



Interoffice Memorandum

DATE: June 10, 2021

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department

CONTACT PERSON: **Eric Raasch, DRC Chairman**
Development Review Committee *ERM*
Planning Division
(407) 836-5523

SUBJECT: June 22, 2021 – Public Hearing
Applicant: Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor &
Reed, P.A.
Kerina Parkside Planned Development / Tract 4 & 5 Preliminary
Subdivision Plan
Case # PSP-20-02-035 / District 1

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 12, 2021, to approve the Kerina Parkside Planned Development (PD) / Tract 4 and 5 Preliminary Subdivision Plan (PSP) to subdivide 68.73 acres, generally located north of Daryl Carter Parkway and east of Apopka Vineland Road, in order to construct 191 single-family residential dwelling units.

In addition, the applicant has requested a waiver from Orange County Code Section 34-209(a) to allow for a six (6) foot high column / aluminum picket fence in lieu of a six (6) foot high opaque masonry wall along the frontage of the property with Daryl Carter Parkway adjacent only to Tract D.

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, and copies of these and the PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the Kerina Parkside PD / Tract 4 & 5 PSP dated "Received May 13, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/EPR/lme
Attachments

CASE # PSP-20-02-035

Commission District # 1

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 12, 2021, to approve the Kerina Parkside Planned Development (PD) / Tract 4 and 5 Preliminary Subdivision Plan (PSP) to subdivide 68.73 acres, generally located north of Daryl Carter Parkway and east of Apopka Vineland Road, in order to construct 191 single-family residential dwelling units.

In addition, the applicant has requested a waiver from Orange County Code Section 34-209(a) to allow for a six (6) foot high column / aluminum picket fence in lieu of a six (6) foot high opaque masonry wall along the frontage of the property with Daryl Carter Parkway adjacent only to Tract D.

2. PROJECT ANALYSIS

- A. Location: North of Daryl Carter Parkway / East of Apopka Vineland Road
- B. Parcel ID: 10-24-28-0000-00-053, 15-24-28-5844-00-050
- C. Total Acres: 68.73 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Sand Lake ES - Enrolled: 520 / Capacity: 768
Southwest MS - Enrolled: 1,564 / Capacity: 1,162
Dr. Phillips HS - Enrolled: 3,673 / Capacity: 2,798
- G. School Population: 127
- H. Parks: Dr. P. Phillips Community Park – 1 Mile
- I. Proposed Use: 191 Single-Family Residential Dwelling Units
- J. Site Data: **Single-Family (Detached – Outside BVN):**
Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,250 Square Feet
Minimum Lot Width: 40'
Building Setbacks:
20' Front
5' Side
25' PD Boundary

20' Rear

15' Side Street

Single-Family (Detached – Inside BVN):

Maximum Building Height: 35' (2-stories)

Minimum Living Area: 1,250 Square Feet

Minimum Lot Width: 40'

Building Setbacks:

10' Front

5' Side

25' PD Boundary

15' Side Street

15' Rear

K. Fire Station: 36 – 12252 Winter Garden Vineland Road

L. Transportation: 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.

Based on the capacity database dated 2/14/20, there is a failing roadway segment within the project's impact area; Turkey Lake Road from Central Florida Parkway to Sand Lake Commons Boulevard is failing.

A capacity encumbrance application will be required prior to building permit approval. A traffic study may be required.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Planned Development - Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Kerina Parkside PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Kerina Parkside PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Tract 4 and 5 Preliminary Subdivision Plan dated "Received May 13, 2021," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received May 13, 2021," 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 of County Commissioners ("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 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 preliminary 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. 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.
7. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

8. Site development activity shall comply with State recommended Best Management Practices to protect soils during clearing, earthwork and construction. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.
9. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
10. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
11. 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).
12. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
13. 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.

14. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

15. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.

16. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

17. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

18. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.

