



Board of County Commissioners

Public Hearings

January 24, 2017



RZ-15-10-038 – Butler Bay Cluster Plan Planning and Zoning Commission Appeal

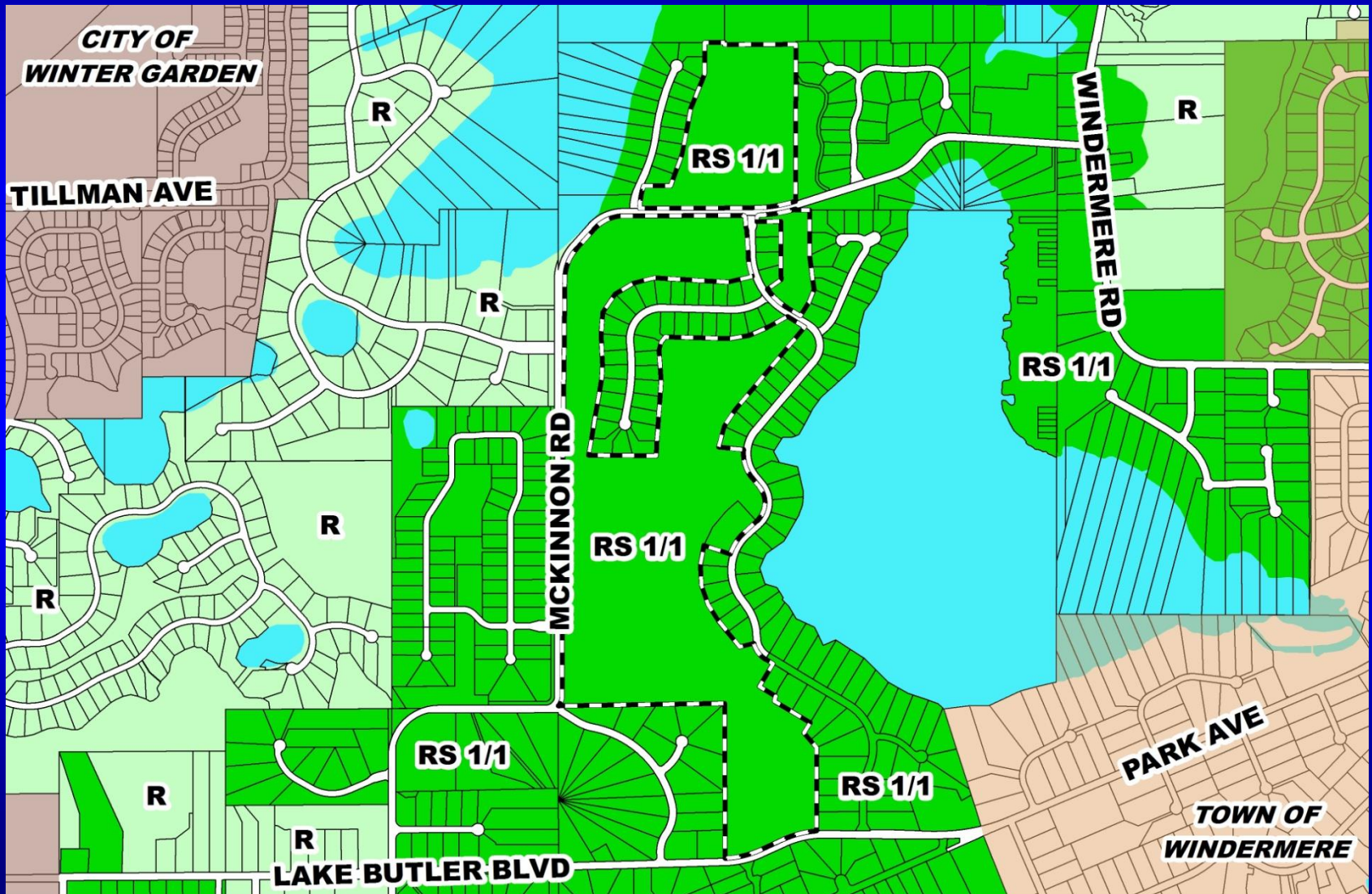
Case:	RZ-15-10-038
Applicant:	Jamie T. Poulos, Poulos & Bennett, LLC
Appellant:	Bryan DeCunha, Windermere Country Club, LLC
District:	1
Acreage:	155.00 gross acres
Location:	2710 and 2730 Butler Bay Dr. North; or generally located north of Lake Butler Boulevard, east of McKinnon Road, southeast of Lake Roberts, and west of Lake Crescent
Request:	Appeal of the Nov. 17, 2016, Planning and Zoning Commission (PZC) decision to dismiss the R-CE-C rezoning application.



