere .Save this course

Vince Vezzi

Sent from my iPad

Sent from my iPad



**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Golf Club Opposition

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:01 PM  
**To:** John-Michael Brack  
**Cc:** Pontius, Terri-Lynn; Hill, Olan D  
**Subject:** RE: Windermere Golf Club Opposition

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** John-Michael Brack  
**Date:** 11/17/2015 2:13 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Subject:** Windermere Golf Club Opposition

Good afternoon James/Marvin/Tina/Pat/Rick/Jaja/Paul/Jose/Kevin,

The applicant in this case is nothing more than a successor developer asking for relief tied to an economic claim. The county and successor developer agreed to development restrictions and approved density. The community, and most particularly the affected homeowners made economic decisions in reliance of those publicly recorded development agreements. The developer clearly financially benefited from use of the green space by creating a golf front community. Golf and green space frontage lots were sold at substantial premiums and homeowners paid higher real estate taxes to the county, reflecting the increased market value of their properties. The successor developer now comes back to the table asking for additional density units under the false claim of economic hardship tied to the nationwide trend of reduced demand for golf courses.

Publicly recorded developer agreements effectively create a deed restriction for the benefit of surrounding homeowners. Irrespective of the successor developer's claim of hardship and redevelopment in the best interest of the community, they have several reasonable remedies that don't involve residential redevelopment. First, the successor developer must document they can't reasonably sell the rights to operate the golf community to another party. Secondly, the successor developer must document deeding the property over to the affected HOA for use as open greenspace for which it was originally designed is not a viable option.

Third, the successor developer has negotiated in good faith a financial settlement with the affected homeowners.

Developers reasonably create value by providing necessary and reasonable development of land resources. They fill an important need in the community. This case clearly involves transferring value from one party to the other. No value or public benefit is being created. If approved, the undertaking is nothing less than a public taking under the guise of public good. The successor developer's intent is purely economic and contemplated under the highest and best use principle. He creates economic value by taking it from the very homeowners he sold it to in the first place.

If approved, the county should expect homeowners, such as myself, to immediately file breach of contract suits against the successor developer, naming the county as well, for breach of contract. You simply can't claim economic hardship. If you develop and sell a golf front community using cluster zoning the value created has already been sold and you've acknowledged adequate consideration by virtue of the higher purchase price. Unless you can clearly document reservation of future development rights I, as well as a majority of the public, will recognize it for what it is.

The successor developer will obviously claim precedence referring to redevelopment of other Central Florida golf communities. Each case must be considered independently with a compelling and high standard of diligence. With each redevelopment considered, public watchdogs such as yourself must consider the long-term ramifications of creating a double standard. If a property cannot be economically maintained in its current use, then the owner must exhaust every possible self-remedy before compelling the government to intervene.

Public and open disclosure of all potential conflicts and remedies are essential in the process. I trust our public officials will protect the community from private interests determined to financially and politically overwhelm and usurp the public they've pledged to serve.

Thanks for your attention and consideration,  
John Michael Brack  
407-656-0037

1848 Watermere Lane  
Windermere, FL 34786

**Thorp, Steven T**

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Country Club Redevelopment - please stop

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 10:57 PM  
**To:** [pmeyers001@cfl.rr.com](mailto:pmeyers001@cfl.rr.com)  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Windermere Country Club Redevelopment - please stop

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Paul Meyers  
**Date:** 11/17/2015 2:11 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** Windermere Country Club Redevelopment - please stop

Please deny any further consideration of the redevelopment of Windermere country club. In my mind its pretty simple

- Existing facility for over 25 years and has had development contingent on it existing and will do harm to home owners, environment, and social options for Windermere
- Development rights have been given away for this area, reinstating them is a horrible precedent and unclear what development was done with these tradeable rights
- Traffic considerations of over nearly 100 households is significant compared to the current usage
- Schools, Windermere elementary and Lake Whitney are near capacity – where will these kids go to school – much less the issues with West Orange High School already at capacity and requiring a relief solution which is already behind schedule

The purpose of redevelopment is a mere money grab by a purchaser of the golf course that is a fixture in the community for quite some time. Please stop this.

Paul Meyers

407-909-1628 (Direct)

407-921-2060 (Mobile)

Paul Meyers

407-909-1628 (Direct)

407-921-2060 (Mobile)

**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Oppose redevelopment of Windermere Golf Course

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 10:55 PM  
**To:** Trish Schneider  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Oppose redevelopment of Windermere Golf Course

---

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----


**From:** Trish Schneider  
**Date:** 11/17/2015 1:12 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Subject:** Oppose redevelopment of Windermere Golf Course

To Whomsoever it may concern,

At this time I would like to extend to you my opposition of the redevelopment of the Windermere Golf Course. I do not see any benefit in the project. This will have a negative financial impact on our home values and certainly not what we bought into.

Trish Schneider

**O'brian Properties**



Assistant to Elaine Obrian

8111 N. Orange Blossom Trail

Orlando, Fl. 32810

Phone 407-291-2040

Fax 407-291-1019

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Please don't allow the Redevelopment of WCC!

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecr@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 10:53 PM  
**To:** Liz  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Please don't allow the Redevelopment of WCC!

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Liz  
**Date:** 11/17/2015 1:08 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com)  
**Subject:** Please don't allow the Redevelopment of WCC!

Dear Member of the Orange County, FL Planning and Zoning Commission:

Please do not allow the redevelopment of the Windermere Country Club and Golf Course.

When we moved to Florida last year, there were MANY homes on the market. We purchased our home at 2001 Butler Bay Dr. N because it sits on the golf course.

Before purchasing our home, we attended an HOA meeting where Mr. Bryan DeCunha assured us he was going to make Windermere Club the best golf course in Orlando.

Please do not reward Mr. Bryan DeCunha for his ability to lie to us to our faces. Please do not reward his purposeful ineptitude in damaging the golf course in every possible way, in order to persuade you to feel sorry for him and make his case for redevelopment.

Bryan DeCunha has revealed his lack of character. Please don't let him fool you.

Thank you for your time.

Tom and Liz Hill  
2001 Butler Bay Dr. N  
Windermere, FL 34786



**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: RZ-15-10-038 Butler Bay Cluster Plan - Rezoning Application

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 10:50 PM  
**To:** Susan DeChristofaro  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: RZ-15-10-038 Butler Bay Cluster Plan - Rezoning Application

Thank you for sending comments.

I have forwarded your letter to County Staff so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

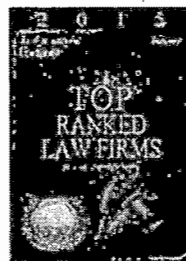
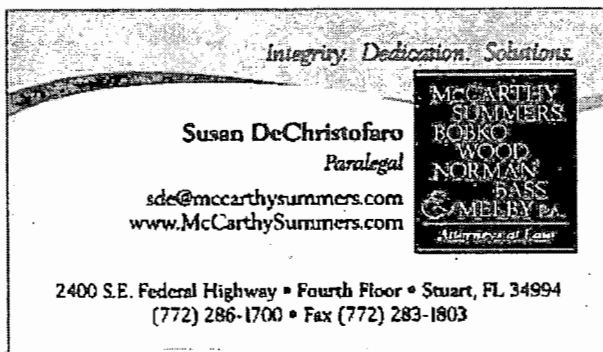
**From:** Susan DeChristofaro  
**Date:** 11/17/2015 12:07 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Cc:** Robert Summers  
**Subject:** RZ-15-10-038 Butler Bay Cluster Plan - Rezoning Application

Dear Representatives,

Attached please find correspondence from Mr. Summers regarding the above referenced Rezoning Application.

**Susan DeChristofaro**

**Paralegal**



*IRS Circular 230 Disclosure: Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.*

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: RZ-15-10-038 Butler Bay Cluster Plan - Rezoning Application  
**Attachments:** Planning and Zoning ltr 11172015.pdf

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 10:51 PM  
**To:** Pontius, Terri-Lynn; Hill, Olan D  
**Subject:** Fwd: RZ-15-10-038 Butler Bay Cluster Plan - Rezoning Application

Sent from my Sprint phone

----- Original message -----

**From:** Susan DeChristofaro  
**Date:** 11/17/2015 12:07 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Cc:** Robert Summers  
**Subject:** RZ-15-10-038 Butler Bay Cluster Plan - Rezoning Application

Dear Representatives,

Attached please find correspondence from Mr. Summers regarding the above referenced Rezoning Application.

**Susan DeChristofaro**

**Paralegal**

*Integrity. Dedication. Solutions.*

Susan DeChristofaro  
Paralegal  
sde@mccarthysummers.com  
www.McCarthySummers.com

**MCCARTHY  
SUMMERS  
BOBKO  
WOOD  
NORMAN  
BASS  
& MELBY P.A.**  
*Attorneys at Law*

2400 S.E. Federal Highway • Fourth Floor • Stuart, FL 34994  
(772) 286-1700 • Fax (772) 283-1803



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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Fwd: Rezoning Case # RZ-15-10-038. Butler Bay Cluster Plan

---

**From:** Tina Demostene -P&Z D3 [mailto:[tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)]  
**Sent:** Tuesday, November 17, 2015 10:44 PM  
**To:** Ron Grubb  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Fwd: Rezoning Case # RZ-15-10-038. Butler Bay Cluster Plan

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Ron Grubb  
**Date:** 11/17/2015 12:03 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** Fwd: Rezoning Case # RZ-15-10-038. Butler Bay Cluster Plan

Sent from my iPad

Begin forwarded message:

**From:** Ron Grubb <[rongrubb@gmail.com](mailto:rongrubb@gmail.com)>  
**Date:** November 17, 2015 at 11:56:53 EST  
**To:** "[plwean@wmlo.com](mailto:plwean@wmlo.com)" <[plwean@wmlo.com](mailto:plwean@wmlo.com)>  
**Subject:** Rezoning Case # RZ-15-10-038. Butler Bay Cluster Plan

To Members of the Planning and Zoning Commission,  
As one of the 147 homeowners in Windermere Club who will be greatly affected if this rezoning request is allowed, I urge you to oppose it for the following reason: When Butler Bay was developed, the subject property was designated "green space" to allow lots of less than one acre for the overall development. Future development rights were assigned to the County, but even those rights designated that the property was to be "permanent green space". "Permanent"

means forever, so any request to change the character of this parcel should continue to keep it "green", i.e., a park, possibly, but definitely not 95 house lots!

Those of us who live here have paid a premium to reside in a golf course community. To have that taken away, plus put up with construction for 5-10 years during buildout, plus lose value on our property just to enrich a modern day carpetbagger is not right. We already lost value on our homes with the housing crash, and now as values start to recover, are faced with the possibility of losing value again through no fault of our own. I ask you to put yourselves in our position as you make this decision. Is this something you would approve if it was your neighborhood and your livelihood? There is plenty of raw land available for development in Orange County, but existing green space is a valuable asset to protect and preserve. I ask you to save our green space and our community and unanimously vote "No" on this request.

Sincerely,

Ronald and Christine Grubb  
2807 Butler Bay Dr. N  
Windermere, FL 34786

Sent from my iPad

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Good Morning Ms. Demostene! re: Redevelopment of Windermere Country Club & Golf Course

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**From:** Tina Demostene -P&Z D3 [mailto:tdemostenecrc@gmail.com]  
**Sent:** Tuesday, November 17, 2015 10:42 PM  
**To:** ROB ASTER  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Good Morning Ms. Demostene! re: Redevelopment of Windermere Country Club & Golf Course

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** ROB ASTER  
**Date:** 11/17/2015 11:33 AM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Cc:** Rob Aster  
**Subject:** Good Morning Ms. Demostene! re: Redevelopment of Windermere Country Club & Golf Course

Dear Ms. Demostene,

“Windermere Country Club – an affordable, Secluded facility, offering members and guests a championship golf course, top practice facility, tennis, swimming and a wide range of excellent dining options for all to indulge.”

“Nestled between Lake Roberts and Lake Crescent, Windermere Country Club is one of the finest semi-private clubs in the Orlando Area. We aim to offer our guests the ultimate country club experience, both on and off the course.”

"Take Pleasure in the breathtaking surroundings, magnificent sunsets and the illustrious atmosphere of our memorable golf course and elegant, understated clubhouse."

The above is from the marketing materials we were given on our 1<sup>st</sup> visit to WCC.

My wife and I bought in. That hooked us.

My name is Rob Aster. In the Spring of 2014, my wife Stacey and I decided to relocate our family from central New Jersey to central Florida. We had limited time for traveling, so we prepared as well as we could, doing our homework, in anticipation of a grueling few days of house shopping. Our real estate broker had us look at exactly 40 homes in 4 days. We had narrowed down our research to homes in Dr. Phillips and Windermere (i.e. Keanes Point, Bay Hill, Windermere Country Club, etc). We could have purchased any one of those homes, all roughly at the same price point – between the mid \$500s and low \$700s.

But, we found ourselves coming back to the home we purchased here at WCC.

Why, because it was our dream to have a home on a beautiful golf course with elements of a serene nature preserve. This house was that dream home. As compared to the other developments we looked at, the homes here are spacious, with lots of room between homes, and we have a beautiful unobstructed view from our backyard, on the 11<sup>th</sup> fairway, that allows us to look all the way to Lake Roberts. It is quiet and peaceful and scenic. No traffic. We specifically turned down homes located in areas of heavy traffic and noise, or homes that were separated from roads or even other developments by walls. We were given a tour of the club & course, and marketing materials that convinced us this was the home for us.

Just a few weeks after we signed on the dotted line, purchased the house and joined the Windermere Golf Club, we learned of Mr. DeCunha's intentions to gut the golf course and build what appeared to be a community within our community. Our first inclination was to consult with our attorney to find out why this had not been disclosed to us prior to signing on the dotted line. By the way, retaining counsel outside of our HOA is still a real option for us. Very shortly after joining the Club, it appeared the quality of service at the Club was not nearly at the level that had been advertised. This was not a proper Golf Club. It was being run like a cheap Public Course. And frankly, we had better service at the Public Courses back in New Jersey that we just left. The restaurant operated fewer and fewer hours, the menu became more limited. When we thought about buying here, part of the decision was based on being able to invite clients. Well, with limited service at the restaurant, that became a less desirable choice. And, I was flat out embarrassed several times, when taking out clients, and having our golf carts run out of power. If that happened once at a serious golf club, you chalk it up as an accident. But this became a common occurrence. How could I, in good conscience, take my clients from CBS Television out to play here? How can I, in good conscience, take celebrity friends from the



music industry out to play here? If Mr. DeCunha was serious about building this as a golf club, it appeared he was not going about it in a way to achieve any kind of success.

Now it is my understanding that Mr. DeCunha bough the golf Course for roughly the selling price of 3 homes in our community. Well, for the price of 3 homes, how can it be possible that his rights supercede our rights, the rights of 140 tax paying homeowners in our community, plus the homes in the surrounding communities on the course.

Ms. Demostene, We bought into a lifestyle that will be completely uprooted and changed by Mr. DeCunha. Mr. DeCunha isn't living in a home on the golf course, and his family, his young school age children won't have to suffer though that significant lifestyle change, breath the dirt and dust, hear the relentless construction noise, be inconvenienced with traffic bottlenecks, etc.

Mr. DeCunha in fact gets to pack his bags, and head back to his home in Canada. I compose and produce music for network television sports programs. Over 200 million viewers from around the world hear my music every year. When we signed on the dotted line to buy our home on the course, I did so feeling this new lifestyle will provide new inspiration for my work. If we had any way of knowing that the golf course could be gutted and rezoned for the construction of more homes, we would likely have purchased a home elsewhere.

Please don't take away our "breathtaking surroundings, magnificent sunsets and the illustrious atmosphere of our memorable golf course".

Thank you,

Rob Aster

12807 Butler Bay Ct.

Windermere, FL 34786

Email: [radicalrob1@gmail.com](mailto:radicalrob1@gmail.com)

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: I OPPOSE redevelopment of the Windermere Country Club & Golf Course

**From:** Tina Demostene -P&Z D3 [mailto:tdemostenecrc@gmail.com]  
**Sent:** Tuesday, November 17, 2015 10:39 PM  
**To:** DSN  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: I OPPOSE redevelopment of the Windermere Country Club & Golf Course

-----  
Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** DSN  
**Date:** 11/17/2015 10:49 AM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** I OPPOSE redevelopment of the Windermere Country Club & Golf Course

Dear Ms. Demostene,,

It is my intention with this e-mail, to inform you that I OPPOSE redevelopment of the Windermere Country Club & Golf Course. I would like the Windermere Club golf course to remain permanent green space.

Please vote against any redevelopment and help to keep Windermere's green space and clean air and to help diminish the threat of traffic congestion and delays though the town of Windermere.

Sincerely,  
Deena Strauss  
12602 Butler Bay Court  
Windermere, FL 34786

Thorp, Steven T

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 8:12 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Rezoning Case RZ-15-10-038 for Butler Bay Cluster Plan

---

**From:** Tina Demostene -P&Z D3 [mailto:[tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)]  
**Sent:** Tuesday, November 17, 2015 10:38 PM  
**To:** Dick Monroe  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Rezoning Case RZ-15-10-038 for Butler Bay Cluster Plan

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Dick Monroe  
**Date:** 11/17/2015 10:31 AM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** Rezoning Case RZ-15-10-038 for Butler Bay Cluster Plan

Pursuant to the Rezoning Case RZ-15-10-038 for Butler Bay Cluster Plan, please count on my **OPPOSITION** to the rezoning of the golf course for the development of homes.

As has been presented in previous hearings and testimony, in 1985, the development of the Windermere Golf Course was granted by Orange County contingent upon the establishment of green space (the golf course) and said golf course/green space being dedicated to Orange County. What is particularly relevant and striking is that 30 years ago the Orange County leaders were concerned enough about our environment, ecosystem and lakes to take measures to protect our resources, thus requiring the establishment of the green space, e.g. the golf course...way back then!

As we have lived at this address since 1989, I can attest that the development in this area was very minimal at that time, with Maguire Road, two lanes, 535, two lanes, lots of orange groves and pastures, the only grocery store was a Piggly Wiggly on Maguire and Colonial Drive...and still **Orange County was concerned enough about our ecosystem to require said green space to be established.** Fast forward 30 years and this area has exploded in growth of residential, multifamily and commercial properties. Currently, we have a very large new development underway almost out our back gates. A development is underway on Maguire just outside Windermere. The land adjacent to the boat ramp entering Windermere is being developed. And on it goes, as it has been for the last

30 years. And the quality of our lakes continues to degrade and our ground water becomes more precious.

All of these developments will be putting more strain on our ground water, our waste treatment capabilities (will they all have septic tanks?), on traffic, crime, etc. Yet, Orange County is being asked to reduce/rescind a dedicated green space, which will encumber present homeowners in a very negative way, while, at the same time, reducing ever dwindling open land and green spaces for more development?

It goes without saying the negative impact on homeowners who in good faith bought homes on the golf course, with the understanding the golf course was green space dedicated to Orange County, would be devastating and a legal and moral breach of contract, not to mention the emotional stress this maneuver is having on the community.

We implored Orange County Planning and Zoning to **deny this request** and honor the commitment it made decades ago to preserve this golf course property as green space in perpetuity.

Thanking you in advance for a wish decision.

Walter R. and Lorene Monroe  
2241 Lake Crescent Court  
Windermere, Florida 34786  
407-876-1559  
407-256-9469 cell

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
 Rezoning Case # : RZ-15-10-038  
 Staff Contact : Steven Thorp, Planner II  
 Hearing Date : Thursday , November 19, 2015 – 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☐ IN FAVOR

OPPOSED ☒

COMMENTS:

**SEE ATTACHED COMMENTS**

NAME: Rene Lorraine Sheldon ADDRESS: 2002 LAKE CROCKET CT  
 PHONE #: 407 848 9441 WINDERMERE, FL 33478

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
 P.O. BOX 1393  
 ORLANDO, FLORIDA 32802-2687  
 Phone #: (407) 836-5600 Fax #: (407) 836-5862  
 E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

### NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING

THIS INFORMATION IS INTENDED TO ASSIST YOU IN PREPARING YOUR PRESENTATION. PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Planning and Zoning Commission (PZC) determines when and for how long an individual may speak.
- (2) Be concise and to the point. Do not repeat previous comments.
- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on compatibility with the surrounding area and/or concerns with impact on public services.

FOR YOUR INFORMATION, ALL PZC MEETINGS ARE DIGITALLY RECORDED & TELEVISED ON ORANGE TV:

CHANNEL 199 ON BRIGHTHOUSE  
 CHANNEL 9 ON COMCAST  
 CHANNEL 99 AT&T U-VERSE

You may also watch the PZC public hearing live on: <http://www.ocfl.net/OpenGovernment/OrangeTV/VisionTV.aspx>

Previous PZC public hearings are available at: <http://www.ocfl.net/OpenGovernment/OrangeTV/VisionTV/VideoArchive.asp>

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111.

Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Planificación al 407-836-5600.

2 of 2

**REZONING PUBLIC HEARING NOTICE COMMENTS**

My wife and I purchased our home on the Windermere Country Club at 2002 Lake Crescent Ct in 2001 specifically because I was a member of the Windermere Country Club and we wanted to live on the golf course. Our lot is approximately 1/2 of an acre.

In doing our due diligence at the time of our purchase in 2001 we noted that this area was zoned as 1 acre lots and wanted to know if we were going to run into any unforeseen issues because our lot was less than 1 acre. We were told by our realtor that all lots within Windermere Club were zoned as one acre lots and the golf course made up the shortage of our 1/2 acre lot when we bought our property and the lot sizes were approved by Orange County due to the fact that the development rights were transferred to Orange County, and Orange County had designated the golf course as PERMAMENT green space, and no one would be able to develop any further because Orange County had the development rights and designated this green space as permanent.

Without question, our property's value has substantial ties to the adjacent golf course property itself. All the property owners within Windermere Club will suffer significant irreparable financial harm and to the "quality of life" afforded us should Orange County relinquish the develop rights and allow destruction of the permanent green space designated as the Windermere Country Club. This value proposition has been collectively conveyed over hundreds of transaction of the sales and purchases of the Windermere Club golf course lots for the past 30 years.

This green space is home to much wildlife including Bald Eagles, Cranes, Turtles, Bobcats, etc., and with the dwindling un-developed land in the area due to a huge influx of construction leaves very few places remaining for this wild life to go.

In addition to the detrimental financial implications for the homeowners of Windermere Club will incur, along with the negative impact to the existing wildlife this proposed development of the Windermere Country Club would cause, we are also surrounded by Lake Crescent, essentially the headwaters of the Butler Chain of Lakes. Currently there are flooding and run off issues due to the current increased development, and this will be exasperated through further development of the Windermere Country Club. The Butler Chain of Lakes is now pristine and the harm from this proposed development plan would be irreparable.

In the end no one benefits through this proposed development except for the Canadian developer.

We strongly oppose this proposed rezoning plan and ask that you and your peers to reject this proposal and keep the designated permanent green space known as the Windermere Country Club for the good of the residents, the county and the future of our great State.

Sincerely,

Ronald & Lorraine Sheldon  
2002 Lake Crescent Court  
Windermere, FL 34786  
407-848-9441  
ronrsheldon@gmail.com

[Type here]

## REZONING - PUBLIC HEARING NOTICE

**Project Name :** Butler Bay Cluster Plan  
**Rezoning Case # :** RZ-15-10-038  
**Staff Contact :** Steven Thorp, Planner II  
**Hearing Date:** Thursday , November 19, 2015 – 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.



IN FAVOR

OPPOSED



COMMENTS:

Will ruin my property value as well as a gorgeous view from my back windows of my home. The traffic is already horrendous and we surely do not need more of this yet used to be a nice beachy relaxing area. DUH

NAME:

ADDRESS:

PHONE #:

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
 P.O. BOX 1393  
 ORLANDO, FLORIDA 32802-2687  
 Phone #: (407) 836-5600 Fax #: (407) 836-5862  
 E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

### NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING

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- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on compatibility with the surrounding area and/or concerns with impact on public services.

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**REZONING - PUBLIC HEARING NOTICE**

Project Name : Butler Bay Cluster Plan  
 Rezoning Case # : RZ-15-10-038  
 Staff Contact : Steven Thorp, Planner II  
 Hearing Date : Thursday, November 19, 2015 - 9:00 am

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IN FAVOR

OPPOSED



COMMENTS:

- APPLICANT DOES NOT HAVE PLANS (UNDEVELOPED)  
 DEDICATED TO A SINGLE SCENARIO. PLEASE TERMINATE  
 APPLICATION

NAME:

GEORGE SAUTER

ADDRESS:

13024 WATERVIEW BLVD

PHONE #:

407-989-1489

WINDHAM, FL 34786

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION

P.O. BOX 1393

ORLANDO, FLORIDA 32802-2587

Phone #: (407) 836-5600 Fax #: (407) 836-5862

E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)**NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING**

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☐ IN FAVOR

OPPOSED ☒

COMMENTS:

NAME: Joshua G. Suter ADDRESS: 2012 WATERMORE LN.  
PHONE #: 407-550-9393 Wintergreen, FL 32726

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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 11, 2015 12:30 PM  
**To:** Thorp, Steven T  
**Subject:** FW: URGENT please help us save our neighborhood!!

**From:** Russ Kraft [<mailto:russ.kraft@globalfl.com>]  
**Sent:** Wednesday, November 11, 2015 9:36 AM  
**To:** Planning Internet Mail  
**Subject:** Fwd: URGENT please help us save our neighborhood!!

I oppose this.

Russell Kraft  
15916 Citrus Knoll Dr.  
Winter Garden, FL 34787  
407-778-1857

## REZONING - PUBLIC HEARING

Project Name : Butler Bay Ct  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp  
Hearing Date: Thursday , Nov 12, 2015

**Note:** If you wish to make comments, please return this entire document 3 business days prior to the public hearing. Any commentary submitted to the Planning Commission will therefore be open for review and inspection by any member of the public, if requested.

☐

**IN FAVOR**

**COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NAME:**

**ADDRESS:**

**PHONE #:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

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- (3) Evidence and documentation such as photographs, reports, and letters may be introduced during the public hearing.

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 - 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: Another golf company would buy this club. The profit or loss is of no concern to Orange County. If rezoning was allowed for every unprofitable business it would be impossible to control. Also imagine how those on golf course would feel. They'd feel cheated.

NAME: Mark Viers ADDRESS: 3117 Butler Bay Dr N  
PHONE #: 321 229 2266 Windermere FL 34787

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday , November 19, 2015 – 9:00 am

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IN FAVOR

OPPOSED



**COMMENTS:** Over 20 years ago we purchased our lot and built our home on the pretense that we had bought into a community that had as its key feature a golf course and country club. Never was it indicated during the sales process that this very important asset could be taken away by an individual looking to reap a huge profit at the expense of every homeowner in our community. We are adamantly opposed to any redevelopment of this permanent open space.

NAME: JULIE & TONY PELUSO ADDRESS: 12603 Butler Bay Ct.  
PHONE #: 407 876-3126 Windermere, FLA 34786

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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 11, 2015 12:32 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Rezoning - butler bay cluster

2

**From:** CHERYL Roesch [<mailto:1995psu@gmail.com>]  
**Sent:** Monday, November 09, 2015 9:49 PM  
**To:** Planning Internet Mail  
**Subject:** Rezoning - butler bay cluster

Planning board,

Our family is **opposed** to the rezoning of the Windermere Country Club golf course. Please leave this community alone...the residence purchased houses in a golf course community for a reason.