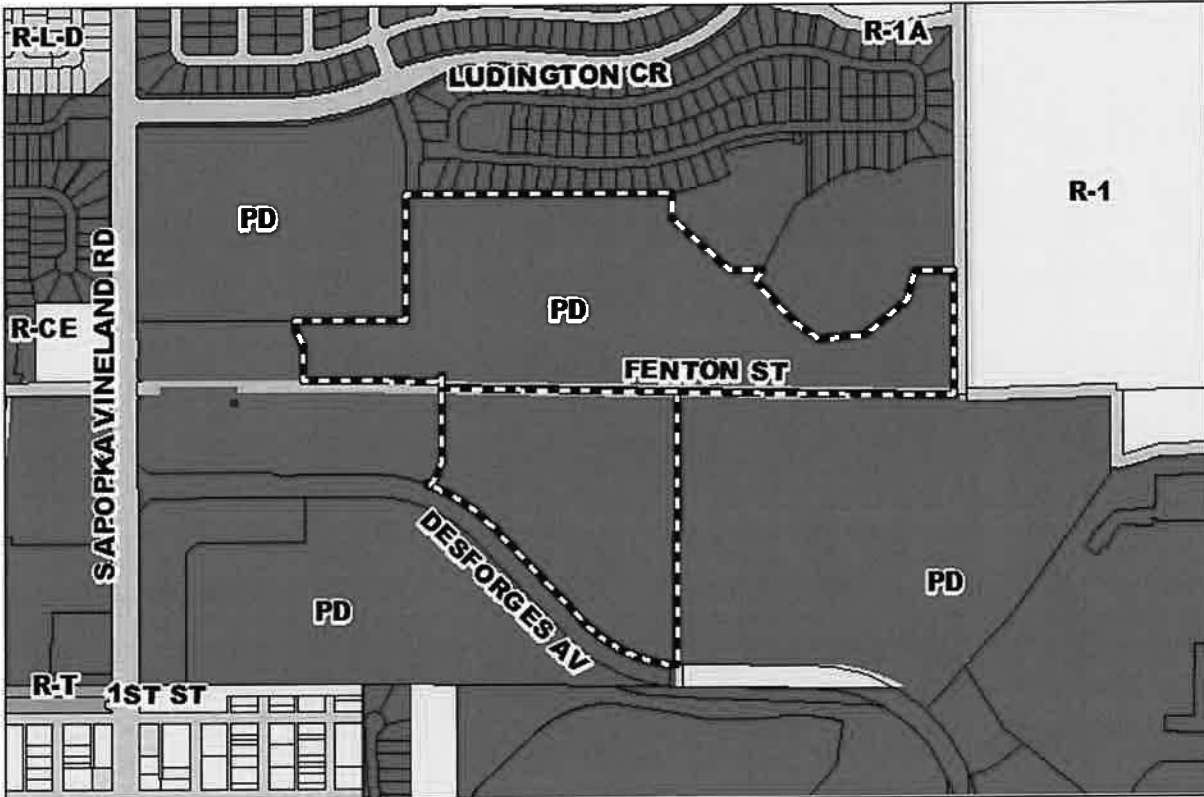
19. There shall be no structures, including but not limited to masonry walls, sheds, pools, pool decks or pool enclosures, within the existing drainage easement (O.R. Book 9706, Page 6738, Public Records of Orange County, Florida, and any amendments thereto) located along the rear of Lots 131 through 151, inclusive, as depicted on the preliminary subdivision plan dated "Received May

13, 2021". The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and / or tenants of this condition, through a conspicuous note on the plat and in the Declarations of Covenants, Conditions, and Restrictions (CC&R's).

20. Owners of lots 131 through 151, inclusive, as depicted on the Preliminary Subdivision Plan dated "Received May 13, 2021", may permit and install a six-foot or shorter aluminum picket, PVC, or vinyl fence along their side property lines, within the rear yard. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and / or tenants of this condition, through a conspicuous note on the plat and in the Declaration of Covenants, Conditions, and Restrictions (CC&R's).
21. New streets which are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets.
22. The tract facing side façade of homes on Lots 31, 151, 182, 183, and 191 shall provide windows.
23. Fencing along the side or rear yards facing an open space, park, and/or recreation tract shall be limited to 4 feet in height.
24. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
25. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
26. A waiver from Orange County Code Section 34-209(a) is granted to allow for a six (6) foot high column / aluminum picket fence in lieu of a six (6) foot high opaque masonry wall along the frontage of the property with Daryl Carter Parkway adjacent only to Tract D.

