



**Interoffice Memorandum**

04-29-19A10:40 RCVD

**DATE:** Continue public hearing to  
JUL 02 2019  
**TO:** As to Amendment  
2018-2-A-1-2

April 26, 2019

04-29-19A10:51 RCVD

**THRU:**  
**FROM:** Alberto A. Vargas, MArch, Manager  
Planning Division

Katie Smith, Deputy Clerk  
Clerk of the Board of County Commissioners

Agenda Development BCC

**CONTACT PERSON:** Alberto A. Vargas, MArch, Manager   
Planning Division  
(407) 836-5354 or Alberto.Vargas@ocfl.net

**SUBJECT:** Request Public Hearing on June 4, 2019 at 2:00 PM  
**Public Hearing for Comprehensive Plan (CP) Amendments and Where Applicable, Concurrent Rezoning or Substantial Change Requests and Ordinance**

**AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2018 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING EFFECTIVE DATES.**

**APPLICANT / AGENT:** N/A  
**DISTRICT #:** District 1  
**TYPE OF HEARING:** Adoption of the Session IV 2018-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP) and, where applicable, concurrent rezoning or substantial change requests;

**AND**

Adoption of Ordinance

**ESTIMATED TIME REQUIRED FOR PUBLIC HEARING:** 2 minutes  
**HEARING CONTROVERSIAL:** Yes

LEGISLATIVE FILE # 19-673 thru  
19-679

June 4, 2019  
@2pm

**HEARING REQUIRED BY  
FL STATUTE OR CODE:**

ss. 163.3184 and 163.3187 (1), F.S. and Section 30-40(c)(3)c, O.C. Code

**ADVERTISING  
REQUIREMENTS:**

Fiscal & Operational Support Division will publish display advertisement in local newspaper of general circulation at least fifteen (15) days prior to the public hearing.

**ADVERTISING TIMEFRAMES:**

At least fifteen (15) days prior to public hearing

**APPLICANT/ABUTTERS  
TO BE NOTIFIED:**

N/A. Fiscal & Operational Support Division will send notices to all affected property owners.

**SPANISH CONTACT PERSON:**

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 407-836-8181.

**MATERIALS BEING SUBMITTED  
AS BACKUP FOR PUBLIC  
HEARING REQUEST:**

Fiscal & Operational Support Division will provide the Clerk's Office with proof of publication the Friday prior to the Public Hearing.

Staff report binder will be provided under separate cover seven (7) days prior to Public Hearing.

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

Please verify the hearing date with the Planning Division. Attached is the amendment with a concurrent substantial change request.

cc: Chris Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney, County Attorney's Office  
Jon Weiss, P.E., Director, Community, Environmental, and Development Services  
Department  
Olan Hill, Assistant Manager, Planning Division  
Gregory Golgowski, AICP, Chief Planner, Planning Division  
Eric Raasch, AICP, Chief Planner, Planning Division

**2018-2 Session IV Comprehensive Plan Adoption – Regular Cycle Privately-Initiated Comprehensive Plan Map Amendments**

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| <p>Amendment<br/>2018-2-A-1-2<br/>District 1</p> | <p>Kathy Hattaway, Poulos &amp; Bennett, LLC, for BB Groves, LLC Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)</p>  |
| <p>Amendment<br/>2018-2-A-1-4<br/>District 1</p> | <p>Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor &amp; Reed, P.A., for Kerina Wildwood, Inc., Kerina Village, Inc., Kerina Inc., and Kerina Parkside Master, Inc. Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)</p>   |
|  | <p>-and-</p>   |
| <p>Substantial<br/>Change<br/>CDR-18-04-110</p>  | <p>Substantial Change Request to the Kerina Parkside PD to revise the development program of PD Tracts 4, 7, and 8, in association with Future Land Use Map Amendment #2018-2-A-1-4, to allow for the development of up to 301 single-family dwelling units, 400 multi-family dwelling units, 200 senior living units, 150,000 square feet of retail and office uses, and an Orange County 5.0 acre park. Also requested are twenty-five (25) waivers from Orange County Code: 1) A waiver from Section 24-4(a)(2)a to permit specimen palms along the northern boundary of Tract 7 lying outside of the BVN District, in addition to shade trees, to meet the vehicular use area requirements, with no more that 25% of the shade tree requirement being met with specimen palms, in lieu of limiting allowable trees to shade trees; 2) A waiver from Section 24-5(3) to allow for neighborhood commercial uses to be located 7.5 feet from any single-family zoned property internal to the planned development within Tract 7, in lieu of fifteen (15) feet. A 7.5-foot landscape buffer shall be provided with hedges and trees consistent with Type C landscape buffer requirements in lieu of a fifteen (15)-foot landscape buffer; 3) A waiver from Section 38-79(20)(f) to allow neighborhoods comprised of buildings that contain only two (2), three (3), or four (4) units within Tract 4, in lieu of the requirement that at least seventy-five (75) percent of the attached units to be in buildings containing five (5) or more units; 4) A waiver from Section 38-79(20)(p) to allow for attached units with rear alley access a minimum front setback of ten (10) feet and a minimum rear setback of nine (9) feet as measured from the alley tract or alley easement within Tract 4, in lieu of minimum front and rear yard building setbacks of twenty (20) feet; 5) A waiver from Section 38-1254(2)e to allow a minimum side street setback</p> |

