



**RUGGIERI**  
LAW FIRM



**Kerina Parkside Future Land Use Map Amendment and  
Concurrent Substantial Change Request  
Amendment 2018-2-A-1-4 AND  
Substantial Change CDR-18-04-110**



# VOTE “NO” AND SAY “YES” TO MAINTAINING A SENSE OF COMMUNITY

THE AMENDMENT FAILS TO SATISFY THE CONDITIONS TO APPROVAL OF A COMP PLAN AMENDMENT (FLU 8.1.8):

- inconsistent with CP policies, including policies aimed at ensuring land use compatibility and adequate public facilities
- inclusion of a land use not previously approved or permitted by the PD Plan or the Future Land Use Map
- An increase in the intensity of an existing approved land use without a corresponding decrease in another approved land use, and additional off-site impacts result from the increase.

# Orange County Comp Plan Goals, Objectives and Policies

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

FLU1.4.4 The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided. (Added 12/00, Ord. 00-25, Policy 3.2.12-r).

OBJ FLU2.2 MIXED-USE. Orange County shall develop, adopt and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and ***promoting a sense of community***. (Obj. 3.8-r)

# Orange County Comp Plan Goals, Objectives and Policies

FLU8.1.8 A proposed amendment to an approved Planned Development shall be determined to be inconsistent with the Future Land Use Map if any of the following conditions exist:

A. The proposed amendment is inconsistent with CP policies, including policies aimed at ensuring land use compatibility and adequate public facilities; or,

B. The proposed amendment would result in either of the following: inclusion of a land use not previously approved or permitted by the PD Plan or the Future Land Use Map (unless permitted by FLU8.1.10) or,

C. An increase in the intensity of an existing approved land use without a corresponding decrease in another approved land use, and additional off-site impacts result from the increase. D. This policy shall not apply to the Mixed Use Activity Center District (MXDAC). (Added 8/93, Ord. 93-19; Amended 12/00, Ord. 00-25, Policy 3.8.5-r)

# Orange County Comp Plan Goals, Objectives and Policies

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 policies 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)

# Orange County Ordinance 2001-04 Buena Vista North District Standards

## Sec. 38-1391.2

**B. Purpose and intent.** This Division 9 is intended to provide specific design standards for the BVN District with the purpose of promoting a diverse mixed-use community that applies imagination, innovation, and variety, by focusing on unique design principles and encouraging creative solutions that accomplish the following:

- Foster high-quality developments through unique design elements, including building materials, signs, and landscaping, etc.
- Guide future developments as a transition area between higher intensity nonresidential development and the lower density single-family residential homes north of the BVN district
- Encourage unified developments where small individual parcels of land can be collectively planned for infrastructure improvements, coherent land use mix and unified physical appearance.
- Minimize incompatible surroundings and visual clutter, which prevent orderly community development and reduce community property values.
- Sustain the comfort, health, tranquility, and contentment of residence with a desirable environment.
- Balance the man-made system with the natural environment, through mitigation enhancement of impacted natural resources.

# December 6, 2005 BCC Hearing Kerina PD Approval

## Condition #2 to Approval

2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PO with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

## 25 WAIVERS OF ORANGE COUNTY CODE

- Reducing the setback of neighborhood commercial uses adjacent to single family zoned property (15 feet to 7.5)
- Numerous waivers to allow 4 story multifamily buildings to be located less than 100 feet from single-family dwellings (waiver of the single-story and other height requirements for multifamily dwellings, including height requirement applicable to senior living facility).
- Allow multifamily parking areas to be located 7.5 feet from single family dwellings instead of 25 feet.

## 25 WAIVERS OF ORANGE COUNTY CODE

- Waive requirement of a brick or block wall for multi-family developments adjacent to single-family.
- Allow aluminum fencing in lieu of a brick or block wall in between multifamily and single-family developments.
- Increasing maximum building heights and reducing setbacks for commercial properties within 100 feet of any residential development.
- Reducing the width of landscape buffers adjacent to pedestrian paths.
- Reducing the number and type of canopy trees (substitution of palms)



# **VOTE “NO” AND SAY “YES” TO MAINTAINING A SENSE OF COMMUNITY**

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## **APOPKA-VINELAND CORRIDOR IS A UNIQUE RESIDENTIAL ENCLAVE IN ORANGE COUNTY – IT MUST BE KEPT THAT WAY**

THE INTENT OF THE PD AND FUTURE LAND USE PLANNING HAS ALWAYS CONTEMPLATED MAINTAINING THIS RESIDENTIAL CORRIDOR BY AVOIDING COMMERCIAL USES FRONTING APOPKA VINELAND AND CENTRALLY LOCATED ON PALM PARKWAY

# **VOTE “NO” AND SAY “YES” TO MAINTAINING A SENSE OF COMMUNITY**

**WAIVERS SET PRECEDENT – BUENAVISTA COMMONS AND THE MOSQUE – THIS OPENS THE DOOR TO ADDITIONAL COMMERCIAL USES**

**DARYL CARTER WAS KNOWN AT THE TIME OF THE 2005 PD APPROVAL – THIS IS NOT SUDDENLY “CHANGING THE CHARACTER” AS STATED IN STAFF NOTES**

**NO GOOD FAITH IN COMMUNITY MEETINGS – BCC DELAYED ACTION AT THE JULY 2018 HEARING TO GIVE THE APPLICANT AN OPPORTUNITY TO MEET WITH THE CONCERNED HOMEOWNERS. 3 PRIVATE MEETINGS WITH CHUCK WHITTAL AND NOT ONE SUGGESTION WAS INCORPORATED**

**VOTE NO AND MAINTAIN A SENSE OF  
COMMUNITY ALONG THE APOPKA-  
VINELAND/BVN CORRIDOR.**