Zoning Map

PSP-20-02-035

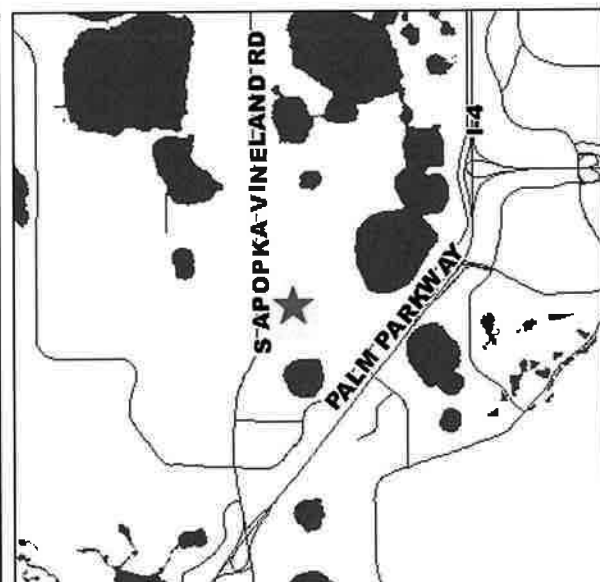


Subject Property



Subject Property

Zoning Map	
ZONING:	PD (Planned Development District)
APPLICANT:	Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
LOCATION:	North of Daryl Carter Parkway / East of Apopka Vineland Road
TRACT SIZE:	68.73 gross acres
DISTRICT:	# 1
ST/R:	20/24/28
1 inch = 700 feet	



Site Data & Notes Sheet

SITE DATA

1. THE PROPOSED PROJECT IS DEVELOPMENT OF EXISTING VACANT LAND INTO A SINGLE FAMILY RESIDENTIAL COMMUNITY. IMPROVEMENTS WILL BE CONSTRUCTED IN TWO (2) PHASES. PHASE ONE WILL INCLUDE MASS GRADING THE ENTIRE SITE WITH STORMWATER MANAGEMENT FACILITIES. THEN EACH PHASE WILL CONSTRUCT SINGLE FAMILY HOMES, PAVED ROADS, SIDEWALK AND ASSOCIATED UTILITIES. PHASE ONE WILL STAND ALONE WITHOUT PHASE TWO IMPROVEMENTS.
2. PROJECT AREA: TOTAL LAND AREA: 68,731 ACRES (LUP TRACTS 4 & 5)
3. PROJECT ADDRESS: DARYL CARTER PARKWAY, ORANGE COUNTY, FL
4. EXISTING ZONING: KERINA PARKSIDE PD, PLANNED DEVELOPMENT
5. SURROUNDING ZONING:

NORTH:	PD
EAST SIDE:	PD & R-1
WEST SIDE:	PD
SOUTH SIDE:	PD
6. FUTURE LAND USE (FLU) DESIGNATION: PD, PLANNED DEVELOPMENT
7. EXISTING LAND USE: VACANT
8. SETBACKS:

<u>OUTSIDE RVN OVERLAY AREA</u>	
FRONT :	20'
REAR :	20'
SIDE :	5'
STREET SIDE :	15'
<u>INSIDE RVN OVERLAY AREA</u>	
FRONT :	10'
REAR :	15'
SIDE :	5'
STREET SIDE :	10'

THERE IS A 25' PD BOUNDARY SETBACK ALONG THE EAST PROPERTY LINE AND ADJACENT TO THE FUTURE HIGH SCHOOL SITE.

THERE US A 7' PAVEMENT PD BOUNDARY SETBACK ALONG THE EAST PROPERTY LINE AND ADJACENT TO THE FUTURE HIGH SCHOOL SITE.

STORMWATER MANAGEMENT FACILITIES AND LANDSCAPING/HARDSCAPING MAY BE CONSTRUCTED WITHIN THE SETBACKS
9. UNITS: 2 STORY, 35' MAXIMUM
1,250 SF MINIMUM LIVING SPACE (DETACHED UNITS)
- UNIT COUNT:

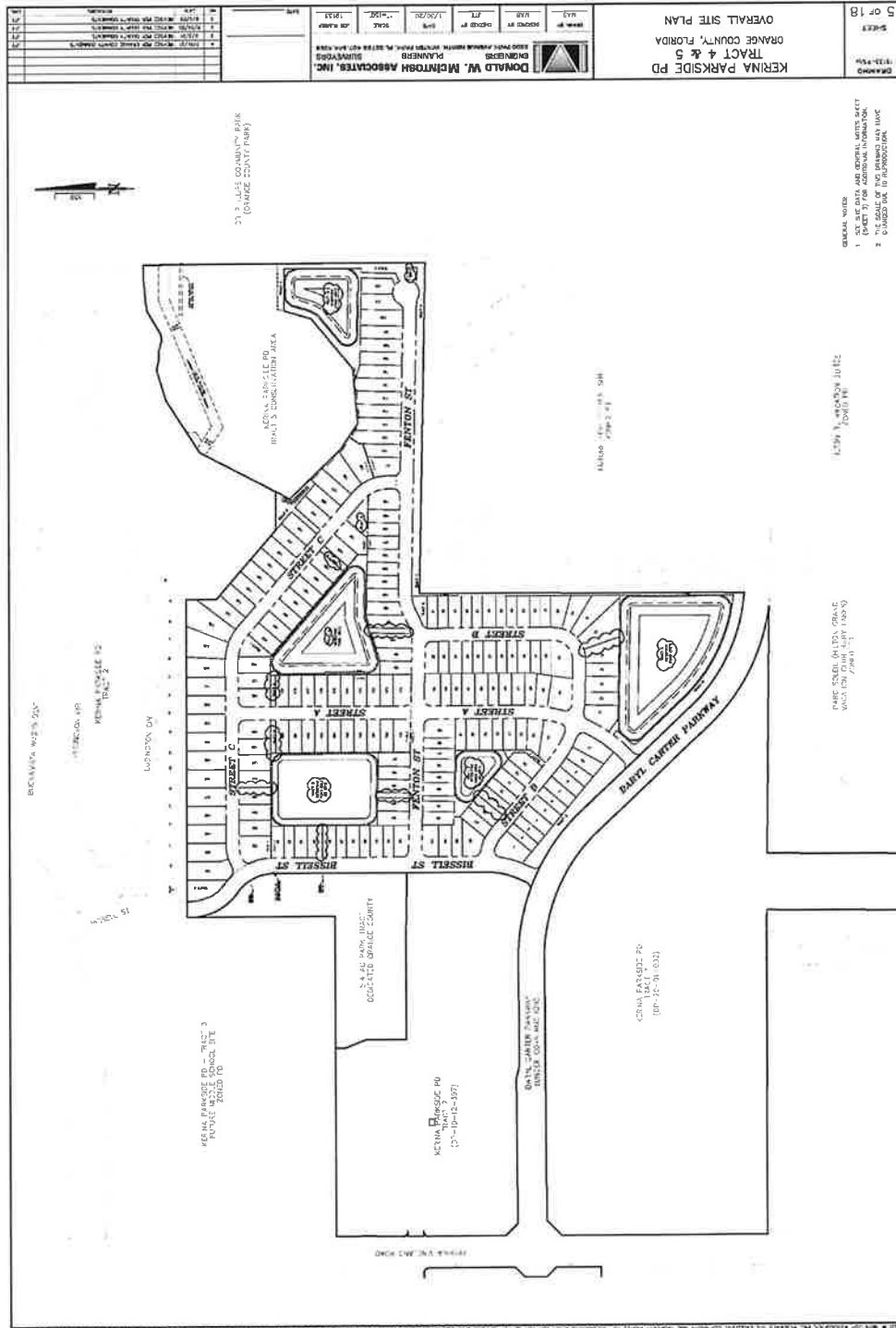
<u>PHASE ONE</u>	
40' SINGLE FAMILY LOTS (40'x120') =	45 UNITS
50' SINGLE FAMILY LOTS (50'x120') =	78 UNITS
60' SINGLE FAMILY LOTS (60'x120') =	1 UNITS
TOTAL LOTS =	124 UNITS
<u>PHASE TWO</u>	
50' SINGLE FAMILY LOTS (50'x120') =	20 UNITS
60' SINGLE FAMILY LOTS (60'x120') =	33 UNITS
70' SINGLE FAMILY LOTS (70'x140') =	14 UNITS
TOTAL LOTS =	67 UNITS
10. DENSITY

ALLOWABLE :	5.1 UNITS / AC MAXIMUM PER LUP TRACT SUMMARY
PROVIDED :	191 UNITS / 68.731 AC = 2.8 UNITS/AC
11. REQUIRED GUEST PARKING WILL BE PROVIDED USING ON-STREET PARKING ON ONE SIDE OF THE STREET.
12. THE PARK DEDICATED TO ORANGE COUNTY PER LUP COA #22, AS APPROVED BY OCBCC ON 6/4/19, SATISFIES ALL REQUIRED ACTIVE AND PASSIVE RECREATION REQUIREMENTS FOR LUP TRACT 4.
13. REQUIRED OPEN SPACE = (68.731 AC) * (0.10) = 6.873 AC
 PROVIDED OPEN SPACE :

CATEGORY A:	4.118 AC
CATEGORY B:	11.823 AC
CATEGORY B LIMIT, 50% OF REQUIRED OPEN SPACE =	3.437 AC MAX.
TOTAL OPEN SPACE =	7.555 AC

TRACT T CONSERVATION AND DRAINAGE AREA IS NOT INCLUDED IN THE OPEN SPACE CALCULATIONS.
14. SCHOOLS AGED STUDENTS:
191 SINGLE FAMILY LOTS * 0.417 STUDENTS PER UNIT = 80 STUDENTS

