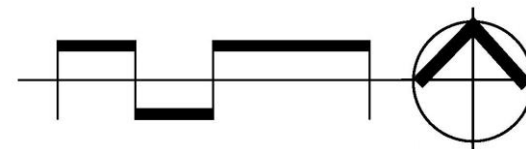
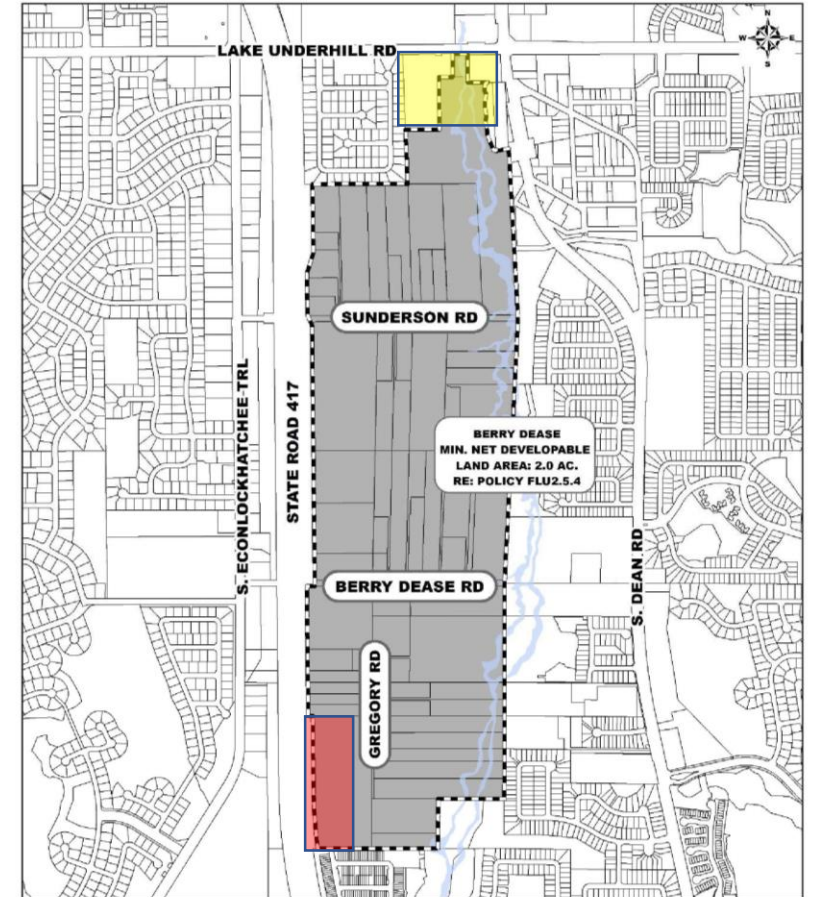


