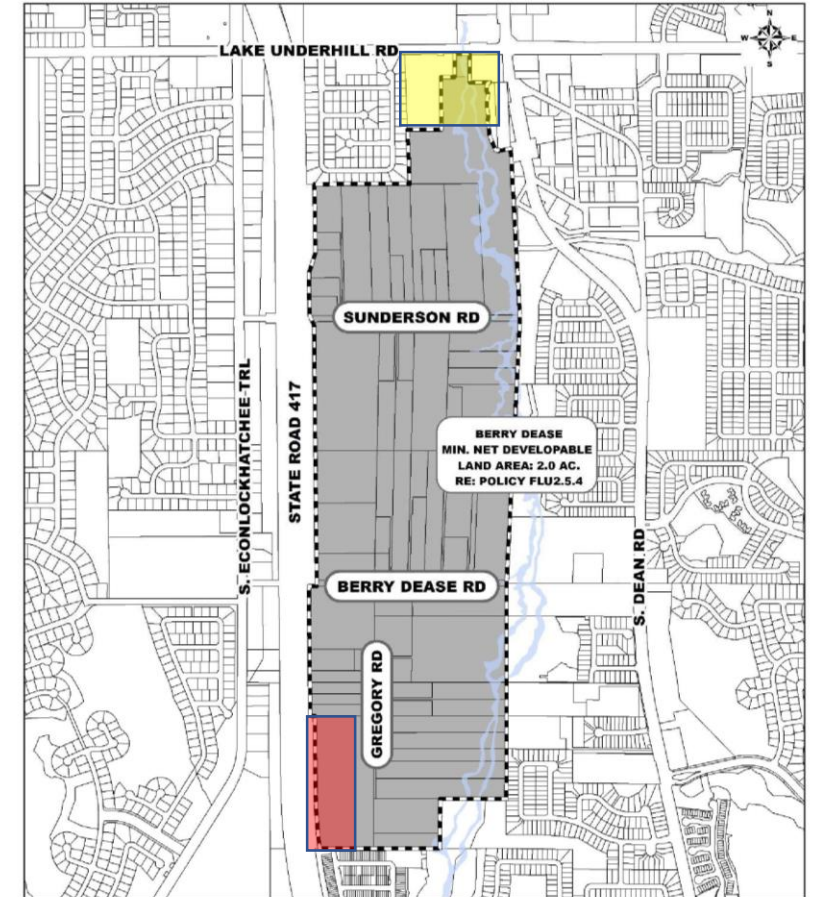


In November 2014, we began the zoning process with the Kurtyka property on land designated Low Density Residential density since 1991.

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.

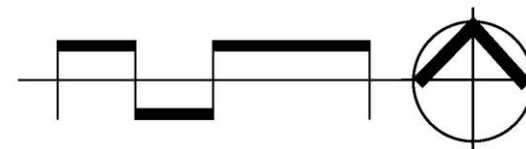
Map 25(b) of Future Land Use Map Series  
Berry Deese Rural Residential Enclave