of fifteen (15) feet for all single-family unit types and a minimum front setback of ten (10) feet and a minimum rear setback of nine (9) feet as measured from the alley tract or alley easement for single-family units with rear alley access within Tract 4, in lieu of minimum setback to local rights-of-way of twenty (20) feet; 6) A waiver from Section 38-1258(a) to allow a multifamily building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of the single-story height requirement where the multifamily buildings are located within one hundred (100) feet of single-family zoned property; 7) A waiver from Section 38-1258(b) to allow a multifamily building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of the varying building height where the multifamily buildings are located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned properties; 8) A waiver from Section 38-1258(c) to allow a multifamily building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of forty (40) feet/ three (3) stories in height where the multifamily buildings are located within one hundred and fifty (150) feet of single-family zoned properties; 9) A waiver from Section 38-1258(d) to allow a multifamily building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of forty (40) feet/ three (3) stories in height; 10) A waiver from Section 38-1258(e) to allow for parking and other paved areas for multi-family development to be located 7.5 feet from any single-family zoned property internal to the planned development within Tract 7 and Tract 8, in lieu of twenty-five (25) feet. A 7.5-foot landscape buffer shall be provided with hedges and trees consistent with Type C landscape buffer requirements in lieu of a twenty-five (25)-foot landscape buffer; 11) A waiver from Section 38-1258(f) to require no wall when a multi-family development is located adjacent to any single-family zoned property internal to the planned development within Tract 7, in lieu of a 6 (six)-foot high masonry, brick, or block wall; 12) A waiver from Section 38-1258(f) to allow a combination of masonry, brick, or block with aluminum fence (rail or picket) when a multi-family development is

located adjacent to any single-family zoned property along the southern boundary of Tract 7, in lieu of a masonry, brick, or block wall; 13) A waiver from Section 38-1272(a)(5) to allow a commercial building with a maximum height of sixty (60) feet with a minimum setback of 25 feet from single-family zoned property located in internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of a maximum building height of fifty (50) feet or thirty-five (35) feet within one hundred (100) feet of any residential; 14) A waiver from Section 38-1392.1, within the portion of Tract 4 lying within the BVN District, the portion of Tract 7 lying within the BVN District, and Tract 8, to allow minimum building setbacks of twenty-five (25) feet along the southern boundary of Tract 8; twenty-five (25) feet along the western boundary of Tract 8; thirty (30) feet along the northern boundary of Tract 8; and twenty-five (25) feet along the southern boundary of Tract 4 and Tract 7 in lieu of thirty-five (35) feet minimum building setback requirement to lands with residential zoning, residential future land use or physical residential use; and to allow a minimum rear setback of nine (9) feet as measured from the alley tract or alley easement in lieu of a minimum rear yard building setback of fifteen (15) feet. This waiver does not apply to the portion of Tract 7 lying within the BVN District that is within 200 feet of the Ruby Lake PD single-family development; 15) A waiver from Section 38-1392.2(2)c to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path within the portion of Tract 7 lying within the BVN District and Tract 8, in lieu of ten (10) feet along one side of the pedestrian path; 16) A waiver from Section 38-1392.2(3)c to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path within the portion of Tract 7 lying within the BVN District and Tract 8, in lieu of twelve (12) feet along one (1) side (or six (6)-foot on each side) of the connecting pathway; 17) A waiver from Section 38-1392.5(1) to allow for a minimum landscaped area of eight (8) percent of a parking lot within the portion of Tract 7 lying within the BVN District and Tract 8, in lieu of ten (10) percent and a minimum landscape planter width of ten (10) feet from face of curb to face of curb in lieu of thirteen (13) feet from face of curb to face of curb. Cumulative tree caliper inches will be provided per code requirements; 18) A waiver from Section 38-1392.5(2) to allow for a minimum of 1 canopy tree (as defined by BVN code as 4" caliper or greater) for every 10 parking spaces within the portion of Tract 7 lying within the BVN District and Tract 8, in lieu 0.8 caliper inches of canopy trees for every parking space. It is also requested to permit specimen palms, in addition to canopy trees, to meet the requirement; 19) A waiver from Section 38-1393, within the

