




**Interoffice Memorandum**

January 10, 2024

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Andres Salcedo, P.E., Acting Director   
Planning, Environmental, and Development  
Services Department

**CONTACT PERSON: Joe Kunkel, P.E., DRC Chairman  
Development Review Committee  
Public Works Department  
(407) 836-7971**

SUBJECT: January 23, 2024 – Public Hearing  
Carlos E Perero, Kimley-Horn & Associates, Inc.  
Kerina Parkside Planned Development  
Case # CDR-23-02-063 / District 1

The Kerina Parkside Planned Development (PD) is located south of Fenton Street, west of South Apopka Vineland Road, east of South Apopka Vineland Road, and north of Daryl Carter Parkway. The existing PD development program allows for 301 single-family attached and detached dwelling units, 400 multi-family dwelling units, 200 senior living units, 150,000 square feet of retail and office uses, and a 5-acre park.

Through this Change Determination Request, the applicant is requesting 2 waivers from Orange County Code. The first is to allow 10' front setbacks, in lieu of 20, from Apopka Vineland Road within PD Tracts 7 and 8. PD Tract 7 is entitled for multi-family and commercial uses and is developed with a commercial shopping center. The setback waiver request for Tract 7 allows the proposed buildings to frame the roadway and provide a streetscape presence. The second request is to reduce the minimum width of building base green space for all multi-story buildings to 10' for Tract 8. The current code standards are as follows; 2-story (13'), 3-story (16"), 4-story (19"), and 5-or-more-story (20'). PD Tract 8 is entitled for multi-family uses and there is currently a development plan under review (DP-23-02-064) for a 200-unit multi-family development on the site.

This item was continued from the November 14, 2023, Board hearing to a date certain, January 23, 2024, to allow for a community meeting to be held. The community meeting is scheduled for Wednesday January 10, 2024, at Sand Lake Elementary School. A summary of the meeting will be provided at the Board hearing.

On October 4, 2023, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time. Copies of these Disclosure forms and the PD/LUP may be found in the Planning Division for further reference.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Kerina Parkside Planned Development dated “Received September 15, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

AS/JK:at  
Attachment

**CASE # CDR-23-02-063**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Carlos E Perero, Kimley-Horn & Associates, Inc.

**OWNER** Kerina Wildwood, Inc. & Southwest Town Center, LLC

**PROJECT NAME** Kerina Parkside Planned Development

**PARCEL ID NUMBER(S)** 15-24-28-5844-00-130, 15-24-28-6187-01-000 (affected parcels)

**TRACT SIZE** 25.75 acres (affected area)

**LOCATION** Generally located South of Fenton Street / West of South Apopka Vineland Road; East of South Apopka Vineland Road and North of Daryl Carter Parkway (11010 S Apopka Vineland Road, Orlando, Florida; 11055 Daryl Carter Parkway, Orlando, Florida)

**REQUEST** The following waivers from Orange County Code are being requested for PD Tracts 7 & 8:

1. A waiver from Section 38-1392.1 is requested for a 10' setback in lieu of a 20' front setback from Apopka Vineland Road within tracts 7 and 8.

***Applicant Justification:*** The future developments within Tracts 7 and 8 propose buildings along Apopka-Vineland Road. The waiver request allows the proposed buildings to frame the roadway and provide a streetscape presence.

2. A waiver from Orange County Code Section 38-1394.1(a) is requested to provide a minimum width of 10' building base green space for two-story buildings, 10' for three story buildings, 10' for four story buildings, and 10' for five or more story buildings in lieu of 13' for two story buildings, 16' for three story buildings, 19' for four story buildings, and 20' for five or more story buildings within PD Tract 8.

***Applicant Justification:*** The future developments within Tract 8 proposes multistory, multifamily buildings in an urbanized setting. The waiver request provides flexibility for the proposed building base green space width which allows the buildings to frame the roadway, provide a streetscape presence, and create an urbanized feel internal to the development.

**PUBLIC NOTIFICATION** A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Five hundred thirty-eight (538) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

## **IMPACT ANALYSIS**

### **Special Information**

The Kerina Parkside PD was originally approved on December 6, 2005. The existing development program consists of 301 single-family attached and detached dwelling units, 400 multi-family dwelling units, 200 senior living units, 150,000 square feet of retail and office uses, and a 5.0-acre park.