BCC Transmittal Hearing

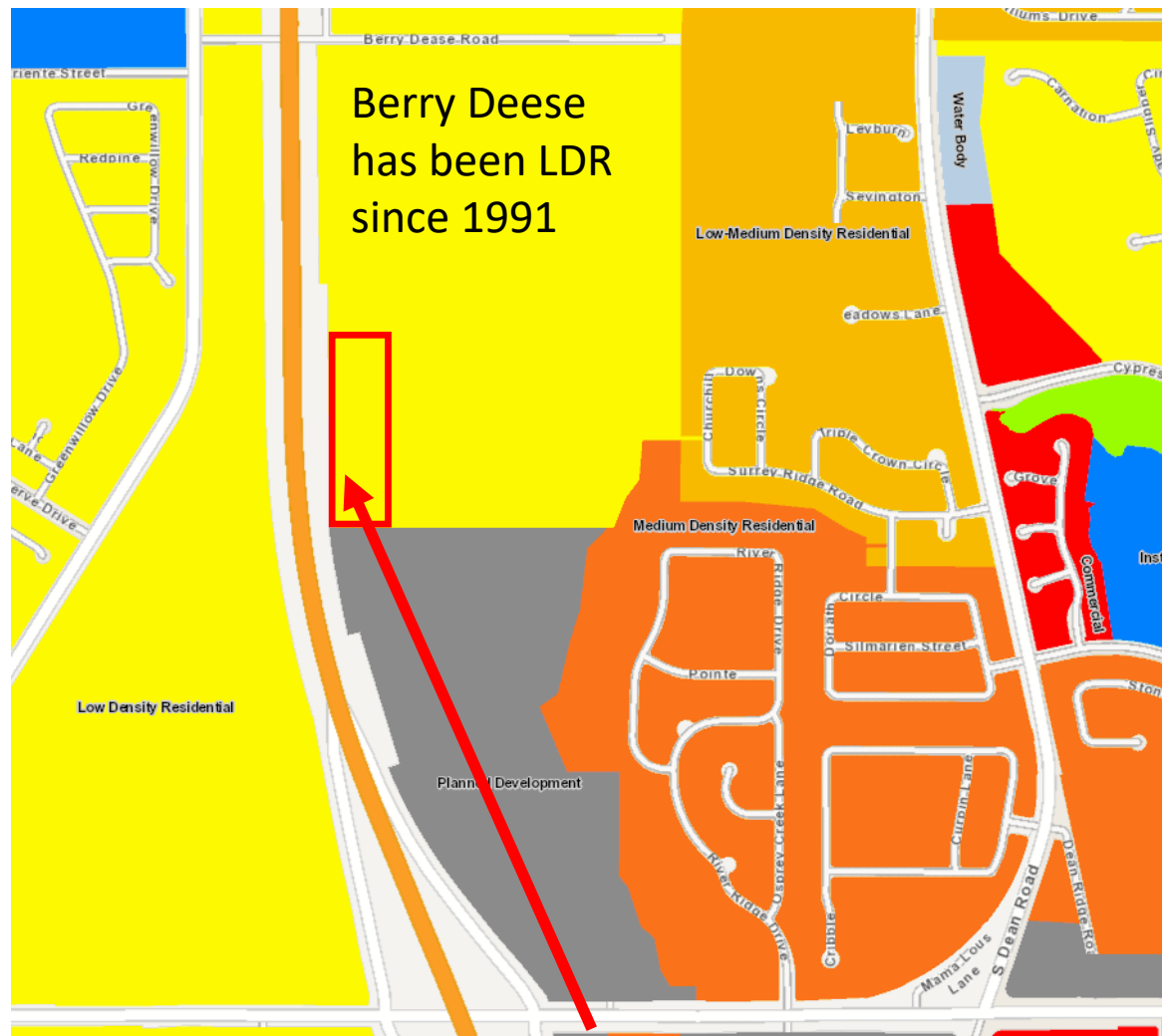
Kurtyka

Orange County, Florida



February 12, 2019

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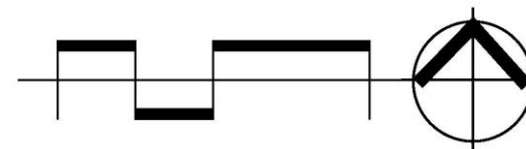


The future land use designation is still LDR with an overlay for the RRE.