portion of Tract 7 lying within the BVN District and Tract 8, to allow a multifamily and/or non-residential building with a maximum height of sixty (60) feet / four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within Tract 7 and a senior living building (commercial or multifamily) with a maximum height of ninety (90) feet / six (6) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within Tract 8, in lieu of the graduated building height/setback requirements listed therein. This waiver does not apply to the portion of Tract 7 lying within the BVN District that is within 200 feet of the Ruby Lake PD single-family development;

20) A waiver from Section 38-1394(1)(c) to permit specimen palms in addition to canopy trees and palms in addition to understory trees within the portion of Tract 4 within the BVN District, the portion of Tract 7 within the BVN district, and Tract 8, in lieu of three (3) shade trees for every one hundred (100) feet, four-inch caliper, 14-foot height minimum; or five (5) under-story trees in tree-wells for every one hundred (100) feet. Palms may comprise no more than 25% of the required shade trees or understory trees;

21) A waiver from Section 38-1394(2) within the portion of Tract 4 within the BVN district, the portion of Tract 7 within the BVN District, and Tract 8 to allow for specimen palms in lieu of laurel oaks and in addition to live oaks as streetscape shade trees. Palms may comprise no more than 25% of the required streetscape shade trees;

22) A waiver from Section 38-1394.1(a) to allow for the green space around the base of each single-story building to be zero feet (0') if abutted by a sidewalk within the portion of Tract 7 within the BVN District and Tract 8, in lieu of ten feet (10') around the base of each single-story building within the commercial or vertical mixed-use developments;

23) A waiver from Section 38-1394.1(a)(2) to allow for tree planting requirements around the base of multi-family and non-residential buildings per Section 24-4(d) within the portion of Tract 7 within the BVN District and Tract 8, in lieu of (1) canopy tree for each one hundred (100) square feet of green space;

24) A waiver from Section 38-1396.1(2) to allow light fixtures other than the acorn-style fixtures within the portion of Tract 4 within the BVN District, the portion of Tract 7 within the BVN district, and Tract 8, in lieu of limiting all light fixtures to acorn-style;

and 25) A waiver from Section 38-1501 to allow the minimum single-family detached lot width to be forty (40) feet within Tract 4, in lieu of forty-five (45) feet and a minimum side building setback of four (4) feet in lieu of five (5) feet. Single-family lots proposed within Tract 4 immediately adjacent to Tract 2 will match the lot widths and setbacks currently provided within Tract 2.

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| <p>Amendment<br/>2018-2-A-1-6<br/>District 1</p> | <p>Erika Hughes, VHB, Inc., for M.L. Carter Services, Inc., as Successor Trustee of the Carter-Orange 105 Sand Lake Land Trust, Daryl M. Carter, Trustee, Carter-Orange 105 Sand Lake Land Trust<br/>Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)</p>  |
|  | <p>-and-</p>   |
| <p>Rezoning<br/>LUPA-18-05-175</p>               | <p>A-2 (Farmland Rural District) and PD (Planned Development District to PD (Planned Development District) (Hannah Smith Property PD).</p> <p>Also requested are twenty-two (22) waivers from Orange County Code: 1) A waiver from Section 38-1393 to eliminate the BVN minimum setback/height limitations to allow a multi-family building with a maximum building height of one hundred fifteen (115) feet/nine (9) stories for Tract 1, in lieu of the proximity based requirements; 2) A waiver from Section 38-1254 within Tracts 1, 2, 3 and 4 to allow zero foot setback for internal lot lines, in lieu of the required minimum setback of twenty-five (25) feet; 3) A waiver from Section 38-1393 to allow a maximum height of 150 feet for non-residential development for Tract 4, in lieu of the proximity based requirements; 4) A waiver from Section 38-1394.1(a)(2) to allow for multi-family and non-residential buildings to allow for tree planting requirements around the building base area per Sec. 24-4(d) for all Tracts, in lieu of the one (1) canopy tree for each one hundred (100) square feet of green space; 5) A waiver from Section 38-1272(a)5 to allow the maximum building height to be fifty (50) feet, in lieu of thirty-five (35) feet for any commercial building within Tract 1; 6) A waiver from Section 38-1392.1 to allow a building setback of twenty-five (25) feet for Tracts 1, 2, 4 and 5, in lieu of thirty-five (35) feet minimum building setback requirement to lands with residential zoning, residential future land use or physical residential use; 7) A waiver from Section 38-1392.2(2)c within Tracts 2, 3, and 4 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path, in lieu of ten (10) feet along one side of the pedestrian path; 8) A waiver from Section 38-1392.2(3)c is requested within Tracts 2, 3, and 4 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path, in lieu twelve (12) feet along one (1) side (or six (6)-foot on each side) of the connecting pathway; 9) A waiver from Section 38-1391.1 to provide architectural design concepts with Development Plans, in lieu of providing a building architectural design concept or set of design guidelines as part of the planned</p> |