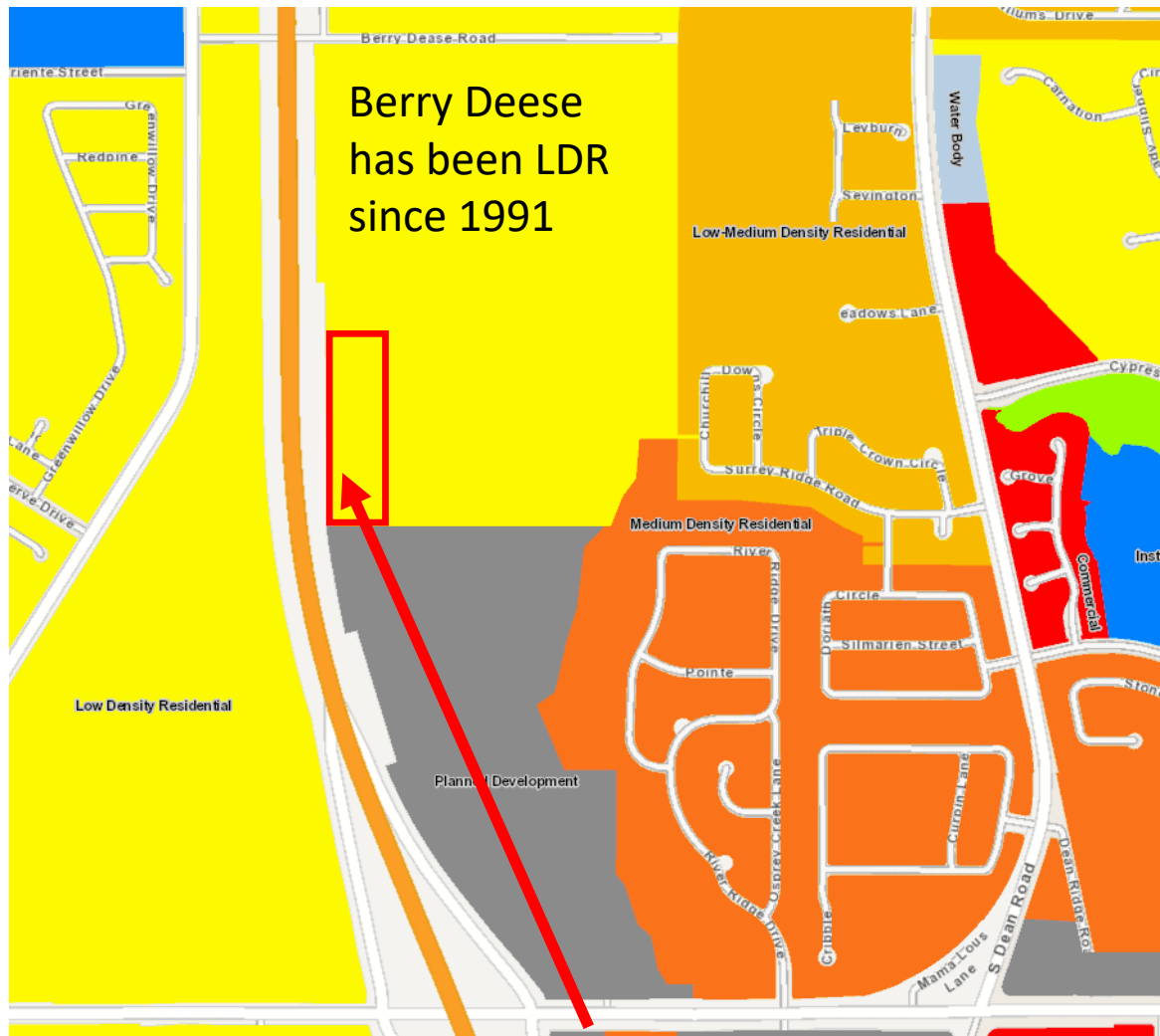
In November 2014, we began the zoning process with the Kurtyka property on land designated Low Density Residential density since 1991.

There was no Residential Enclave at the time.

The former District Commissioner asked if we would delay the zoning for the preparation of a Small Area Study by staff. Berry Deese Enclave was not approved until July 2018 over Mr. Kurtyka's objection. He is now entitled to 8 homes in lieu of our request for 38 homes.

Map 25(b) of Future Land Use Map Series  
Berry Deese Rural Residential Enclave



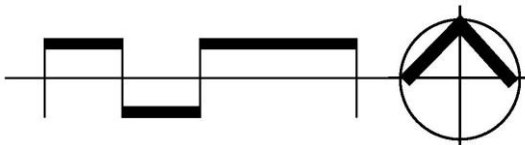


The future land use designation is still LDR with an overlay for the RRE.