## BCC Transmittal Hearing

# Kurtyka

Orange County, Florida



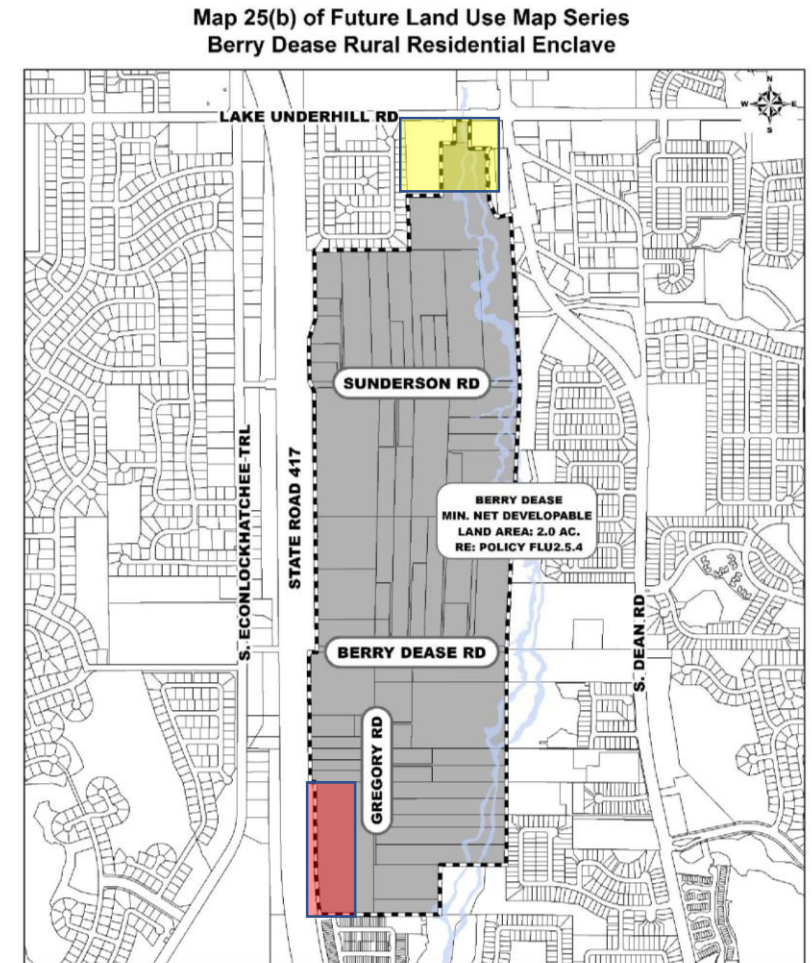
February 12, 2019

**Hall Development Services Inc.**

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.

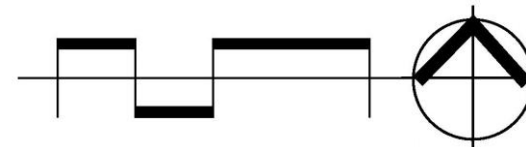
**Why is that important?**



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Kurtyka

Orange County, Florida



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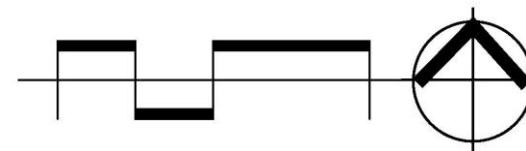
Why is Berry Deese access so important?



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Kurtyka

Orange County, Florida



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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>

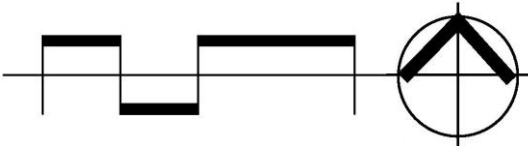
*\*Minimum Net Developable Land Area as defined by Policy FLU1.1.2(c).*

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





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.