RZ-15-10-038 – Butler Bay Cluster Plan

Planning and Zoning Commission Appeal

Future Land Use Map

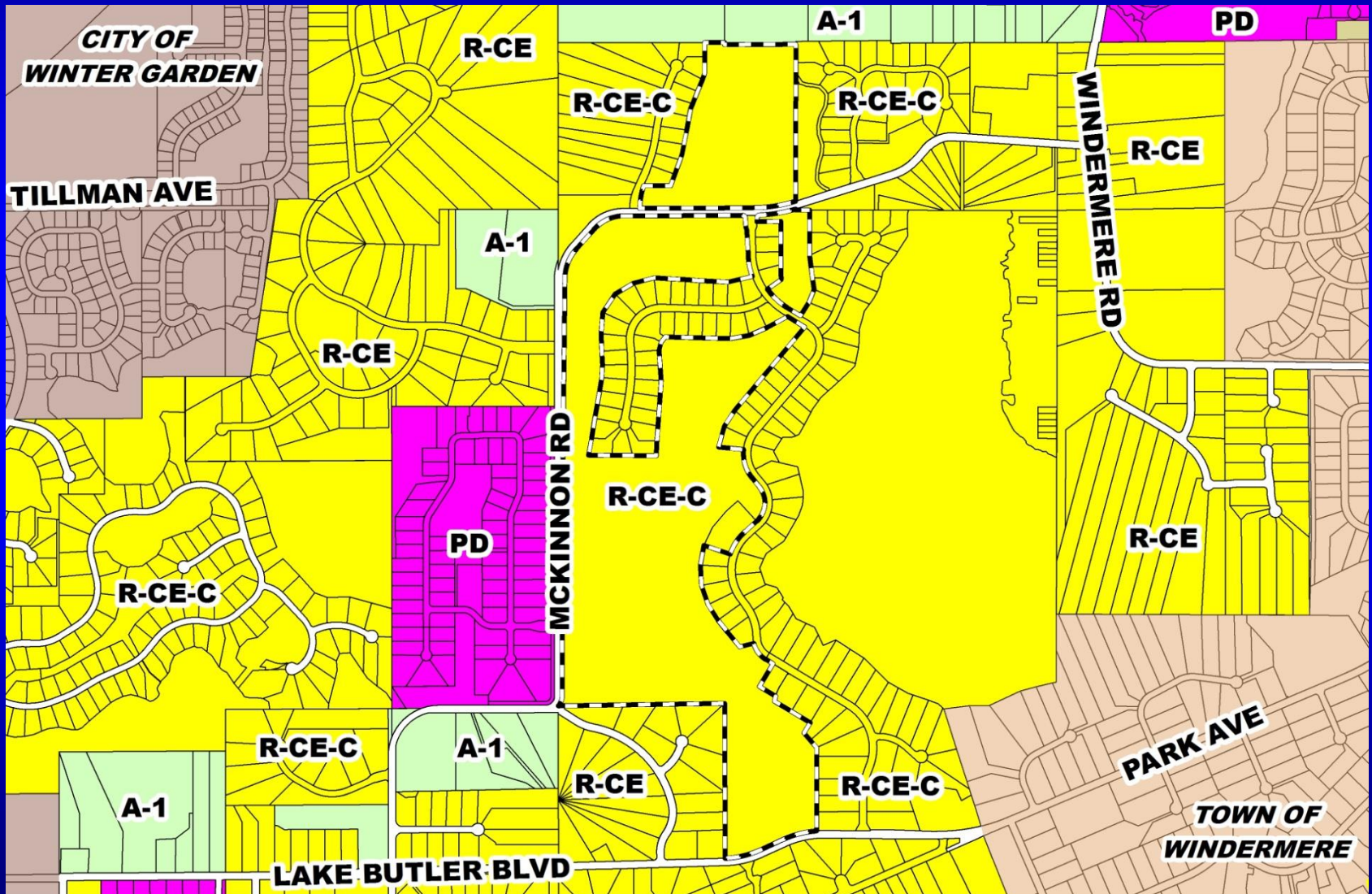




RZ-15-10-038 – Butler Bay Cluster Plan

Planning and Zoning Commission Appeal

Zoning Map

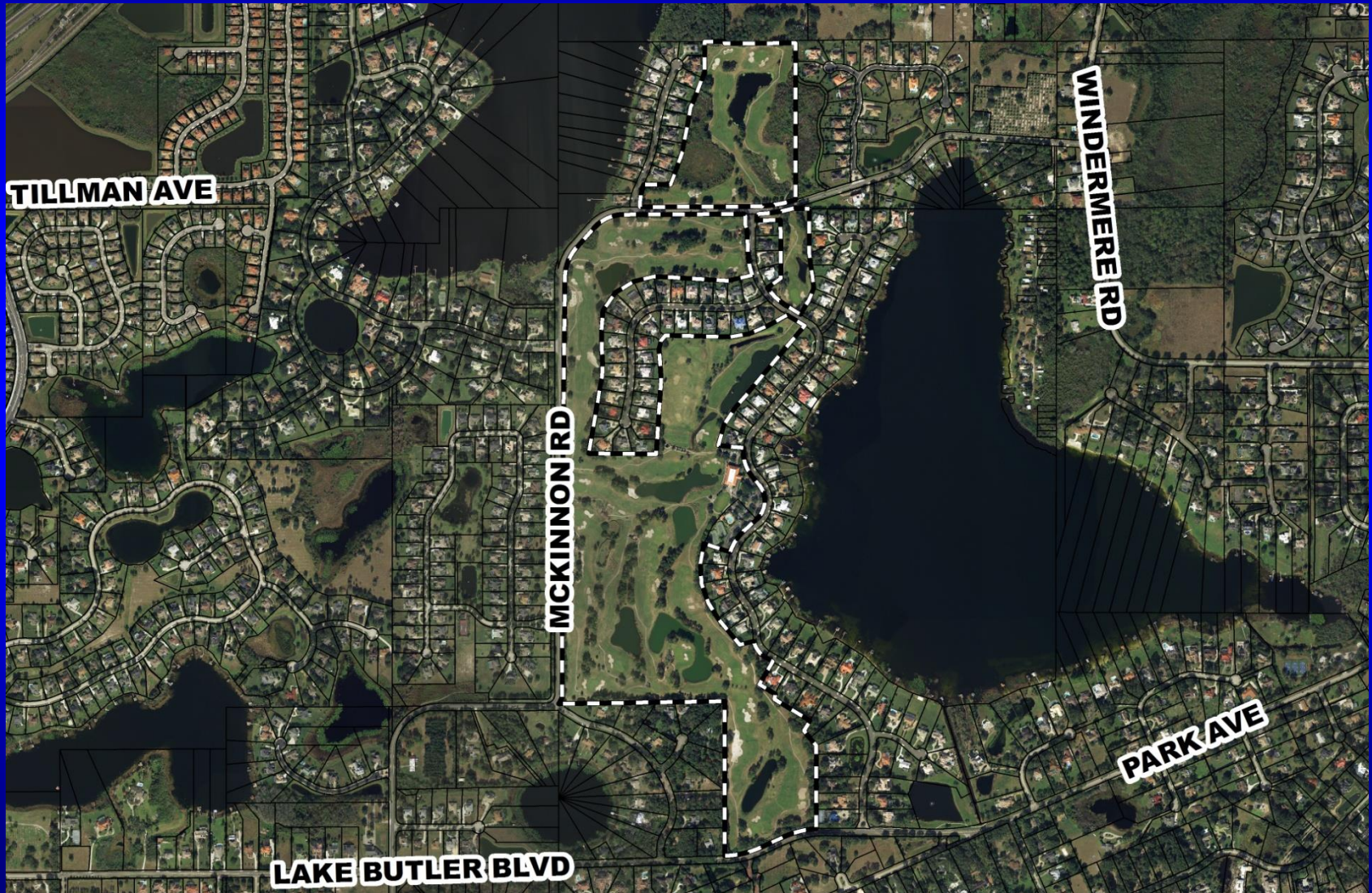


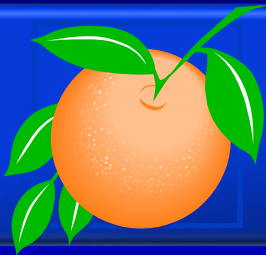


RZ-15-10-038 – Butler Bay Cluster Plan

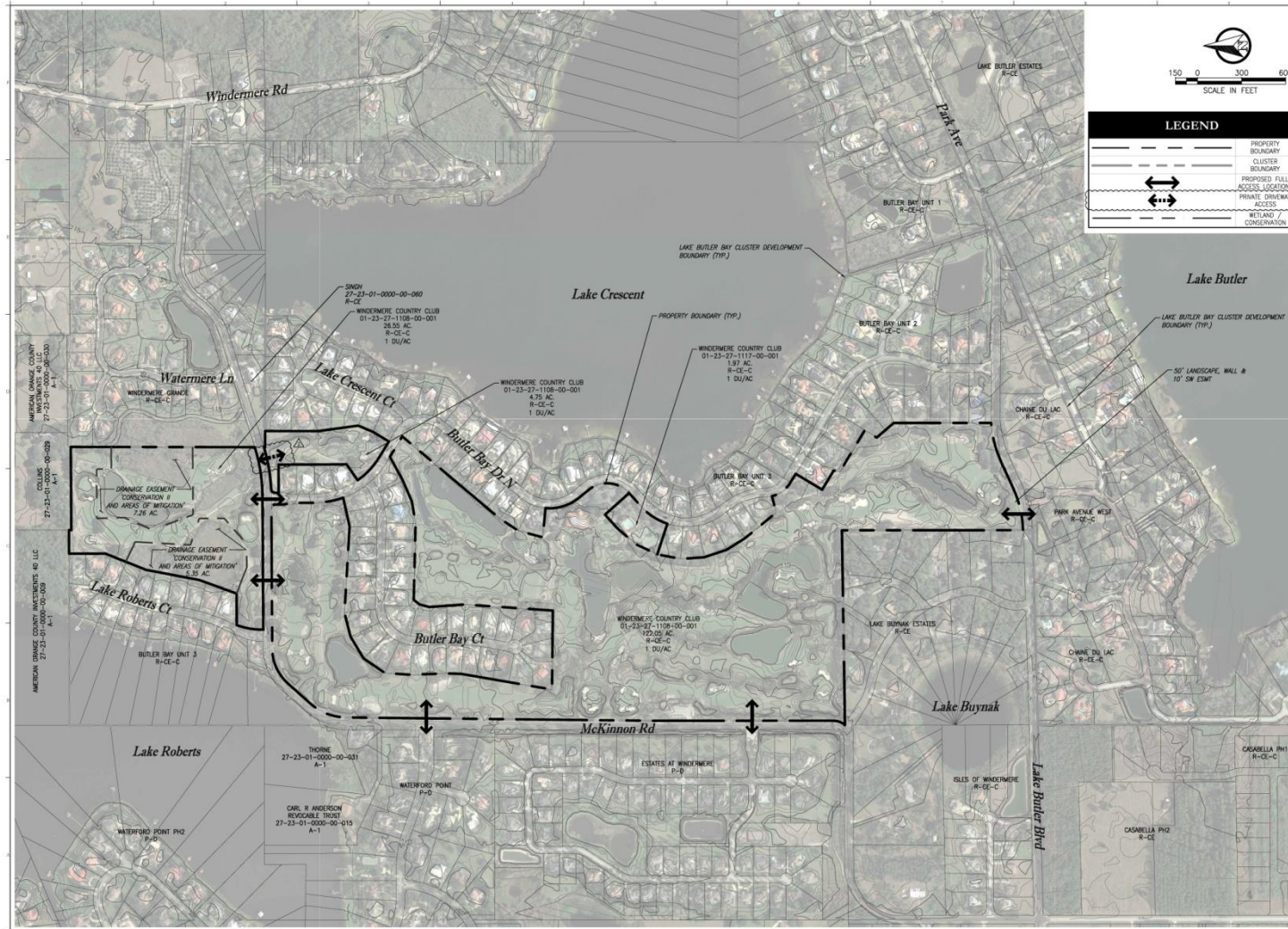
Planning and Zoning Commission Appeal

Aerial Map

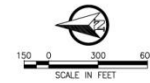




RZ-15-10-038 – Butler Bay Cluster Plan Planning and Zoning Commission Appeal Cluster Plan



Key Map



LEGEND	
	PROPERTY BOUNDARY
	CLUSTER BOUNDARY
	PROPOSED FULL ACCESS LOCATIONS
	PRIVATE DRIVEWAY ACCESS
	WETLAND / CONSERVATION