If this land is developed, it change the beauty of our wonderful small town. The green space won't come back...that is part of the areas charm. Once this is done...it can't be undone!

Plus, the rezoning will add even more crowding to our already bursting schools..

Just vote NO! That is what our community wants...

*In addition, this public hearing notice doesn't used the words Windermere CC or golf course rezoning anywhere. It is very deceiving! I'm extremely disappointed...I feel it is sneaky and I don't like it. This is not how business should be done.*

Thank you for your time,  
Cheryl and Jay Roesch  
2080 Roberts point drive  
Windermere  
Waterford Pointe subdivision  
407-230-8917

## REZONING - PUBLIC HEARING NOTICE

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Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
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IN FAVOR

OPPOSED



COMMENTS:

Pls Retains the Development Rights in order to  
deny the present owner from building on this  
beautiful open space protected by Orange County  
when the golf course was approved. Please protect this space.

NAME: PETER REMS

ADDRESS: 12503 Lake Buena Vista Dr.

PHONE #: 407-201-5393

WINDERMERE FL 32786

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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 11, 2015 12:31 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Club opposed development  
**Attachments:** rezoning opposed.jpg.pdf

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**From:** peter rems [<mailto:peterrems@cfl.rr.com>]  
**Sent:** Tuesday, November 10, 2015 1:21 PM  
**To:** Planning Internet Mail  
**Subject:** Windermere Club opposed development

Orange County Planning Division,  
November 10, 2015

Please record my opposition to the upcoming rezoning request by the owner of Windermere Golf Club.

Past decisions have been made by Orange County to keep the developing right of this property in order to protect this beautiful open space which includes (I believe) wetlands. There is an abundant amount of information about the intentional destroying of this golfing enterprise with the intent from the beginning to redevelop rather than continue to promote and run as a one of Orange County's premier courses. Membership has been pushed out intentionally by the present owner to misrepresent a untrue image of the profitability of this club. I hope that several of the past club members will speak at that upcoming public hearing. One member makes his living advising and consulting golf clubs how to grow and maximize profits while maintaining it's quality and appearance. He was booted out by the present owner as well as many other members who criticized how the club was being run.. As I understand, when this club was purchased by Mr DeCunha, the club was in great shape with new greens and approximately 180 members. Rather than try to build on that membership, which he promised to the membership at that time of purchase, he systematically and intentionally reduced the membership by forcing people out and canceling their individual membership to now in the 20's for the sole purpose of convincing you to give him back the development rights and rezone for more houses. This is greed and not what the community wants.

A straw vote held a recent community meeting held at the Windermere Elementary School:

**For.... zero**

**Against .... 100 percent, every person there.**

**Please do not allow this.** I understand that two buyers were turned away who were interested in purchasing and keeping this beautiful course a part of the South West and Windermere communities. Please do not reward this owner and please vote to retain the development rights and current zoning and keep this space open, safe and protected for years to come.

Please keep this image in mind when considering your vote!





Thank You,  
Pete Rems 407-701-5393  
[peterems@cfl.rr.com](mailto:peterems@cfl.rr.com)

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan.  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

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IN FAVOR

OPPOSED



COMMENTS: I purchased my home in Windermere to avoid living in an over developed area, which tends to lead to crime and a decrease in quality of life.

NAME: Marcel Moritz ADDRESS: 2448 Ridgewood Way  
PHONE #: 407-909-0317 Windermere, FL 34786

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ORLANDO, FLORIDA 32802-2687  
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IN FAVOR

OPPOSED



COMMENTS: ~~IT~~ I BOUGHT IN WC BECAUSE OF GOLF COURSE  
AND WHAT BEAUTIFUL VISTA ARE PROVIDED.  
I AM NOT A GOLFER BUT WC IS SO BEAUTIFUL  
I HAVE NEVER REGRETTED MY PURCHASE. I AM 2148  
NAME: JUDITH F DELTORO ADDRESS: 18525 BUTLER BAY CT  
PHONE #: 407-876-4209 WINDERMERE, FL 34788

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RESIDENT

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☐ IN FAVOR      ☒ OPPOSED  
COMMENTS: I STRONGLY OPPOSE THIS ZONING CHANGE

NAME: Frank L. Del Toro ADDRESS: 12525 Butler Bay Ct  
PHONE #: 407-810-7125 Windermere, FL 34786

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: *Will increase density and traffic on busy roads and decrease my property value. Will make it more difficult to service with county services and further damage Lake Roberts and crescent with 1922 road off.*

NAME: *Kenneth Brooks* ADDRESS: *2131 Water Key Dr.*  
PHONE #: *407 756 7356* *Windermere, FL 34786*

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 11, 2015 12:34 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Butler Bay Cluster Plan Public Comment  
**Attachments:** ButlerBayOppositionVote-Brooks.pdf

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**From:** Ken Brooks [<mailto:kenbrooks1214@hotmail.com>]  
**Sent:** Monday, November 09, 2015 3:17 PM  
**To:** Planning Internet Mail  
**Subject:** Butler Bay Cluster Plan Public Comment

Just in case you cannot read the scan and my handwriting, it says:

"Opposed to this Project with Comments: Will increase density and traffic on busy roads and decrease my property value. Will make it more difficult to service with county services and further damage Lake Roberts and Crescent with lawn runoff."

If this is approved, it will prompt me to move away from Florida. I otherwise like the area but too many houses are being crammed in and the roads are already at capacity (i.e. 535) though they were recently widened.

Ken Brooks, Ph.D. DABR  
2131 Water Key Drive  
Windermere FL 34786  
407-810-8624

**REZONING - PUBLIC HEARING NOTICE**

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday, November 19, 2015 - 9:00 am

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IN FAVOR

OPPOSED



COMMENTS:

NAME: Daniel F. Knuth ADDRESS: 12753 Butler Bay Ct  
PHONE #: 407-902-8029 Windermere, FL 34786

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5800 Fax #: (407) 836-5862  
E-Mail Address: **PLANNING@OCFL.NET**

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☐ IN FAVOROPPOSED ☒

COMMENTS: \_\_\_\_\_

NAME: Natalia Marrone ADDRESS: 5717 Frontier Dr.  
PHONE #: 301-624-5669 Natalia Fil 34797

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P.O. BOX 1393  
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Thorp, Steven T

---

**From:** Pontius, Terri-Lynn  
**Sent:** Monday, November 09, 2015 1:52 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Butler Bay Cluster Plan RZ-15-10-038

**From:** Charles Hawthorne [mailto:[chuckhawthorne@cfl.rr.com](mailto:chuckhawthorne@cfl.rr.com)]  
**Sent:** Sunday, November 08, 2015 6:58 PM  
**To:** Planning Internet Mail  
**Subject:** Butler Bay Cluster Plan RZ-15-10-038

Public Hearing Notice  
Butler Bay Cluster Plan  
Rezoning Case #: RZ-15-10-038

I am opposed to this development plan and believe that it will have a negative impact on our entire community. I have listed below my primary two concerns.

**1. Loss of Property Value and Quality of Life for Existing Property Owners**

My back yard looks out on this golf course. We have lived in our home for over 25 years. I have raised my family in this home and it is where my grandchildren come to play. We look out at open space with majestic trees and a pond that is a haven for an amazing assortment of birds. I think it is understandable that I don't want this land destroyed and replaced with high density housing. It would create a major loss not only to my property value but also to my quality of life. Every dollar this developer makes, if this plan is approved, is basically being taken from the adjacent property owners, our environment and our community.

**2. Development Rights Are Dedicated to Orange County as Permanent Green Space**

This is not development land. It is dedicated green space. The recorded plat states that the development rights for this property are **dedicated to Orange County, FL**. Windermere Country Club is an R-CE Cluster and as such it provided for more flexibility of lot size. In this case half acre vs. acre lots were allowed in **exchange for the creation of permanent open space**. This developer just purchased the right to operate a golf course. He cannot develop the property unless Orange County relinquishes their development rights. It makes no sense that the County would give up these rights to financially benefit this one developer when that action would cause harm to all of the adjacent property owners, our community and our environment.

I am asking our Orange County government representatives to honor their responsibilities. I am asking them to **not relinquish** their dedicated development rights to our open space.

If the golf course closes I am confident that our community can come up with an alternative plan that does not damage adjacent property owners, our environment and our community.

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Monday, November 09, 2015 1:52 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Butler Bay Cluster Plan - OPPOSED

**From:** James Ni [<mailto:james.c.ni@gmail.com>]  
**Sent:** Sunday, November 08, 2015 11:01 AM  
**To:** Planning Internet Mail  
**Subject:** Butler Bay Cluster Plan - OPPOSED

I am adamantly opposed to the project.

It will eliminate vital green space in the county and impact the character and density of the surrounding areas. Look at how Toll Brothers massacred the landscape in nearby Bellaria and Casa Bella. Just look at how the natural landscape within a 2-mile radius of the proposed project has changed over the past several years.

There are plenty of residential communities in Orange County in development. We need more homes in the area like a fish needs a bicycle.

I sincerely hope that the commission considers green space as vital an element to a healthy communities as its citizens do and opposes the Butler Bay Cluster Plan development.

Thank you,

James Ni  
2054 Roberts Point Dr  
Windermere, FL  
407-257-6958

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

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☐

IN FAVOR

OPPOSED

☒

COMMENTS:

NAME: JAMES CZACHOROWSKI ADDRESS: 2218 RIDGEWIND WAY  
PHONE #: 407 467 0585 WINDERMERE, FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
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☐ IN FAVOR

OPPOSED ☒

COMMENTS: *We believe Orange County should stay by its original plan -  
Hear to hear development rights to our local SA that  
in exchange for smaller lots protects the surrounding  
property from additional protection environment*  
NAME: *Greg Kovari* ADDRESS: *2909 Butler Bay Dr N  
WINDERMERE, FL 34786*  
PHONE #: *407-871-5935*

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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

NAME: Lisa Wu ADDRESS: 3951 McKinnon Rd Windermere  
PHONE #: 407-362-8155 FL 34786

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: *190. More Cars on Day 90 Road Can not Handle the traffic Now the ground Contamination from Ponds is a well Lake Okechich will die from over grown weeds & algae all from over Development & Day 90 Bay to Windermere Club on we have a lot*

NAME: *Gerald E Morin*

ADDRESS: *2139 LK Crescent CT 34786*

PHONE #: *407-2956382 work*

*Home 407-8760439*

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**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Monday, November 09, 2015 1:44 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Project Name: Butler Bay Cluster Plan.  
**Attachments:** Windermere Re Zoning Form 11-9-15.pdf

**From:** Elmer's Paint & Body Inc. [<mailto:elmerspb@aol.com>]  
**Sent:** Monday, November 09, 2015 1:16 PM  
**To:** Planning Internet Mail  
**Subject:** Project Name: Butler Bay Cluster Plan.

It is exactly that. A cluster! It is not fair to jam in or encroach on a mature, quiet, peaceful, professional community, with such a horrible idea of cramming in homes with zero lot lines and think that a 30 foot buffer (which the home owners will trim and cut down to a matter of a foot) and think that it is okay for this community if you do not live here in this community. None of us signed to purchase our last homes here in a community with a wall around it or fences. Our association does not allow fences. This will ruin the lay out and look and flow we all love and moved here to enjoy. There just in not any other neighborhoods out there with this kind of natural open landscape and natural green spaces with nice rolling hills. Our neighbor hood matches and flows the same way it did when we all bought here and we do not expect anything less that what we moved here for. If you lived here you would also agree that this is not anything any of us want to be cramped in our community. Besides there are too many septic tanks and water fertilization run off problems. No one will take care of the wall or buffer zone. Once the homes are jammed in and completed, no one will care if those homes are kept up the way our community takes pride in our community. Go do this jamming homes in your community, not ours! We live here, not you... Please take our wishes in consideration. This is one of the areas last untouched, beautiful communities that is always up to code and clean and well kept with pride. This new development will cause our community to give up and move out, resulting in property value drop and it will (like other communities that have not lasted as long as this one) lead to less care, less pride, less appreciation and will fall into a level of a lower class community. This will also spread throughout the entire surrounding areas and soon bring these issues to other communities in the area... Save old Windermere. Don't let this to happen here or anywhere else. The greed to come from another country, purchase a property for \$2 million dollars, knowing you want to kill off a golf course in prime real estate and turn around and make millions and walk away with multi millions, is about as greedy as it comes. Please do not let the greed of one man take this community down to its knees. We need to appreciate and have pride in this community.. Not many left...

Thank you,  
Gerald E. Morin

Proud Home owner  
Windermere Country Club

## REZONING - PUBLIC HEARING NOTICE

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Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: Rezoning changes the country feel of this area, the reason we moved here. Added traffic, high density, crowded schools, less wildlife are all negatives. No positive aspects at all.

NAME: SUZANNE BROWN

ADDRESS: 12227 Grandmere Ct  
Windermere FL 34786

PHONE #: 407-217-7262  
407-341-2609 (cell)

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The owner of this golf club has made it cheaper to play without being a member of Windermere Country Club! That is the only reason the memberships have gone down! He drove business away! We are ex-members.

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: *The home owner who purchased in this neighborhood did so with the understanding that it was an upscale single family area. Cluster homes will detract from our life styles & property values.*

NAME: *John & Pamela Duke*

ADDRESS: *2932 Sunbittern Ct*

PHONE #: *407-876-9284*

*Windermere*

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: Developing this area detracts from the already established way of life of the current inhabitants. The development of this area would come at the expense of the current inhabitants. The overall quality of life of the current inhabitants would diminish.  
NAME: Mike Kijack ADDRESS: 12719 Water Point Blvd.  
PHONE #: 720-980-3544 Windermere, FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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IN FAVOR

OPPOSED



COMMENTS:

NAME: Russell & Tracy Grant ADDRESS: 2435 Ridgewind Way  
PHONE #: 407-876-7978 Windermere, FL 34786

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IN FAVOR

OPPOSED



### COMMENTS:

KEEP THIS OPEN SPACE. WE ARE SURROUNDED  
BY HUNDREDS OF NEW HOMES BEING BUILT. ENOUGH!

NAME:

GERALD MATTHEWS

ADDRESS:

2805 MAZOUZAS

PHONE #:

407 876 1495

WINTERGARDEN FL

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IN FAVOR

OPPOSED



**COMMENTS:**

*Time for the County Planning to take deep breaths and review their past decisions. Think about schools, traffic, sewage, roads (so many need resurfacing, not more traffic).*

NAME: *Margaret Nagle*

ADDRESS: *2934 Marquessa Court*

PHONE #: *(407) 876-4323*

*Windermere Florida 34786*

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IN FAVOR

OPPOSED



### COMMENTS:

I SUPPORT THE EXISTING GREEN SPACE & DO NOT WANT  
IT ~~LOST~~ LOST OR MODIFIED

NAME: GAYLE G GARDNER

ADDRESS: 2229 LAKE CRESCENT CT

PHONE #: 248-568-3589

WINDERMERE FL 34786

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☐ IN FAVOR

☒ OPPOSED

COMMENTS:

Not in favor and goes against everything this community has stood for these past years. More and more green spaces are being lost to commercial and housing construction. The infrastructure and local amenities are already stretched too thin, and we can not even agree on schools for our students that we have right now, how can we possibly add more homes and as a result more students. Not to mention our traffic issues which are deplorable.

NAME:

Zoe Willard

PHONE:

407.673.8400

ADDRESS:

2817 Carter Grove Circle, Windermere 34786

★ MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION

P.O. BOX 1303

ORLANDO, FLORIDA 32812-2817

Phone: (407) 836-5635, Fax: (407) 836-5632

E-mail: [planning@ocnet.net](mailto:planning@ocnet.net)

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☐

IN FAVOR

OPPOSED

☒

COMMENTS:

NAME: Jody Keller ADDRESS: 58 Main St  
PHONE #: 407 312 0890 Windermere FL 34786

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IN FAVOR

OPPOSED



COMMENTS: *Applicant's predecessor in interest received valuable consideration from Orange County in exchange for development rights, unless they procure development rights, which the County should not surrender at all, let alone for free, the pending application is premature. Why would the applicant not be required to submit an owner's affidavit?*

NAME: *Scott & KATHIE GLASS* ADDRESS: *2417 Ridgewind Way*  
PHONE #: *407-835-6964* *Wandsworth, FL 34786*

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*\* from the owner of that property's development rights along with the application like other applicants?*

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Friday, November 06, 2015 3:29 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Rezoning - Butler Bay Cluster Plan (Case No. RZ-15-10038)

**From:** Tom Goslin [<mailto:tgoslin2@cfl.rr.com>]  
**Sent:** Thursday, November 05, 2015 9:53 PM  
**To:** Planning Internet Mail  
**Subject:** Rezoning - Butler Bay Cluster Plan (Case No. RZ-15-10038)

Steven Thorp Planner II,

We have lived in Orange County since 1970. My wife and I have raised our children here and now are helping to raise our grand children here. Over the years we have seen many changes, some good and some not so good. This proposed rezoning change would fall in the terrible category.

I am opposed to the proposed rezoning for the following reasons;

1. This proposed change will damage our community. Many of us bought or built in this area because of the large green space that the golf course provides.
2. Many birds and other animals use the golf course as their home, if 95 houses are built on this property all these animals will be displaced.
3. Our property values will be decrease even though the owner of the golf course is trying to tell us that they will increase we all know this is not true.
4. The only ones that will profit from this development are the golf course owner and his developer. The owner only paid a little over \$2 million dollars for the property (150 acres) and he stand to make tens of millions from this development.
5. The owner has stated that the community does not support his golf course. It is true that most of the people that were members when he took over the club have dropped their membership however the owner has driven these people away by the poor maintenance of the course and letting the public play on the course for less then what the members pay. He is either a bad business man or never wanted the golf course to be successful so that he could go to the county and get it rezoned for a new development.
6. The development rights are held by the county and should not be given to this individual.

Thomas A. Goslin  
2949 Butler Bay Dr N  
Windermere, FL 34786  
407-876-3133

## REZONING - PUBLIC HEARING NOTICE

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Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 am

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☐

IN FAVOR

OPPOSED

☒

COMMENTS:

NAME: Donna Staley ADDRESS: 1904 Lake Roberts Ct  
PHONE #: (321) 436-9485 Windermere, FL 34786

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IN FAVOR

OPPOSED



COMMENTS: *The entire COMMUNITY is opposed to this development. The golf course has been poorly run by this owner. He is a CANADIAN developer who in my opinion bought the course so he could develop it & make millions.*

NAME: *Michael Kingsley* ADDRESS: *2709 Butler Bay Dr N*

PHONE #: *248-890-6827* *WINDERMERE FL 34786*

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*A new development would wreak havoc on property values and the environment.*

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: *We retired in 1992 and chose the Windermere Country Club area, because we were looking for a quiet place to live. Now that I lost my husband one month ago, I do not want to look forward to new homes in our back yard.*

NAME: *Mayda E. Sanchez* ADDRESS: *2820 Butler Bay Dr. N*  
PHONE #: *407-876-0485* *Windermere FL 34786*

### MAIL, FAX, OR EMAIL TO:

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P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan

Rezoning Case # : RZ-15-10-038

Staff Contact : Steven Thorp, Planner II

→ Hearing Date: Thursday, November 19, 2015 - 9:00 am

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IN FAVOR

OPPOSED



COMMENTS:

Since the inception of Windermere Club in the mid-1980's, the golf course has been designated PERMANENT green space - this means PERMANENT! Re-zoning benefits NO ONE in this area except Mr. Decuman who is NOT a resident!

NAME: Irene Pini

ADDRESS: 1838 Lake Roberts Ct.

PHONE #: 407-399-5214

Windermere, FL 34786.



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IN FAVOR

OPPOSED



COMMENTS: WE STRONGLY OPPOSE - WE BUILT OUR HOUSE IN THIS  
QUIET PART OF WINDERMERE ACROSS FROM A GOLF COURSE.  
IF WE HAD KNOWN IT WOULD BE HOUSES - WE WOULD  
HAVE BUILT SOMEWHERE ELSE.

NAME: SCOTT LANGEVINADDRESS: 2020 WATER KEY DRPHONE #: 407 592 7296WINDERMERE, FL 34786**MAIL, FAX, OR EMAIL TO:**

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IN FAVOR

OPPOSED ☒

COMMENTS: Approx. 18 year ago we began our house hunting process. We chose WCC because of the golf course, green space and wild life. With the surrounding orange groves development we are seeing less woodrats, red tail hawks and owls. He bought a golf course w/o development rights!

NAME: Anne R. Ryan

ADDRESS: 1825 Lake Roberts Ct

PHONE #: 321-229-5363

Windermere FL

Do the right thing, don't give him the development rights... "you paved paradise and put up a parking lot!"

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IN FAVOR

OPPOSED



**COMMENTS:** This project would negatively impact the environment; destroy green space; add more demands on community resources, and negatively impact property values

**NAME:** Susan V White **ADDRESS:** 2528 Ridgewind Way  
**PHONE #:** 407.876.3908 **Windermer, FL 34786**

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IN FAVOR

OPPOSED



COMMENTS: WE PURCHASED THIS LOT WITH THE BUILDERS PROMISE OF THE GOLF COURSE REMAINING IN PERPETUITY. THIS GREEN SPACE IS NECESSARY FOR THE SAFETY OF OUR CHILDREN AND THE SECURITY OF OUR NEIGHBORHOOD. THE TWO LANE ACCESS ROADS WILL NOT ACCOMMODATE THE ADDED DENSITY. SAVE OUR NEIGHBORHOOD.

NAME: THEODORE & GERALDINE CONWAY ADDRESS: 2049 LAKE CRESCENT CT.

PHONE #: 407 876-2747

WINDERMERE, FL 34786

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☐

IN FAVOR

OPPOSED

☒**COMMENTS:**See Attached Letter

NAME: Louise Hawthorne ADDRESS: 12515 Lake Buynak Ct  
PHONE #: 407-592-0818 Windermerc, FL 34786

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Attachment to Rezoning – Public Hearing Notice  
Butler Bay Cluster Plan  
Rezoning Case #: RZ-15-10-038

I am opposed to this development plan and believe that it will have a negative impact on our entire community. I have listed below my primary two concerns.

**1. Loss of Property Value and Quality of Life for Existing Property Owners**

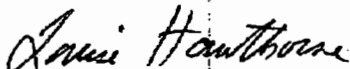
My back yard looks out on this golf course. We have lived in our home for over 25 years. I have raised my family in this home and it is where my grandchildren come to play. We look out at open space with majestic trees and a pond that is a haven for an amazing assortment of birds. I think it is understandable that I don't want this land destroyed and replaced with high density housing. It would create a major loss not only to my property value but also to my quality of life. Every dollar this developer makes, if this plan is approved, is basically being taken from the adjacent property owners, our environment and our community.

**2. Development Rights Are Dedicated to Orange County as Permanent Green Space**

This is not development land. It is dedicated green space. The recorded plat states that the development rights for this property are **dedicated to Orange County, FL**. Windermere Country Club is an R-CE Cluster and as such it provided for more flexibility of lot size. In this case half acre vs. acre lots were allowed in **exchange for the creation of permanent open space**. This developer just purchased the right to operate a golf course. He cannot develop the property unless Orange County relinquishes their development rights. It makes no sense that the County would give up these rights to financially benefit this one developer when that action would cause harm to all of the adjacent property owners, our community and our environment.

I am asking our Orange County government representatives to honor their responsibilities. I am asking them to **not relinquish** their dedicated development rights to our open space.

If the golf course closes I am confident that our community can come up with an alternative plan that does not damage adjacent property owners, our environment and our community.



Louise Hawthorne  
12515 Lake Buynak Ct.  
Windermere, FL 34786  
407-592-0818

## REZONING - PUBLIC HEARING NOTICE

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IN FAVOR

OPPOSED



COMMENTS: VERY BAD PRECEDENT - ALLOWS PURCHASE OF COUNTRY CLUBS/ GOLF CLUBS TO BE PURCHASED & DELIBERATELY RUN DOWN IN CYNICAL PLAN TO DEVELOP LIMITED GREEN SPACE FOR RESIDENTIAL DEVELOPMENT. OWNERS SHOULD OFFER PROPERTY FOR SALE ON OPEN MARKET.

NAME: JULIA ICANTEK

ADDRESS: 3215 BUTLER BAY DR N.

PHONE #: 321 331 1066

WINDERMERE, FL 34786

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OPPOSED ☒

COMMENTS: *Purchaser of WCC appears to be a land speculator. This course is important to the community. The owner has not made a good faith attempt to operate the club. Recently I was told that I would not need a social membership to use rooms.*

NAME: *Steven M. Brady*

ADDRESS: *2515 Butler Bay Dr. N.*

PHONE #: *321-300-5290*

*Windermere FL 34786*

*\* Lake water  
quality an issue  
here, too.*

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IN FAVOR

OPPOSED



## COMMENTS:

NAME: ANDREW SHEETERADDRESS: 2509 RIDGEVIEW WAYPHONE #: 407-217-2301WINDERMERE, FL 34786**MAIL, FAX, OR EMAIL TO:**

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**REZONING - PUBLIC HEARING NOTICE**

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday , November 19, 2015 - 9:00 am

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☐

IN FAVOR

OPPOSED

☒

COMMENTS: The subject parcel is dedicated as green space in the recorded plat, and Orange County is the owner of the development rights. The parcel should be preserved as green space because the owners of the surrounding residential parcels bought them relying on the plat.

NAME: Alberto E. Lugo-Janer

ADDRESS: 12831 Butler Bay Ct.

PHONE #: 407-342-3122

Windermere, FL 34786

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: SEE ATTACHED

NAME: GEORGIE HUXHOLD \* ADDRESS: 12615 BUTLER BAY CT  
PHONE #: 407-217-2122 WINDERMERE FL 34786

\* VICE PRESIDENT OF  
WINDERMERE CLUB HOA

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## Proposed Development of Windermere Country Club

About four years ago, my wife and I came to Orlando to purchase a home that I could retire into and escape the harsh winters of the Northeast. After visiting many communities, most of them in West Orange County, we decided that Windermere Club was the place for us. We loved the winding roads, the mature live oak trees, the rolling terrain of the golf course. Having spent 28 years in the military, we have bought and sold eight homes as we moved across the country during my career. In doing so, I have learned the importance of reading sales documents carefully. Prior to making an offer on the house we both liked, one that backs up to the 12<sup>th</sup> hole of Windermere Country Club, I examined the plat of the lot, and the plat of the neighborhood. I saw the land behind my house platted as a golf course. More importantly, I saw that the plat had a notation that the development rights to the golf course belonged to Orange County. This unusual notation could mean only one thing....I believed that the county Commissioners wanted to preserve the community ambiance and county greenspace by insisting that the original developers of the community cede the development rights of the golf course to the county. This protection weighed heavily on my decision to buy a home in Orange County.

Bryan DeCunha, the applicant, also made a decision to buy property in Orange County. As a shrewd businessman, Bryan saw the same restrictions on development that I, and others, did. When Bryan bought the property, he knew he did not have the development rights. And now, Bryan is asking you to help him make a large profit at our expense.

I believe Bryan never intended to operate the golf course for the long term. He systematically took the following steps to strip the golf course and make a handsome profit. He:

- Dissolved the Advisory Board - (non paid volunteers);
- Let the golf course go;
- Cut dining staff;
- Let the wedding coordinator go;
- Let the maintenance manager go;
- Fired the golf course superintendent, (who was from Isleworth);
- Requested input from members.