Through this CDR, the applicant is requesting waivers from Orange Code to allow 10' setback within PD Tracts 7 and 8 and to provide a minimum width of 10' building base green space for two-story, three story, four story, and for five or more story buildings for Tract 8. PD Tract 7 is entitled for multi-family and commercial uses and is developed with a commercial shopping center. The waiver request for Tract 7 allows the proposed buildings to frame the roadway and provide a streetscape presence. PD Tract 8 is entitled for multi-family uses and there is currently a development plan under review (DP-23-02-064) for a 200- unit multi-family development on the site.

### **Land Use Compatibility**

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

### **Comprehensive Plan (CP) Consistency**

The subject property is designated on the Future Land Use Map (FLUM) as LMDR (Low Medium Density Residential). The subject property is currently designated PD (Planned Development) on the zoning map. This project is located with the Buena Vista Overlay District.

### **Overlay Ordinance**

The subject property is located within the Buena Vista North Overlay District.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

### **Joint Planning Area (JPA)**

The subject property is not located within a JPA.

### **Environmental**

Orange County Environmental Protection Division reviewed this request and did not provide any comments or concerns.

### **Transportation Planning**

Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time

(by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and nonresidential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

The Palm Parkway to Apopka-Vineland Connector Road Agreement was approved by the BCC on 12/06/2005 and recorded at OR Book 8387 Page 3416. The agreement is between three Developers, BVC Partners I, LLC, Kerina, Inc. and Sand Lake Investments, LTD and Orange County for the realignment of Fenton Street from Apopka-Vineland Road to Palm Parkway. The Developers have provided Right-of-Way for the road project and paid for the Design, Engineering, Permitting and Mitigation costs. Orange County will be responsible for constructing the four-lane roadway within its 10-year Capital Improvement Program. A Supplemental Agreement to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("First Supplemental") by and among Kerina, Inc.; and Sand Lake Investments, Ltd. (collectively "Owners") and Orange County was approved by the Board of County Commissioners on December 6, 2005 and recorded at OR Book/Page 8387/3525. The Second Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Second Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; and Kerina Village, LLC (collectively "Owners") and Orange County was approved by the Board of County Commissioners on June 21, 2011 and recorded at OR Book/Page 10232/3595. The Third Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Third Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Corporation (collectively "Owners") and Orange County provides for a modification of the terms of the landscaping, irrigation and street lighting requirements as provided for in the Palm Parkway to Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on 12/05/2005 and recorded at OR Book/Page 8387/3416. The Fourth Supplemental to the Palm Parkway to Apopka-Vineland Connector Road Agreement ("Fourth Supplemental") by and among Daryl M. Carter, not individually but as Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Corporation (collectively "Owners") and Orange County provides for a modification of the terms of the Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on 12/05/2005 and recorded at OR Book/Page 8387/3416. The Fifth Supplemental Agreement to the Palm Parkway to Apopka-Vineland Connector Road approved 10/3/2017 and Recorded at 20170546981 by and among Daryl M. Carter, as "Carter-Orange 105 Sand Lake Trust"; Kerina, Inc.; Kerina Village, LLC; Kerina Wildwood, LLC; Pulte Home Company; and the School Board of Orange County and Orange County provides for a modification of the terms of the appraisal requirements as provided for in the Palm Parkway to Apopka-Vineland Connector Road Agreement as approved by the Board of County Commissioners on

12/05/2005 and recorded at OR Book/Page 8387/3416. To date the road is partially under construction and anticipated to be completed in its entirety by 2022.

**Community Meeting Summary**

This item was continued from the November 14, 2023, Board hearing to allow the applicant to hold a community meeting. A community meeting is scheduled for Wednesday January 20, 2024, at Sand Lake Elementary School. A summary of the meeting will be provided at the Board hearing.

**Schools**

Orange County Public Schools has reviewed this plan and did not identify any outstanding issues or concerns.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**Development Review Committee (DRC) Recommendation – (October 4, 2023)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Kerina Parkside Planned Development / Land Use Plan (PD/LUP), dated “September 15, 2023”, subject to the following conditions:**

1. Development shall conform to the Kerina Parkside Planned Development (PD) dated "Received September 15, 2023," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received September 15, 2023," the condition of approval shall control to the extent of such conflict or inconsistency.
  