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Kurtyka

Orange County, Florida



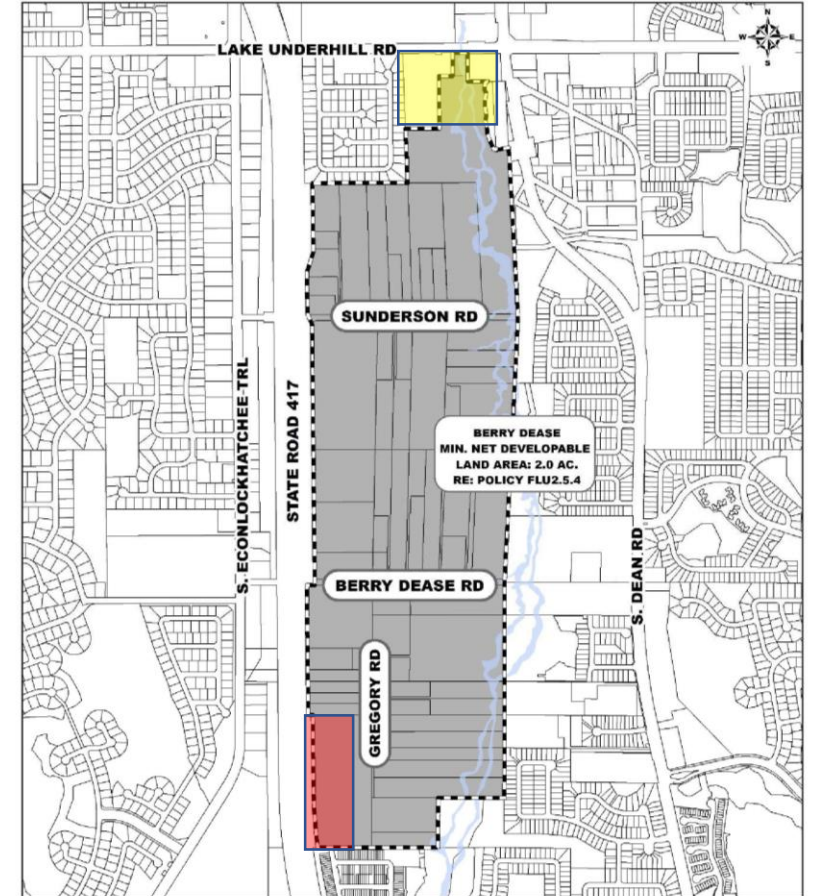
February 12, 2019

In July 2018, the Berry Deese Residential Enclave was created as an overlay on land designated Low Density Residential density since 1991.

Every other parcel in Berry Deese has access to the internal roads within the Enclave; the Kurtyka property does not have legal access to Berry Deese Roads.

**Why is that important?**

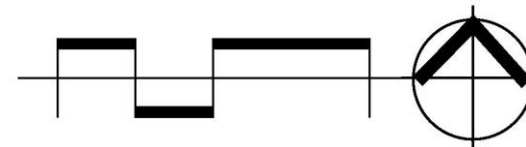
Map 25(b) of Future Land Use Map Series  
Berry Deese Rural Residential Enclave



BCC Transmittal Hearing

Kurtyka

Orange County, Florida



February 12, 2019

Hall Development Services Inc.



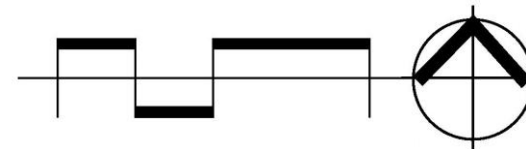
Why is Berry Deese access so important?



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Orange County, Florida



February 12, 2019

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## Enclave Policy 2.5.4

FLU2.5.4 Properties within Rural Residential Enclaves shall be subject to the minimum net developable land area\* requirements and corridor guidelines as specified below, and as depicted on Maps 25(a) through 25(c) of the Future Land Use Map Series.

<u>Rural Residential Enclave</u>	<u>Minimum Net Developable Land Area Requirement*</u>	<u>Identified Rural Residential Corridors</u>	<u>FLU Map Reference</u>
<u>Lake Mabel</u>	<u>1.0 Ac. Min.</u>	<u>None</u>	<u>25(a)</u>
<u>Berry Dease</u>	<u>2.0 Ac. Min.</u>	<u>Berry Dease Road</u> <u>Sunderson Road</u> <u>Gregory Road</u>	<u>25(b)</u>
<u>Chickasaw</u>	<u>1.0 Ac. Min.</u>	<u>S. Chickasaw Trail</u> <u>Chickasaw Farms Lane</u>	<u>25(c)</u>

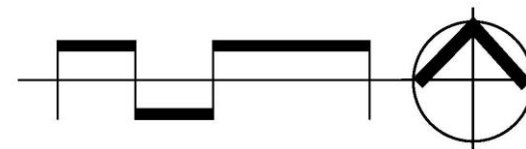
\*Minimum Net Developable Land Area as defined by Policy FLU1.1.2(c).

**None of the Kurtyka Property has access to these three streets so by definition the Kurtyka Property should have never been included in the Enclave.**

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Orange County, Florida



February 12, 2019

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Berry Deese Rural Residential Enclave

Kurtyka property

Curry Ford Road

Access to the Kurtykas property is not through Berry Deese but from Curry Ford Road through these town homes.