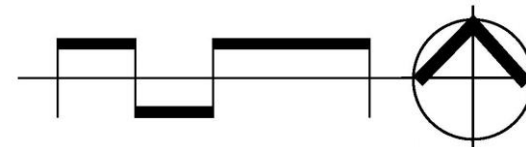


**A much different aesthetic**

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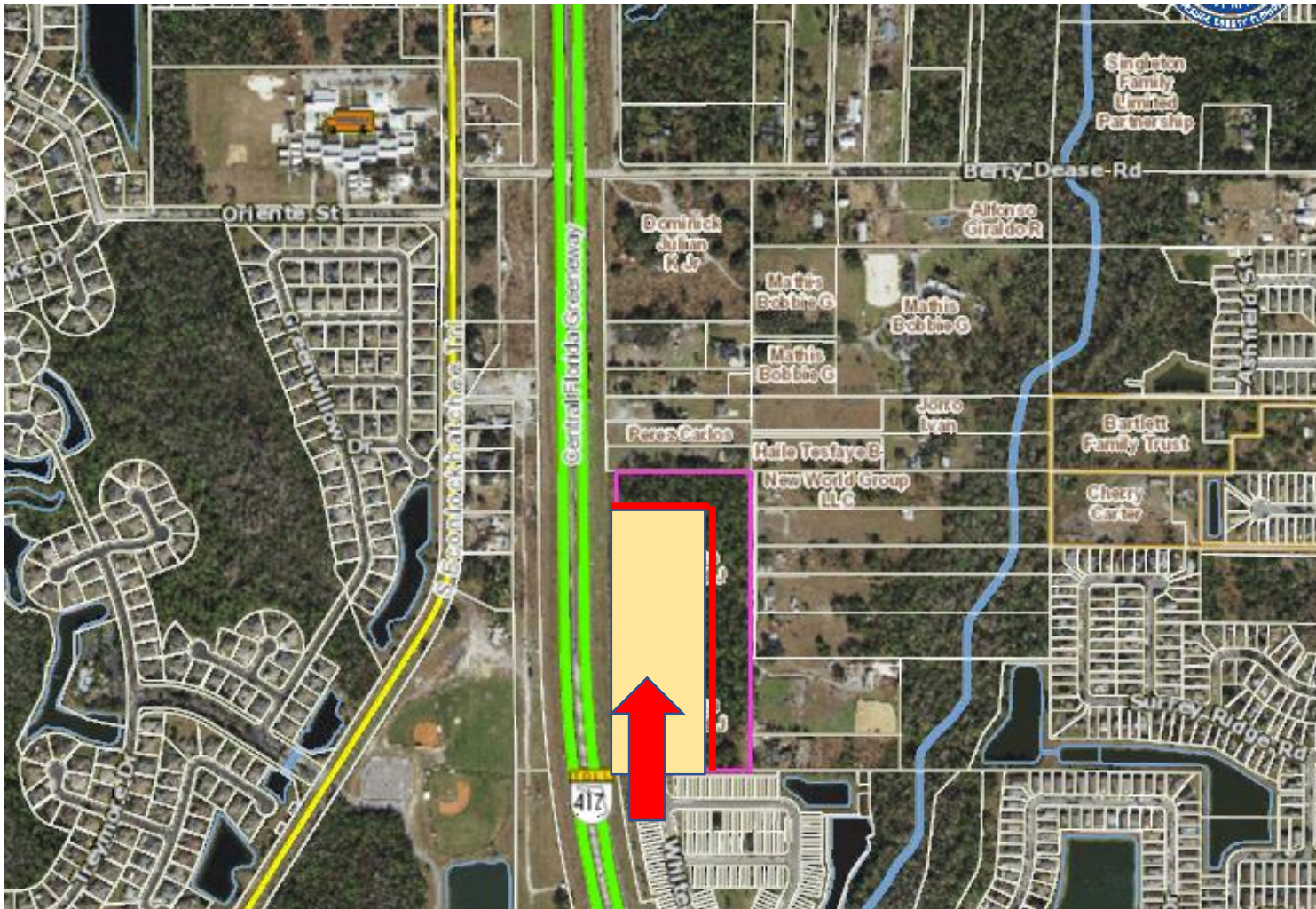
Orange County, Florida



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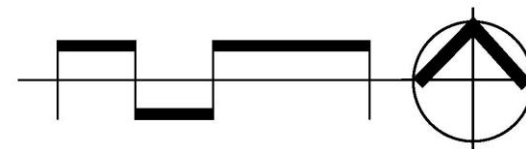
## THE COMPROMISE