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board

to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. The project shall comply with the terms and conditions of The Palm Parkway to Apopka-Vineland Connector Road Agreement recorded at Official Records Book 8387, Page 3416, Public Records of Orange County, Florida, as may be amended.
8. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
9. A traffic operational analysis for the intersection of South Apopka Vineland Road and Daryl Carter Parkway including but not limited to intersection improvements, the addition of traffic control devices, and pedestrian accommodations, must be submitted with the development plan review and accepted by Orange County prior to development plan approval. Should the need for any improvements result from the study, the proposed improvements must be submitted as an E-plan and shall be constructed / installed at no cost to Orange County prior to Certificate of Occupancy.
10. A waiver from Orange County Code Section 38-1392.1 is granted for a 10' setback in lieu of a 20' front setback from Apopka Vineland Road within PD Tracts 7 and 8.
11. A waiver from Orange County Code Section 38-1394.1(a) is granted to provide a minimum width of 10' building base green space for two-story buildings, 10' for three story buildings, 10' for four story buildings, and 10' for five or more story buildings in lieu of 13' for two story buildings, 16' for three story buildings, 19' for four story buildings, and 20' for five or more story buildings within PD Tract 8.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 11, 2022, shall apply:
  - a. The developer shall obtain water, wastewater, and reclaimed water services from Orange County Utilities subject to County rate resolutions and ordinances.
  - b. Pole signs and billboards shall be prohibited. Signage within Tract 7 of the PD shall comply with the approved Master Sign Pan. All other signage shall comply with Orange County Code Chapter 31.5, except those properties located within the Buena Vista North Overlay District, which shall comply with Orange County Code Chapter 31.5 Buena Vista North Overlay Standards.



- c. The following waivers from Orange County Code are granted within Tract 7 only:
- 1) A waiver from Section 31.5-195(1)(a) to allow the maximum height of two (2) multiple tenant ground signs to be ten (10) feet in lieu of eight (8) feet.
  - 2) A waiver from Section 31.5-195(1)(a) is requested within tract 7 to allow the maximum height of ground sign C2 to be seven (7) feet in lieu of six (6) feet.
  - 3) A waiver from Section 31.5-195(1)(b) to allow multiple wall signs on a primary façade, and to allow signage to be placed on secondary facades, in lieu of only 1 sign per establishment being placed on the primary façade, and no signs being placed on a secondary façade.
  - 4) A waiver from Section 31.5-67(f), in south Parcel 3, to allow a maximum number of four (4) ground signs permitted per parcel with a right-of-way frontage in excess of four hundred (400) linear feet, in lieu of two (2) ground signs permitted per parcel with a right-of-way frontage in excess of four hundred (400) linear feet.
  - 5) A waiver from Section 31.5-67(i) to allow the minimum allowable copy area for each individual tenant on a multitenant ground sign to be one (1) square foot per tenant panel in lieu of twelve (12) square feet per sign face.
  - 6) A waiver from Section 31.5-76(b) to allow for the maximum copy area to be eight (8) square feet, in lieu of a maximum allowable copy area of any directional sign of six (6) square feet per sign face.
  - 7) A waiver from Section 31.5-195(1)(a) to allow for internal illumination in lieu of lighting for ground signs by external illumination only.
  - 8) A waiver from Section 38-1272(a)(3)(b) to allow a 10' setback along Apopka Vineland Road and a 30' setback from Daryl Carter Parkway in lieu of a 40' setback from an arterial road.

13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 4, 2019, shall apply:

- a. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- b. The following Education Condition of Approval shall apply:
  - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of October 18, 2005, and as amended on December 11, 2018.
  - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 822 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
- c. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- d. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- e. The following waivers are granted 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 38-1272(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.
- 13) 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.

- 14) 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.
- 15) 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.
- 16) 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.
- 17) 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.
- 18) 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.
- 19) 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.
- 20) 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.
  - 21) 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.
  - 22) 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.
  - 23) 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.
  - 24) 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.
- f. The proposed pedestrian connection between PD Tract 4 and the Dr. Phillips Community Park shall be evaluated for feasibility during review of the Preliminary Subdivision Plan for PD Tract 4. If permitted, the location of the pedestrian access shall be coordinated with and controlled by Orange County Parks and Recreation.
  - g. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
  - h. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan

with a tree removal and mitigation plan have been approved by Orange County.