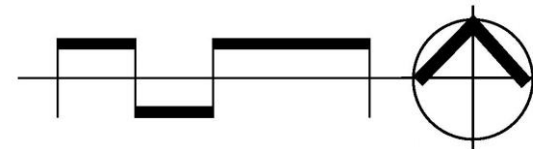


**A much different aesthetic**

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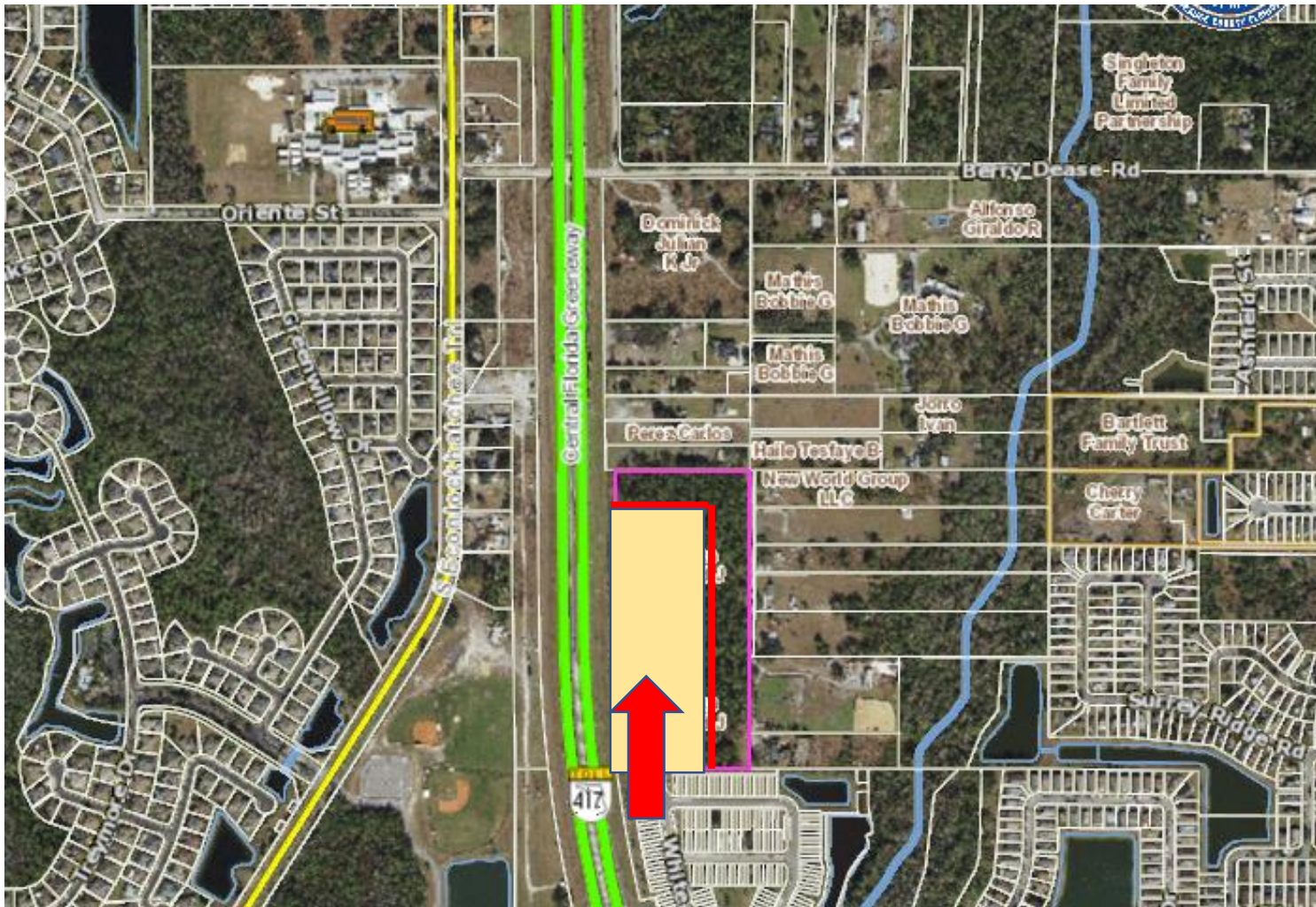
Kurtyka

Orange County, Florida



February 12, 2019

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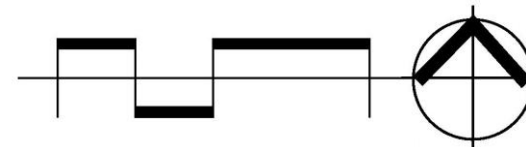
## THE COMPROMISE

- Leave 8 wooded acres in the RRE
- Create four wooded lots of two acres in the RRE
- Remove 9+ acres from the RRE
- Create 34 lots inside the yellow shaded box
- All access is from Curry Ford; both the two acre lots and the single family homes.