- 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

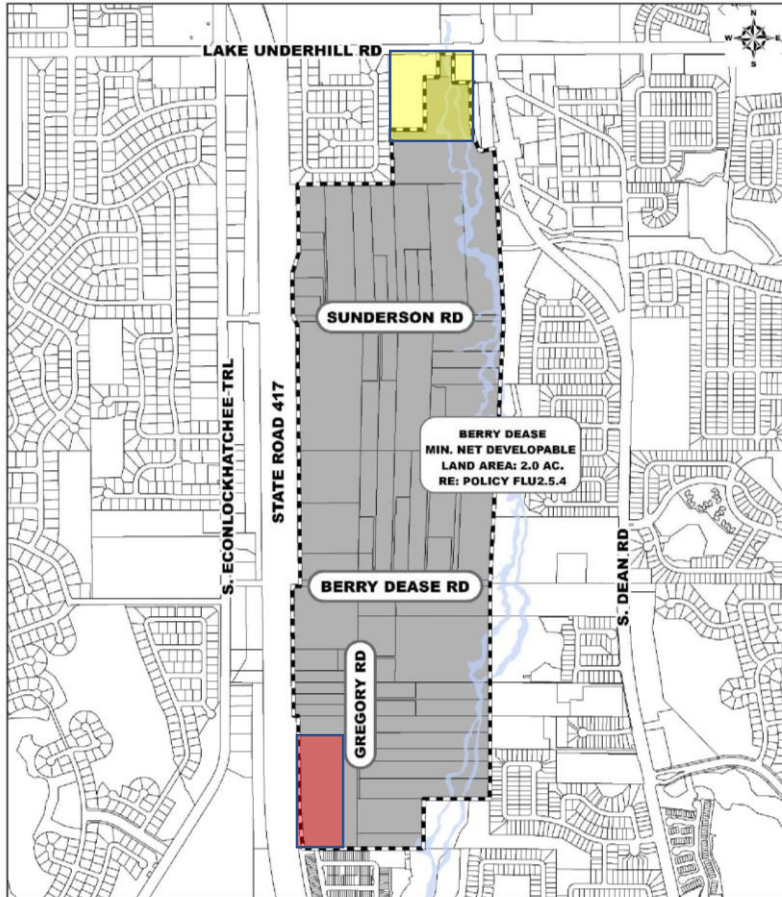
Orange County, Florida



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



## Precedence

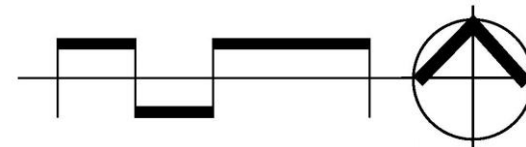
A significant issue is the access to the Kurtyka parcel (red) is from the south and NOT through the RRE.

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.

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

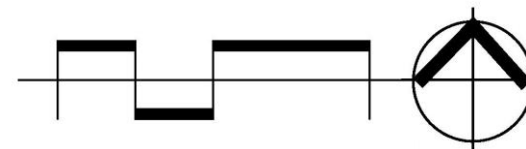
The red lines represent the eight acres or four lots of two acres to remain in Berry Deese which will have access from within the RRE