- i. Short term rental shall be prohibited in the residential areas. Length of stay shall be for a minimum of 180 consecutive days.
- j. Outside sales, storage, and display shall be prohibited.
- k. All single-family buyers shall be notified at the time of sale of the potential for multi-family adjacency.
- l. The Vineland Cemetery (the "Cemetery") shall remain in its current location and shall be preserved, including the existing Civil War graves, granite obelisk and existing fencing. The developer of any site within the PD that is directly contiguous to the Cemetery (the "Site Developer") shall maintain a 10-foot wide landscape buffer outside of the existing fence that establishes the boundary of the Cemetery parcel (the "Cemetery Buffer"). Prior to site development of the contiguous property, the Site Developer shall provide such fencing and barricades at the outer limit of the Cemetery Buffer to ensure protection of the Cemetery during the construction phase. The Site Developer shall provide and maintain within the Cemetery Buffer a continuous shrub hedge at not more than 4 feet in height (except for the cemetery public access point). In addition, the Site Developer shall install and maintain sod on the portions of the Cemetery that do not contain grave markers and the granite obelisk.
- m. Any single-family detached lots with less than a five (5) foot side setback shall not place air conditioning units, pool equipment, generators, or other similar equipment in the side yard.
- n. 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.
- o. The north / south road located immediately east of the middle school and park sites, which connects Buena Vista Woods Boulevard and the Connector Road, shall be completed by the developer, by January 1, 2021.

14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 6, 2005, shall apply:

- a. The CC&Rs for Tract 4 and 7 for the Adult Only Retirement Community shall have a deed restriction that includes language that at least one member of the residence must be 55 years or older, and that in no case shall any occupant be under 18 years of age.
- b. The Developer shall be responsible for a proportionate share of any traffic signals that are shown to be warranted by a traffic study, which shall be completed prior to construction plan approval of the first PSP or DP. An agreement for installation of required signals not covered by the Palm Parkway to Apopka-Vineland Connector Road Agreement shall be executed prior to the first PSP Board of County Commissioners approval.
- c. The park access from Buena Vista Boulevard shall be 60' right-of-way dedicated to Orange County.
- d. Per agreement with the OCPS, the Middle School site shall be reduced from 30 acres to 25 acres. The reallocation of the five acres shall be distributed into adjacent tracts as determined appropriate at the Preliminary Subdivision/Development Plan state with no increase in the PD development program of 1,557 units.
- e. Access to the Jewish Community Center (JCC) site shall be provided through Tract 8.
- f. With the exception of construction traffic access, this development shall have no permanent access to existing Fenton Road except west of Apopka-Vineland Road.
- g. In conjunction with the first Preliminary Subdivision/Development Plan, an access management plan for Apopka-Vineland Road shall be submitted for approval by the Board of County Commissioners.
- h. 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.
- i. 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.
- j. 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 12.



**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION** *(January 11, 2022)*

A motion was made by Commissioner Wilson, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the Fourteen (14) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated December 20, 2021. The motion was carried by a 7 – 0 vote.