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Kurtyka

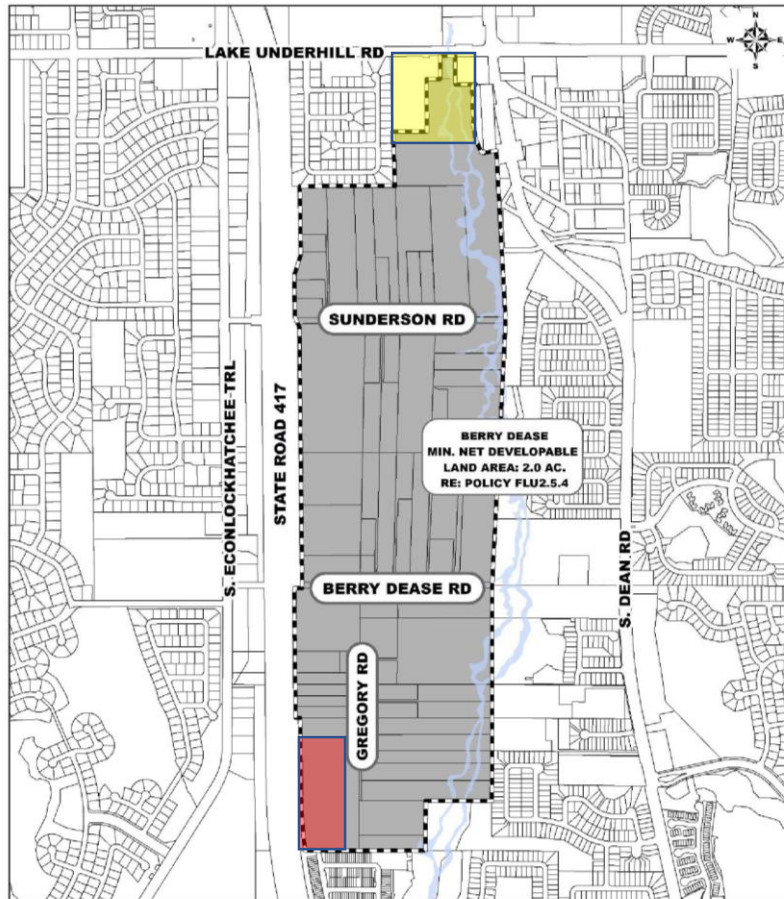
Orange County, Florida



February 12, 2019

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Map 25(b) of Future Land Use Map Series  
Berry Dease Rural Residential Enclave



## Precedence

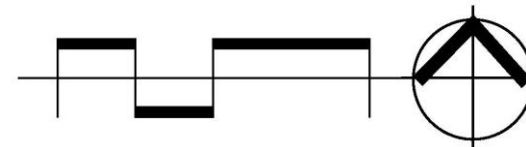
A significant issue is the access to the Kurtyka parcel (red) is from the south and NOT through the RRE.

Which is the same situation with two parcels at the north end of the RRE (yellow) which were removed from the RRE in part due to access only to Lake Underhill Drive.

BCC Transmittal Hearing

Kurtyka

Orange County, Florida



February 12, 2019

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The yellow outline is our request to be remove 9+ acres from the Berry Dease Rural Residential Enclave.

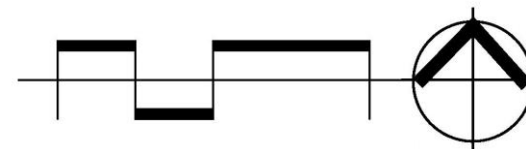
The red lines represent the eight acres or four lots of two acres to remain in Berry Deese which will have access from within the RRE

The residents have told us they want two acre lots; so we propose this **compromise of eight acres within the RRE and 9 acres outside the RRE** with access from Curry Ford Road for all 17 acres.

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Kurtyka

Orange County, Florida



February 12, 2019

Hall Development Services Inc.

**SITE DATUM**  
Parcel Number 06-2331-0000-00-008  
Gross acres 17.59  
Wetlands 1.33  
**Water Bodies** 0.00  
Net Acres 16.26  
1/ CAD # 14-03-16

Flood plain 0.0 acres map #12095C0290F

**DEVELOPMENT PROGRAM**  
Land Use Acres Units Trip Gen Rate Trips  
2 acre lots 8.0 4 9.52/day 38  
Suburban lots 8.26 36 9.52/day 343