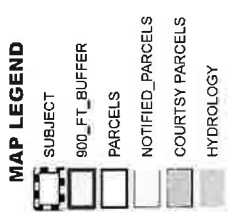
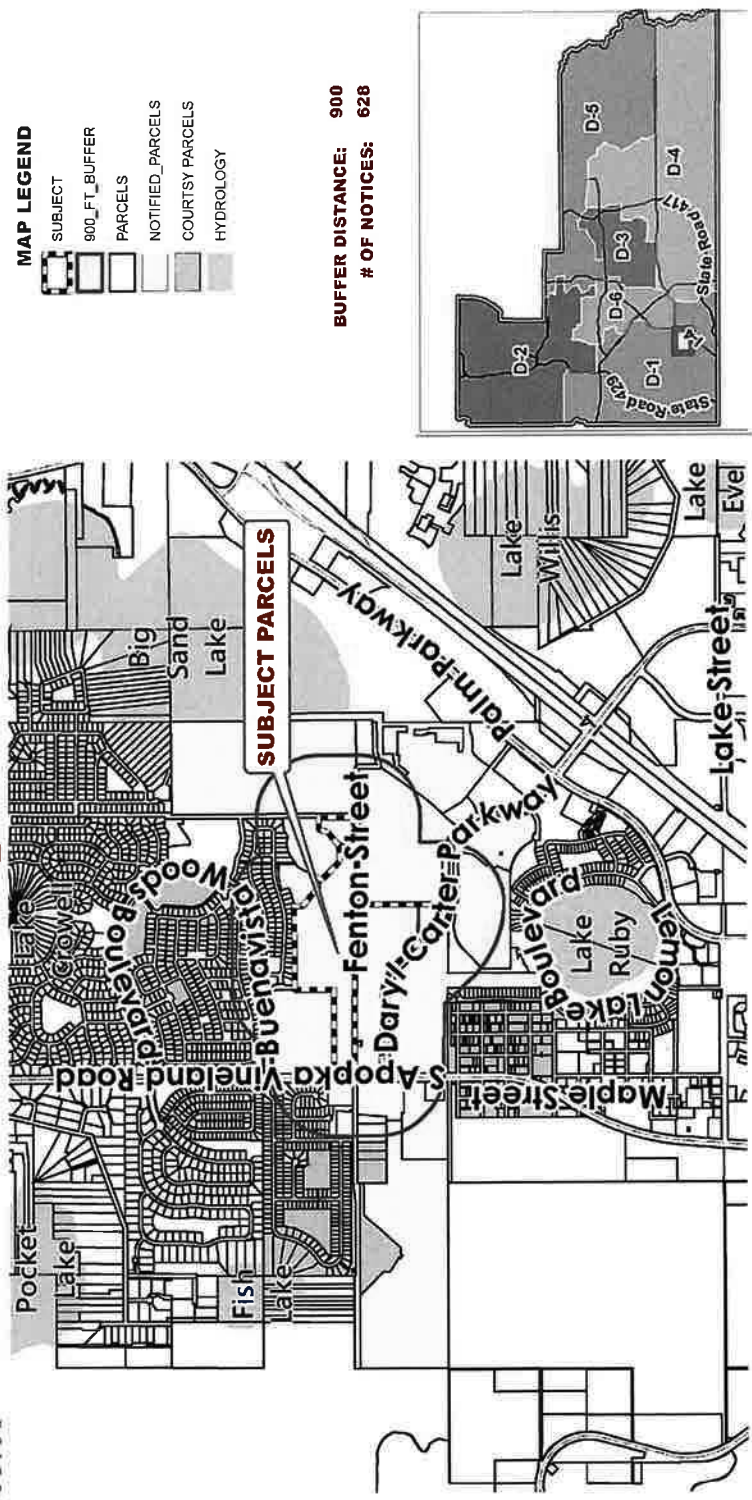
Site Plan Sheet



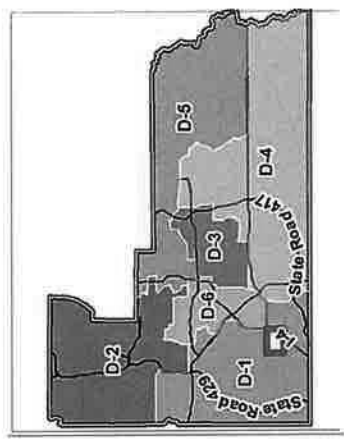
Notification Map

Public Notification Map

Kerina Parkside PD Tract 4 & 5_PSP-20-02-035



BUFFER DISTANCE: 900
OF NOTICES: 628



S:\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2021\DRCKerina Parkside PD Tract 4 & 5_PSP-20-02-035\PSP-20-02-