CDR-23-02-063



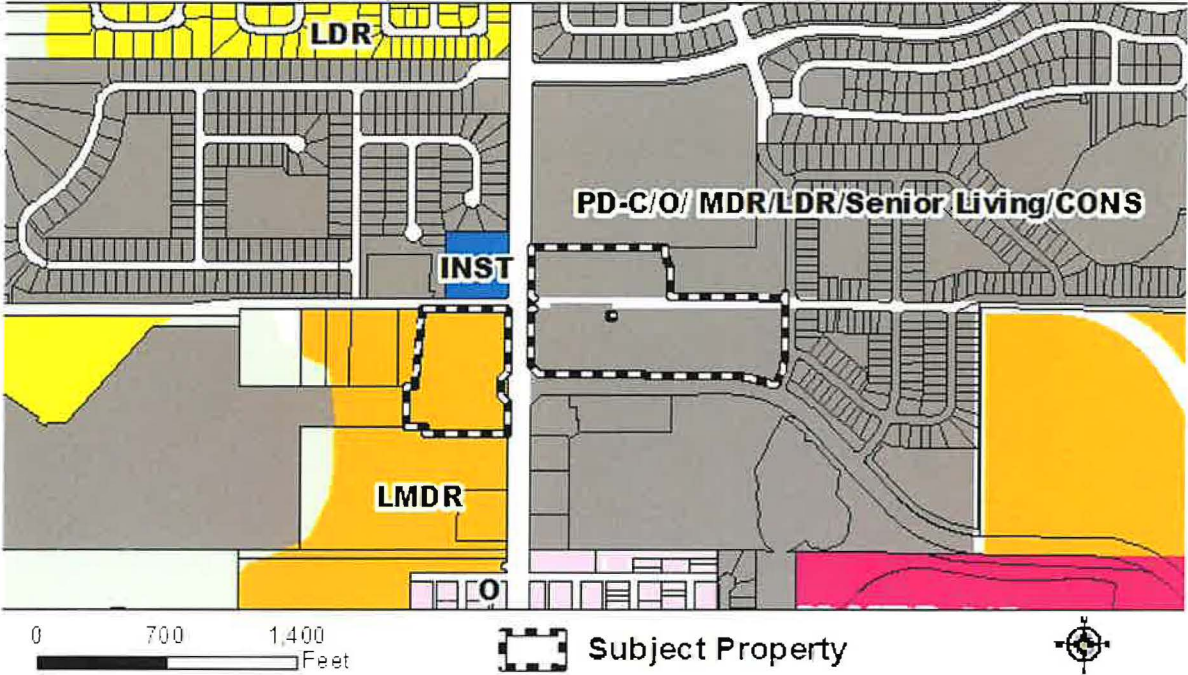
 Subject Property



0 295 590 Feet

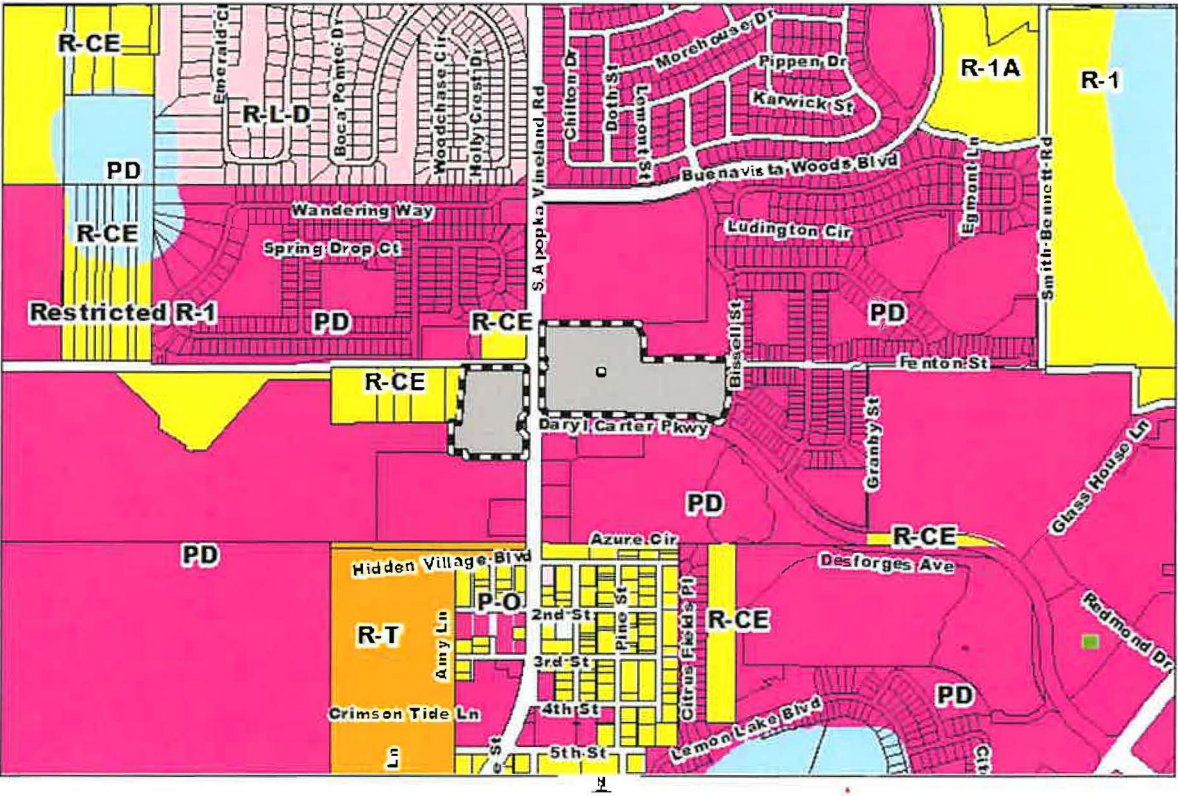
**FUTURE LAND USE**

PD (Planned Development) / LMDR (Low Medium Density Residential)