Bryan's actions have resulted in the loss of the golf course, the loss of the community's greenspace, and the loss of the community's identity. Bryan's actions have also resulted in the loss of the community's history and the loss of the community's future.

Bryan's actions have also resulted in the loss of the community's identity and the loss of the community's future.

Bryan's actions have also resulted in the loss of the community's identity and the loss of the community's future.

Thank you,

John J. DeCunha  
John J. DeCunha, President

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan

Rezoning Case # : RZ-15-10-038

Staff Contact : Steven Thorp, Planner II

→ Hearing Date: Thursday, November 19, 2015 - 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: We are adamantly opposed to this rezoning of permanent green space to more unwanted & un-needed homes in this area. Orange County Public Schools are overcrowded & under-funded. Roads environment & public utilities are overly taxed in this area!!

NAME: Stephen J. Pini

ADDRESS: 1838 Lake Edwards Ct

PHONE #: 321-228-2122

Windermere, FL 34786

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P.O. BOX 1393

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IN FAVOR

OPPOSED



COMMENTS:

Developing this parcel only benefits the owner, not area residents. The property was zoned green space when purchased and should remain as such.

NAME: Larry Dobson  
PHONE #: 407-841-0030

ADDRESS: 12528 Park Av  
Windermere, FL 34786

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IN FAVOR

OPPOSED



## COMMENTS:

*We bought our home in 2011 BECAUSE of this golf course! We have been members ever since! Please keep this beautiful area the way it is. ~~Windermere~~ Windermere Country Club needs to stay the way it is!*

NAME: *Robert + Rita James*ADDRESS: *1916 Lake Roberts Court*

PHONE #:

*Windermere, FL 34786***MAIL, FAX, OR EMAIL TO:**

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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

*The right to develop the property is the county's. The property was platted and dedicated as permanent greenspace. The new owner/operator seeks a windfall, all of the expense of the surrounding home owners. Shame!!*

NAME: Melvin B Wright

ADDRESS: 281 Roberts Point Dr Windermere

PHONE #: (407) 765-5433

34786

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**Thorp, Steven T**

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**From:** Thorp, Steven T  
**Sent:** Wednesday, November 04, 2015 10:22 AM  
**To:** 'Dick Monroe'  
**Subject:** RE: Butler Bay Cluster Plan - Rezoning Case RA-15-10-038

Good Morning Walter and Lorene,

Thank you for your email regarding RZ-15-10-038. I have noted that both of you oppose this request and have included it in the case file. A summary of your opposition, and all other opposition received, will be presented to the Planning and Zoning Commission verbally at the November 19, 2015 meeting. You may also voice your concerns directly at the hearing as well.

If you have any additional questions or concerns, please feel free to contact me.

Thank you,

Steven Thorp  
Planner II - Current Planning

Orange County Planning Division  
Community, Environmental, and Development Services Department  
201 S. Rosalind Ave., 2nd Floor, Orlando, FL 32801  
Tel: 407-836-5549 Fax: 407-836-5862  
[Steven.Thorp@ocfl.net](mailto:Steven.Thorp@ocfl.net)

---

**From:** Dick Monroe [<mailto:dickmonroe@cfl.rr.com>]  
**Sent:** Wednesday, November 04, 2015 10:18 AM  
**To:** Thorp, Steven T  
**Subject:** Butler Bay Cluster Plan - Rezoning Case RA-15-10-038

Pursuant to the Rezoning Case RZ-15-10-038 for Butler Bay Cluster Plan, please count on my **OPPOSITION** to the rezoning of the golf course for the development of homes.

As has been presented in previous hearings and testimony, in 1985, the development of the Windermere Golf Course was granted by Orange County contingent upon the establishment of green space (the golf course) and said golf course/green space being dedicated to Orange County. What is particularly relevant and striking is that 30 years ago the Orange County leaders were concerned enough about our environment, ecosystem and lakes to take measures to protect our resources, thus requiring the establishment of the green space, e.g. the golf course...way back then!

As we have lived at this address since 1989, I can attest that the development in this area was very minimal at that time, with Maguire Road, two lanes, 535, two lanes, lots of orange groves and pastures, the only grocery store was a Piggly Wiggly on Maguire and Colonial Drive...and still **Orange County was concerned enough about our ecosystem to require said green space to be established.** Fast forward 30 years and this area has exploded in growth of residential, multifamily and commercial properties. Currently, we have a very large new development underway almost out our back gates. A development is underway on Maguire just outside Windermere. The land adjacent

to the boat ramp entering Windermere is being developed. And on it goes, as it has been for the last 30 years. And the quality of our lakes continues to degrade and our ground water becomes more precious.

All of these developments will be putting more strain on our ground water, our waste treatment capabilities (will they all have septic tanks?), on traffic, crime, etc. Yet, Orange County is being asked to reduce/rescind a dedicated green space, which will encumber present homeowners in a very negative way, while, at the same time, reducing ever dwindling open land and green spaces for more development?

It goes without saying the negative impact on homeowners who in good faith bought homes on the golf course, with the understanding the golf course was green space dedicated to Orange County, would be devastating and a legal and moral breach of contract, not to mention the emotional stress this maneuver is having on the community.

We implored Orange County Planning and Zoning to deny this request and honor the commitment it made decades ago to preserve this golf course property as green space in perpetuity.

Thanking you in advance for a wish decision.

Walter R. and Lorene Monroe  
2241 Lake Crescent Court  
Windermere, Florida 34786  
407-876-1559  
407-256-9469 cell



## REZONING - PUBLIC HEARING NOTICE

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☐ IN FAVOR ☒ OPPOSED  
COMMENTS: Traffic is unbearable in A.M. already.

NAME: Jerry DeFalco ADDRESS: 1855 Watermere Lane  
PHONE #: 407-406-0648 Windermere, FL 34786

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 04, 2015 11:24 AM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Country Club - RZ-15-10-038

---

**From:** [Strikersoccerusa@aol.com](mailto:Strikersoccerusa@aol.com) [<mailto:Strikersoccerusa@aol.com>]  
**Sent:** Tuesday, November 03, 2015 8:07 AM  
**To:** Planning Internet Mail  
**Subject:** Windermere Country Club - RZ-15-10-038

Steve Crane  
762 Reflections Lane, Winter Garden, FL 34787  
407-595-2095

I am OPPOSED to this development.

Regards

Steve Crane

## REZONING - PUBLIC HEARING NOTICE

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IN FAVOR

OPPOSED



**COMMENTS:**

Please reject this proposal and protect our permanent green space as documented in our plat. We need to protect our wetlands, green space, and the possible contaminated water flow from new retention ponds into the Butler chain. In addition this developer does not own the development rights which were conveyed to Orange County.

NAME: Karen McChesney ADDRESS: 12549 Butler Bay Court  
PHONE #: 407-876-8748 karen.mcchesney@cfl.rr.com

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Staff Contact : Steven Thorp, Planner II  
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☐

IN FAVOR

OPPOSED

☒

COMMENTS:

NAME: JOHN W. RODGERS ADDRESS: 3735 LK BUYNAL RD  
PHONE #: 407 222-8403 WINDERMERE FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

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## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
→ Hearing Date: Thursday, November 19, 2015 - 9:00 am

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OPPOSED

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COMMENTS:

- Too much traffic  
- Home values decreased  
- Schools overloaded.

NAME: Amy Clayman  
PHONE #: 407 217 6300

ADDRESS: 11217 Rose Dawn Ct.  
Windermere FL 34786

**\* MAIL, FAX, OR EMAIL TO:**  
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ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-6600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

**Thorp, Steven T**

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 04, 2015 11:24 AM  
**To:** Thorp, Steven T  
**Subject:** FW: OPPOSED RZ-15-10-038

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**From:** Lilli Bewley [<mailto:lillibewley@yahoo.com>]  
**Sent:** Tuesday, November 03, 2015 1:44 PM  
**To:** Planning Internet Mail  
**Subject:** OPPOSED RZ-15-10-038

No home building on green spaces!!!

## REZONING - PUBLIC HEARING NOTICE

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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

Bought on a Golf Course, not a Pond!!  
What part of this makes sense to  
140 some odd homeowners!!! So 1 person  
can benefit

NAME: Anthony + Joanne McInerney

ADDRESS: 12754 Butler Bay Ct  
Windermere FL 34786

PHONE #: 407-761-8147

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IN FAVOR

OPPOSED



COMMENTS: WE ARE OPPOSED TO ANY CHANGES IN  
REZONING FOR THE WINDERMERE CLUB SUBDIVISION

NAME: JOHN CASTELLO + SALLY ADDRESS: 12137 CRESCENT COURT  
PHONE #: 312-339-3664 WINDERMERE, FL 34786

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**REZONING - PUBLIC HEARING NOTICE**

Project Name:

Water Bay Office Plan

Rezoning Case #

15-15-038

Staff Contact:

Steven Thory, Planner II

Hearing Date:

Thursday, November 19, 2015 -- 9:00 AM

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☐

IN FAVOR

OPPOSED

☒

COMMENTS: We are very opposed. Our roads can't handle the additional ~~traffic~~ traffic, our schools can't handle the additional children and our supermarket is already crowded. Also, this would remove green space, changing the character of the community.

NAME: Ana Handsheln ADDRESS: 9664 Weatherstone Ct.

PHONE #: 407-619-3016 W. Undermire, FL 34178

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**REZONING - PUBLIC HEARING NOTICE**

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IN FAVOR

OPPOSED ☒

COMMENTS: Please Save OUR Golf Course & Green Space

NAME: Robert & Michele Kade  
PHONE #: 407 876 5996

ADDRESS: 2013 Butler Bay Dr N,  
Windermere FL 34786

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IN FAVOR

OPPOSED

**COMMENTS:**DO NOT REZONE THE "GREEN SPACE"

**NAME:** Glen & Susan Sincic **ADDRESS:** 2411 Ridgewind Way  
**PHONE #:** 407-876-1220 Windermere, FL 34786

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☐ IN FAVOR

 OPPOSED ☒

COMMENTS: *The applicant, as success developer to the project, is seeking to impose a claim of development rights that were vested back to the county, but should have been granted to the HOA.*

NAME: RODNEY V. JOLLEY ADDRESS: 12226 GRANDMEAD ST.  
 PHONE #: 407-341-4313 WINDERMERE FL 34786

*See Attached*

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The applicant in this case is nothing more than a successor developer asking for relief tied to an economic claim. The county and successor developer agreed to development restrictions and approved density. The community, and most particularly the affected homeowners made economic decisions in reliance of those publicly recorded development agreements. The developer clearly financially benefited from use of the green space by creating a golf front community. Golf and green space frontage lots were sold at substantial premiums and homeowners paid higher real estate taxes to the county, reflecting the increased market value of their properties. The successor developer now comes back to the table asking for additional density units under the false claim of economic hardship tied to the nationwide trend of reduced demand for golf courses.

Publicly recorded developer agreements effectively create a deed restriction for the benefit of surrounding homeowners. Irrespective of the successor developer's claim of hardship and redevelopment in the best interest of the community, they have several reasonable remedies that don't involve residential redevelopment. First, the successor developer must document they can't reasonably sell the rights to operate the golf community to another party. Secondly, the successor developer must document deeding the property over to the affected HOA for use as open greenspace for which it was originally designed is not a viable option. Third, the successor developer has negotiated in good faith a financial settlement with the affected homeowners.

Developers reasonably create value by providing necessary and reasonable development of land resources. They fill an important need in the community. This case clearly involves transferring value from one party to the other. No value or public benefit is being created. If approved, the undertaking is nothing less than a public taking under the guise of public good. The successor developer's intent is purely economic and contemplated under the highest and best use principle. He creates economic value by taking it from the very homeowners he sold it to in the first place.

If approved, the county should expect homeowners, such as myself, to immediately file breach of contract suits against the successor developer, naming the county as well, for breach of contract. You simply can't claim economic hardship. If you develop and sell a golf front community using cluster zoning the value created has already been sold and you've acknowledged adequate consideration by virtue of the higher purchase price. Unless you can clearly document reservation of future development rights I, as well as a majority of the public, would recognize it for what it is.

The successor developer will obviously claim precedence referring to redevelopment of other Central Florida golf communities. Each case must be considered independently with a compelling and high standard of diligence. With each redevelopment considered, public watchdogs such as yourself must consider the long-term ramifications of creating a double standard. If a property cannot be economically maintained in its current use, then the owner must exhaust every possible self-remedy before compelling the government to intervene.

Public and open disclosure of all potential conflicts and remedies are essential in the process. I trust our public officials will protect the community from private interests determined to financially and politically overwhelm and usurp the public they've pledged to serve.

A handwritten signature in black ink, appearing to be "J. Kelly", written over a horizontal line.

## REZONING - PUBLIC HEARING NOTICE

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Rezoning Case # : RZ-15-10-038  
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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

NAME: Adam Platten ADDRESS: 1806 Waterline LA  
PHONE #: 407 468-4770 Walden, FL 32786

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P.O. BOX 1393  
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IN FAVOR

OPPOSED



**COMMENTS:** Additional Homes (approx 95) would add to already traffic congestion on MCKINNON & WINDERMERE ROADS. WHEN I PURCHASED MY HOME 25 YEARS AGO IT INCLUDED A GOLF COURSE AND CLUB ALSO THERE ARE ENVIRONMENTAL ISSUES WHICH DO NOT PERMIT ADD HOUSING

**NAME:** Bruno Cicotti

**ADDRESS:** 1736 LAKE ROBERTS CT

**PHONE #:** 407-443-2767

WINDERMERE, FL 34786

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IN FAVOR

STRONGLY  
OPPOSED ☒**COMMENTS:**

THIS CAN'T HAPPEN!

NAME: JOHN PAPATZANNAKIS ADDRESS: 12513 BUTLER BAY C  
PHONE #: 704-819-2533 WINDERMERE FL, 34786

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**REZONING - PUBLIC HEARING NOTICE**

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday, November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.



IN FAVOR

OPPOSED



COMMENTS: *It will create too much traffic in an area that now is green and beautiful. NO MONEY CAN TAKE PLACE GREENS! DON'T DO IT!*

NAME: *SIEGBERT KINDL* ADDRESS: *3412 LILAS CT.*  
PHONE #: *407-701-7850* *WINDERMERE, FL 33476*

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: **PLANNING@OCFL.NET**

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IN FAVOR

OPPOSED ☒

COMMENTS: We worked so hard to afford a home in Windermere where there is still green space. We live in Waterford Point - our house is directly across the street from WCC and the wide open space of the golf course.

NAME: Andrea & Richard Taylor ADDRESS: 12702 Water Point Blvd

PHONE #: 407-497-1357

Windermere FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393

ORLANDO, FLORIDA 32802-2587

Phone #: (407) 836-5600 Fax #: (407) 836-5862

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**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:24 PM  
**To:** Thorp, Steven T  
**Subject:** FW: OPPOSITION: Rezoning Case # RZ-15-10-038, Project Name: Butler Bay Cluster Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Follow-Up

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**From:** George Sautter [<mailto:geosautter@gmail.com>]  
**Sent:** Wednesday, November 18, 2015 7:55 AM  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com); [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com); [tdemosteneCRC@gmail.com](mailto:tdemosteneCRC@gmail.com); [patpz2011@gmail.com](mailto:patpz2011@gmail.com); [rvb@avconinc.com](mailto:rvb@avconinc.com); [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com); [plwean@wmlo.com](mailto:plwean@wmlo.com); [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com); [kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com); Planning Internet Mail; District1, Mail; District2, Mail; District3, Mail; District4, Mail; District5, Mail; District6, Mail  
**Subject:** OPPOSITION: Rezoning Case # RZ-15-10-038, Project Name: Butler Bay Cluster Plan

Dear Orange County District Commissioners, Orange County Planning & Zoning Commission (PZC) Representatives and Orange County Planning Division Officials,

A re-zoning hearing has been scheduled on November 19, 2015 before the Planning & Zoning Commission (PZC) to review the captioned case. I would like to convey my OPPOSITION to this project and respectfully urge the PZC to not only deny this application, but not even to hear the matter and terminate the application process immediately. I offer the following to support my OPPOSITION:

- The community, including surrounding communities, strongly opposes the redevelopment of the golf course for residential purposes. Most of the members of the community purchased their homes relying on the fact that the golf course would not be used for any other purpose than for what it was designed, platted and built. Any other use would have a significant and detrimental impact on the community.
- It is my understanding that the owner of the course does not own the development rights to the course which were dedicated, permanently, to Orange County, and there is no basis for the County to surrender these rights. Therefore, there should not be a rezoning application and the rezoning process should cease immediately.
- It would seem from the transaction history of the course (along with all of the perpetual constraints) that the current owner, as well as any and all previous owners, did not purchase the right to re-develop the course. Any decision to convey this right would result in an egregious windfall to the owner to the detriment of all homeowners. Clearly, the original purchase price did not reflect the value of the property to be used for residential development. There is no basis for the current owner to secure any special entitlement or treatment whatsoever. It would be grossly unfair to effectively penalize and/or damage many residents, families and their posterity to benefit an individual. For many people, our homes are their single largest investment and anything that adversely affects home values is economically devastating.
- The golf course was to serve as permanent open space as part of the original cluster plan. There is no basis by which to ignore this provision. Residents have relied on this in making the area their home. In fact, many paid a premium in the purchase of their homes due to the reliance that a golf course/open space was not only there- but would always be there. Their significant investments and quality of life

should not be put at risk to unduly benefit an individual that has no right or basis for any of the requested standing or relief in this matter.

- Any redevelopment of the golf course would violate easements and restrictive covenants that are in place.

Of course, local residents are also extremely concerned with the effects of the additional population density, traffic, congestion and possible adverse environmental impact on water quality, habitat and wildlife, amongst other things, which would also negatively affect the community.

I am a resident of the Waterford Pointe sub-division and am directly affected by this case. I paid a premium on my home due to its proximity to the golf course. I relied on the course/permanent open space being there in perpetuity.

I greatly appreciate your time and consideration in this matter. As either elected officials, or duly appointed representatives by elected officials, it is imperative that the will of the community be properly acknowledged and represented. It is obvious the the original dedication of the development rights for the course and its designation as permanent open space was meant to benefit the community.

Thank you.

Respectfully,

G.

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday, November 19, 2015 - 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS:

*I believe there are legal reasons for keeping the Watermere C.C. as it is and I think the Country Club is a greater asset to the community than additional homes.*

NAME: NICHOLAS M. WOLSONORICH ADDRESS: 1842 Watermere Lane

PHONE #: Wildermeade, FL 34786

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
P.O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 838-5800 Fax #: (407) 836-5862  
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☐ IN FAVOR

OPPOSED ☒

COMMENTS: We need more roads and schools  
before we keep on approving new houses  
to be built.

NAME: Ricardo Vescovala ADDRESS: 1920 Watermere Lane  
PHONE #: 407 826 7149 Windermere FL 34786

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we need on approving  
be built.

Mora-Rosa  
258-0069

ADDRESS:

11648 I  
Winder ME

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P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-5600 Fax #: (407) 836-5862

E-Mail Address: **PLANNING@OCFL.NET**

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**CHANNEL 9 ON COMCAST**

**CHANNEL 90 AT 11 PM**

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Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date : Thursday , November 19, 2015 - 9:00 am

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☐ IN FAVOR

OPPOSED ☒

COMMENTS: We need more roads and schools  
before we keep on approving new houses  
to be built.

NAME: Susana Suitsman ADDRESS: 1926 Watermere Lane  
PHONE #: 407 614 4932 Windermere FL 34786

### MAIL, FAX, OR EMAIL TO:

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☒ **IN FAVOR**

**OPPOSED** ☐

COMMENTS:

*See attached comments*

NAME: *Patricia Loy*

ADDRESS: *2503 Butler Bay Dr.*

PHONE #: *321-662-4959*

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ORANGE COUNTY PLANNING DIVISION

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patricialoy@outlook.com

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**COMMENTS:**

The proposed plan is thoughtfully prepared with extensive buffering, water features and open areas to accommodate the existing homes on the golf course. The lot layout is also well done and I appreciate the fact that the number of lots was reduced from the maximum possible. I would prefer having neighbors with \$1M plus homes than a large tract of overgrown, unmaintained land. Also, I am looking forward to, at long last, being able to keep our own gates closed during the day, reducing traffic through our neighborhood and possibly removing the speed bumps we have installed. And lastly, Mr. DeCunha has been open and receptive to meeting with any homeowners at any time to address their concerns and make this process as painless as possible. I appreciate this and believe we should work with him instead of simply opposing the development of land that can no longer profitably support a golf course.

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:24 PM  
**To:** Thorp, Steven T  
**Subject:** FW: OPPOSITION: Rezoning Case # RZ-15-10-038, Project Name: Butler Bay Cluster Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Follow-Up

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**From:** Melvin B. Wright [mailto:mwright@thefloridafirm.com]  
**Sent:** Wednesday, November 18, 2015 9:05 AM  
**To:** jdunnopc@gmail.com; mbb@cfl.rr.com; tdemosteneCRC@gmail.com; patpz2011@gmail.com; rvb@avconinc.com; jwade@aceconstructionmanagement.com; plwean@wmlo.com; jacanteropzcc@aol.com; kseraaj.pz@gmail.com; Planning Internet Mail; District1, Mail; District2, Mail; District3, Mail; District4, Mail; District5, Mail; District6, Mail  
**Subject:** OPPOSITION: Rezoning Case # RZ-15-10-038, Project Name: Butler Bay Cluster Plan

Dear Representatives of the Orange County Planning and Zoning Commission, Orange County Planning Division Officials, and Honorable County Commissioners:

A re-zoning hearing has been scheduled for November 19, 2015 before the Planning & Zoning Commission (PZC) to review the above matter. I write in firm opposition of any zoning change and the development project proposed, which seeks all at once to acquire for free from Orange County the exclusive right to develop the property and to convert permanently dedicated greenspace to housing development for the profit of the current owner who purchased the property rights to operate the property as a golf course or greenspace only a few years ago.

The residents of Windermere Club subdivision have purchased and owned homes on and abutting the Windermere Country Club golf course and have relied upon the promise for thirty years that the property was permanent greenspace. Indeed, the character of the community has been and is built around that greenspace which has been operated as an upscale country club golf course for almost 30 years.

While I am not a resident of the Windermere Club subdivision, I live across the street from the course in Waterford Pointe and have supported the club as a member since 1991 and relied upon the permanency of the character of this property when I purchased my current home in Waterford Pointe in 2001. The golf course was a major factor in my decision to buy in the area, and I could have chosen to purchase a home virtually anywhere in Orange or Lake County had I known that years later, an entity having no legal right to develop the property would purchase the property and convince Orange County it had the right to develop the property into residential homes and thereby change the entire character of my community.

First, Orange County owns the development rights, not the current property owner, and this was a promise by Orange County to the residents of the community for almost three decades. Second, private property owners bought their property with easements and restrictive covenants that would be directly violated by any development of the property. Third, the property was dedicated as permanent greenspace in all the planning documents on file with Orange County and, in practice, has been greenspace, in the form of a golf course, lending to the wonderful aesthetics and living environment that the tax paying homeowners surrounding the property have paid for and relied upon for almost three decades. Fourth, the development of this property would increase population and traffic density beyond that expected by the residents when buying their homes over these 30 years and beyond the capabilities of the very few traffic routes in and out of the area. Finally, I believe, and I believe folks in the water management and environmental fields would

agree, that the development of this property would have a devastating impact on water quality, including the water quality of the Butler Chain of Lakes, as well as wildlife and wildlife habitat. Our community boasts of plentiful wildlife such as egrets, bald eagles, osprey and sand hill cranes that contribute to the conservation and perpetuation of our natural Florida habitat and environment.

All of the above affect the entire community, and there can be no doubt that property values of all the surrounding neighborhoods, including Waterford Pointe, would be reduced by any development of this property that the owner has no legal right to develop. The owner of this property surely was aware of what it was purchasing when it purchased, essentially, the right to operate a golf course, or a greenspace, particularly at the low price per acreage for which I understand the property was purchased just a few years ago. To permit this newcomer owner of this golf club to successfully rezone this property to residential homes from which only the new owner will benefit, grants the new owner a windfall profit on the backs of Orange County, which actually owns the rights to develop the property, and on the backs of the homeowners and neighbors who have relied upon the promise of Orange County that this property is and will be dedicated permanent greenspace for almost 30 years. That is not only wrong-minded, but it is unjust and unfair to the community at large.

This is not a community in decline that demands drastic zoning changes to keep up with time and fate. This is a vibrant community of middle and upper middle class homeowners who have earned the right as longstanding tax paying Orange County residents to demand justice and fair play.

Please summarily deny this request, as you should.

**MELVIN B. WRIGHT**

2061 ROBERTS POINT DRIVE  
WINDERMERE, FL 34786

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:23 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Rezoning Case # RZ-15-10-038- OPPOSED

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Follow-Up

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**From:** Ewa and Dave Bushee [mailto:ebushee@cfl.rr.com]  
**Sent:** Wednesday, November 18, 2015 12:29 PM  
**To:** Planning Internet Mail  
**Subject:** Rezoning Case # RZ-15-10-038- OPPOSED

**Project Name:** Butler Bay Cluster Pal

**Case#** RZ-15-10-038

**Staff Contact:** Steven Thorp, Planner II

**To Whom it May Concern:**

**We are asking that you vote against the proposed redevelopment of the Windermere golf course.**

We are in **strong opposition** of the redevelopment and rezoning of Windermere Country Club property from a beautiful golf course and green space to an overcrowded development. Below are our concerns and reasons why we believe that you should strongly vote against this development plan.

Please consider **what is in the best interest of the residents and community members** that have been living, voting and paying their taxes, rather than supporting a greedy Canadian developer, who has no desire in the health of the local economy and is solely out for himself asking the county, in a way, for a bailout for the failing business that he has been running into the ground since day one.

1. We live on the course currently. When we purchased our home in 2012, we looked at and evaluated many communities and decided on the current home because of the golf course behind it. We did our due diligence and were comfortable that the golf course would be a permanent green space. **We paid a premium for our home/ lot and have paid higher taxes over the years because of this.** With this development our property value would drastically decrease, and if we were to choose to sell our home, we would not be able to make up for that loss. We are the ones who have followed the rules, paid our taxes, voted for our representatives and now we need to worry that our most significant investment is at risk, because of a greedy Canadian developer.
2. The addition of 95 homes in this area would pose a **significant impact on our roads and traffic.** The current roads (McKinnon) are already overly crowded and dangerous to drive on. Additional homes and developments (Bellaria on McKinnon and Lake Butler), Casa Bella, the planned development on Walker Pond Rd would make traffic even more of a concern. These roads were not intended for such heavy use.
3. **The development would also cause an overall decrease in revenue for the county.** Home values of existing homes would decline (tax revenue would as well); people would be forced to short-sell or foreclose on their homes when values decline, also causing problems; the new development may or may not ever be completed, causing problems for the county and for residents, and making this entire area less desirable (just take a look at Veranda Park in MetroWest- another failed development that has been detrimental to the community).
4. We are very concerned about the **environmental impact** that this development will have. The drainage issues are already bad, and would only get worse. Water filtration would not occur and lakes would become more polluted. Green spaces filter water, whereas impermeable concrete surfaces cause to more run off. We need to protect our water and the wildlife. Let us preserve rather than develop, so that our kids can enjoy what we are currently enjoying. It impossible to take developed space and designate it green space, it is much easier preserve what we have.

