



Orange County Government

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

Decision Letter

Board of County Commissioners

Tuesday, September 10, 2024

2:00 PM

County Commission Chambers

24-1180

√Case # CDR-24-05-127

Brittany Eveler, Nvision Development, Silver City Properties Planned Development (PD), amend plan; District 5

Consideration: A Planned Development (PD) substantial change to revise the development program for Lot 4, which is currently undeveloped, to allow for 2,400 student housing beds and 30,000 square feet of commercial uses. The request also includes the following six (6) waivers from Orange County Code: 1. A waiver from Orange County Code Section 38-1272(a)(3)(a) to allow a minimum required front (south) building setback for commercial buildings along the east 150 ft, to 10 ft in lieu of the minimum required 30 ft. 2. A waiver from Orange County Code Section 38-1259(3) to allow a student housing complex to contain up to 2,400 beds in lieu of not more than 750 total bedrooms. 3. A waiver from Orange County Code Section 38-1272(a)(5), to allow commercial buildings a maximum height of 70 ft for buildings located between 90 ft and 350 ft from University Boulevard right-of-way and a maximum height of 95 ft for buildings located beyond 350 ft from University Blvd right-of-way, in lieu of 50 ft. 4. A waiver from Orange County Code Section 38-1258 (2), to allow residential buildings a maximum height of 70 ft for buildings located between 90 ft and 350 ft from University Boulevard right-of-way and a maximum height of 95 ft for buildings located beyond 350 ft from University Blvd right-of-way, in lieu of three (3) stories or 40 ft in height. 5. A waiver from Orange County Code Section 38-1254(c)(1) to allow a zero foot (0') minimum front setback between interior lot lines in lieu of the minimum 25' setback. 6. A waiver from Orange County Code Section 38-1254(c)(3) to allow a zero foot (0') minimum rear setback between interior lot lines in lieu of the minimum 25' setback; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 5; property generally located North of University Boulevard / East of North Semoran Boulevard; Orange County, Florida (legal property description on file in Planning Division)

New Condition of Approval #18:

18. The owner of the student housing complex shall provide a security service twenty-four-seven through the property management staff. Also, the owner shall provide additional security for known special events.

Previous Conditions of Approval #18, #19 and #20 are renumbered to Conditions of Approval #19, #20 and #21.

~~48- 19.~~ Developer shall enter into an agreement with the County for the construction and maintenance of the proposed overhead pedestrian bridge; such agreement shall be reviewed and approved by the County prior to or concurrent with the proportionate share agreement for this project.

~~49- 20.~~ The following waivers from Orange County Code are granted:

- a. A waiver from Section 38-1272(a)(3)(a) to allow a minimum required front (south) building setback for commercial buildings along the east 150 ft, to 10 ft in lieu of the minimum required 30 ft.
- b. A waiver from Section 38-1259(3) to allow a student housing complex to contain up to 2,400 beds in lieu of not more than 750 total bedrooms.
- c. A waiver from Section 38-1272(a)(5), to allow commercial buildings a maximum height of 70 ft for buildings located between 90 ft and 350 ft from University Boulevard right-of-way and a maximum height of 95 ft for buildings located beyond 350 ft from University Blvd right-of-way, in lieu of 50 ft.
- d. A waiver from Section 38-1258 (2), to allow residential buildings a maximum height of 70 ft for buildings located between 90 ft and 350 ft from University Boulevard right-of-way and a maximum height of 95 ft for buildings located beyond 350 ft from University Blvd right-of-way, in lieu of three (3) stories or 40 ft in height.
- e. A waiver from Section 38-1254(c)(1) to allow a zero foot (0') minimum front setback between interior lot lines in lieu of the minimum 25' setback.
- f. A waiver from Section 38-1254(c)(3) to allow a zero foot (0') minimum rear setback between interior lot lines in lieu of the minimum 25' setback.

~~20- 21.~~ Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated January 9, 2024, shall apply:

- a. A waiver from Orange County Code Section 38-1272(3)(b) is granted to allow 8 feet setback for accessory structures along Forsyth Road in lieu of the required 30 feet setback from collector roads.

County Staff announced that the conditions outlined in the Staff Report following Condition #20 were numbered incorrectly. The conditions currently labeled as Conditions of Approval #14 and #15 should be updated to reflect Conditions of Approval #22 and #23, respectively:

~~44- 22.~~ Except as amended, modified, and/or superseded, the following Board Conditions of

Approval, dated June 18, 2019, shall apply:

a. Pole signs and billboards shall be prohibited (except for three billboards located on Forsyth Road which currently exist and are approved). All other signage shall comply with Chapter 31.5 of the Orange County Code.

b. A waiver from Orange County Code Section 38-1476(a) is granted for Phase 1 Lot 1 only, to allow 4.4 spaces for each 1,000 square feet, in lieu of 5.0 spaces for each 1,000 square feet.

~~45- 23.~~ Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated January 5, 2016 shall apply:

a. The billboards identified as "BB 2" and "BB 4" shall be removed within 90 days of the submittal of the first permit to convert the other signs to digital display.

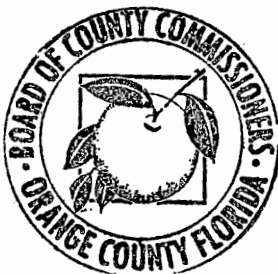
b. The billboard identified as "BB 3" shall be allowed to operated as a three-faced billboard.

Based upon input by applicant and accepted by the District Commissioner New Condition of Approval #18 was revised as follows:

18. The owner of the student housing complex shall provide twenty-four-seven security through property management staff, a contracted security company, Full Sail Campus Security or a combination thereof. Also, the owner shall provide adequate additional security and/or staffing as required for known special events.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, approve the substantial change request subject to the twenty (20) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated August 26, 2024; further, approve new Condition of Approval #18; further, approve renumbered Conditions of Approval #18, #19, and #20; and further, renumber the conditions in the Staff Report following Condition of Approval #20 as Conditions of Approval #22 and #23. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott



THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 18TH DAY OF SEPTEMBER 2024.

Megan Fiocco
for 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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