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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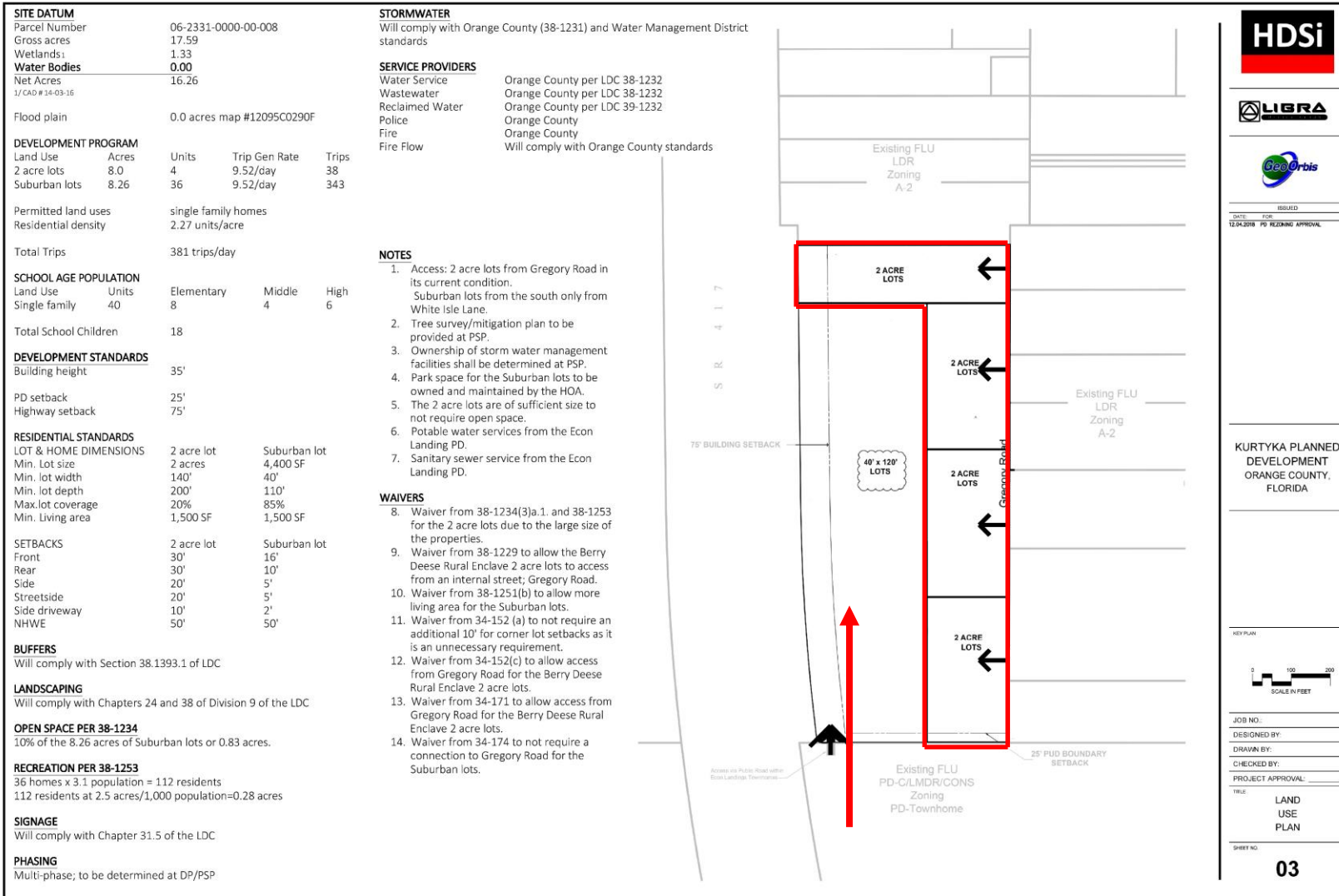
Kurtyka

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

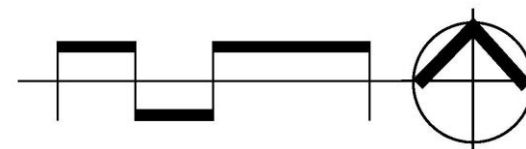
The four lots of two acres (meeting Berry Deese standards) are on the east and the north.

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

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



Kurtyka on right



Kurtyka on right

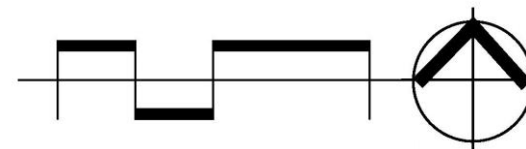


Kurtyka on right and  
townhomes in background

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**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**

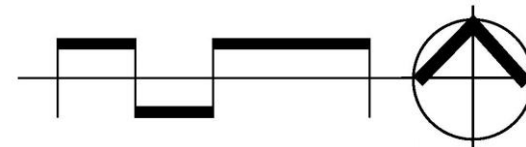
**The county does not support** creating landlocked parcels to be accessed via an easement. Please schedule a meeting with the County Engineer and legal to discuss options.(DE)

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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# Required Access to the Kurtyka property.