5. **Our schools are already overcrowded.** The new relief high school has barely broken ground and will guaranteed be overcrowded by the time it opens. The amount of development cannot be supported by the existing schools. Then again we will have meetings and discussions on how to alleviate the overcrowding.
6. The current Canadian owner that has no ties to this community purposefully ran down the golf course after purchasing it at a bargain several years ago. The purchase price reflected the fact that this was not only a golf course, but that the land rights remained with the county to ensure that the course remained the valuable green space that it is. The owner never promoted the course or put any funds into trying to make the course profitable. When we inquired about a golf membership, we were not only treated rudely, but also told by the employees that there were no advantages to joining the club. The club has been purposefully run down and the owner's original intent was to ensure that it is not profitable, so that he could try to convince the county that he needed to have it rezoned. That, in addition with the owner stating that he will let the course go to seed if he does not get his way, is pure extortion.
7. The course owner could not run his own business and now he is planning on developing 95 homes. Who is to say that he will not hit tough times and be unable to finish the development. There are many new communities being built in this area, that are not sold out yet. The amount of new home inventory hitting the market is similar to that prior to the recession of 2008-2011. We do not need another community like Tilden's Grove, which became a total foreclosure nightmare. We do not need history to repeat itself! High end homes, such as those proposed take long to sell and build and there is more than enough inventory already.

Sincerely,

Ewa and David Bushee

3166 Butler Bay Dr N  
Windermere, FL 34786

## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 - 9:00 am

**Note:** If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☐ IN FAVOR ☒ OPPOSED  
COMMENTS: *Strongly opposed to the redevelopment*

NAME *David Bushie* ADDRESS: *3166 Butler Bay Dr*  
PHONE # *321 695-5511* *Windermere, FL*  
*34786*

**MAIL, FAX, OR EMAIL TO:**  
ORANGE COUNTY PLANNING DIVISION  
P O. BOX 1393  
ORLANDO, FLORIDA 32802-2687  
Phone #: (407) 836-5600 Fax #: (407) 836-5862  
E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

### NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING

THIS INFORMATION IS INTENDED TO ASSIST YOU IN PREPARING YOUR PRESENTATION. PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Planning and Zoning Commission (PZC) determines when and for how long an individual may speak
- (2) Be concise and to the point. Do not repeat previous comments.
- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on compatibility with the surrounding area and/or concerns with impact on public services.

**FOR YOUR INFORMATION, ALL PZC MEETINGS ARE DIGITALLY RECORDED & TELEVISED ON ORANGE TV:**

CHANNEL 199 ON BRIGHTHOUSE  
CHANNEL 9 ON COMCAST  
CHANNEL 99 AT&T U-VERSE

You may also watch the PZC public hearing live on: <http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV.aspx>

Previous PZC public hearings are available at: <http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV/VideoArchive.asp>

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111.

Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Planificación al 407-836-5600.



## Thorp, Steven T

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:23 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Opposition: Rezoning Case #RZ-15-10-038, Project Name: Butler Bay Cluster Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Follow-Up

**From:** Msautter33 [mailto:msautter33@aol.com]  
**Sent:** Wednesday, November 18, 2015 12:50 PM  
**To:** jdunnopc@gmail.com; mbb@cfl.rr.com; tdemosteneCRC@gmail.com; patpz2011@gmail.com; rvb@avconinc.com; jwade@aceconstructionmanagement.com; plwean@wmlo.com; jacanteropzcc@aol.com; kseraaj.pz@gmail.com; Planning Internet Mail; District1, Mail; District2, Mail; District3, Mail; District4, Mail; District5, Mail; District6, Mail  
**Subject:** Opposition: Rezoning Case #RZ-15-10-038, Project Name: Butler Bay Cluster Plan

Dear Orange County District Commissioners, Orange County Planning & Zoning Commission (PZC) Representatives and Orange County Planning Division Officials,

A re-zoning hearing has been scheduled on November 19, 2015 before the Planning & Zoning Commission (PZC) to review the captioned case. I would like to convey my **OPPOSITION** to this project and respectfully urge the PZC to not only deny this application, but not even to hear the matter and terminate the application process immediately. I offer the following to support my **OPPOSITION**:

- The community, including surrounding communities, strongly opposes the redevelopment of the golf course for residential purposes. Most of the members of the community purchased their homes relying on the fact that the golf course would not be used for any other purpose than for what it was designed, platted and built. Any other use would have a significant and detrimental impact on the community.
- It is my understanding that the owner of the course does not own the development rights to the course which were dedicated, permanently, to Orange County, and there is no basis for the County to surrender these rights. Therefore, there should not be a rezoning application and the rezoning process should cease immediately.
- It would seem from the transaction history of the course (along with all of the perpetual constraints) that the current owner, as well as any and all previous owners, did not purchase the right to re-develop the course. Any decision to convey this right would result in an egregious windfall to the owner to the detriment of all homeowners. Clearly, the original purchase price did not reflect the value of the property to be used for residential development. There is no basis for the current owner to secure any special entitlement or treatment whatsoever. It would be grossly unfair to effectively penalize and/or damage many residents, families and their posterity to benefit an individual. For many people, our homes are their single largest investment and anything that adversely affects home values is economically devastating.
- The golf course was to serve as permanent open space as part of the original cluster plan. There is no basis by which to ignore this provision. Residents have relied on this in making the area their home. In fact, many paid a premium in the purchase of their homes due to the reliance that a golf course/open space was not only there but would always be there. Their significant investments and quality of life should not be put at risk to unduly benefit an individual that has no right or basis for any of the requested standing or relief in this matter.
- Any redevelopment of the golf course would violate easements and restrictive covenants that are in place.

Of course, local residents are also extremely concerned with the effects of the additional population density, traffic, congestion and possible adverse environmental impact on water quality, habitat and wildlife, amongst other things, which would also negatively affect the community.

I am a resident of the Waterford Pointe sub-division and am directly affected by this case. I paid a premium on my home due to its proximity to the golf course. I relied on the course/permanent open space being there in perpetuity.

I greatly appreciate your time and consideration in this matter. As either elected officials, or duly appointed representatives by elected officials, it is imperative that the will of the community be properly acknowledged and represented. It is obvious the the original dedication of the development rights for the course and its designation as permanent open space was meant to benefit the community.

Thank you for you time on this.

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:26 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Rezoning opposed

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Follow-Up

---

**From:** Kristi DeFalco [<mailto:kristidefalco@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 6:13 PM  
**To:** Planning Internet Mail  
**Subject:** Rezoning opposed

## PLANNING - PUBLIC HEARING NOTICE

me : Butler Bay Cluster Plan  
Case # : RZ-15-10-038  
act : Steven Thorp, Planner II  
ite: Thursday , November 19, 2015 - 9:00 am

Please return this entire document with your comments no later than the  
commentary submitted to the Planning Division is a public record and is  
by any member of the public, including the applicant.

VOR

OPPOSED



golf course → quietness of this

ALCO

ADDRESS: 1855 Watermere Ln.  
Windermere RZ 34786

Kristi DeFalco  
Sent from my iPhone

"Train a child in the way he should go, and when he is old he will not turn from it."  
Proverbs 22:6

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# REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
 Rezoning Case # : RZ-15-10-038  
 Staff Contact : Steven Thorp, Planner II  
 Hearing Date: Thursday, November 19, 2015 - 9:00 am

Note: If you wish to make comments, please return this entire document with your comments no later than five day prior to the public hearing. Any commentary submitted to the Planning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☐ IN FAVOR ☒ OPPOSED

COMMENTS:

NAME: Victoria Barbo  
 ADDRESS: 12701 Water Plant Blvd  
 PHONE #: 407-876-3991  
 CITY/STATE: Orlando FL 32786

MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION  
 P O BOX 1383  
 ORLANDO FLORIDA 32802-2587  
 Phone # (407) 836-5500 Fax # (407) 836-4412  
 E-Mail Address: PLANNING@OCFL.NET

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Your comments should focus on compatibility with the surrounding area and/or concerns with impact on public services

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 Previous PZC public hearings are available at <http://www.ocfl.net/OpenGovernment/OrangeTV/VisionTV/VideosArchive.aspx>

accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111

Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados favor llamar a la División de Planificación al 407-836-5500

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:39 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Rezoning of Windermere Club - RZ-15-10-038

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Wednesday, November 18, 2015 2:26 PM  
**To:** Ward, Mike (CHICO)  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Rezoning of Windermere Club - RZ-15-10-038

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** "Ward, Mike (CHICO)"  
**Date:** 11/18/2015 10:13 AM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** RE: Rezoning of Windermere Club - RZ-15-10-038

Ms. Demostene – We are 10-year residents of Orange County and are **opposed** to the rezoning of Windermere Country Club. There are numerous reasons for our opposition. The two key points, from our perspective, are:

1. The land is deeded, dedicated County open space. County open space needs to be preserved.
2. Construction run-off will flow into Lake Crescent which is a feeder lake for the Butler Chain. These lakes need to be protected.

Sincerely,

Mike & Deb Ward

2103 Butler Bay Drive North

Windermere, FL 34786

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The information contained in this communication is confidential and intended only for the use of the recipient named above, and may be legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please resend it to the sender and delete the original message and copy of it from your computer system. Opinions, conclusions and other information in this message that do not relate to our official business should be understood as neither given nor endorsed by the company.



**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:39 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Opposed to the redevelopment of the Windermere Country Club and Golf Course

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemosteneCRC@gmail.com>]  
**Sent:** Wednesday, November 18, 2015 2:26 PM  
**To:** Luniria Cortes  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Opposed to the redevelopment of the Windermere Country Club and Golf Course

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Luniria Cortes  
**Date:** 11/18/2015 9:11 AM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemosteneCRC@gmail.com](mailto:tdemosteneCRC@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rvb@avconinc.com](mailto:rvb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Subject:** Opposed to the redevelopment of the Windermere Country Club and Golf Course

Hi Orange County Florida Planning and Zoning Commission,

As a resident in Windermere for over 10 years, I'm opposed to the redevelopment of the Windermere Country Club and Golf Course. We are overcrowded with too many homes, traffic, construction, and overcrowded schools due to the continued expansion of new homes in our surrounding communities. I believe new schools and roads would need to be built first before we continue to approve more houses. Thank you for your attention on this matter.

Sincerely,  
Luniria Cortes

---  
This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:40 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Opposition to the Redevelopment of Windermere Country Club

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Wednesday, November 18, 2015 2:27 PM  
**To:** Tom Kennington  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Opposition to the Redevelopment of Windermere Country Club

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Tom Kennington  
**Date:** 11/18/2015 10:31 AM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** Opposition to the Redevelopment of Windermere Country Club

I would like to take just a moment of your time to express my total opposition to the Redevelopment of the Windermere Golf Course. As a resident of the area for over 40 years, I have seen this area explode with housing eating up acre after acre of trees and natural landscapes. If you have been to the Windermere area lately I am sure that you have seen that houses are being built in increasing overabundance throughout all of West Orange County. However...there are no new roads and the traffic situation is getting to be overwhelming and very congestive. This area does not need more houses...it needs more green space.

I plead with all involved to follow the wisdom of the County Commission when they originally designated this as "Green Space" to be used for a lovely golf course. Many who live here paid extra to live on this course and they should not be punished by the poor business management of one man.

We were members of WCC for many years until we saw a definite pattern of driving members away. We know that there are those who wish to buy this course...and...that should be the first priority. With new ownership we would most likely entertain rejoining this club that we enjoyed for so many years. I do hope that you take the needs of the residents into account and leave this

beautiful...and...much needed green space as it is and reject the greed of one man at the expense of many.

Thomas and Delinda Kennington  
3727 Lake Buynak Road  
Windermere, FL 34786

---

Thorp, Steven T

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:40 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Windermere Club Cluster Plan Rezoning - 1 family's vote AGAINST

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Wednesday, November 18, 2015 2:31 PM  
**To:** [steve@goiprg.com](mailto:steve@goiprg.com)  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Windermere Club Cluster Plan Rezoning - 1 family's vote AGAINST

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** [steve@goiprg.com](mailto:steve@goiprg.com)  
**Date:** 11/18/2015 12:34 PM (GMT-05:00)  
**To:** [jdunnopc@gmail.com](mailto:jdunnopc@gmail.com), [mbb@cfl.rr.com](mailto:mbb@cfl.rr.com), [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com), [patpz2011@gmail.com](mailto:patpz2011@gmail.com),  
[rwb@avconinc.com](mailto:rwb@avconinc.com), [jwade@aceconstructionmanagement.com](mailto:jwade@aceconstructionmanagement.com), [plwean@wmlo.com](mailto:plwean@wmlo.com), [jacanteropzc@aol.com](mailto:jacanteropzc@aol.com),  
[kseraaj.pz@gmail.com](mailto:kseraaj.pz@gmail.com)  
**Subject:** Windermere Club Cluster Plan Rezoning - 1 family's vote AGAINST

Dear Orange County Planning & Zoning Commission Members,

I will be one of those in attendance at the hearing tomorrow morning vehemently opposing the rezoning application of Windermere Country Club.

1. I purchased a home in this community in 2005 paying the price as advertised as a "Golf Community" with a private country club and the amenities and property values consummate with such.
2. I have been a MEMBER of WindermereCountry Club for 15 years and by my estimates have invested over \$75,000 over this 15 year period in this golf club. I am still a member today and I live on the golf course.

During this time, there have been four ownership groups of the golf course. The latest owner has been by far, the worst operator/businessperson of this facility. The notion that this man "tried and couldn't make it work" is not valid.

3. The current operator paid between \$12,000 to \$14,000 per ACRE when he purchased this golf course 4 years ago. This is PRIME West Orange/Windermere acreage. Furthermore, the details involved on the actual payment for the golf course are sketchy at best as the seller was a receiver for Textron (a defunct company) and Mr Decuhna had 2 other finance partners that have since bowed out.
4. He has failed as a business operator and is now asking the county (our elected officials), to hand him a multimillion check to develop this land. Who wouldn't want to pay pennies for a property and summarily rezone it years later thereby increasing the value of the property tenfold?

I understand there are multitudes of legal and environmental issues that I know have not been addressed and in interviewing the lawyers representing the applicant, I have come to understand that they are not familiar either. I cannot comment on those as I believe those are different issues, nor am I qualified to do so.

Finally, why is the commission considering this application at all when the development rights based on the original Cluster Plan clearly allocate this as a "GOLF COURSE". Why is the commission making a recommendation when the property is not zoned residential????

Thank you for listening.

**IPRG**

Stephen Holleran

The Insurance & Payroll Resource Group

4301 Vineland Road, Suite E-5

Orlando, FL 32811

407-480-3456 Office

407-674-8959 Fax

[www.goiprg.com](http://www.goiprg.com)

Thorp, Steven T

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**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:40 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Proposed redevelopment of Windermere Country Club

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Wednesday, November 18, 2015 2:34 PM  
**To:** Oscar Vazquez  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Proposed redevelopment of Windermere Country Club

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Oscar Vazquez  
**Date:** 11/18/2015 1:34 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** Proposed redevelopment of Windermere Country Club

Mrs. Demostene,

Our Family relocated into Orlando seven years ago. I found what we thought was our dream home in Windermere Country Club. As you know there is an effort to redevelop this land from a golf course to 94 single family homes. As a corporate executive relocated many times around the country I have seen and lived first hand in communities that have been destroyed through poor urban planning. I saw this in Stronsville Ohio, Miami Florida and Atlanta Gerorgia. The elimination of green spaces and over construction depressed property value and brought unintended consequences to those communities. The commission should look at this closely when arriving at a decision. Any effort to retain this land as a golf course will benefit all of the constituents except the greedy developer wanting to affect the lives and investments of your constituents. We think this is a bad idea for many reasons, but most importantly is the trust that we have in our elected officials in respecting the wants of the existing tax payers. We oppose this re-development effort and ask that you support the desire of the many homeowners that stand to be affected by this proposal.

Oscar and Maria Vazquez  
12855 Butler Bay Ct  
Windermere, FL. 34786

**Thorp, Steven T**

---

**From:** Pontius, Terri-Lynn  
**Sent:** Wednesday, November 18, 2015 2:40 PM  
**To:** Thorp, Steven T  
**Subject:** FW: Butler Bay Cluster Plan [ RZ-15-10-038]: TaxPayer and Community Comment

---

**From:** Tina Demostene -P&Z D3 [<mailto:tdemostenecrc@gmail.com>]  
**Sent:** Wednesday, November 18, 2015 2:35 PM  
**To:** Lisa Thorell  
**Cc:** Pontius, Terri-Lynn  
**Subject:** RE: Butler Bay Cluster Plan [ RZ-15-10-038]: TaxPayer and Community Comment

Thank you for sending comments.

I have cc-ed County Staff on this email so that they also know your concerns.

Thanks,  
Tina Demostene  
District 3

Sent from my Sprint phone

----- Original message -----

**From:** Lisa Thorell  
**Date:** 11/18/2015 2:03 PM (GMT-05:00)  
**To:** [tdemostenecrc@gmail.com](mailto:tdemostenecrc@gmail.com)  
**Subject:** Butler Bay Cluster Plan [ RZ-15-10-038]: TaxPayer and Community Comment

Dear Ms. Demostene,

I am writing you as you are the Vice Chair of the Orange County Planning and Zoning Commission and a key influencer in the final decision regarding the proposed rezoning of the Butler Bay Cluster Plan [Case no. RZ-15-10-038].

As a resident and homeowner in The Windermere Club, I oppose Orange County rezoning the Windermere Country Club Golf Course (WCC) principally on the grounds that the original developer received zoning approval on the condition of preserving 38% open green space.

To rezone WCC sets bad legal precedent for county governments to devalue the property of individual tax-voting landowners (property procured under an assumption of green space) even while the county itself benefits. For to rezone and release the 38% green space requirement is to vote to permit and encourage actions for which an existing tax base of landowners will suffer, monetarily in their property values as well and, more broadly, via the creation of urban sprawl traffic conditions -- even while the county itself gleans incremental tax revenue associated with the 95 additional houses in the rezoning.

I regard the community action campaign "Save Windermere Country Club" as somewhat of a misnomer to my community's true cause: We would be better served to write, "Save the 38% Green Space". The odd thing is:

Why has one company's failed commercial venture become an entire community's problem? Let commercial failures seek appropriate commercial suitors and financial restructuring solutions. But let's not set precedent for those with commercial failures to invoke government support via solutions which compromise more beautiful Florida green-space communities and taxpayer interests.

I especially ask you to consider how you would view this situation if it pertained to your own house, family and community.

---

Thank you in advance for your time, diligent consideration of the matter for the taxpayers residing in the Windermere Club: **Without any rezoning of the Butler Bay Cluster Plan whatsoever**, the applicant has ample and usual recourse to commercial solutions to their commercial and financial problem.

Sincerely,

Dr. Lisa Thorell ( & Dr. Paul Hettinger)  
12102 Crescent Cove Ct., Windermere, FL 34786



## REZONING - PUBLIC HEARING NOTICE

Project Name : Butler Bay Cluster Plan  
Rezoning Case # : RZ-15-10-038  
Staff Contact : Steven Thorp, Planner II  
Hearing Date: Thursday , November 19, 2015 – 9:00 AM

**Note:** If you wish to make comments, please return this entire document with your comments no later than 5 days prior to the public hearing. Any commentary submitted to the Planning Division is a public record and therefore open for review and inspection by any member of the public, including the applicant.

☐

IN FAVOR

OPPOSED



COMMENTS:

NAME:

*C Lynn Roehm (C Lynn Loebel)*

ADDRESS:

*1724 Wandy Drive*

PHONE #:

*407-296-0883*

*Wintergreen, FL 32786*

### MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY PLANNING DIVISION

P.O. BOX 1393

ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-5600 Fax #: (407) 836-5862

E-Mail Address: [PLANNING@OCFL.NET](mailto:PLANNING@OCFL.NET)

### NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING

THIS INFORMATION IS INTENDED TO ASSIST YOU IN PREPARING YOUR PRESENTATION. PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Planning and Zoning Commission (PZC) determines when and for how long an individual may speak.
- (2) Be concise and to the point. Do not repeat previous comments.
- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted, they become part of the record and cannot be returned.
- (4) Your comments should focus on compatibility with the surrounding area and/or concerns with impact on public safety.

FOR YOUR INFORMATION, ALL PZC MEETINGS ARE DIGITALLY RECORDED & TELEVISED ON ORANGE COUNTY CHANNEL 99

CHANNEL 199 ON BRIGHTHOUSE

CHANNEL 9 ON COMCAST

CHANNEL 99 AT&T U-VERSE

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Appendix 93.

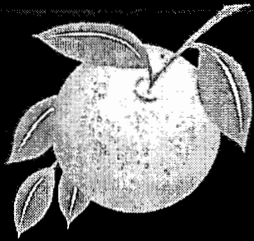
***Board of County Commissioners***

**Windermere Country Club  
Plat Vacation**

**Applicant:**

**Bryan DeCunha, on behalf of  
Windermere Country Club, LLC**

**October 18, 2016**



# **Windermere Golf Course and Country Club**

## **Butler Bay Cluster Plan**

002035

**Applicant:** Bryan DeCunha, on behalf of Windermere Country Club, LLC

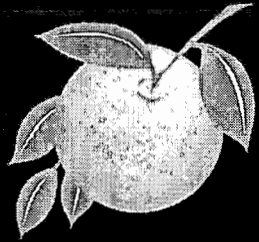
**Zoning:** R-CE-C (Country Estate Cluster District)

**Acreage:** 155.00 Gross Acres (Tract "A" only)

**District:** 1

**Existing Approval:** 340 single family lots (327 platted)  
& 155-acre golf course  
*(Development & Access Rights dedicated to County via the PSP, a Developer's Agreement, and Plat)*

**Request:** Petition to vacate the development rights to Tract A and the access rights from Tract A (Golf Course) to McKinnon Road and Lake Butler Boulevard, dedicated to Orange County per the plat of Butler Bay – Unit Three, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida



# **Windermere Golf Course and Country Club**

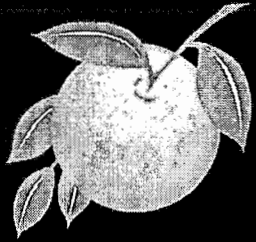
## **Butler Bay Cluster Plan**

002036

### **Current Butler Bay Rezoning Chronology (RZ-15-10-038)**

- **Application Submitted:** **August 21, 2015**
- **PZC Public Hearing:** **November 19, 2015 (Continued\*)**  
**April 16, 2016 (Continued\*)**  
**July 21, 2016 (Continued\*)**  
**November 17, 2016**

***\* Continued until after consideration of PTV by the BCC***



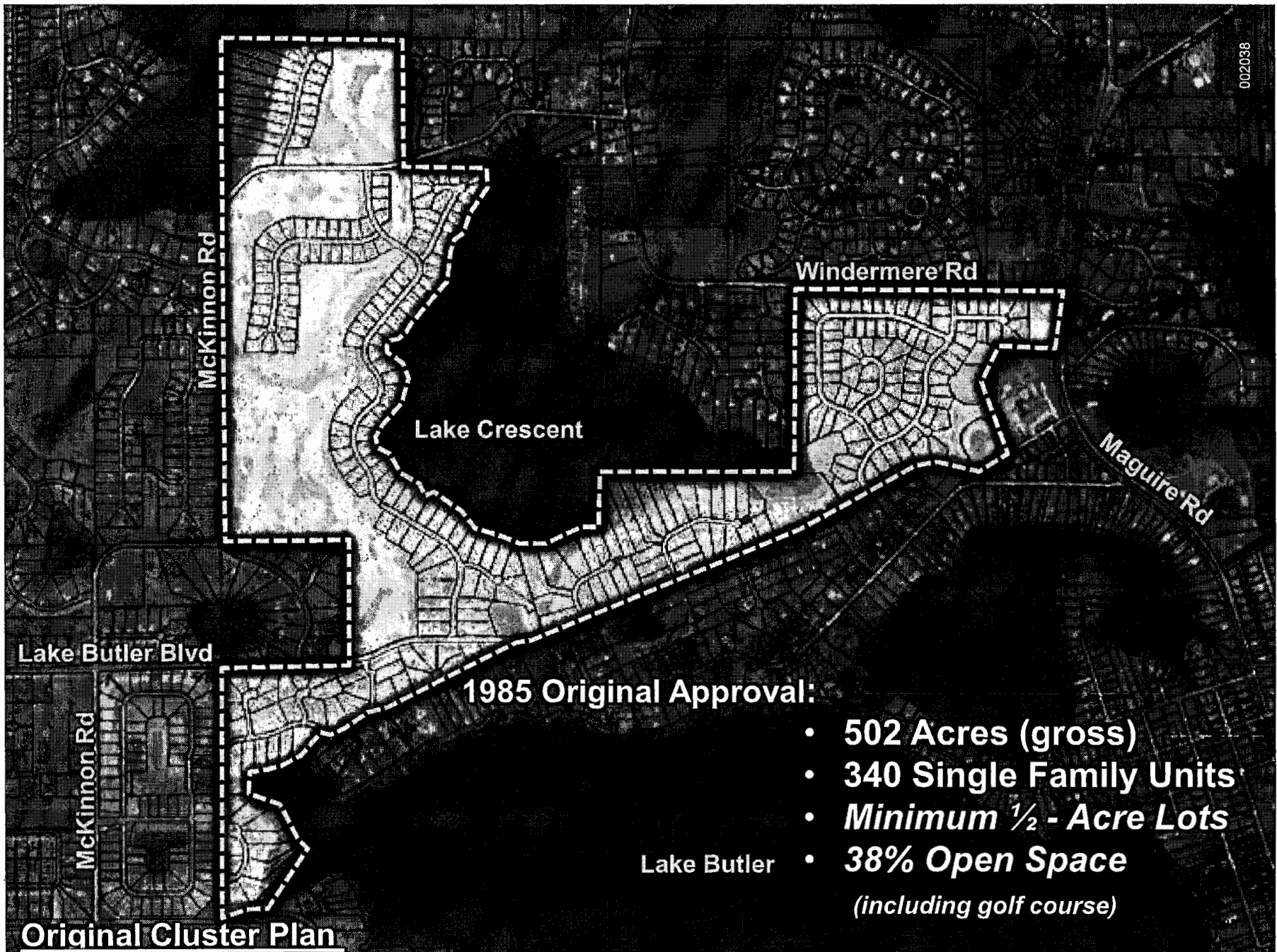
# Windermere Golf Course and Country Club

