

Evers, Whitney

From: Thorp, Steven T
Sent: Monday, April 04, 2016 1:59 PM
To: Overstreet, Doreen; Smogor, John; Vargas, Alberio A; Evers, Whitney
Cc: McGill, Jennifer
Subject: RE: Windermere questions

Doreen,

All I can really provide is some history of the zoning, the request of the applicant, and the status of the request. I cannot verify what the residents were told 30+ years ago when the property was being rezoned and developed. This may be too much information, but this is a summary of the application to date and clarifies a couple items (with context) the residents have claimed or told.

As far as the background, the original R-CE-C zoning and Butler Bay Cluster Plan was approved in 1985, which the plan itself indicated 38% open space. There was and is no requirement for a certain percentage of open space to be maintained. The intent of the cluster zoning is to maintain the densities allowed by the future land use designation, but allow for the clustering of lots, which in turn, increases the undeveloped area / open space. The minimum lot size in R-CE-C is ½ acre.

When this cluster plan was approved, the density allowed by code was 0.85 unit per acre, which the existing homes were built to. Between then and today, that number increased to 1.0 unit per acre, consistent with the maximum density allowed by the Rural Settlement 1/1 Future Land Use Map designation, of which the property in question is designated. The applicant has submitted the cluster plan rezoning application applying the increased density and requesting development of the golf course with 95 single-family detached dwellings. The lot sizes are consistent with the lots already developed around the golf course.

What was discovered during the rezoning review was is the development and access rights were dedicated to the County via notes on the recorded plat. Since those dedications were done on the recorded plat, the applicant needs to go through the Petition to Vacate (PTV) process in order to remove those notes off the plat and gain those rights back. I know the applicant has submitted the PTV application for review. The BCC public hearing for the PTV has not been assigned. Additionally and related, there is also a recorded Developer's Agreement that requires a revision addressing the issue of the development and access rights.

Now, as far as the status of the rezoning application, it was first heard at the November 19, 2015 Planning and Zoning Commission (PZC) meeting, which it was then continued to the April 17, 2016 meeting in order for the applicant to go through the PTV process and revise the Developer's Agreement, as the rezoning could not proceed until the development and access rights were returned. As the PTV process is just getting started and the BCC hearing date is uncertain, the rezoning has been continued to the July 21, 2016 PZC meeting. If the PTV process fails, the rezoning application essentially does as well.

I'm copying Whitney Evers from the CAO on this reply, as she may be able to provide further insight and address the questions of agreement terms.

Hope this helps. Please feel free to contact me if you have follow-up questions or need clarification.

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

From: Overstreet, Doreen
Sent: Monday, April 04, 2016 9:56 AM
To: Thorp, Steven T; Smogor, John; Vargas, Alberto A
Cc: McGill, Jennifer
Subject: Windermere questions

Is someone able to address? Thanks.

Doreen Overstreet, APR
Public Information Officer
407-836-5301 (work)
407-468-5851 (mobile)

Sent from iPhone. Please excuse typos.

Begin forwarded message:

From: "Jones, Daralene (CMG-Orlando)" <Daralene.Jones@wftv.com>
Date: April 4, 2016 at 9:51:21 AM EDT
To: "'Doreen.Overstreet@ocfl.net'" <Doreen.Overstreet@ocfl.net>
Subject: Here you go

Hi there!

Hope you had a great weekend!

I'm working on a story today about the planned development for the Windermere Club subdivision.

I'm looking to get background from the county's perspective. Here's what I'm hearing from the residents in the neighborhood.

Some Orange County residents are upset because of a new development proposed for their neighborhood. They believe it **could** set a precedent, allowing a developer to cash in (\$2.1 million) at the expense of homeowners, **after** the developer enticed the homeowners, to buy in the subdivision, with the promise of "open space."

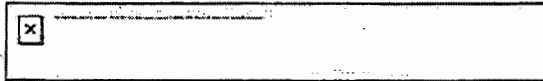
They claim --

Years ago, the county allowed the developer to build 150 homes, in a Windermere neighborhood. The developer promised a county club, with a golf course, and more importantly to the homeowners, open space. The owner now wants to build an additional 95 homes on the open space, and has already shut down the golf course and country club.

I'm told --

When the developer first built, the county forced them to sign an agreement, requiring 38% of the land to remain open space. In order to ensure this, the county to over rights to the open

property. In other words, the county now gets to decide what happens to the land, even though they don't own it. My question: Is the county now considering going back on that agreement? What are the terms of the agreement from the county's perspective?



Daralene Jones | Investigative Reporter/Anchor

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Chris Wilson

From: Villar, Francisco
Sent: Tuesday, October 11, 2016 9:41 AM
To: Kunkel, Joe
Subject: Windermere Country Club Staff Report
Attachments: BCC Report - Windermere Country Club Plat Vacation.doc

Good morning Joe,

Attached is the draft of the staff report. Please let me know if you have any comments. Thanks.

Regards,

Francisco J. Villar, P.E.
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Development Engineering Division
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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 and Environmental Protection 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. The Relationship Disclosure and Specific Expenditure forms have been submitted.

Staff Findings

The Environmental Protection Division has expressed concerns regarding wetlands and the Conservation Easement, which will be addressed at a later time if the vacation is approved.

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