Permitted land uses single family homes  
Residential density 2.27 units/acre

Total Trips 381 trips/day

**SCHOOL AGE POPULATION**  
Land Use Units Elementary Middle High  
Single family 40 8 4 6

Total School Children 18

**DEVELOPMENT STANDARDS**  
Building height 35'  
PD setback 25'  
Highway setback 75'

**RESIDENTIAL STANDARDS**  
**LOT & HOME DIMENSIONS**  
2 acre lot Suburban lot  
Min. Lot size 2 acres 4,400 SF  
Min. lot width 140' 40'  
Min. lot depth 200' 110'  
Max.lot coverage 20% 85%  
Min. Living area 1,500 SF 1,500 SF

**SETBACKS**  
2 acre lot Suburban lot  
Front 30' 16'  
Rear 30' 10'  
Side 20' 5'  
Streetside 20' 5'  
Side driveway 10' 2'  
NHWE 50' 50'

**BUFFERS**  
Will comply with Section 38.1393.1 of LDC

**LANDSCAPING**  
Will comply with Chapters 24 and 38 of Division 9 of the LDC

**OPEN SPACE PER 38-1234**  
10% of the 8.26 acres of Suburban lots or 0.83 acres.

**RECREATION PER 38-1253**  
36 homes x 3.1 population = 112 residents  
112 residents at 2.5 acres/1,000 population=0.28 acres

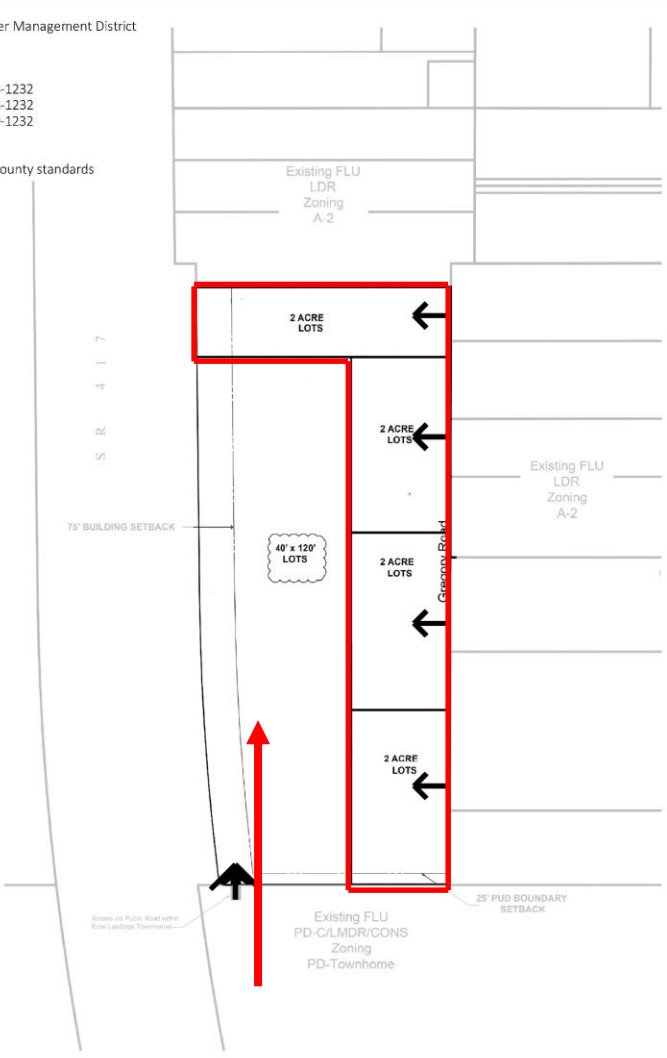
**SIGNAGE**  
Will comply with Chapter 31.5 of the LDC

**PHASING**  
Multi-phase; to be determined at DP/PSP

**STORMWATER**  
Will comply with Orange County (38-1231) and Water Management District standards

**SERVICE PROVIDERS**  
Water Service Orange County per LDC 38-1232  
Wastewater Orange County per LDC 38-1232  
Reclaimed Water Orange County per LDC 39-1232  
Police Orange County  
Fire Orange County  
Fire Flow Will comply with Orange County standards