development process; 10) A waiver from Section 38-1396.1(2) for Tracts 1, 2, 3 and 4 to allow light fixtures other than the acorn-style fixtures; 11) A waiver from Section 24-4(a)(2)a within Tracts 1, 2, 3, and 4 to permit palms, in addition to shade trees, to meet the vehicular use area requirements, with no more that 25% of the shade tree requirement being met with palms, in lieu of limiting allowable trees to shade trees; 12) A waiver from Section 38-1392.5(1) within Tracts 1, 2, 3 and 4 to allow for a minimum landscaped area of eight (8) percent of a parking lot, in lieu of ten (10) percent and a minimum landscape planter width of ten (10) feet from face of curb to face of curb, in lieu of thirteen (13) feet from face of curb to face of curb. Cumulative tree caliper inches will be provided per code requirements; 13) A waiver from Section 38-1392.5(2) within Tracts 1, 2, 3 and 4 to allow for a minimum of one (1) canopy tree (as defined by BVN code as 4" caliper or greater) for every 10 parking spaces, in lieu of 0.8 caliper inches of canopy trees for every parking space. It is also requested to permit specimen palms, in addition to canopy tree; 14) A waiver from Section 38-1272 (a)(1) within Tracts 2,3, and 4 to allow a maximum impervious coverage not to exceed eighty (80) percent of the net land area, in lieu of seventy (70) percent of the net land area; 15) A waiver from Section 38-1394(1)(b) within Tracts 1, 2, 3 and 4 to allow one shade tree every fifty (50) feet at minimum of four-inch (4") caliper with a minimum height of fourteen (14) feet and three (3) ornamental trees every one-hundred (100) feet, in lieu of one (1) shade tree every forty (40) feet at a minimum of four-inch caliper with a minimum height of fourteen (14) feet and 3 ornamental trees every one hundred feet for collector roads. It is also requested to permit specimen palms, in addition to canopy trees, to meet the requirement; 16) A waiver from Section 38-1394(1)(c) within Tracts 1, 2, 3 and 4 to also permit specimen palms as canopy trees and palms as understory trees in reference to three (3) shade trees for every one hundred (100) feet, four-inch caliper, 14-foot height minimum; or five (5) under-story trees in tree-wells for every one hundred (100) feet; 17) A waiver from Section 38-1394(2) within Tracts 1, 2, 3 and 4 to allow for specimen palms, in lieu of laurel oaks and in addition to live oaks as streetscape shade trees; 18) A waiver from Section 38-1394.1(a) within Tracts 1, 2, 3 and 4 to allow for the green space around the base of each single-story building to be zero feet (0') if abutted by a sidewalk, in lieu of ten feet (10') around the base of each single story building within the commercial or vertical mixed use developments; 19) A waiver from Section 38-1394.1(b) within Tracts 1, 2, 3, and 4 to allow for a minimum ground sign planting area of one times the copy area of the ground sign, in lieu of three times



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|  | <p>the copy area of the ground sign; 20) A waiver from Section 38-1394.1(c) within Tracts 1, 2, 3 and 4 to allow for zero (0) feet of landscape buffer requirement between land uses internal to the PD; 21) A waiver from Section 38-1286 within Tract 4 to have no minimum lot width, in lieu of one hundred fifty (150) feet; and 22) A wavier from Section 38-1287(1) to allow a minimum building setback from an Arterial to be twenty-five (25) feet for Tract 4, in lieu of sixty (60) feet.</p> |
| <p><b>2018-2 Session IV Comprehensive Plan Adoption – Regular Cycle Staff-Initiated Comprehensive Plan Map Amendment</b></p> |   |
| <p>2018-2-B-FLUE-2<br/>Countywide</p>  | <p>Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County</p>   |

**2018-2 Session IV Comprehensive Plan Adoption – Regular Cycle State-Expedited Review Comprehensive Plan Amendments Ordinance**