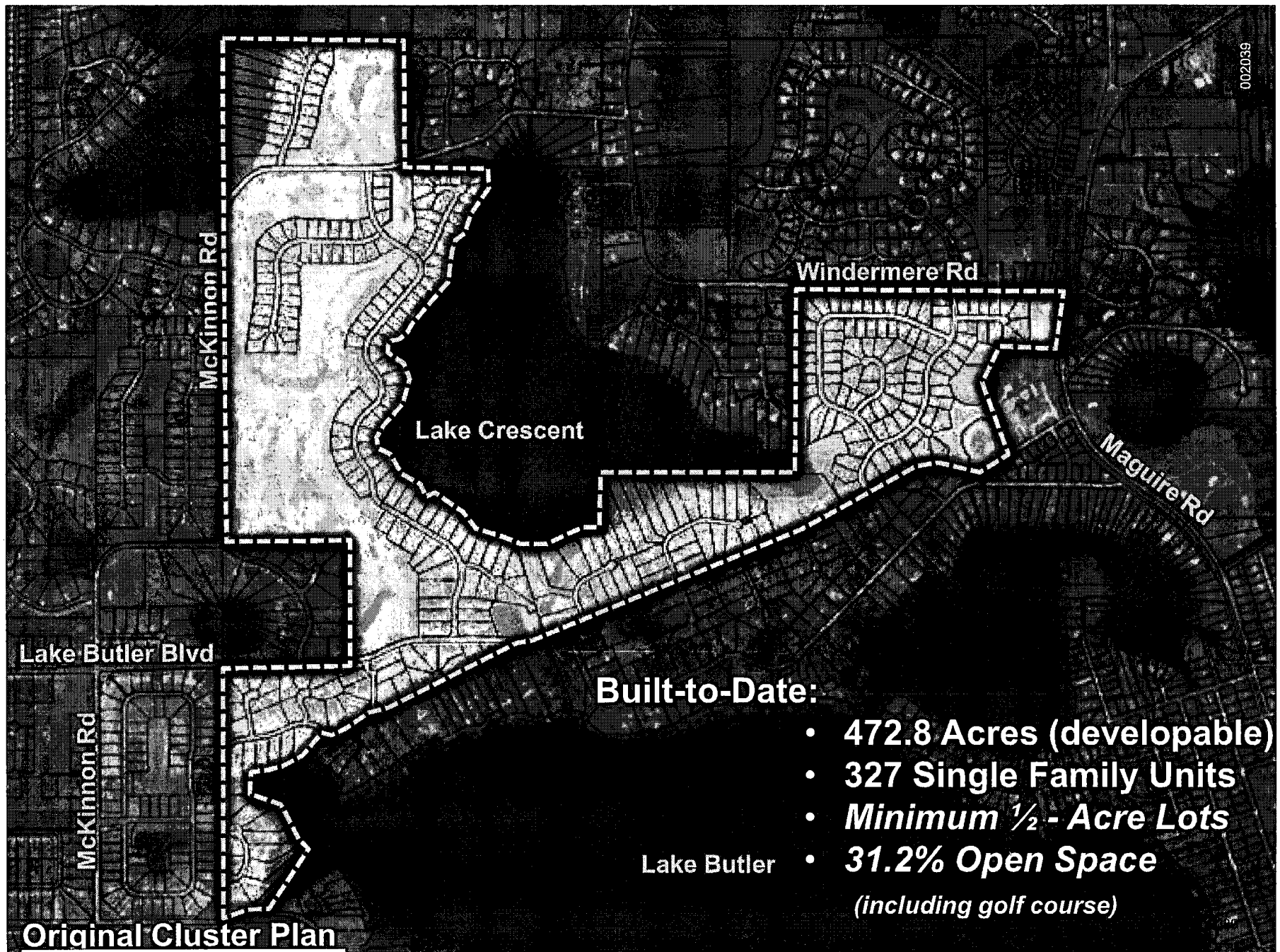
## Butler Bay Cluster Plan

002037

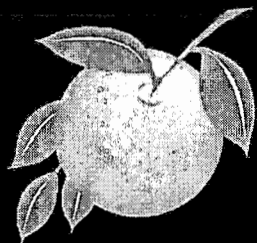
### Project Chronology

- **Original Cluster Plan (Zoning) Approved:** **Feb. 21, 1985**









# **Windermere Golf Course and Country Club**

## **Butler Bay Cluster Plan**

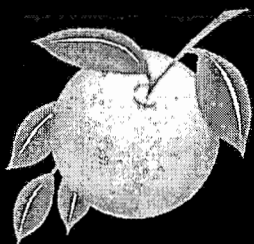
002040

### **Project Chronology**

- **Butler Bay PSP Approved:**

**Nov. 18, 1985**





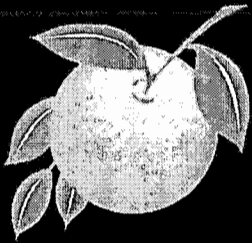
# Windermere Golf Course and Country Club

## Butler Bay Cluster Plan

002042

### Project Chronology

- **Butler Bay PSP Approved:** **Nov. 18, 1985**
  - **Condition of Approval # 12** – Required Dedication of Development Rights for Conservation Areas and Golf Course



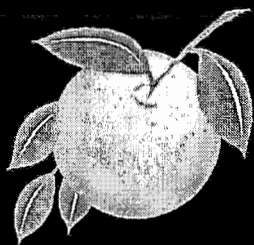
# **Windermere Golf Course and Country Club**

## **Butler Bay Cluster Plan**

002043

### **Project Chronology**

- **Subject Butler Bay Unit 3 Plat Recorded:** **Jul. 28, 1986**
  - **Approved by BCC on July 21, 1986**
    - **General Note # 12 :** Development rights to the Conservation Easement and Tract A are dedicated to Orange County, Florida.
    - **General Note # 13 :** Access Rights from Lot 101 and Tract A from McKinnon Road & Lake Butler Blvd. are dedicated to Orange County, Florida.



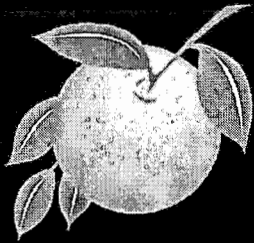
# **Windermere Golf Course and Country Club**

## **Butler Bay Cluster Plan**

002044

### **Project Chronology**

- **Special Exception Approved (golf course):** **Feb. 2, 1989**



# **Windermere Golf Course and Country Club**

## **Butler Bay Cluster Plan**

002045

### **Project Chronology**

- **New Cluster Plan Submitted:**

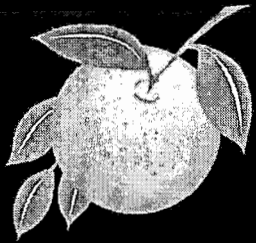
**Aug. 21, 2015**



**Current Request:**

- **155.3 Acres**
- **+ 95 Single Family Units**
- ***Minimum 1/2 - Acre Lots***
- **14.3% Open Space**  
*(within existing golf course)*

**New Cluster Plan**



# **Windermere Golf Course and Country Club**

## **Butler Bay Cluster Plan**

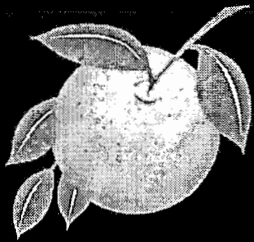
002047

### **Project Chronology**

- **Golf Course Closed by Owner:**

**April 2016**





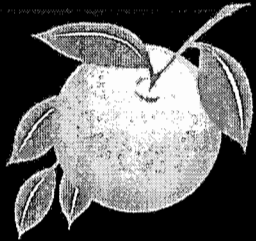
# **Windermere Golf Course and Country Club**

## **Plat Vacation**

002048

### **Applicant's Request:**

**Petition to vacate the development rights to Tract A and the access rights from Tract A (Golf Course) to McKinnon Road and Lake Butler Boulevard, dedicated to Orange County per the plat of Butler Bay – Unit Three, as recorded in Plat Book 18, Page 4, of the Public Records of Orange County, Florida.**



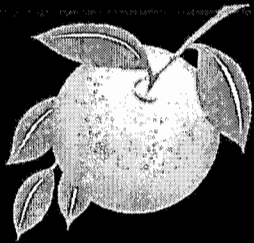
# **Windermere Golf Course and Country Club**

## **Plat Vacation**

002049

### **Impacts of Requested Plat Vacation:**

- **Vacates the Development Rights and Access Rights to Tract A (Golf Course) only**
- **Development Rights for Conservation Areas remain in place**
- **Access Rights for Lot 101 remain in place**
- **All other Easements ( Drainage, Utility, Etc.) remain in place**

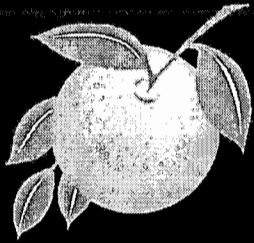


## **Windermere Golf Course and Country Club Plat Vacation**

002050

**F.S. § 177.101(3) states that before the Board of County Commissioners vacates a plat in whole or in part, it must be shown that:**

- 1) The applicant owns the fee simple title to the whole or part of the tract in question, and**
- 2) The vacation will not affect the ownership or right of access of persons owning other parts of the subdivision**



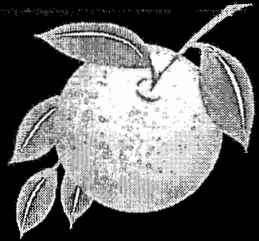
# Windermere Golf Course and Country Club

## Plat Vacation

002051

### Should the PTV be Approved:

- **Environmental Protection Division**
  - Concerns regarding additional wetland and conservation area impacts
  - Access to Conservation Easements
- **Development Engineering Division**
  - Access points will be determined with future development
- **Planning Division**
  - No entitlements or development rights granted by the vacation of the plat notes
  - Tract A is still required to go through the rezoning process



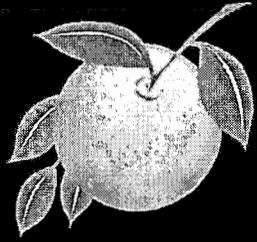
## **Windermere Golf Course and Country Club**

### **Plat Vacation**

002052

#### **Considerations:**

- **Previous Conditions of Approval required the Development and Access dedications as part of the original development approval.**
- **Removal of Development and Access dedications would allow development beyond the original approval.**
- **The purpose and intent of Cluster Zoning Ordinance (then and now) is to “enhance the living environment through creation of permanent open space.” *Art. XXXVI, Sec 1. (old), Sec. 38-551 (new)***
- **Under Cluster Zoning, owner can offer and county can accept the dedication of development rights. *Art XXXVI, Sec. 7 (old), Sec. 38-557 (new)***



# **Windermere Golf Course and Country Club**

## **Plat Vacation**

002053

### **Staff Recommendation:**

- **Denial of the Petition to Vacate the Development Rights to Tract A and the Access Rights from Tract A to McKinnon Road and Lake Butler Boulevard.**

***Board of County Commissioners***

**Windermere Country Club  
Plat Vacation**

**Applicant:**

**Bryan DeCunha, on behalf of  
Windermere Country Club, LLC**

**October 18, 2016**

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Appendix 94.



**ORANGE COUNTY  
NOTICE OF PUBLIC HEARING**

The Orange County Board of County Commissioners will conduct a public hearing on **October 18, 2016, at 2 p.m.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida. You are invited to attend and be heard regarding a request by:

**Applicant:** Bryan DeCunha, on behalf of Windermere Country Club, LLC.

**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)

You may obtain a copy of the legal property description by calling the Development Engineering Division, 407-836-7921; or pick one up at 4200 South John Young Parkway, Building 1; Orlando, Florida.

This petition to vacate is complete and has been reviewed and investigated by appropriate County staff. The County Mayor, acting on behalf of the Board of County Commissioners pursuant to Resolution No. 91-M-62, has considered this petition and finds it acceptable for consideration at a public hearing.

**IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY DEVELOPMENT ENGINEERING DIVISION, FRANCISCO VILLAR, 407-836-7921, Email: francisco.villar@ocfl.net**

**PARA MÁS INFORMACIÓN REFERENTE A ESTA VISTA PUBLICA, FAVOR DE COMUNICARSE CON LA DIVISIÓN DE INGENIERIA DE DESARROLLOS (DEVELOPMENT ENGINEERING DIVISION) AL NUMERO 407-836-7921.**

**If you wish to appeal any decision made by the Board of County Commissioners at this meeting you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

**If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Americanos con Incapacidades de 1990, por favor llame al 407-836-3111.**

Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners  
Orange County, Florida

Publish: **September 25, 2016**; the Orlando Sentinel Public Record  
Certify: Plat Vacation for Windermere Country Club, LLC

jk/cas/np

c: District 1 Commissioner's Office [email]  
County Attorney's Office, BCC [Gail Stanford email]

Jim Harrison, Assistant County Administrator, BCC [email]  
Diana Almodovar, Manager, Development Engineering Division, BCC [email]  
Francisco Villar, Development Engineering Division, BCC [email]  
Cheryl Gillespie, Agenda Development, BCC [email]  
Mike Seif, Orange TV, BCC [email]  
Deputy Clerk [email]  
Kevin Cunningham, Development Services Specialist, BCC [email]  
James Jerome, Development Services Coordinator, BCC [email]

Appendix 95.

**Application to Modify Cluster Plan for Tract A  
(Application # RZ-10-038)  
August 19, 2015**



**Planning and Zoning Hearing  
November 19, 2015**



**PZ Requirements**

**Owner to petition to Vacate  
Plat Notes Regarding Tract  
A's Development Rights and  
access under F.S. 177.101(3)**



**Owner Files Petition to Vacate  
Plat Notes 12 and 13  
January 27, 2016**



**§ 177.101(3) Conditions to Vacate**

- 1. Applicant owns part of or entire Tract → Satisfied**
- 2. Vacation does not affect ownership or right of convenient access of other owners in subdivision → Satisfied**



**Approval of Vacation of Plat Notes**

Declaration of Covenants, Conditions and Restrictions for Butler  
Bay Unit Three (ORB 3808, Page 1478)

Article XII, Section 1 states in its entirety (emphasis added):

“All Owners of Lots on the Property acknowledge the  
existence of a private golf course on lands adjoining the  
Property. **The golf course is for the use and enjoyment of  
the members of the private golf club.**”

## Relevant Provisions – Notes 12 and 13

Note 12 Dedicated Tract A's Development Rights  
to Orange County

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Note 13 Dedicated Tract A's Access Rights to  
McKinnon Road and Lake Butler Boulevard to  
Orange County

Appendix 96.

Windermere Country Club Development October 22 ,2016

According to 2010 Census demographics Windermere

43 % of houses have 3 cars per household

95 homes x .43 = 41 homes

41 homes x 3=122 cars

54 homes x 2 cars = 108 cars

**TOTAL 230 more cars in this immediate area**

No additional roads to accommodate these numbers

From 8 AM to 8:45 AM Average wait time at Lake Buynak and Lake  
Butler BLVD 10-15 minutes

Distance to Post office in Windermere 4 miles 15 Minutes

I noticed road counters down by Windermere school a couple of weeks  
ago

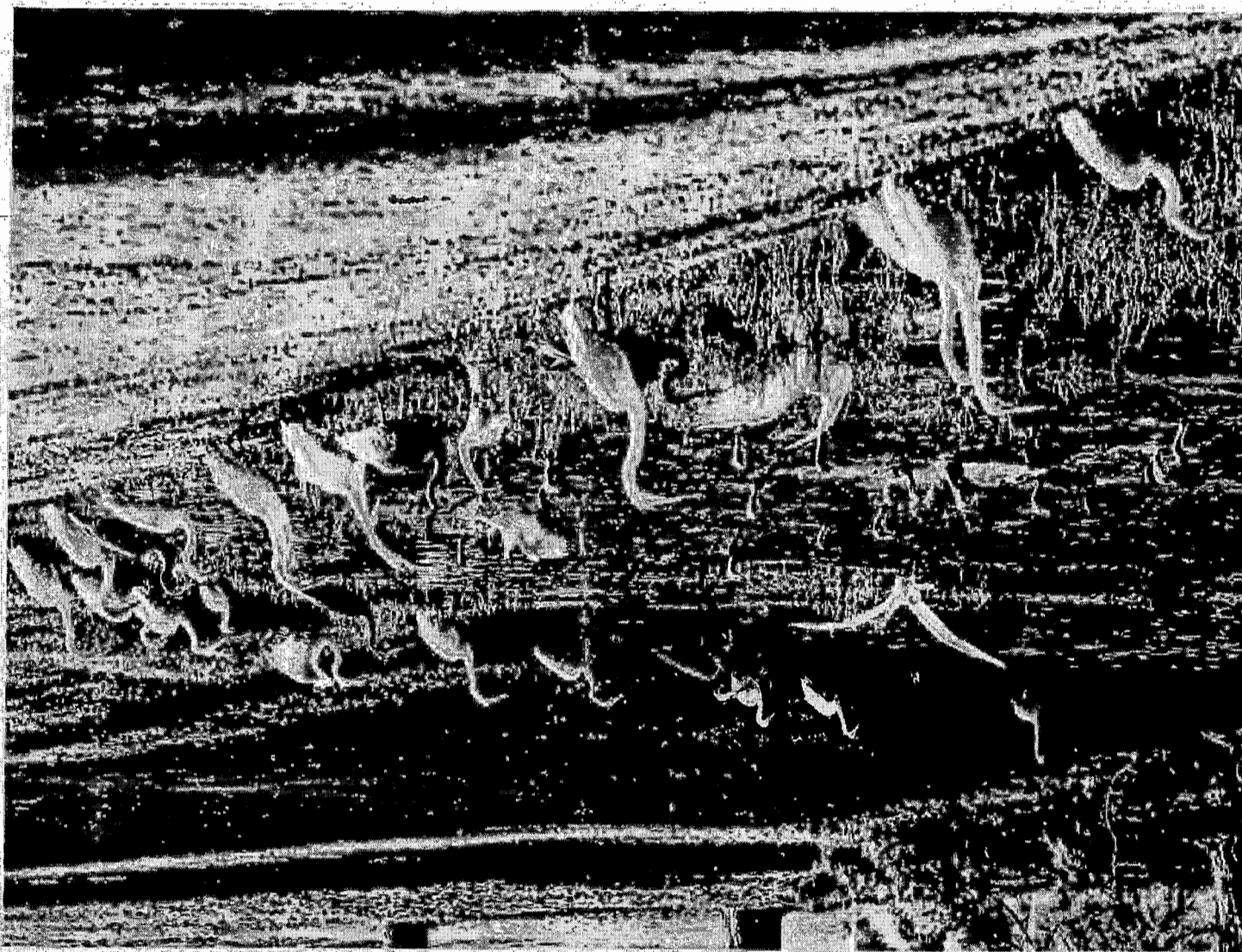
Put counters in front of Windermere club and before intersection of  
535 and Lake Butler to adequately assess number of cars in this area.

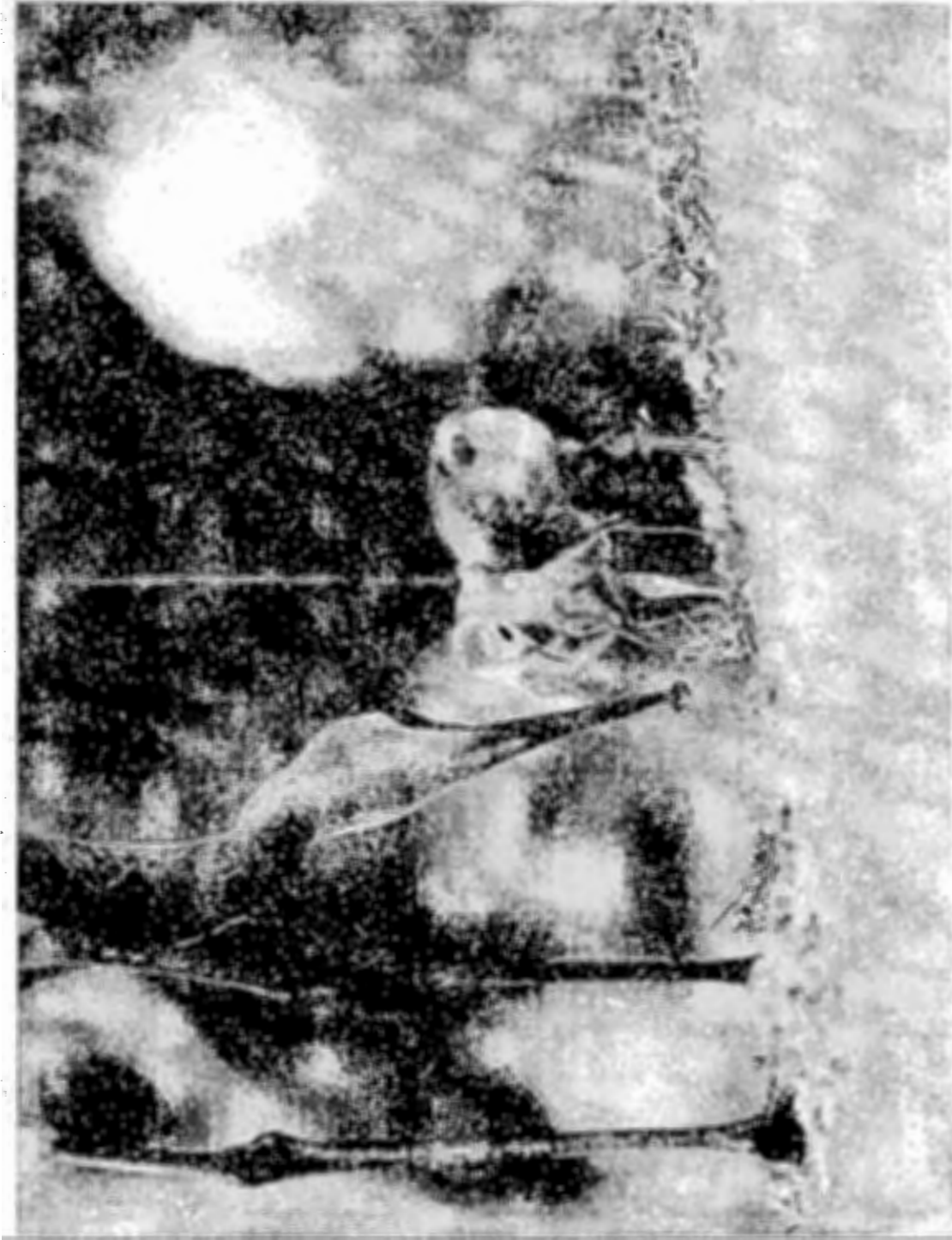
Too dense development.

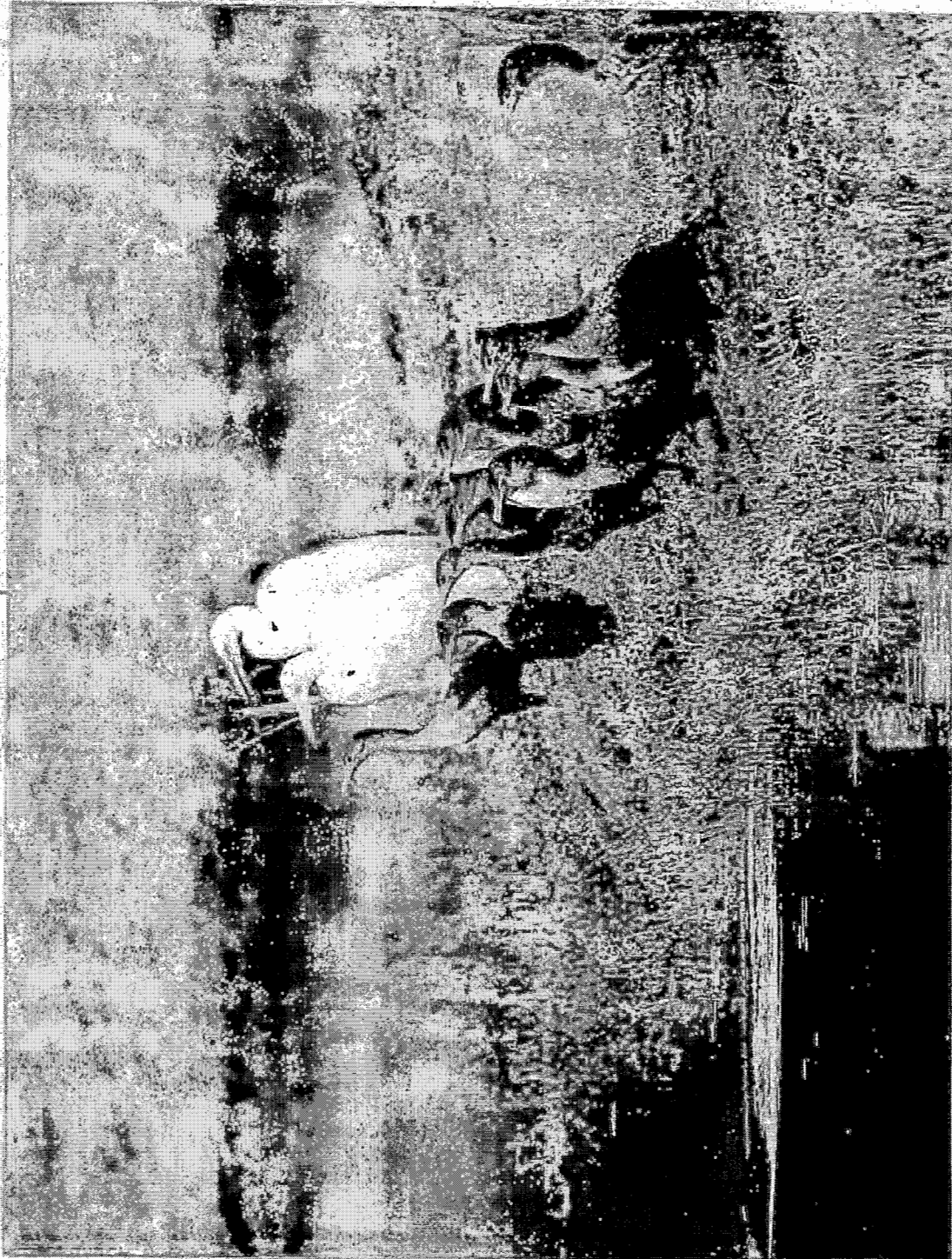


Appendix 97.

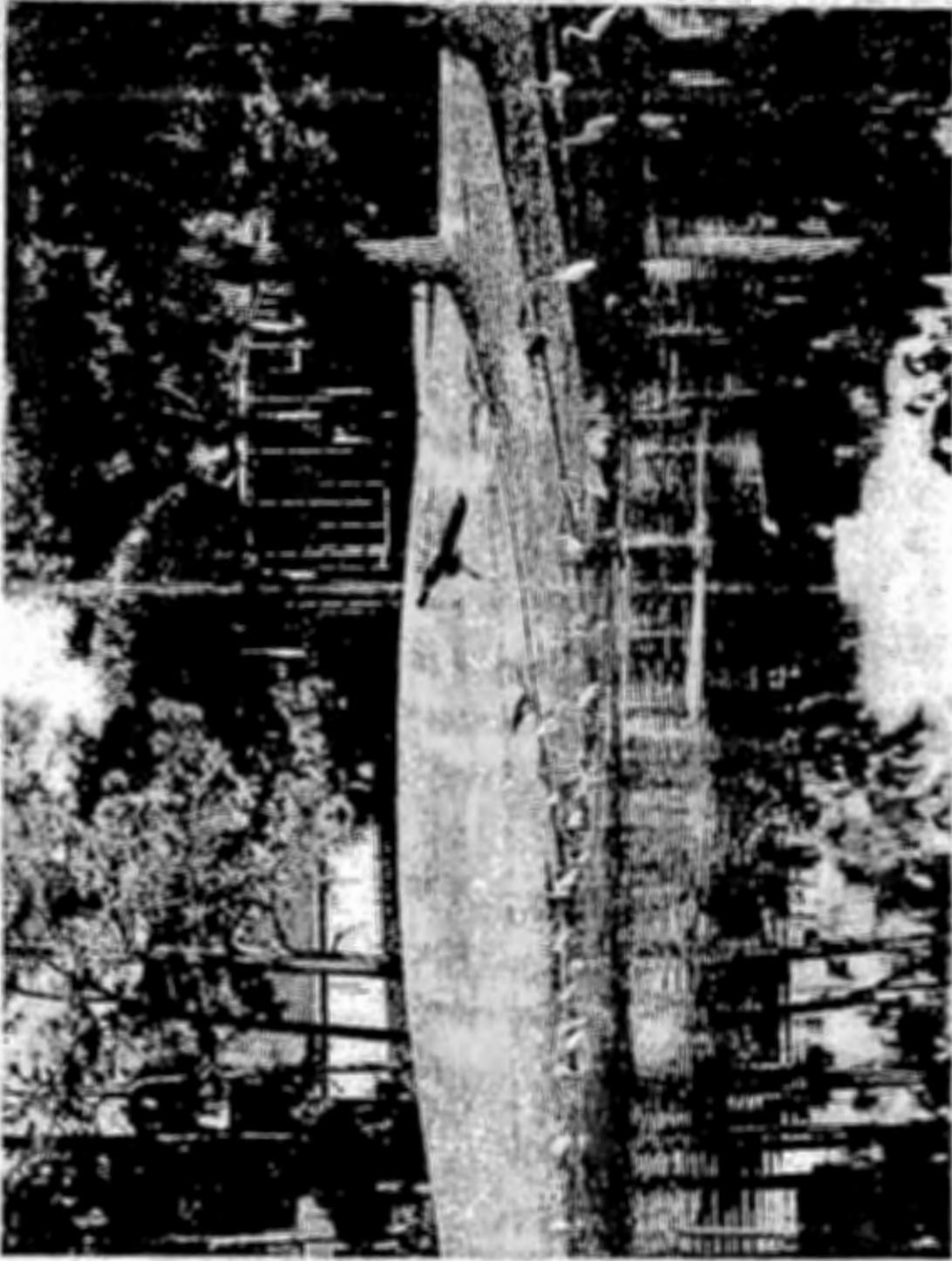
[illegible]













002066

Appendix 98.