- NOTES**
- Access: 2 acre lots from Gregory Road in its current condition. Suburban lots from the south only from White Isle Lane.
  - Tree survey/mitigation plan to be provided at PSP.
  - Ownership of storm water management facilities shall be determined at PSP.
  - Park space for the Suburban lots to be owned and maintained by the HOA.
  - The 2 acre lots are of sufficient size to not require open space.
  - Potable water services from the Econ Landing PD.
  - Sanitary sewer service from the Econ Landing PD.
- WAIVERS**
- Waiver from 38-1234(3)a.1. and 38-1253 for the 2 acre lots due to the large size of the properties.
  - Waiver from 38-1229 to allow the Berry Deese Rural Enclave 2 acre lots to access from an internal street, Gregory Road.
  - Waiver from 38-1251(b) to allow more living area for the Suburban lots.
  - Waiver from 34-152 (a) to not require an additional 10' for corner lot setbacks as it is an unnecessary requirement.
  - Waiver from 34-152(c) to allow access from Gregory Road for the Berry Deese Rural Enclave 2 acre lots.
  - Waiver from 34-171 to allow access from Gregory Road for the Berry Deese Rural Enclave 2 acre lots.
  - Waiver from 34-174 to not require a connection to Gregory Road for the Suburban lots.



**HDSi**

**LIBRA**

**GeoOrbis**

ISSUED  
DATE: 12/04/2018 FOR: PD REZONING APPROVAL

KURTYKA PLANNED DEVELOPMENT ORANGE COUNTY, FLORIDA

KEY PLAN  
SCALE IN FEET  
0 100 200

JOB NO.:  
DESIGNED BY:  
DRAWN BY:  
CHECKED BY:  
PROJECT APPROVAL:  
TITLE: LAND USE PLAN  
SHEET NO: 03

This the PD rezoning document that has been submitted and reviewed by TRG.

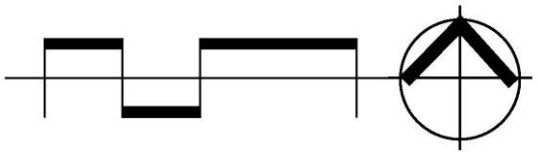
The four lots of two acres (meeting Berry Deese standards) are on the east and the north.

The area for consideration today only has access from the south; NO access to Berry Deese.

# BCC Transmittal Hearing

## Kurtyka

Orange County, Florida



February 12, 2019

Gregory Road is a substandard road on the east side of the Kurtyka parcel.



Kurtyka on right



Kurtyka on right

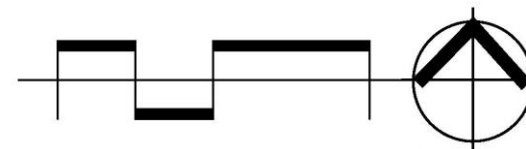


Kurtyka on right and townhomes in background

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Kurtyka

Orange County, Florida



February 12, 2019

Hall Development Services Inc.



**TECHNICAL REVIEW GROUP (TRG)  
MEETING AGENDA  
Administration Building  
201 South Rosalind Ave, 2<sup>nd</sup> Floor, Cypress Conference Rm  
Wednesday, January 16, 2019**

33. Disc/Revised Plan

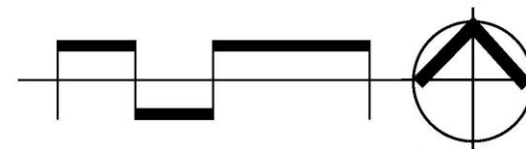
The county does not support creating landlocked parcels to be accessed via an easement. Please schedule a meeting with the County Engineer and legal to discuss options.(DE)

In speaking with Diana Almadovar, PE, she will not allow access from within Berry Deese and Gregory Road due to the County Code and health, safety and welfare issues.

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Kurtyka

Orange County, Florida



February 12, 2019

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# Required Access to the Kurtyka property.



Commercial on entry drive from Curry Ford



Townhomes on entry road

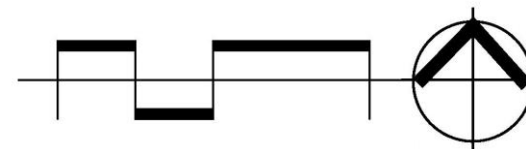


Required access route

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Kurtyka

Orange County, Florida



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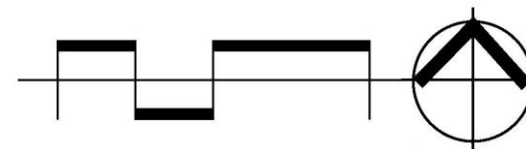
# Berry Deese Access Remains Unchanged



BCC Transmittal Hearing

Kurtyka

Orange County, Florida



February 12, 2019





Access to  
the Kurtyka  
property

## Two different Worlds

Access to  
Berry Deese



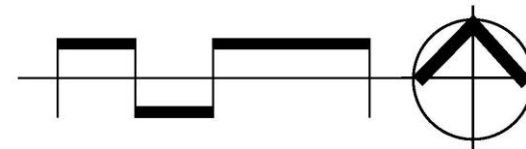
One of the two acre lots still in the Enclave