Coordinate

SUBMITTED TO		NOV 2015
SUBMITTED BY		POULOS & BENNETT
VERTICAL DATUM		NGVD 83
JOB NO.		15-01
DESIGNED BY		JG
DRAWN BY		JM
CHECKED BY		MS
APPROVED BY		MS
SCALE IN FEET		AS SHOWN

Butler Bay Cluster Development Plan

RZ-15-10-038

Submitted To:
ORANGE COUNTY, FL

Sheet Title:
LAND USE PLAN

Sheet No.:
C2.00

DATE: November 10, 2015

POULOS & BENNETT

Poulos & Bennett, LLC
2802 E. Livingston St., Colorado, FL 32801
Tel: 407-487-2004 www.poulosandbennett.com
Reg. Bus. No. 20087



Background

Oct. 18, 2016 – Board of County Commissioners denied Windermere Country Club's (WCC) request to remove two notes from 1986 plat for Butler Bay Unit 3:

- 1) Dedicating development rights to Tract "A" (former golf course property) to Orange County; and**
- 2) Dedicating access rights to Tract "A" to Orange County**



Background (con't)

Nov. 17, 2016 – Based on BCC's Oct. 18, 2016, decision, PZC recommended dismissal of WCC's application to rezone Tract "A" because Orange County, not WCC, has development rights to Tract "A"

A rezoning is a type of "development permit," as defined by Sections 163.3164(16), 163.3221(5), and 380.031(4), Florida Statutes

Rezoning constitutes "development," as defined by Sections 163.3221(4)(a)2 and 380.04(2)(b), Florida Statutes.



Background (Con't)

Nov. 18, 2016 – WCC filed an appeal to BCC claiming that PZC improperly dismissed its rezoning application

Dec. 9, 2016 – WCC filed Petition for Writ of Mandamus and Petition for Writ of Certiorari with Circuit Court seeking to overturn BCC's Oct. 18, 2016 decision

Note: Circuit Court case is still pending



Issue

BCC needs to decide whether PZC acted properly in dismissing WCC's rezoning application

BCC cannot review the merits of WCC's rezoning application today

If BCC decides the PZC acted improperly, the case should be remanded to PZC for a recommendation on the merits of a rezoning application



Action Requested

Uphold PZC's recommendation that WCC's rezoning application should be dismissed because WCC does not have development (or access) rights to Tract "A" pursuant to plat notes

District 1



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