**ZONING**

PD (Planned Development District)



# Kerina Parkside PD (Cover Sheet)



**KERINA PARKSIDE PD**  
**JAY J. MAN**  
**ORANGE COUNTY, FLORIDA**  
**PREPARED FOR**  
**KERINA, NC**  
**15 KIRKMAN RD #11**  
**ORLANDO, FL 32839**  
**(407) 558-8000**  
**CP-2-NP-067**

**TAX PARCEL NUMBERS:**

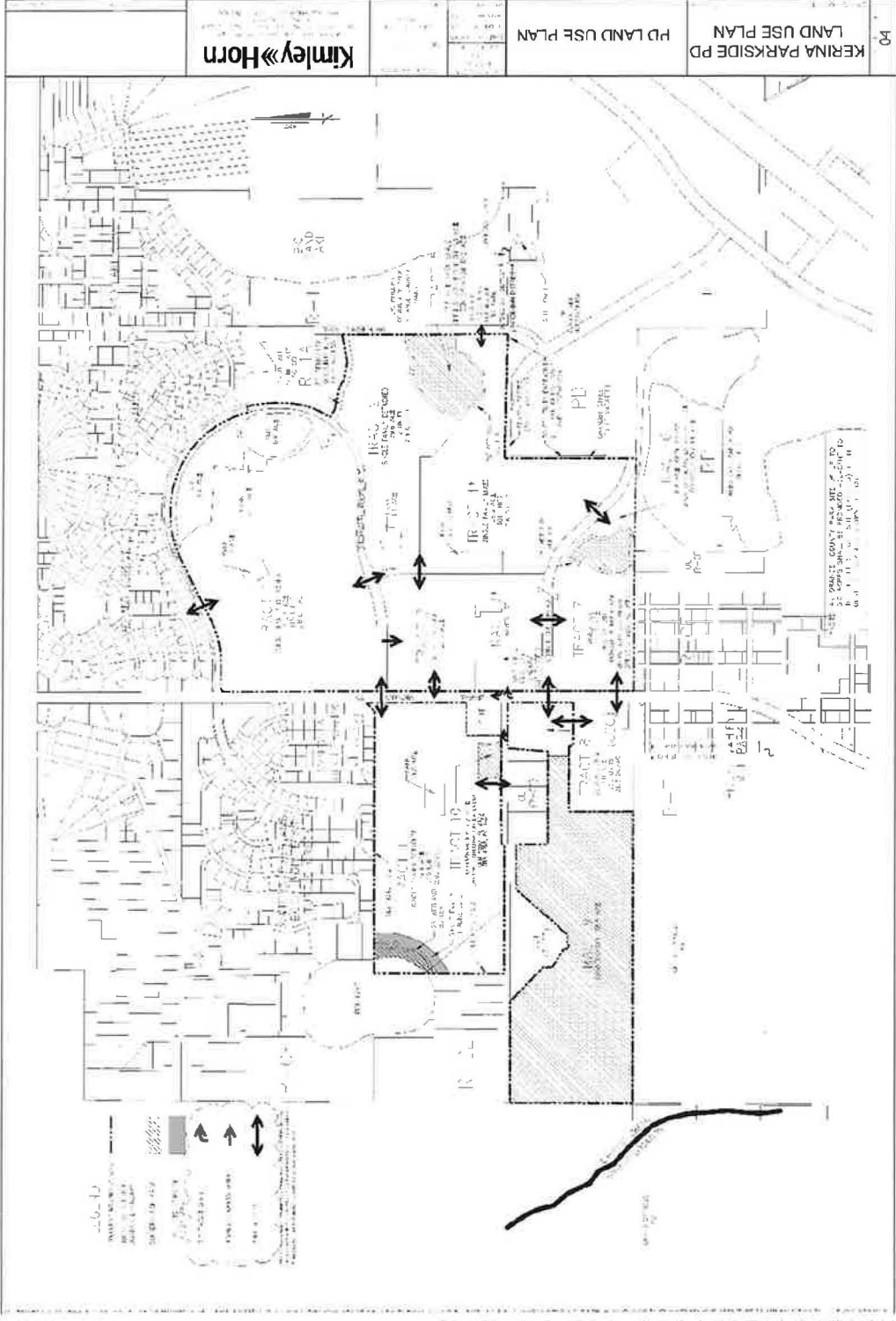
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15 27 28 5500 00 0000 (Parcel 20)	15 27 28 5500 00 0000 (Parcel 20)