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Kurtyka

Orange County, Florida



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## Compatibility

**OBJ FLU8.2 COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.**

FLU8.2.1 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. (Policy 3.2.25)

**The four lots that stay within the Enclave will meet all Enclave standards.**



## FLU 8.2.11; another compatibility policy

FLU8.2.11

Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

**It is the same land use.**

**The design attributes are four identical lots buffering and blocking the proposed 34 single family homes from the Enclave.**

**All access is from Curry Ford Road so there is no physical integration.**

## Compatibility: FLU Policy 1.4.2

FLU1.4.2 Orange County shall ensure that land use changes are **compatible** with and serve existing neighborhoods.

**The four lots meet all Enclave standards.**

**Compatibility: Neighborhood Objective 1.1**

Orange County shall ensure that future land use changes are compatible with or **do not adversely impact existing or proposed neighborhoods.**

**Four identical lots to the Enclave with no access to the required Enclave streets**

**The nine acres is not in the Berry Deese neighborhood.**

## Neighborhood Objective 1.2

The County shall ensure that the Land Development Code either prohibits uses in residential areas that are not compatible with neighborhoods or **requires that they be adequately buffered.**

### Buffer measures:

- Eight perimeter acres of Enclave property
- All access from Curry Ford Road
- No access to the roads defined in Policy 2.5.4
- Concurrent PD zoning for other buffer conditions

## Based upon Policies

- FLU1.4.2
- FLU 8.2.1
- FLU8.2.11
- N.1
- N1.2

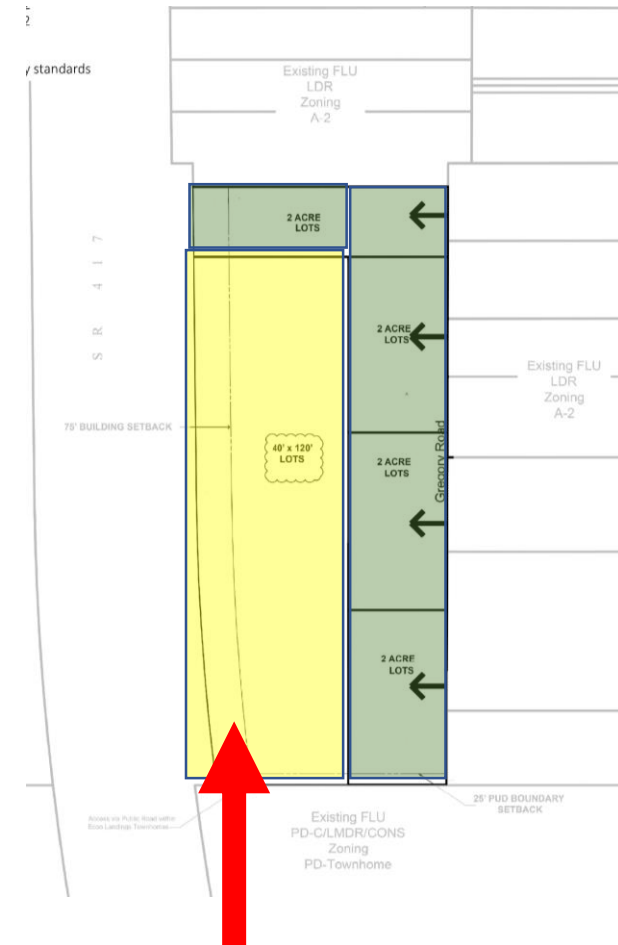
The preserving of eight acres of Enclave property

And all access to Curry Ford Road

I proffer this amendment is consistent and compatible.

## Recommended Action 2019-1-A-3-1

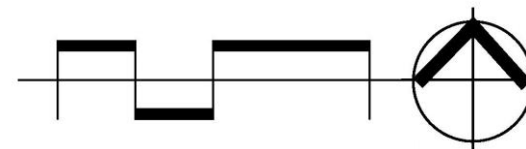
1. Affirm the 8 acres of Berry Deese RRE on the eastern and northern portions of the Kurtyka property.
2. Transmit the removal of 9.59 acres at the southwest corner of the 17.59 acre Kurtyka parcel from the Berry Deese Residential Rural Enclave;
3. Continue discussions on buffering through the PD zoning process



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Kurtyka

Orange County, Florida



February 12, 2019

Hall Development Services Inc.