## CONCLUSION

Hampton Golf firmly believes Windermere Country Club can be a profitable asset with the proper management, adequate funding and a commitment to providing exceptional customer experiences. Furthermore, we are not surprised at all that Windermere Country Club is experiencing declining membership as no programs and/or initiatives were in place to attract and retain members. Until ownership commits to funding capital improvements and employs adequate staff to improve the maintenance program, no one can fault the residents for not supporting Windermere Country Club, however, we feel residents would return and support this golf facility if the product was competitive and the customer experience was enhanced. Lastly, adequate demand exists in the marketplace to ensure Windermere Country Club can return to prominence in the Orlando area.

## **EXHIBIT A**

To fully evaluate this facility and determine its feasibility, Hampton Golf would need answers to the following questions:

### **Customer Service**

Has Owner ever provided customer service training to its staff?

Did Owner ever utilize any "pre & post" communication programs to reach past customers?

Has Owner ever implemented a survey program to measure customer service levels?

Did the employees ever have any guidance whatsoever in their daily activities at Windermere Country Club?

Has Owner ever invested in technology to assist with holding its staff accountable for assigned tasks and to improve the overall efficiency of the operation?

Did Owner or staff ever respond to reviews via online websites such as Golf Advisor and Trip Advisor?

### **Marketing**

What marketing efforts have been performed in the past? What was the associated return on investment for each marketing effort?

What was the marketing budget v. actual money spent for each of the last 3 years?

How many members (e.g. golf, social, etc.) did Windermere Country Club have in each of the last 3 years?

What was the attrition rate for membership over the last 5 years?

What efforts were ever made to recapture former members of Windermere Country Club?

How did Owner create the dues and fees schedule for Windermere Country Club? When was the last competitive analysis completed by Owner for Windermere Country Club?

What was the frequency and use of digital and social media campaigns at Windermere Country Club?

What data collection programs were in place for unique users of Windermere Country Club? How many unique users were collected? How many contacts are in the database of Windermere Country Club?

#### **Special Events**

What was the yearly total of "special event revenue" generated by Windermere Country Club in each of the last 3 years?

How many special events (e.g. weddings, corporate events, etc.) were held at Windermere Country Club in each of the last 3 years?

What was the actual money invested by Owner in soliciting special events in each of the last 3 years?

Did Windermere Country Club have an assigned staff member responsible for soliciting special events?

#### **Golf Pro Shop**

Is Owner current on all payments to vendors?

How much did Owner spend per month on pro shop inventory in each of the last 3 years?

#### **Player Development & Golf Lessons**

What investments has Owner made to player development at Windermere Country Club?

What junior golf programs were available at Windermere Country Club?

Where family golf programs were available at Windermere Country Club?

Where minority golf programs were available at Windermere Country Club?

Was there a full-time PGA Professional employed at Windermere Country Club?

#### **Golf & Clubhouse Maintenance**

What was the budgeted v. actual money spent for maintenance of the entire facility in each of the last 3 years?

What maintenance programs were routinely applied at Windermere Country Club?

How many employees were on the maintenance crew at Windermere Country Club?

What were the fertilizer and chemical spray schedules at Windermere Country Club?

Does Owner have copies of the chemical records (as required by the State of Florida) of Windermere Country Club?

What capital improvements have been made to Windermere Country Club in the last 5 years?

**Food & Beverage**

What was the cost of goods associated with food and beverage each month for the last 3 years?

What was the incidental spending per customer per round of golf?

How often, if ever, is a beverage cart used at Windermere Country Club?

Was a culinary chef on staff at Windermere Country Club?

## Competitive Market Analysis-Marketing/Advertising

### Marketing and Promotion

#### Make it a Fresh Start

Our suggestion, with respect to marketing Windermere Country Club (WCC) is basically to "start over," not just in how we market the golf course, but in how we manage the customer experience. Unless we constantly focus on and improve customer experience fundamentals, marketing efforts will fail to have long lasting, positive financial impacts. Our proposed marketing strategy, therefore, has three key themes and numerous topics to follow:

#### **Study, focus, and improve the customer experience**

The first step must be a commitment to improve the entire customer experience from shopping for a tee time to post transaction communication and surveying. A club can spend significant time, resources, and money on attracting new customers to play a facility. If the investment in that potential new customer is not cared for by executing flawlessly with pre, at, and post transaction communications and experiences, the expense associated is a sunk cost. Without great communications, a good product, and exceptional experience, the most creative marketing programs can fail to produce lasting results.

#### **Improve Image, Packaging and Marketing Impacts**

Hampton Golf would improve the image and impact of marketing efforts at WCC. Shedding the vestiges of the "rundown" image that may have been developed is important as a focus on value and experience enhancement advances. A cohesive marketing plan to tell the story and sell the improved experience and product points efforts in the direction to grow current and new customer usage.

#### **Strategic and more impactful use of marketing tools/vendors**

For too long the golf course/club industry has operated on "I think" rather than pragmatic, tangible, and quantifiable processes in regards to sales and marketing efforts. All marketing and advertising campaigns and initiatives will have specific unique phone numbers, promotional codes, reporting and associated ROI for best understanding of the campaign's efficacy. WCC would be more strategic and effective with each of the marketing efforts.

## **Competitive Market Analysis-Marketing/Advertising**

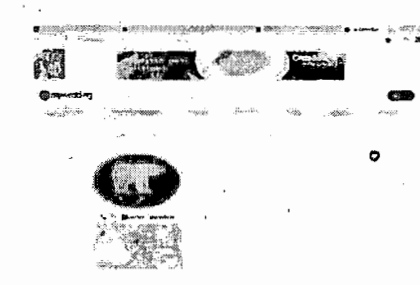
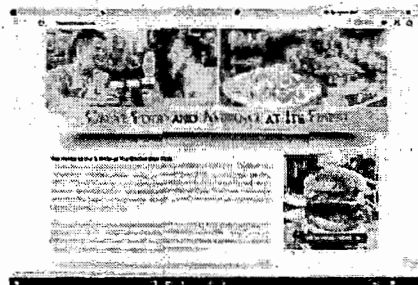
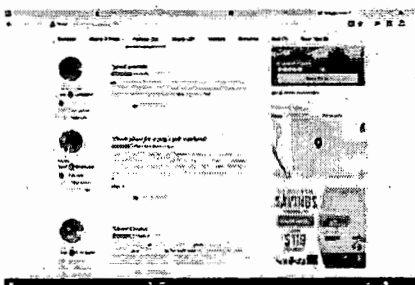
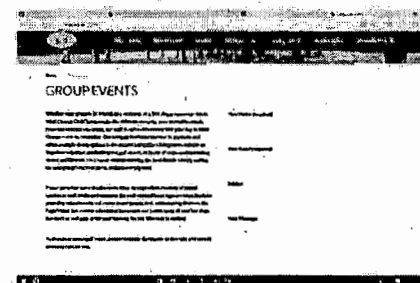
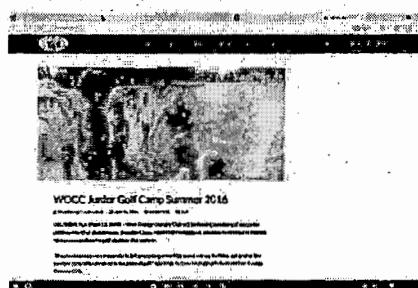
The competitive market analysis of marketing and advertising initiatives/campaigns is a professional study of the past and recent state of market competitors in relation to Windermere Country Club (WCC). This report provides a basic overview of the market and efforts put forth by market competitors in comparison to WCC. This report does not detail specific expenses, associated costs, or ROI.

### **Competitive set:**

- West Orange Country Club
- Orange County National
- Orange Tree Country Club
- Stoneybrook West Golf Club
- Golden Bear Club at Keene's Pointe
- Metrowest Golf Club

## Traditional Revenue Sources

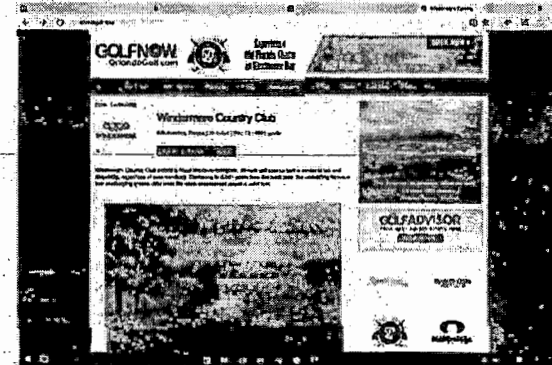
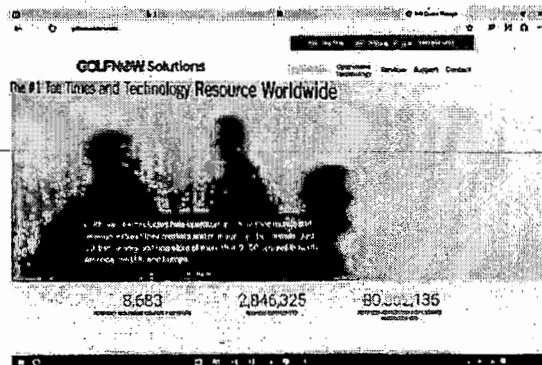
The competitive market analysis of marketing and advertising initiatives/campaigns will identify the major sources of revenue for like clubs in the market. Then, the efforts put forth by market competitors will be discussed in relation to the efforts placed by WCC.



## Traditional Revenue Sources-WCC examples

### Daily Fee/Resort Golf Play of WCC:

- Very few listings for WCC golf offerings were found online or in market.
- Golfnow.com looks to be the portal most often utilized by the facility to publicly display/sell tee times. This partnership and way of offering, in Hampton Golf's opinion, can be harmful to a club's perceived value and ultimately revenue growth.
- Numerous vendors that provide multiple channels for tee time distribution/selling are not displaying or partnered with WCC.

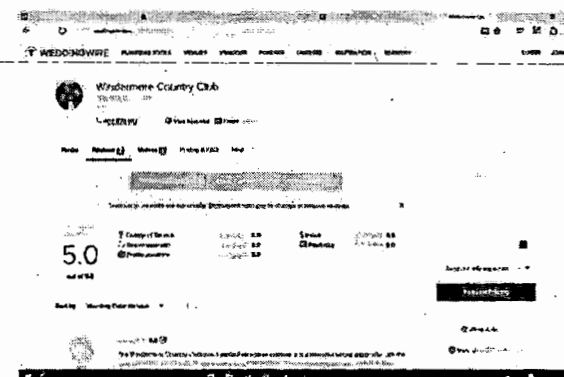
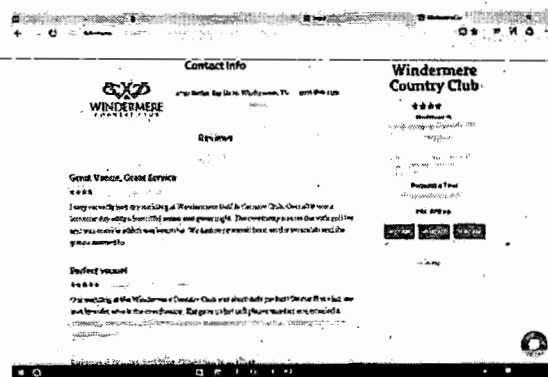




## Traditional Revenue Sources-WCC examples

### Wedding/Event Efforts of WCC:

- Weddingwire.com, one of the most productive third party referral sources for weddings in the industry, shows excellent reviews for WCC. Unfortunately the partnership was not maximized through a "featured listing" which most likely produced far less numbers of qualified leads when compared to the competitive set.
- Theknot.com, another of the most productive third party referral sources for weddings, shows excellent reviews for WCC. Similar to the above, no "featured" listing, thus reducing the number of potential leads sourced from this vendor.
- Numerous other lead generating websites show no or little mention of WCC.
- No wedding sales collateral, menus, targeted mailings were found online or at the club.



## Traditional Revenue Sources-WCC examples

### Membership Sales Efforts of WCC:

- Membership sales collateral and/or offerings were not found in market or online.
- The assumption can be drawn that memberships were not offered or displayed by the club.

## Traditional Revenue Sources-WCC examples

### Membership Programming Efforts of WCC:

- Membership programming efforts were not found in market or online.
- The assumption can be made that due to the lack of members and membership sales initiatives, there was not substantial enough motive to invest in programming efforts.

## Traditional Revenue Sources-WCC examples

### Golf Tournament/Outing Sales Efforts of WCC:

- Golf tournament/outing sales efforts were not found in market or online.
- The assumption can be made that sale efforts ceased some time ago.

## Traditional Revenue Sources-WCC examples

### Food and Beverage (programming) Efforts of WCC:

- Food and Beverage programming efforts were not found in market or online.
- A limited menu and scarce beverage/bar supplies displayed.



## Traditional Revenue Sources - Suggestions

Marketing and sales must participate equally with flawless execution at the club level to ensure long term customer retention. Without proper execution at the club level, marketing, advertising, and sales efforts will fail to have the impact necessary for financial health. Keeping that in mind, the following suggestions focused on improved marketing/advertising/sales efforts must work in concert with club operations to ensure customer retention and referred business.

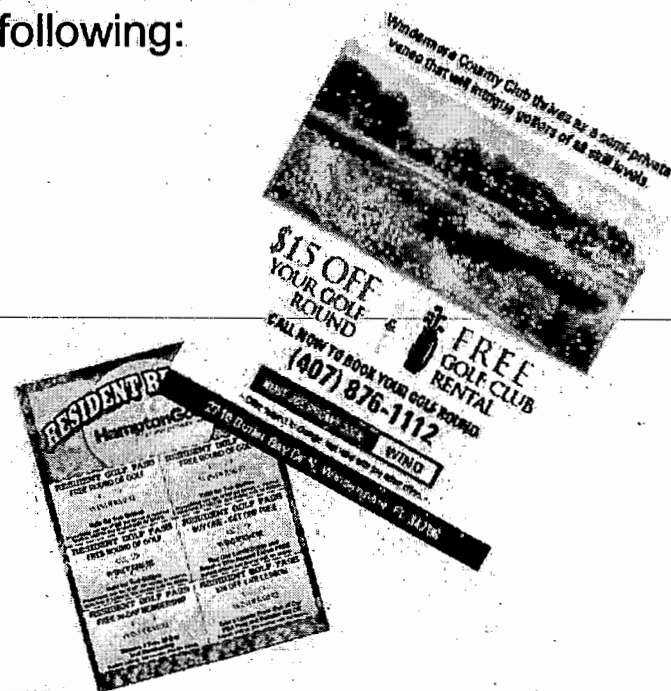
### Revenue Sources:

- Daily fee/resort golf
- Wedding/event
- Membership and membership programming
- Golf tournament/outing
- Food & Beverage (programming)

## Traditional Revenue Sources – Daily Fee/Resort Golf

Numerous channels to grow rounds revenue for WCC seem to have been either unexplored or not executed properly. Hampton Golf would initiate numerous consumer facing initiatives focused on recapturing both the Orlando area resident and transient golfer. Some of these initiatives/campaigns are highlighted in the following:

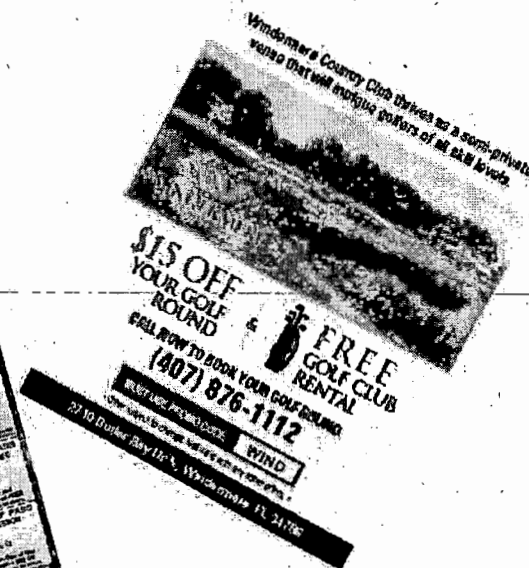
- Concierge program
- Kids play free
- Resident rewards
- Orlando Magic partnership
- Affinity/loyalty program
- Mulligan passes



## Traditional Revenue Sources – Daily Fee/Resort Golf

A significant number of consumer facing third party channels that assist in selling a facility's daily fee inventory should be utilized. Also, partnering with travel golf wholesale companies will have a positive impact on rounds revenue. Some of these companies and third parties are highlighted in the following:

- Teeoff.com by the PGA Tour
- Golf 18 Network
- Golfnow.com
- Golfadvisor.com
- Tee Times USA
- Golf Pac
- Golfzoo.com



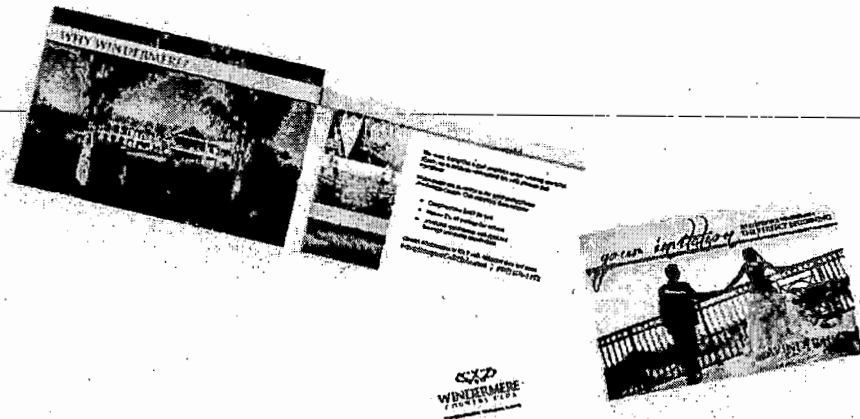
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## Traditional Revenue Sources – Wedding/Event

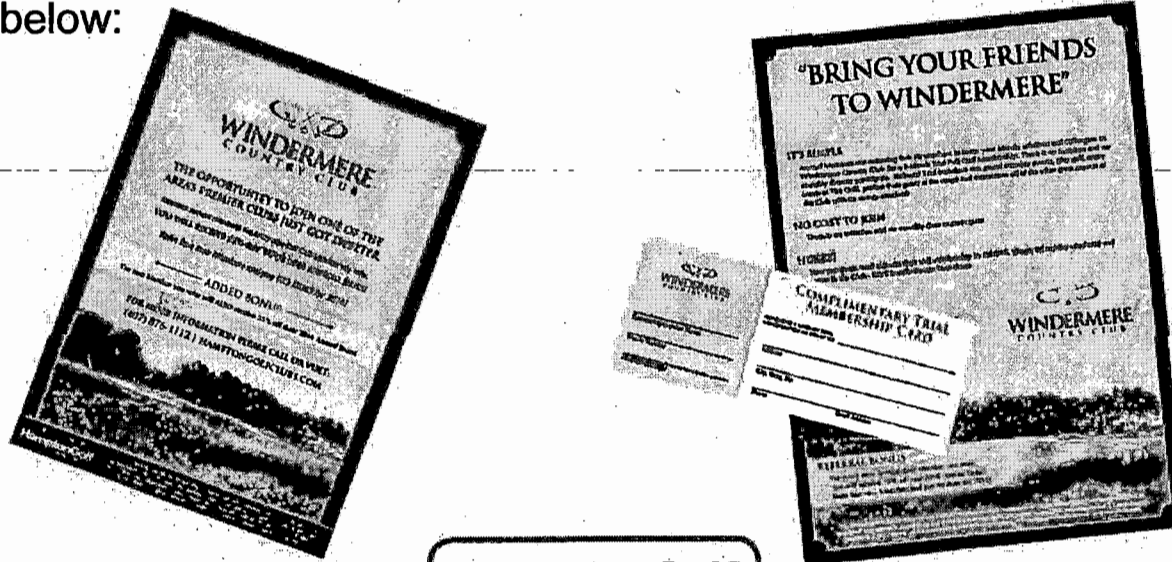
A strategic approach to wedding and event sales is an essential to a club's financial health. An unceasing determination to add prospects into the sales cycle is a must. It is suggested that WCC actively participate in three online lead generation vendors (listed below). It is also suggested that WCC staff a dedicated wedding/event sales person to actively prospect and sell the facility to the consumer. Numerous sales strategies and tools should be explored (salesforce.com, direct mail campaigns, wedding expos, and more).

- Mywedding.com
- Theknot.com
- Weddingwire.com



## Traditional Revenue Sources – Membership

Membership sales growth must be a consistent focus of a club's marketing strategy, providing an adopted customer set and revenue channel no matter difficulties in weather, maintenance practices, or unforeseen disturbances. Referral membership initiatives provide qualified leads while, at the same time, increasing incidental spending during off-peak periods. It is suggested that WCC execute a minimum two major membership growth campaigns; a referred trial campaign and a direct mail campaign with a trial membership offering. See examples below:



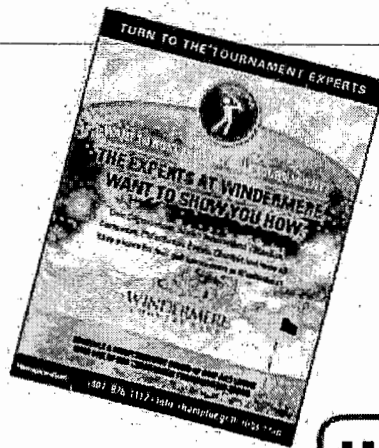
## Traditional Revenue Sources – Membership Programming

Membership value and a relentless focus on consistent value enhancement is essential. Clubs similar to WCC must constantly strive to increase both perceived and real member value. Engaging the club members with products that they find enjoyable, interesting, fun, and appealing will, in most cases, have them never questioning the expense associated with membership. WCC had done a poor job of maintaining membership value and seemed to have “forgotten” about what members desire in a club. It is suggested that WCC staff a membership director responsible not only for membership sales but member programming across all departments. See the example of an offering that would refresh WCC’s membership programming:



## Traditional Revenue Sources – Golf Tournament/Outing

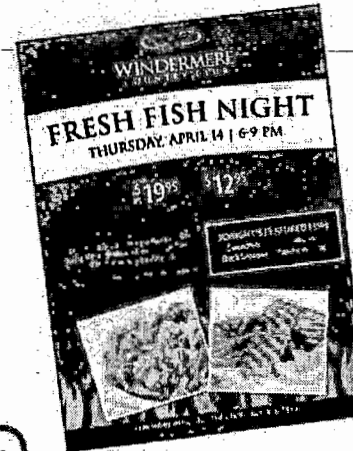
The competitive set hosts on average 24 full field golf tournament/outings per year (non-member). In doing so the competitive set puts forth initiatives focused on inviting tournament coordinators to their respective facilities to experience the golf course, food & beverage, etc. WCC must invest like time and resources to take market share back and return to hosting 20+ full field tournaments/outings. To do so, WCC must staff an aggressive PGA Professional that is proficient at sales and follow up to execute some of the highlighted campaigns below. It can be assumed that WCC's tournament sales efforts were nonexistent over the past 24 months.

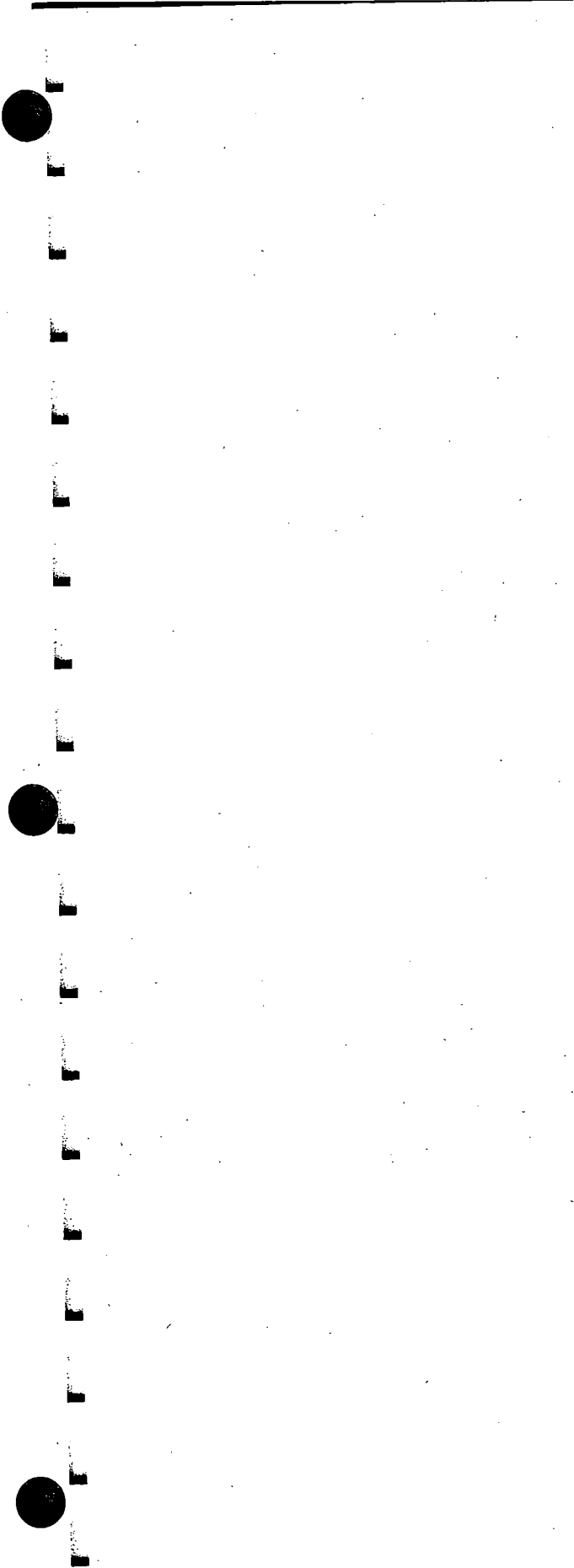


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## Traditional Revenue Sources – Food and Beverage

The discussion of food & beverage doesn't end with food quality and service but rather continues into how a club programs its food & beverage events. Just as membership programming is imperative to member value, food and beverage programming is a valuable component of both real and perceived value of a club's food & beverage department. WCC must consistently refresh its food & beverage offerings and, at the same time, effectively market the respective offerings to residents, members and the public. Social media, email communications, community postings and more should be utilized to grow awareness of WCC's events menu. See below for an example of a potentially adopted event:





# **Windermere Country Club Discovery Session Report**

PREPARED AND SUBMITTED BY:

**HamptonGolf**

10401 Deerwood Park Boulevard, Suite 2130  
Jacksonville, Florida 32256  
(904) 564-9129  
[www.Hampton.golf](http://www.Hampton.golf)



July 13, 2016

Windermere Club Homeowners Association, Inc.  
Attn: Leigh Ann Dyal  
12742 Butler Bay Court  
Windermere, Florida 34786

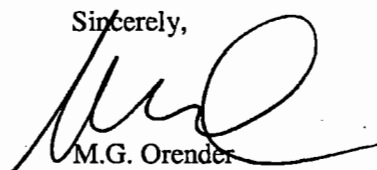
RE: Discovery Session Report – Windermere Country Club

Dear Ms. Dyal,

On behalf of Hampton Golf, Inc. ("**Hampton Golf**"), thank you for selecting us to perform a Discovery Session Report (this "**Report**") of Windermere Country Club. As previously discussed, this Report will provide Windermere Club Homeowners Association Inc. ("**Association**") our professional opinion as to whether this golf facility can become profitable and succeed in the current marketplace. Our extensive experience in golf course operation and management provides Hampton Golf the necessary knowledge, skill and resources to be able to deliver Association our independent opinion of Windermere Country Club. In fact, I worked as a consultant during the opening of Windermere Country Club, so I am intimately familiar with the history of Windermere Country Club.

