



Orange County Government

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

Decision Letter

Board of County Commissioners

Tuesday, October 27, 2020

2:00 PM

Communications Media Technology

20-1386

Rezoning

Kathy Hattaway, Poulos & Bennett, LLC, Horizon West - Village I - Karr PD,
Case # LUP-18-11-375; District 1

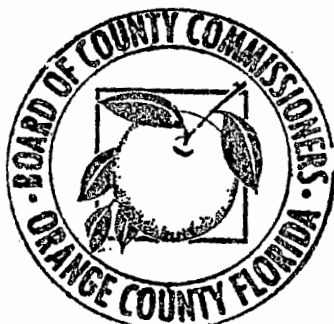
Consideration: A request to rezone 134.09 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 454 single-family attached and detached dwelling units, 250 multi-family residential dwelling units, and 10,000 square feet of neighborhood commercial uses. In addition, the applicant has requested the following waivers from Orange County Code: 1. A waiver, for Parcels 2, 16, 18, and 23, from Orange County Code Section 34-152(c) to allow lots to front a mews, park, open space, etc. and have access via a tract or easement in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street. 2. A waiver, for Parcels 2, 16, 18, and 23, from Orange County Code Section 38-1382(h)(4) to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement. 3. A waiver, for Parcels 2, 16, 18, and 23, from Orange County Code Section 38-1384(g)(1) to allow garage access to be setback from an alley tract in lieu of an easement. 4. A waiver, for Parcels 2, 16, 18, and 23, from Orange County Code Section 38-1384(g)(2) to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot. 5. A waiver, for Parcels 2, 16, 18, and 23 from Orange County Code Section 38- 1384(i)(2) to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement. 6. A waiver from Orange County Code Section 38-1258(a), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height. This waiver is both internal and external to the Karr PD. 7. A waiver from Orange County Code Section 38-1258(b), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 feet in height in lieu of the requirement that multi-family buildings within one hundred and fifty (150) feet of a single-family zoned property vary in building height. This waiver is both internal and external to the Karr PD. 8. A waiver from Orange County Code Section 38-1258(c), for Parcel 15, to allow multi-family buildings twenty (20) feet from a single-family zoned

property and to be constructed up to five-stories and 75 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height. This waiver is both internal and external to the Karr PD. 9. A waiver from Orange County Code Section 38-1258(d), for Parcel 15, to allow multi-family buildings constructed up to five-stories and 75 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height. This waiver is both internal and external to the Karr PD. 10. A waiver from Orange County Code Section 38-1258(e), for Parcel 15, to allow parking and paved areas for multi-family development ten (10) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property. This waiver is both internal and external to the Karr PD. 11. A waiver from Orange County Code Section 38-1258(f), for Parcel 15, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement. This waiver is both internal and external to the Karr PD. 12. A waiver from Orange County Code Section 38-1258(g), for Parcel 15, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential. This waiver is both internal and external to the Karr PD. 13. A waiver from Orange County Code Section 38-1258(i), for Parcel 15, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way. This waiver is both internal and external to the Karr PD. 14. A waiver from Orange County Code Section 38-1258(j), for Parcel 15, to allow a minimum separation of twenty (20) feet between buildings, in lieu of the requirement where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories. This waiver is both internal and external to the Karr PD. 15. A Waiver from Orange County Code Section 38-1387.2(a)(8)(b) to allow a ten (10) foot side setback in lieu of the fifteen (15) foot side setback requirement for apartment buildings. 16. A waiver from Orange County Code Section 38-1387.1(a)(10) to allow a fourteen (14) foot building separation between townhomes in lieu of twenty (20) feet. 17. A waiver from Orange County Code Section 38-1387.1(a)(3) to allow a 90- foot lot depth in lieu of 100-feet. 18. A Waiver from Orange County Code Section 30-714(c) to allow development within the Karr PD to proceed beyond five percent (5%) of the project's approved PD entitlements prior to either: (1) the option being exercised and the property being conveyed; or (2) the developer paying the appropriate fee in lieu of conveyance as described in Orange County Code Section 30-714(d).

Location: District 1; property generally located east of Avalon Road, north of Hartzog Road, and south of Western Way; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 454 single-family attached and detached dwelling units, 250 multi-family residential dwelling units, and 10,000 square feet of neighborhood commercial uses subject to the twenty four (24) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report; further, approve and execute the Adequate Public Facilities Agreement for Horizon West - Village I Karr PD by and among SP Commercial Investors, LLC; Thomas J. Karr Jr. and Tami G. Karr; Donald R. Allen, Jr. and Patricia A. Allen; and Orange County conveying 9.33 acres of APF Land; and further, provide \$99,225 in Transportation Impact Fee Credits. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 13TH DAY OF NOVEMBER 2020.

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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