**RECEIVED**  
By DRC at 9:00 am, Sep 15, 2023

**PREPARED BY**  
**Kimley»Horn**  
KIMLEY-HORN AND ASSOCIATES, INC.  
1000 N. GARDNER ST., SUITE 200  
ORLANDO, FLORIDA 32837



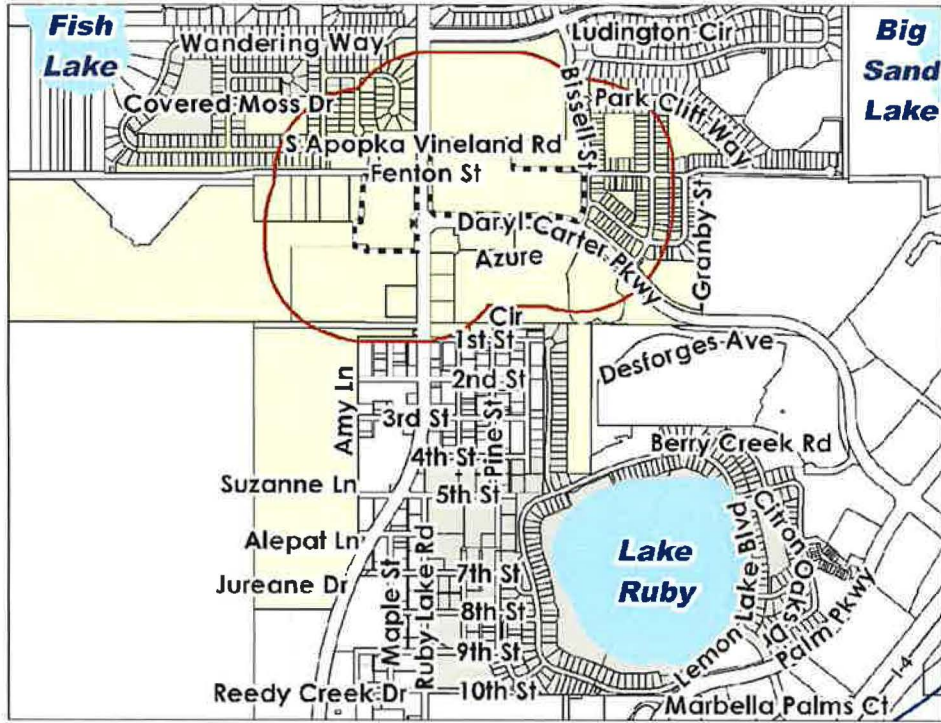
Kerina Parkside PD





# Public Notification Map

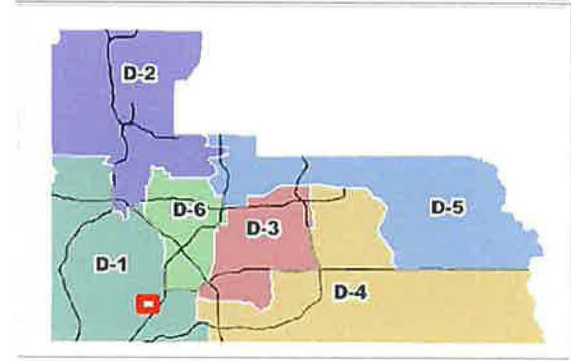
CDR-23-02-063



### MAP LEGEND

	SUBJECT SITE		PARCELS
	800FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		COURTESY PARCELS
	HYDROLOGY		

**BUFFER DISTANCE:** 800  
**# OF NOTICES:** 538



## Notification Map

DRC Staff Report  
 Orange County Planning Division  
 BCC Hearing Date: January 23, 2024

C:\oc\gis\dm\business Systems\Board Administration\SUBSTANTIAL\_CHANGE\2023\Merina Parkside PD (CDR-23-02-063)\CDR-23-02-063