We hope this Report meets all of your expectations and imparts a clearer understanding of the past, present and future condition of Windermere Country Club. If additional information is needed or you have questions related to this Report, please contact Scott Winch at (904) 564-9129. Thank you and best of luck in your efforts to "Save Windermere."

Sincerely,



M.G. Orender  
President



## **EXECUTIVE SUMMARY**

Built in 1986, Windermere Country Club is an 18-hole, par 72 golf club purchased in 2011 by Windermere Country Club, LLC ("Owner") for \$2,100,000. Since 2011, the condition of Windermere Country Club has drastically declined due to the alleged failure of Owner to properly operate and adequately fund the asset. On April 4, 2016, Owner closed Windermere Country Club as Owner pursues its rezoning application with the City of Windermere (the "City"). Association engaged Hampton Golf to perform a "Discovery Session" of Windermere Country Club in order to determine:

- (1) Whether Windermere Country Club would be a property that Hampton Golf would consider purchasing, leasing or managing.
- (2) Whether Windermere Country Club could be competitive in the current market and generate a profit.

Hampton Golf fully understands the current issue at Windermere Country Club as it relates to Owner's desire to rezone the golf course in order to develop the land into residential units. Over the years, we have been involved with developers and homeowners, municipalities and city residents, and other relationships that have become contentious as a result of conflicting opinions on the use of certain land. Hampton Golf appreciates the complexities involved with this issue and is cognizant of its sensitivity, but for the purpose of this report, Hampton Golf has limited the scope of our analysis and recommendations to focus on the current state of the facility and the potential for profit if Hampton Golf were to purchase, lease or manage the asset. This report does not address the ongoing dispute between Association and Owner, but rather should be used as an independent resource in determining whether Windermere Country Club has the potential to return to a reputable golf and country club in the Central Florida area and make positive contributions to its surrounding community. As part of due diligence, Hampton Golf did consider any information we discovered related to Owner, including promises made by Owner to local residents, in order to determine whether said promises were fulfilled without return on their applicable investment, or if they were not fulfilled, whether Hampton Golf could maximize our return on an investment if we performed the same.

Lastly, in order to fully evaluate and analyze Windermere Country Club, Hampton Golf would need answers to the questions described on Exhibit A, and we implore any party interested or involved with this golf facility to request answers to the same.

## **QUALIFICATIONS & EXPERIENCE**

### **History**

Founded in 1999, by M.G. Orender, a former President of The PGA of America, Hampton Golf has become one of the top 30 largest golf management companies in the world with golf courses in states across the country. Over the last 16 years, Hampton Golf has been involved with the management and operation of more than 100 golf courses and over 30 golf course constructions and/or renovations. With over 1,500 employees, Hampton Golf has a wealth of experience in all aspects of the golf course management industry.

Hampton Golf manages golf course facilities with a combined golf and related income in excess of \$65,000,000, which include private, semi-private, resort, and municipal golf facilities. Our particular expertise is in the management of private and semi-private golf courses as the birth of our company stemmed from the need of a developer to have an expert operate its many golf course facilities during the development of various communities. Since then, our clients include some of the largest homebuilders and developers in the country as we continue to guide our clients through the intricacies associated with successfully managing a golf course within a residential community.

### **Services**

A truly full-service golf management company, Hampton Golf provides its clients a plethora of services. In order to better understand our extensive experience in the golf industry, please see below for a brief description of each department within Hampton Golf:

(1) **Accounting.** Hampton Golf's Accounting Team utilizes a well-established system for managing the accounting practices of each of our golf clubs. Our approach to risk management, insurance, licensing and other governmental requirements are tracked and managed daily to ensure our clubs remain compliant with all regulations and are protected at all times. Hampton Golf provides each client with real-time reporting of all applicable financial information related to the client's facility. Services provided by our Accounting Team include, without limitation: (i) annual budgeting and pro forma forecasting; (ii) general ledger maintenance; (iii) accounts payable / receivable; (iv) cash control and reconciliation; (v) inventory management; (vi) payroll processing; and (vii) management of leases, insurance, permits and licenses.

(2) **Marketing.** The Hampton Golf Marketing Team's main focus is to increase revenue at our clubs by creating demand among targeted consumers while maintaining rate and membership integrity. Our Marketing Team is committed to achieving direct, measurable revenue results by utilizing cutting edge technologies to better understand consumer behaviors

and best manage our customer relationships. This is accomplished by concentrating on: (i) revenue growth strategies; (ii) performance tracking; (iii) customer surveying; (iv) broadcast emails; (v) yield management; (vi) membership sales initiatives; (vii) full service graphic department; (viii) daily fee promotions; (ix) brand recognitions; and (x) media buying and planning.

(3) Customer Service Center. Hampton Golf's Customer Service Center provides our clients with a state-of-the-art service involving an unparalleled depth of resources. By using this service, our clubs are free from the mechanics of the business, giving each employee at a club more time to serve each guest's unique needs. Among other things, our Customer Service Center Team handle all incoming calls to our clubs, assist with booking tee times, utilize polished phone etiquette, and improve data collection.

(4) Lifestyles. Hampton Golf's Lifestyles Team builds a thorough offering of world-class lifestyle events that are vibrant and enhanced for all of our clubs. Our Lifestyles Team promotes a "cruise ship" programming attitude by offering invigorating programs across the full spectrum of interest, which promotes high participation amongst members and guests alike. Hampton Golf's Lifestyle holds over 2,000 unique lifestyle events a year, which involve the entire surrounding area of each golf course in order to create an invaluable sense of "community."

(5) Human Resources. Hampton Golf expects every customer to leave our properties with not just a favorable impression of the golf course, but with a favorable impression of the entire facility, its staff and its operating procedures. This is why one of the major focuses at every Hampton Golf managed club is the training of our staff to provide an interactive and customer-oriented experience. Hampton Golf employs professional, customer-focused operators who encourage customers to play more, spend more and who will serve as an advocate for each of our clubs within the local community. Hampton Golf builds its teams by actively recruiting the most qualified individuals in the golf and hospitality industries and trains them to delivery outstanding customer service. We invest in our team members by celebrating their commitment and rewarding their performance.

### Executive Team

Our success is directly attributable to Hampton Golf's highly talented and qualified team that oversees the management and operation of our golf facilities. Hampton Golf actively recruits the most qualified individuals in the golf and hospitality industries and the following is a list of its key officers and managers:

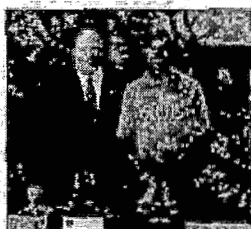
(1) M.G. Orender, President. A Professional Golfers' Association of America Member since 1981, M.G. Orender began his career in 1974 as a shop assistant to a non-member head professional at Diamond Hill Golf Club in Tampa, Florida. In 1976, the head professional departed and Orender was asked to temporarily fill the position while a replacement was sought. Over the next 15 years, he held the positions of head professional, pro-superintendent with a class "A" superintendent certification, pro-manager and eventually general partner.

During that time, Orender was approached regularly to consult for new and existing projects and developed a reputation as a turn-around specialist for owners and banks. Orender consulted for several clients who eventually contracted with him to manage their facilities. After selling Diamond Hill in 1989, Orender formed Golftrust and proceeded to build and manage several Florida golf clubs: Timacuan Country Club in Orlando, Cypress Creek Golf Club in Tampa, Schalamar Creek in Lakeland, DeBary Plantation in DeBary, Cypress Head in Daytona Beach and the Country Club of Mount Dora in Mt. Dora. Orender served as his own secretary and a mentor through 1996, when he created Granite Golf.

Realizing small regional management firms were destined to be targets for consolidation and the limitations of fee management, Orender joined forces with two capital venture specialists who had purchased a public shell and did a reverse merger for Golftrust into that shell to become Granite Golf. Granite Golf now manages and leases and owns nearly 30 facilities in 11 states, four of which are currently under various stages of construction.



M/G Orender, President of the PGA 2003



M/G and Tiger Woods



M/G and David Love, III



M/G and Gary Player

Orender left Granite Golf to find Hampton Golf in December of 1999.

In 2003, Orender was named the 33rd president of the PGA of America, a not-for-profit organization comprised of more than 28,000 men and women that work to promote the game of golf while enhancing the standards of the profession.

Overall, Orender has been involved and responsible for the construction of 11 facilities, and he opened and managed nearly 40 clubs in his 30 year career – a career he has used to give back to the golf industry. During his time as president of the PGA, he used his expertise to work to increase golf participation among new and occasional golfers, and left a lasting, positive impact on the golf world.

(2) Travis Norman, Executive Vice-President. Over the last 20 years in the golf course management industry, Travis has directed and supervised numerous projects similar to the Kenton Golf Courses, including the reconstruction of Blue Sky Golf Club and renovation of Eagle Harbor Golf Club. Travis assists in brand establishment and promotion, membership development, public relations, and overall marketing strategies. Travis also evaluates each division of Hampton Golf for continual improvement of the efficiency and effectiveness of the organization, with an emphasis on attracting, retaining and motivating individual team members with professional and personal growth opportunities. Travis also specializes in the transition process of golf course facilities. A self-proclaimed excellent inshore fisherman, he and his wife, Tiffany, have one child, Tristan.

(3) Scott Winch, Vice President of Business Development & General Counsel. Scott directs the Business Development Division of Hampton Golf by using creative financing models and capital raises to acquire new properties and to ensure profitability for our clients. Scott has an extensive background in commercial real estate transactions, including acquisitions, golf course management transitions, and leasehold interests. As a licensed attorney, Scott also manages company-wide legal issues to reduce liability exposure for Hampton Golf and our clients. Scott assists in the administration and enforcement of rules and regulations, bylaws and other governing documents of the golf clubs, and collaborates with golf course operators to promote clear communication with club boards, advisory committees and members. Scott's expertise also provides him the ability to secure new strategic partnerships with professional sports organizations and other corporate entities resulting in increased revenue for our clients. Scott and his wife, Valerie, are proud parents of two wonderful little boys, Kingsley and Huxley.

(4) Justin Kuehn, Vice President of Marketing. Justin develops impactful, non-traditional membership and marketing strategies for Hampton Golf's diverse portfolio of managed golf courses. His passion for the game of golf coupled with expert experience directing a national advertising agency and public relations firm has assisted him in making Hampton Golf one of the most progressively marketed portfolios in the industry. Justin directs Hampton Golf's development and implementation of all marketing, membership, sales and promotional strategies and activities company-wide. Justin and his sales and marketing team create and execute marketing plans with a focus on customer experience, design and technological innovation. Justin graduated with a bachelor's degree in political science from University of Central Florida and a bachelor's degree in marketing from Jacksonville University.

(5) Susan Shannon, Director of Administration & Human Resources. Susan has 25 years of experience in the golf industry, first in the area of finance with the Florida State Amateur Golf Association and as Controller of the South Florida Section of The PGA of America before joining Hampton Golf right after the company was founded in 1999. As Vice President of Administration and Human Resources, Susan is responsible for working with Hampton Golf's

insurance partners to secure comprehensive insurance coverage at competitive pricing, compliance, loss prevention, and reporting. She also oversees a number of administrative functions and directs the Human Resources Department.

(6) Skip Wills, Vice-President of Accounting. Skip has more than 35 years of experience in accounting and directs all accounting and financial functions for Hampton Golf. Skip oversees general ledgers, accounts receivable and payable, payroll functions, and the creation of financial statements as well as budget and cash flow projections. Prior to Hampton Golf, Skip was Treasurer and Partner in a computer software company and Controller for a business college with over 20 locations. A Navy Vietnam War veteran, Skip and his wife, Judith, have two children, Alec and Nicole, and three grandchildren, Evan, Max and Sammy.

(7) Ashley Larsen, Director of Customer Service Center. Ashley supervises Hampton Golf's Customer Service Center, which is responsible for managing point-of-sale and tee time reservation systems. In addition, Ashley manages a team of customer-focused team members who field inbound phone calls, complete outbound call campaigns, and provide real-time assistance for Hampton Golf's clients, members and guests.

(8) Heather Laude, Director of Communications. Heather oversees communications, public relations and social media for all of Hampton Golf's managed facilities. Heather graduated from the University of Florida with a Master's Degree in Mass Communications and a specialization in Web Design and Online Communication. Heather earned her undergraduate degree from the University of North Florida in Communications and Journalism with Summa Cum Laude honors. In addition, Heather is a published freelance journalist and a talented front-end web developer. Prior to joining the Hampton Golf Team, Heather managed a call center sales team for an internet company.

As you can see, Hampton Golf possesses the necessary qualifications and experience to demonstrate the ability to provide our professional opinion on the viability of Windermere Country Club.

## **EVALUATION & ANALYSIS**

As previously mentioned, Hampton Golf's Discovery Session involves a thorough analysis of each facet of a golf course's operation, which means we perform an extensive due diligence effort comparable to if we were going to purchase and/or lease the property, subject to available information. Our process for a Discovery Session involves various phases, including facility and operations evaluations and analysis, secret shopper campaigns, independent research and general business plan recommendations.

During this project, Hampton Golf performed a comprehensive evaluation and analysis of Windermere Country Club to determine whether this golf facility would be one that Hampton Golf would be interested in owning and/or leasing and whether, in Hampton Golf's opinion, Windermere Country Club could be a profitable golf asset. Due to the limited information available to Hampton Golf, the reader of this report should pay particular attention to our research related to Windermere Country Club's position in the marketplace, our findings related to public sentiment, and our "secret shopper campaign," which involved our shoppers making on-site visits and inquiries via online and phone. We are proud that the shoppers we used are very experienced and knowledgeable in the industry, and therefore, all responses shall be given extra weight when determining whether such experience is a fair depiction of Windermere Country Club.

For purposes of this report, Hampton Golf separated our analysis into three sections: (1) Golf Operations; (2) Golf Course and Clubhouse Maintenance; and (3) Food and Beverage Operations. The following describes our findings related to each department of Windermere Country Club:

### **Golf Operations**

During our analysis of Windermere Country Club's "golf operations," we focused on the areas of this facility that were open to the public and that the customer experienced on a daily-basis while Windermere Country Club was still open.

#### **(1) Customer Service & Standards of Care.**

Hampton Golf firmly believes a high level of customer service directly results in increased customer loyalty. Accordingly, the constant measurement of "customer service levels" is integral to the success of any golf course, especially Windermere Country Club since it is located in an area where a customer has other choices.

*Worst management of a golf course and staff that I have ever experienced. No wonder the golf course is closing. From the management of the staff, to closing early, not having capable Internet to process transactions. Could have overlooked all that except our cart broke down four times. Not only did it take 6 hours to play the round but we had to walk*

*in from the 18th green. Everyone at the course we talked to, as they drove by us as we waited on another cart, told us it is the last place to play. This was said by at least 8 to 9 people. I feel sorry for the residents of the course that have had to endure this. (Trip Advisor on 2/7/16)*

In the case of Windermere Country Club, the level of customer service and standards of care at this facility is drastically in need of improvement. As witnessed during our visits and reported by our secret shoppers and other online reviews, the staff at Windermere Country Club made no effort to provide a welcoming environment for the customer.

*When I called the golf shop to book a tee time and asked a few questions, the Club's representative said, "I don't know and you should just book online." Very rude way to treat a potential customer. (Secret Shopper)*

Specifically, we did not see or experience any effort by the staff to communicate with us before, during or after the round.

*When I arrived to the golf shop to check in, the pro shop attendant was on his cell phone the entire time and couldn't be bothered to answer any of my questions related to my tee time. Then, I asked him where the locker room was and he simply pointed in the direction without an accompanying word. (Secret Shopper)*

We also could not locate any effort by Owner to utilize a survey program to conduct member and guest surveys in order to learn more about the "customer" of Windermere Country Club. The old adage "the customer knows best" cannot be underestimated in the golf business, and all owners should use some sort of survey program to conduct member and guest surveys for their facilities. A proper survey program must be conducted on a regular basis in order to collect member and guest feedback and to monitor customer satisfaction. In the case of Windermere Country Club, without such a program in place, Owner could not gain a clear understanding of its customer service inefficiencies.

We can confidently state that the level of customer service at Windermere Country Club was far below the standard of its surrounding competition. At a golf club like Windermere Country Club, this should not be the case at all, and any justification for such dreadful customer service is inexcusable. Within two months under the management of Hampton Golf, we are confident we could completely turn around the customer service experience at Windermere Country Club by implementing simple customer service training programs for the staff. As an acquisition, Owner's failure to properly service its customers provides Hampton Golf or another suitor an incredible opportunity to be successful with Windermere Country Club.



(2) **Marketing & Programming.**

Over the years, Hampton Golf has performed many due diligence projects such as we did at Windermere Country Club, however, in all that time, we cannot remember seeing such a lack of marketing and programming being done by an owner of a golf course in the same class as Windermere Country Club. From our perspective, this type of laziness is exciting because of the immediate financial improvement we could achieve with the proper marketing program in place, but such behavior is unjustifiable for an owner to operate a golf course in such a careless manner. As stated earlier, the purpose of this report is not to judge Owner's actions and/or inactions, but with that said, we cannot fathom any sound reason why Owner would not make any effort to promote Windermere Country Club unless Owner had an alternative plan for the property. For example, how can Owner possibly believe Windermere Country Club can be successful without a membership campaign similar to its competition? Again, from an acquisition standpoint, Hampton Golf looks for properties such as Windermere Country Club (i.e. poorly managed golf clubs) to acquire because we are supremely confident we could greatly increase revenue by implementing a marketing program focused on attracting new members and customers, special events and other revenue streams.

In addition to the foregoing, Hampton Golf performed a more detailed analysis of the marketing and programming inefficiencies of Windermere Country Club with a brief outline of some advised changes to the operation that would deliver immediate, positive results (See Exhibit B).

(3) **Special Event Revenue.**

One of the biggest mistakes most golf courses make is the lack of focus and attention they place on "special event" programs. Hampton Golf passionately advocates the importance of these types of programs, and as a result, we have created an entire division of our company that solely focuses on outing, tournament and league recruitment.

In the case of Windermere Country Club, there seems to be absolutely no effort by Owner to promote the "special events" business at Windermere Country Club.

*I walked through the main dining room to go to the restroom upstairs and there were no chairs or tables. The place looked like it had been out of business for months and the owners weren't trying to hide it. (Secret Shopper)*



Per our research online and through other sources, we could not find any substantive information related to a marketing push to bring special events to Windermere Country Club. In addition, Owner's decision to ignore common maintenance practices and failure to update the clubhouse is a clear sign that no effort to attract special events to Windermere Country Club was made.

*If the clubhouse wasn't so dirty and outdated, it would be perfect for a wedding or other large celebration. (Secret Shopper).*

With such an impressive clubhouse facility, Hampton Golf is confident that Windermere Country Club could attract substantially more special events (e.g. weddings, corporate networking, etc.), resulting in increased revenue for Windermere Country Club. It is important to note that even without the exact number of "special events" held at Windermere Country Club in 2015, Hampton Golf can reasonably infer that due to the poor marketing by Owner and customer sentiment in the marketplace, an opportunity exists to dramatically improve the special event revenue at Windermere Country Club by strategically focusing marketing efforts toward increasing the frequency and pricing of weddings and golf tournaments (and as more specifically described on Exhibit B). Due to the lack of such focus at Windermere Country Club, Hampton Golf believes there is a lucrative opportunity to achieve revenue growth in the "special event revenue" category at this facility.

(4) **Golf Shop.**

The Golf Shop at Windermere Country Club was a depressing, empty space with limited inventory, and the existing merchandise was outdated. In our opinion, there was no effort by Owner to adequately stock its Golf Shop in order to appease the membership and to generate additional revenue for Windermere Country Club.

*The pro shop is virtually empty of merchandise. (Golf Advisor on 3/10/16)*

We are fully aware that the "golf shop" does not produce the same amount of revenue as it did many years ago, but a golf club can still achieve impressive revenue growth by providing a selection of products and price points to its members and guests, but only if the owner/operator is aware of what its customer will purchase. For example, at one of our courses, we remodeled the golf shop and promoted "convenience items" only (e.g., gloves, balls, tees, shirts, etc.) and achieved increased revenue and much better margins in the sale of merchandise. Regardless if Owner agrees that a similar strategy would work at Windermere Country Club, doing nothing is unacceptable and no owner of a golf course could expect a different result than the same that occurred here.

(5) **Player Development & Golf Lessons.**

At Hampton Golf facilities, we implement golfer development programs to meet the needs of men, women, juniors, beginners, seniors, families, individuals with disabilities, avid players, minorities, and disadvantaged youth. For example, Play Golf America, a program founded by the President of Hampton Golf, M.G. Orender, during his role as President of The PGA of America, was designed to provide lessons, playing opportunities and equipment fittings for free or at affordable prices from PGA and LPGA Professionals. Hampton Golf's philosophy for all of its learning programs is to provide fun, safe and inexpensive opportunities that encourage all golfers to participate in the game of golf.

In the case of Windermere Country Club, Owner has failed to recognize the importance of providing its customers with similar player development programs as referenced above. Similarly to our reaction to Owner's other failures regarding Windermere Country Club, Hampton Golf sees incredible potential to increase membership sales and golf rounds by designing a "player development" program at Windermere Country Club. The successful launch and maintenance of a "player development" program at Windermere Country Club would attract new customers and convince others to return to this facility and begin to reshape the damaged image and reputation of Windermere Country Club within the surrounding community.

**Golf Course & Clubhouse Maintenance**

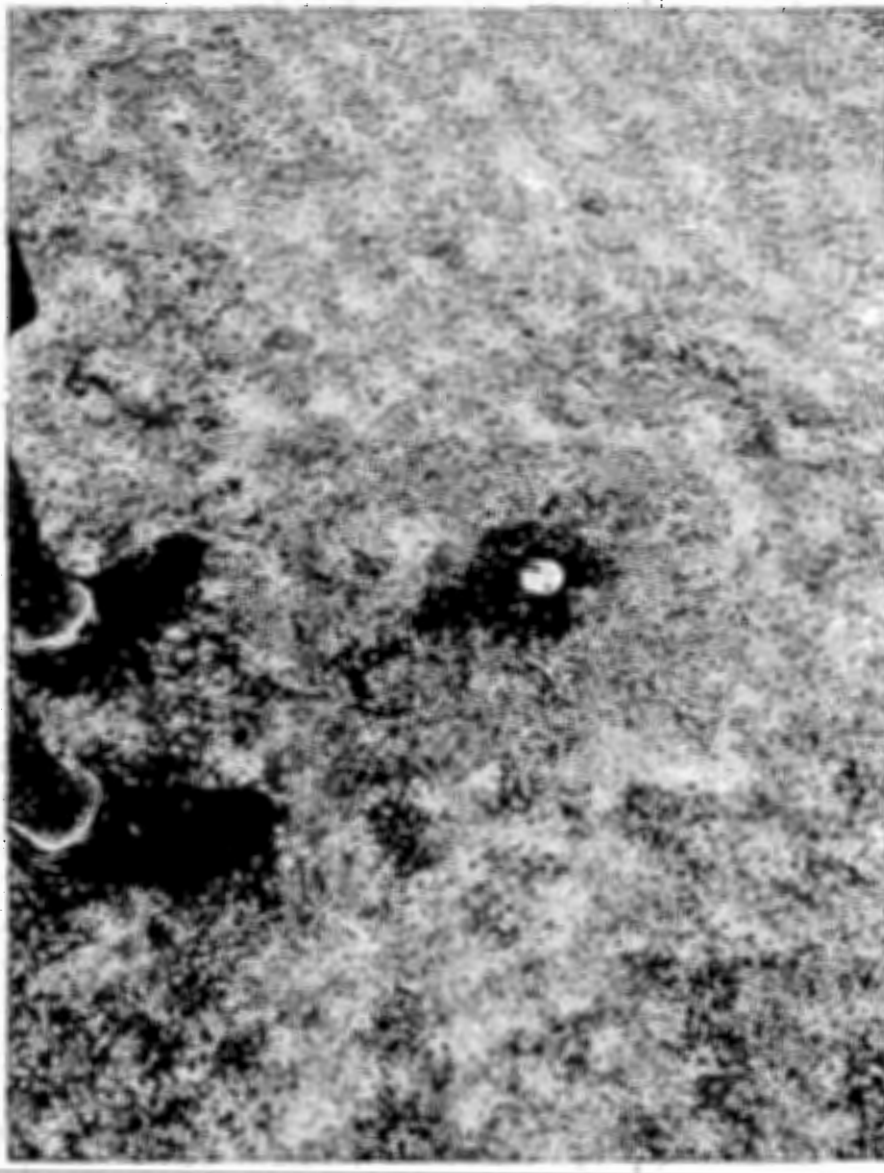
During our visit to Windermere Country Club, each of our associates were impressed with the size and stature of the clubhouse and the layout of the golf course at Windermere Country Club, but at the same time, we were each shocked at Owner's blatant disregard for common maintenance practices resulting in a beautiful clubhouse and golf course suffering from "cosmetic neglect." In the course of our research, we found a letter from Owner addressing the "neighbors," which emphasized Owner's "vision to return Windermere Country Club to its rightful place as a prominent country club in Orlando." This is a point of uncertainty that must be clarified in order to complete a full analysis of Windermere Country Club as we must determine what efforts have been made by Owner to maintain this facility in a condition comparable to its competition. From our research, we saw nothing that led us to believe Owner was intent on maintaining this golf facility or made any capital improvements to its asset in order for it to compete in the marketplace.

This is a clear case of current ownership operating Windermere Country Club under a "band-aid approach" (i.e. doing just enough without fixing the problems). The entire property suffers from cosmetic neglect and there is a complete lack of procedures and programs in place to adequately maintain and operate this facility. As the reader can see below, public sentiment supports the same assessment of Windermere Country Club's declining condition since 2011.

