



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, June 4, 2019

2:00 PM

County Commission Chambers

19-675

Concurrent Substantial Change Request

Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
/ Kerina Wildwood, Inc., Kerina Village, Inc., Kerina Inc., and Kerina Parkside
Master, Inc.

Substantial Change CDR-18-04-110 (Kerina Parkside PD)

Consideration: 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 than 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 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

Location: District 1; Generally located east and west of S. Apopka-Vineland Road, south of Buena Vista Woods Boulevard, and north of Lake Street; Parcel ID#s: 10-24-28-0000-00-005/053, 10-24-28-6670-11-000, 15-24-28-5844-00-050/071/130/142, and 15-24-28-5844-00-211 (portion of); 485.10 gross ac.

Court Reporter: Candy Morgan, Landmark Reporting, Inc.

New Condition of Approval # 25:

25. Any Preliminary Subdivision Plan (PSP) or Development Plan (DP) for Tracts 4 and 7 may not be approved until all requirements of the Fenton Street Petition to Vacate application (PTV-15-12-026) are completed to the County's satisfaction.

Delete waiver "L" under Condition of Approval # 12:

~~L. 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.~~

Modified Condition of Approval # 22:

~~22. Applicant shall provide up to five (5) acres for a park and/or ball fields which shall be located as depicted on the land use plan and shall be buffered appropriately. The applicant shall convey to the County the 5.0 acre park and/or ballfields as depicted on Sheet 4 of the Land Use Plan. In addition to the 5.0 acre park shown on Sheet 4 of the LUP, the applicant shall convey to the County the remnant triangular property to the northeast of the park site, which is created by the alignment of the north-south road that connects Buenavista Woods Boulevard to the Connector Road. The applicant shall also provide the sketch and legal description of the property to be conveyed prior to submittal of any PSP or DP within the PD, and shall convey the property to Orange County prior to January 1, 2020, unless the delay is out of the developer's control, in which event the property shall be conveyed as soon as practicable.~~

New Conditions of Approval # 26 and 27:

26. Sale of alcoholic beverages for on-premises consumption, including drinking establishments, cocktail lounges, pubs and bars is prohibited, with the exception of a food service establishment which derives more than 51 percent of its gross food and beverage revenue from the sale of food and non-alcoholic beverages, which may have ancillary alcoholic beverage sales.

27. All lots on the northern boundary of Tract 4 that are adjacent to single-family residential lots within Tract 2 shall conform to the minimum lot width and lot area of those lots within Tract 2.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval, listed under the Development Review Committee recommendation in the Staff Report; further, approve new conditions of approval # 25, 26, and 27; further, delete waiver # 12(L) under condition of approval # 12; and further, approve modified condition of approval # 22. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla



THE FOREGOING DECISION HAS BEEN FILED
WITH ME THIS 14TH DAY OF JUNE 2019.

Jessica Vaynal
for DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.

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