Commercial on entry drive from Curry Ford



Townhomes on entry road



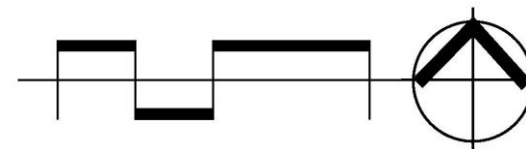
The only way in or out

Required access route

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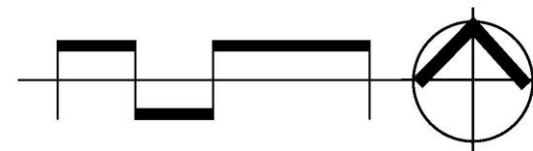
## Berry Deese Access Remains Unchanged



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Access to  
the Kurtyka  
property

## Two different Worlds

Access to  
Berry Deese

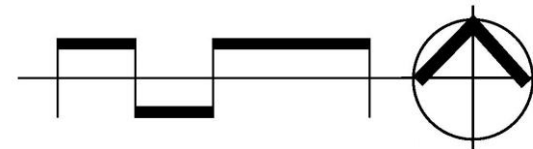


One of the two acre lots still in the Enclave

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## 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

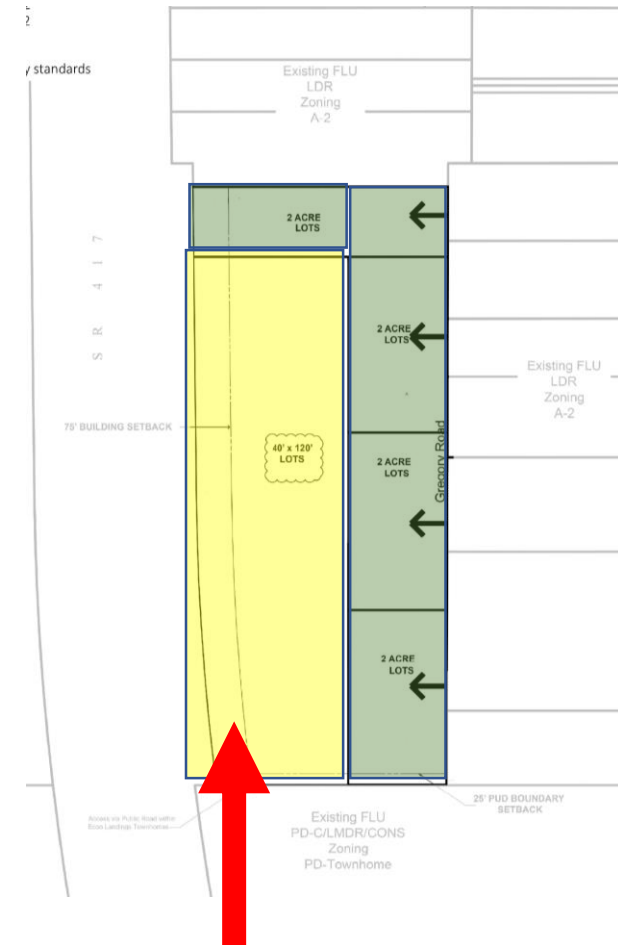
The preserving of eight acres of Enclave property

And all access to Curry Ford Road

I proffer this amendment is consistent and compatible.

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

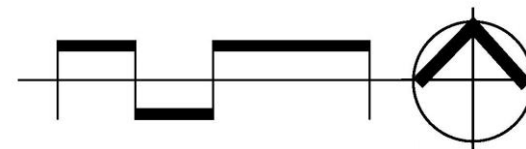
1. Affirm the 8 acres of Berry Deese RRE on the eastern and northern portions of the Kurtyka property.
2. Transmit the removal of 9.59 acres at the southwest corner of the 17.59 acre Kurtyka parcel from the Berry Deese Residential Rural Enclave;
3. Continue discussions on buffering through the PD zoning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



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Kurtyka

Orange County, Florida



February 12, 2019

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