Per our research, we discovered three main issues with the maintenance program at Windermere Country Club: (1) Lack of Capital Improvements; (2) Inadequate Staffing; and (3) Failure to Fund.

(1) **Lack of Capital Improvements.**

(i) **Irrigation System.** Windermere Country Club has a very old, outdated hydraulic irrigation system. This system needs to be replaced immediately, especially since one cannot even buy parts anymore for said system. Without a functional irrigation system at Windermere Country Club, current ownership could not reasonably believe they could maintain the golf course to a competitive level.



*It is a very nice course in terrible condition. Only the greens are being watered. The range is horrible. However we enjoyed the course and can only imagine what it would be like with some TLC. (Golf Advisor on 3/10/16)*



(ii) **Equipment.** In addition, the maintenance equipment at Windermere Country Club was abysmal. Most of the equipment was at least three generations old and constantly leaked causing the maintenance staff to operate for long periods without the necessary equipment to maintain the golf course to a competitive level. It is our understanding that many requests were made to Owner for Owner to purchase a new equipment package, however, each request was ignored.

*Course was not manicured and fairways and greens were deplorable. Course has fallen into disarray. (Trip Advisor on 6/12/14)*





(iii) **Maintenance Facility.** The maintenance facility is also in terrible condition. It is our understanding that the facility suffers from flooding issues, which have been ignored by current ownership. Moreover, issues exist with the size and height of the facility, which constantly made it difficult to place equipment on the lift for repair and maintenance. With equipment constantly in need of repair and a facility that makes such very difficult, our opinion is the staff at Windermere Country Club were not provided the adequate resources to succeed at properly maintaining the golf course.



(iv) **Golf Course Improvements.** From our evaluation and analysis, we do not believe Owner has made any capital improvements to the golf course itself, and the sand bunker below is a perfect example that such is the case. All course owners must make budgetary allotments for timely capital improvements to their golf asset or it will quickly deteriorate.



Due to the lack of capital improvements made by current ownership, it is evident that Windermere Country Club is need of an immediate cash infusion in order to return this golf facility to its previous condition. Specifically, the irrigation system needs to be completely replaced and a new equipment package must be ordered consisting of, at a minimum, one greens mower, one tee mower, one fairway unit, and one tractor with rough unit.



(2) Inadequate Staffing.

Another detrimental issue to the operation of Windermere Country Club is the inadequate staffing provided to the maintenance department. It is our understanding that the maintenance staff consisted of five individuals, which, in our opinion, is half of what actually should be maintaining the golf facility.

*This golf course doesn't deserve the name country club!!! Fair way and rough have a lot of bald spots, we played here in 2011 it wasn't bad, now the whole course is so poor condition, the rough have so much weeds, it looked so abandoned. We wouldn't recommend to anyone to play there. It was a waste of time. (Trip Advisor on 6/7/14)*



*Windermere used to be one of the top semi-private courses in central Florida. However, I played it over Father's Day weekend and the course's conditions left a lot to be desired. The golf carts were old and worn out, the fairways were choppy and the greens weren't kept up. (Trip Advisor on 7/1/15)*

(3) **Failure to Fund Maintenance Operations.**

During our due diligence, we also became aware that the maintenance staff lacked sufficient chemicals to control the weed pressure at Windermere Country Club, and in fact, only 70% of the time did the staff have enough chemicals to properly perform their duties.

*It was easy to see that the greens had not been on a true fertilizer program in several growing seasons. The weed pressure around the entire course was rampant. With the right resources and budget, this could have easily been prevented. (Secret Shopper)*



*There was no appearance of any effort to eradicate high abundance of Bermuda grass that had overtaken the golf course. (Secret Shopper)*



By not making capital improvements to the golf course, greatly understaffing the maintenance department, and not providing its maintenance staff sufficient resources, there can be little argument that current ownership was intent on making Windermere Country Club succeed. A golf course owner could not expect its business to improve without being able to deliver a comparable product to its customers. For many years now, Windermere Country Club has not been a prominent country club in Orlando, and any contention by Owner that an effort to return this facility to such prominence is feeble at best. Thus, due to current ownership's failure to properly manage and operate Windermere Country Club, our belief is that this golf club is a prime candidate for acquisition.

*Appears the owner was taking in as much revenue as possible and not putting the funds back in the golf course for any maintenance or upkeep, which is vital for a golf course to succeed. (Secret Shopper)*



*No detail work is being performed throughout the course. It looks as if the course has been on a "mow and go" system for quite some time as the owner knew he was going to close the facility. (Secret Shopper)*



## Food & Beverage Operations

According to Owner's letter to the neighbors of Windermere Country Club dated November 12, 2012, Owner promised a food and beverage program with an award winning chef that "would impress you with an imagination and skill that turns a meal into a dining experience complete with unmatched service." During this Discovery Session, we did not see anything that resembled the food and beverage program referenced above, but instead found a bare bones operation that was greatly in need of help.

Although the food and beverage program at Windermere Country Club was very poor, the number one thing it needed most of all was "effort." The main goal of a golf club's food and beverage program such as Windermere Country Club should be to target three different customer classes: (i) individual member/guest golfer and improving his/her golf experience; (ii) golf tournament player and providing a great value experience; and (iii) local residents' desire for a gathering place. As stated by Owner in the above referenced letter, Owner also recognized "the importance and sense of community individuals place in their country club," but we did not see any contribution or effort by current ownership to foster a similar "club" environment. In order to effectively market to the above customers, Windermere Country Club must begin to provide a level of service comparable to its competition as it is unreasonable for any owner of a golf club to expect to have a successful food and beverage program when customers are experiencing such dissatisfying visits to Windermere Country Club.

*The bar wasn't stocked properly, the operation was understaffed and the overall experience was poor. I feel this golf club could be a very nice place if someone cared more or at least tried. (Secret Shopper)*



*When walking down the hallway, the lights weren't working and the smell of urine filled the air. (Secret Shopper)*



*Not only was the service dreadful in the clubhouse, but then there wasn't a beverage cart during our round. (Secret Shopper)*

Furthermore, this facility is in an excellent location with a captive audience; however, success will only be achieved if Windermere Country Club attracts golfers and local residents alike and creates a "gathering place" atmosphere. We understand that per Owner's letter referenced above, Owner seemed to understand the formula for success as Owner stated it "realized members and guests look for more than golf and dining and that they seek a family experience that feels like a second home," however, from everything we can find, an experience similar to the one promised by Owner never was delivered to the customers of Windermere Country Club.

In summary, we firmly believe that current ownership has failed to make an effort to properly operate a first-class food and beverage program, and more so, will not commit the resources required to rescue the food and beverage program in the future. With that said and in order to gain more insight to the potential of such a program at Windermere Country Club, Hampton Golf would advise the reader to make inquiries as to why the food and beverage operation was not leased to a separate entity after Owner obviously was not interested in contributing to a competitive food and beverage program. Hampton Golf is familiar with operating a golf facility where the food and beverage operation is leased to a separate entity, and Hampton Golf believes Windermere Country Club may be a perfect fit for an outside vendor to operate the food and beverage side of the business, especially if Owner continues to make little to no effort in creating a successful food and beverage operation at Windermere Country Club.

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Appendix 99.

I strongly oppose the rezoning and redevelopment of Windermere Country Club golf course into homes... We ask... that it remain permanent green space." From Change.org Petition

Shelby Kolar	United State:	11/11/15
Suzanne Eckl Windermere Florida	32786 United State:	11/11/15
Jennifer Iorl Windermere Florida	34786 United State:	11/11/15
Bruno Cicotti Windermere Florida	34786 United State:	11/11/15
Donna Staley Windermere Florida	34786 United State:	11/11/15
Michele Kad Windermere Florida	34786 United State:	11/11/15
Nancy Braml Windermere Florida	34786 United State:	11/11/15
Ann Ryan Windermere Florida	34786 United State:	11/11/15
Paul Meyers Windermere Florida	34786 United State:	11/11/15
Tom Barthel Windermere Florida	34786 United State:	11/11/15
Chris Zawors Windermere Florida	34786 United State:	11/11/15
Brenda Suhr Orlando Florida	32832 United State:	11/11/15
Michael King Windermere Florida	34786 United State:	11/11/15
Philip Krupof Orlando Florida	32835 United State:	11/11/15
Mike Adler Winter Gard Florida	34787 United State:	11/11/15
Melvin Wright Windermere Florida	34786 United State:	11/11/15
Lawrence Gic Howey-in-the Florida	34737 United State:	11/11/15
Richard Schn Winter Gard Florida	34787 United State:	11/11/15
Nicole Zawor Windermere Florida	34786 United State:	11/11/15
Alberto Lugo Windermere Florida	34786 United State:	11/11/15
John & Windermere Florida	34786 United State:	11/11/15
Chris Zawors Windermere Florida	34786 United State:	11/11/15
Gregory Bog Windermere Florida	34786 United State:	11/11/15
Mary Milane Miami Florida	33101 United State:	11/11/15
Chris Moulle New Smyrna Florida	32169 United State:	11/11/15
James Tolan Windermere Florida	34786 United State:	11/11/15
Indranil Debr Windermere Florida	34786 United State:	11/11/15
Gregory Pou Windermere Florida	34786 United State:	11/11/15
Ronald Grubl Windermere Florida	34786 United State:	11/12/15
Adrian Nuno Windermere Florida	34786 United State:	11/12/15
Jon Kearn Windermere Florida	34786 United State:	11/12/15
Annie Nuno Windermere Florida	34786 United State:	11/12/15
Daniel Chisw Windermere Florida	34786 United State:	11/12/15
UMA KASI Windermere Florida	34786 United State:	11/12/15
Carolyn Nich Windermere Florida	34786 United State:	11/12/15
Pat Rawls Windermere Florida	34786 United State:	11/12/15
Lori Gibson Windermere Florida	34786 United State:	11/12/15
Cindy Cash Windermere Florida	34786 United State:	11/12/15
Jennifer Pow Windermere Florida	34786 United State:	11/12/15
Daniel Ryan Windermere Florida	34786 United State:	11/12/15
Michael Eckh Winter Spring Florida	32708 United State:	11/12/15
Irene Pini Windermere Florida	34786 United State:	11/12/15
Joyce Chen 薩拉索塔 Florida	34238 United State:	11/12/15



John Rodgers Windermere Florida	34786 United State:	11/12/15
Debbie Guill Windermere Florida	34786 United State:	11/12/15
Rhonda pelal Windermere Florida	34786 United State:	11/12/15
Christy Huffn Winter Sprin, Florida	32708 United State:	11/12/15
Eileen Scram Windermere Florida	34786 United State:	11/12/15
patrice tang Windermere Florida	34786 United State:	11/12/15
Shaila Philip Winter Gard, Florida	34787 United State:	11/12/15
pam dann west haven Connecticut	6516 United State:	11/12/15
Stephen Pini Windermere Florida	34786 United State:	11/12/15
Jim McCaskil Orlando Florida	32819 United State:	11/12/15
Robert McCh Windermere Florida	34786 United State:	11/12/15
Kerry Hall Windermere Florida	34786 United State:	11/12/15
Dena O'Mall Windermere Florida	34786 United State:	11/12/15
Michael Batz Kissimmee Florida	34741 United State:	11/12/15
James Wrigh Windermere Florida	34786 United State:	11/12/15
Veronica Boy Winter Gard, Florida	34787 United State:	11/12/15
Catherine Ni Windermere Florida	34786 United State:	11/12/15
Paul Kenard Windermere Florida	34786 United State:	11/12/15
Ed Jarvis Windermere Florida	34786 United State:	11/12/15
Erin Ives Winter Gard, Florida	34787 United State:	11/12/15
Jody Price Windermere Florida	34786 United State:	11/12/15
Christa Hines Gotha Florida	34734 United State:	11/12/15
Valerie Faircl Windermere Florida	34786 United State:	11/12/15
Paul Marcoc Windermere Florida	34786 United State:	11/12/15
Natalie Poun Nashville Tennessee	37204 United State:	11/12/15
Mary Beth B Windermere Florida	34786 United State:	11/12/15
Jamison Havi Kissimmee Florida	34746 United State:	11/12/15
Yumi Viers Windermere Florida	34786 United State:	11/12/15
Mark Viers Windermere Florida	34786 United State:	11/12/15
Tom Guinn Windermere Florida	34786 United State:	11/12/15
Cesar Otero Winter Gard, Florida	34787 United State:	11/12/15
Danielle Hen Winter Gard, Florida	34787 United State:	11/13/15
Luciann O'Da Winter Gard, Florida	34787 United State:	11/13/15
joanne matir Windermere Florida	34786 United State:	11/13/15
Suzanne Bro Windermere Florida	34786 United State:	11/13/15
Janice Lower Windermere Florida	34786 United State:	11/13/15
William Wah Windermere Florida	34786 United State:	11/13/15
Maria Meeks Winter Gard, Florida	34787 United State:	11/13/15
John manzell Windermere Florida	34786 United State:	11/13/15
JoeAnn Gibb Windermere Florida	34786 United State:	11/13/15
Steve Crane Winter Gard, Florida	34787 United State:	11/13/15
Deena Straus Windermere Florida	34786 United State:	11/13/15
Scott McInty Winter Gard, Florida	34787 United State:	11/13/15

Ryan Reno	Clermont	Florida	34715	United State:	11/13/15
Sarah Moody	Windermere	Florida	34786	United State:	11/13/15
Jeff Sotkewic	Winter Gard	Florida	34787	United State:	11/13/15
Shelley Cuthl	Ocoee	Florida	34761	United State:	11/13/15
Stephen Holl	Windermere	Florida	34786	United State:	11/13/15
Ewa Bushee	Windermere	Florida	34786	United State:	11/13/15
Casey Sanch	Orlando	Florida	32803	United State:	11/13/15
karen mcche	Windermere	Florida	34786	United State:	11/13/15
Jennifer Colc	Winter Gard	Florida	34787	United State:	11/13/15
Geoffrey Gut	Winter Gard	Florida	34787	United State:	11/13/15
Chet Moody	Windermere	Florida	34786	United State:	11/13/15
David Bushe	Windermere	Florida	34786	United State:	11/14/15
Julia Davis	Jacksonville	Florida	32223	United State:	11/14/15
Christina Sho	Apopka	Florida	32703	United State:	11/14/15
Dawn Horvat	Windermere	Florida	34786	United State:	11/14/15
Kurt Besecke	Windermere	Florida	34786	United State:	11/14/15
Paul Fergus	Winter Gard	Florida	34787	United State:	11/14/15
Joe Kearn	Windermere	Florida	34786	United State:	11/14/15
Krystyna Giel	Zellwood	Florida	32798	United State:	11/14/15
Julie Peluso	Orlando	Florida	32811	United State:	11/14/15
Kimber Pelus	Windermere	Florida	34786	United State:	11/14/15
Gary Kolar	Windermere	Florida	34786	United State:	11/14/15
Brittany gibs	Windermere	Florida	34786	United State:	11/14/15
Rochelle Ton	Windermere	Florida	34786	United State:	11/14/15
bob Kade	Windermere	Florida	34786	United State:	11/14/15
Gina Kelly	Orlando	Florida	32836	United State:	11/14/15
Kara Peluso	Windermere	Florida	34786	United State:	11/14/15
Tanja Mathe	Winter Gard	Florida	34787	United State:	11/14/15
Doug Ross	Winter Gard	Florida	34787	United State:	11/14/15
Christopher I	Windermere	Florida	34786	United State:	11/14/15
Susan Travin	Casselberry	Florida	32730	United State:	11/14/15
Antoinette B	Kissimmee	Florida	34746	United State:	11/15/15
Michal Kovar	winter garde	Florida	34787	United State:	11/16/15
Rick Fite	Orlando	Florida	32805	United State:	11/16/15
Doug Milane	Windermere	Florida	34786	United State:	11/16/15
Rashelle Tola	Windermere	Florida	34786	United State:	11/16/15
Kim Marcus	Windermere	Florida	34786	United State:	11/16/15
Brian Tolan	Windermere	Florida	34786	United State:	11/16/15
Tammy Thon	Orlando	Florida	32839	United State:	11/16/15
Lisa Patten	Orlando	Florida	32819	United State:	11/16/15
Tom Kenning	Windermere	Florida	34786	United State:	11/16/15
FRANK DELT	Orlando	Florida	32828	United State:	11/16/15
Claudine Gal	Windermere	Florida	34786	United State:	11/16/15

Kim Warp Windermere Florida	34786 United State:	11/16/15
Susan Kenar Winter Gard Florida	34787 United State:	11/16/15
Stacey and R Windermere Florida	34686 United State:	11/16/15
Chris Leach Windermere Florida	34786 United State:	11/16/15
Sandra Papat Windermere Florida	34786 United State:	11/16/15
Paul rossi Windermere Florida	34786 United State:	11/17/15
Dina Hashmc Ocoee Florida	34761 United State:	11/17/15
Tina Vo Windermere Florida	34786 United State:	11/17/15
Rose carter Winter Gard Florida	34787 United State:	11/17/15
Delinda Kenr Windermere Florida	34786 United State:	11/17/15
john ryan Winter Gard Florida	34787 United State:	11/17/15
Valorie Stanl Winter Gard Florida	34787 United State:	11/17/15
William Youn Winter Park Florida	32789 United State:	11/17/15
Brenda Smith Windermere Florida	34786 United State:	11/17/15
Howard Schv Winter Gard Florida	34787 United State:	11/17/15
Francis Ballar Davenport Florida	33897 United State:	11/17/15
Joanne McA Windermere Florida	34786 United State:	11/17/15
Kathleen Mc Windermere Florida	34786 United State:	11/17/15
Lorraine Bru Windermere Florida	34786 United State:	11/17/15
Robert Trou Winter Gard Florida	34787 United State:	11/18/15
Terry McCon Windermere Florida	34786 United State:	11/18/15
John Yarbrou Windermere Florida	34786 United State:	11/18/15
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Mark Napart Windermere Florida	34786 United State:	11/18/15
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John Laskos Windermere Florida	34786 United State:	11/18/15
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Mark Lewis Windermere Florida	34786 United State:	11/18/15
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Sadie Sween Windermere Florida	34786 United State:	11/18/15
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Susan Boate Oviedo Florida	32765 United State:	11/18/15
Russell Lowe Windermere Florida	34786 United State:	11/18/15
Lisa Lampkin Windermere Florida	34786 United State:	11/18/15
Yolsnda Aguilar	34761 Mexico	11/18/15

Brigitte Knot Wintet Gard Florida	34787 United State:	11/18/15
Vince Vezzi Orlando Florida	32819 United State:	11/18/15
Bill Tompkins Orlando Florida	32806 United State:	11/18/15
Howard York Winter Sprin Florida	32708 United State:	11/18/15
Edward Kinn Windermere Florida	34786 United State:	11/18/15
David Steel Windermere Florida	34786 United State:	11/18/15
Dan Lampkin New York New York	10128 United State:	11/18/15
Oscar Vazque Winderrmer Florida	34786 United State:	11/18/15
Jody Sorenso Windermere Florida	34786 United State:	11/18/15
Pam King Windermere Florida	34786 United State:	11/18/15
Daniel Cicerc Windermere Florida	34786 United State:	11/18/15
Blakely Meyer Windermere Florida	34786 United State:	11/18/15
Patricia Silvei Orlando Florida	32835 United State:	11/18/15
Mabel Marit Windermere Florida	34786 United State:	11/18/15
Cheryl Roesc Windermere Florida	34786 United State:	11/18/15
Judith DelTor Windermere Florida	34786 United State:	11/18/15
allison bolan Windermere Florida	34786 United State:	11/18/15
Karen Fusan Windermere Florida	34786 United State:	11/18/15
Stephanie Ac Windermere Florida	34786 United State:	11/18/15
Carolyn West Windermere Florida	34786 United State:	11/18/15
Lisa Thorell Windermere Florida	34786-7700 United State:	11/18/15
Chris Silveira Windermere Florida	34786 United State:	11/18/15
Sue Messner Windermere Florida	34786 United State:	11/18/15
Tom Hill Kissimmee Florida	34741 United State:	11/18/15
Jackie Holder Windermere Florida	34786 United State:	11/18/15
Sherri Hawth Windermere Florida	34786 United State:	11/18/15
John Bolano Windermere Florida	34786 United State:	11/18/15
Ryan Holden Ocoee Florida	34761 United State:	11/18/15
Dara Anselm Windermere Florida	34876 United State:	11/18/15
Daryl Kim Windermere Florida	34786 United State:	11/18/15
John, Gail an WINDERMER Florida	34786-1448 United State:	11/18/15
Erica Silveira Windermere Florida	34786 United State:	11/18/15
Debra Ward Windermere Florida	34786 United State:	11/18/15
Mike Ward Windermere Florida	34786 United State:	11/18/15
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David Walker Orlando Florida	332801 United State:	11/18/15
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Thomas Hab Windermere Florida	34786 United State:	11/18/15
Ronald Conlc Orlando Florida	32801 United State:	11/18/15
Kelly Raffield Bethesda Maryland	20817 United State:	11/18/15
Caroline Win Windermere Florida	34786 United State:	11/18/15
Nancy Janata Windermere Florida	34786 United State:	11/18/15
Bart Bodway Altamonte S Florida	32714 United State:	11/18/15

Melissa Bick Windermere Florida	34786 United State:	11/18/15
Julie Mealey Windermere Florida	34786 United State:	11/18/15
Andrew Shee Windermere Florida	34786 United State:	11/18/15
Danielle DeC Windermere Florida	34786 United State:	11/18/15
Glen Sincic Orlando Florida	32805 United State:	11/18/15
Michael Ross Windermere Florida	34786 United State:	11/18/15
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Lori Conlon Windermere Florida	32786 United State:	11/18/15
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Jodi Heath Windermere Florida	34786 United State:	11/19/15
Steven Schue Windermere Florida	34786 United State:	11/19/15
Dominick DiC Windermere Florida	34786 United State:	11/19/15
shawn boliva Windermere Florida	34786 United State:	11/19/15
Loyd Rawls Macon Georgia	31210 United State:	11/19/15
Tim Levin Windermere Florida	34786 United State:	11/19/15
Kendall Rawl Atlanta Georgia	30316 United State:	11/19/15
Maria Long Windermere Florida	34786 United State:	11/19/15
Charles Burk Windermere Florida	34786 United State:	11/19/15
Kristina Brun Deltona Florida	32725 United State:	11/19/15
Amy Rawls Orlando Florida	32804 United State:	11/19/15
sydney schue Windermere Florida	34786 United State:	11/19/15
Bridgette Ro Windermere Florida	34786 United State:	11/19/15
Amy Claymar Windermere Florida	34786 United State:	11/19/15
Richard Scarl Windermere Florida	34786 United State:	11/19/15
matthew gar Windermere Florida	34786 United State:	11/19/15
Lilene Freire Windermere Florida	34786 United State:	11/19/15
Teresa Holler Orlando Florida	United State:	11/19/15
Alexis Freire Windermere Florida	34786 United State:	11/19/15
Basil Vann Ocoee Florida	34761 United State:	11/19/15
Lisa Millar Windermere Florida	34786 United State:	11/19/15
Monty Burde Windermere Florida	34786 United State:	11/19/15
Greg Scharfe Orlando Florida	32805 United State:	11/19/15

Champ Rawl Windermere Florida	34786 United State:	11/19/15
Pat Foss Windermere Florida	34786 United State:	11/19/15
Lee & Ti Windermere Florida	34786 United State:	11/19/15
Philippe Villa Windermere Florida	34786 United State:	11/19/15
Molly Rose Windermere Florida	34786 United State:	11/20/15
Theodore Str Windermere Florida	34786 United State:	11/20/15
Eric & C Windermere Florida	34786 United State:	11/20/15
Louise Hawt Windermere Florida	34786 United State:	11/20/15
David Tottle Windermere Florida	34786 United State:	11/20/15
Grant Gallow Windermere Florida	34786 United State:	11/20/15
Chase Hawth Windermere Florida	34786 United State:	11/20/15
Courtney Ha Windermere Florida	34786 United State:	11/20/15
William Oake Windermere Florida	34786 United State:	11/21/15
Zomy Mansu Eustis Florida	32726 United State:	11/21/15
Gary Reddig Winter Gard Florida	34787 United State:	11/21/15
James Alowa Windermere Florida	34786 United State:	11/21/15
Karen Reddig Winter Gard Florida	34787 United State:	11/22/15
John Jimerso Winter Gard Florida	34787 United State:	11/23/15
James Wong 温德米尔 Florida	34786 United State:	11/25/15
Gerry Boene Windermere Florida	34786 United State:	11/26/15
Lisa O'Rourke Windermere Florida	34786 United State:	11/27/15
robin malaus Orlando Florida	32801 United State:	11/28/15
Hitchcock R Orlando Florida	32832 United State:	12/1/15
Donna Schue Orlando Florida	32804 United State:	12/1/15
Michael Vito Windermere Florida	34786 United State:	12/1/15
Kaye Gerding Windermere Florida	34786 United State:	12/3/15
Mark Oktave Clermont Florida	34711 United State:	12/20/15
Katherine So Weston-super-Mare	BS22 8EN United Kingd	12/24/15
Kevin Gollop Windermere Florida	34768 United State:	1/8/16
Matt Eitel Windermere Florida	34786 United State:	1/28/16
David Bradsh Isham	NN141hf United Kingd	2/11/16
Josh Speed Winter Gard Florida	34787 United State:	2/21/16
Jacqueline Ni Windermere Florida	34786 United State:	2/23/16
Jim Sellers Kansas City Missouri	64108 United State:	3/2/16
Robert Moer Orlando Florida	32828 United State:	3/12/16
Theresa Jann Windermere Florida	34786 United State:	3/16/16
Ryan Eames Crete Illinois	60417 United State:	3/16/16
Richard Knut Saint Peterst Florida	33707 United State:	3/17/16
Mark Carpen Orlando Florida	32804 United State:	3/17/16
Chris Barley Orlando Florida	32806 United State:	3/18/16
Margaret Bai Cocoa Beach Florida	32932 United State:	3/18/16
Martha Stepl Orlando Florida	32835 United State:	3/18/16
Brian Davis Groveland Florida	34736 United State:	3/18/16

Dennis Hazel Windermere Florida  
Vidor Friedm Windermere Florida  
hans moschi Brooksville Florida  
Phyllis Horov New York New York  
Lynne Frey Winter Park Florida  
Colin Ryan Safety Harbo Florida  
Michael Mos Spring Hill Florida  
Nicole Ryan Windermere Florida  
Paul Tang San Antonio Texas  
Bertrand Far The Villages Florida  
Aubrey McC Orlando Florida  
James Lucio Windermere Florida  
Alex Varno Helsinki  
Reg Sarhh Helsinki  
Nelson Parke Windermere Florida  
Pam Bishop Windermere Florida  
Joanne McA Windermere Florida  
Doreen Conc Orlando Florida

34786 United State: 3/18/16  
34786 United State: 3/18/16  
34614 United State: 4/5/16  
10003 United State: 4/5/16  
32792 United State: 4/5/16  
34695 United State: 4/5/16  
34609 United State: 4/5/16  
34786 United State: 4/6/16  
78260 United State: 4/8/16  
32163 United State: 4/11/16  
32835 United State: 4/11/16  
34786 United State: 4/16/16  
Finland 4/20/16  
Finland 4/20/16  
34786 United State: 4/22/16  
34786 United State: 4/26/16  
34786 United State: 4/29/16  
32837 United State: 9/10/16