



**Interoffice Memorandum**

**DATE:** December 4, 2020

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

**THRU:** Agenda Development BCC

**FROM:** Alberto A. Vargas, MArch, Manager  
Planning Division

**CONTACT PERSON:** Alberto A. Vargas, MArch, Manager  
Planning Division  
(407) 836-5354 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net)

**SUBJECT:** Request Public Hearing on January 12, 2021, at 2:00 PM  
  
Public Hearing for Small-Scale Development  
Comprehensive Plan (CP) Amendments and  
Concurrent Rezoning Request and Ordinance

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**AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING SMALL SCALE DEVELOPMENT AMENDMENTS PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING EFFECTIVE DATES.**

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**APPLICANT / AGENT:** Dustin Aukland, Toll Brothers Apartment Living

**DISTRICT #:** District 5

**TYPE OF HEARING:** Adoption of the 2020-1 Small-Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP) and concurrent rezoning request;

**AND**

Adoption of Ordinance

**ESTIMATED TIME REQUIRED FOR PUBLIC HEARING:** 2 minutes

**HEARING CONTROVERSIAL:** Yes

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LEGISLATIVE FILE # 21-020-  
21-023

January 12, 2021  
@ 2pm

**HEARING REQUIRED BY  
FL STATUTE OR CODE:**

ss. 163.3184 and 163.3187 (1), F.S. and Section 30-40(c)(3)c, O.C. Code

**ADVERTISING  
REQUIREMENTS:**

Fiscal & Operational Support Division will publish a display advertisement in a local newspaper of general circulation at least fifteen (15) days prior to the public hearing.

**ADVERTISING TIMEFRAMES:**

At least ten (10) days prior to public hearings for Comprehensive Plan Amendments. At least fifteen (15) days prior to public hearings for Concurrent Rezoning and/or Substantial Changes.

**APPLICANT/ABUTTERS  
TO BE NOTIFIED:**

N/A. Fiscal & Operational Support Division will send notices to all affected property owners.

**SPANISH CONTACT PERSON:**

Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Planificación, al 407-836-5600.

**MATERIALS BEING SUBMITTED  
AS BACKUP FOR PUBLIC  
HEARING REQUEST:**

Fiscal & Operational Support Division will provide the Clerk's Office with proof of publication the Friday prior to the Public Hearing.

Staff report binder will be provided under separate cover seven (7) days prior to Public Hearing.

**SPECIAL INSTRUCTIONS TO  
CLERK (IF ANY):**

Please verify the hearing date with the Planning Division. Attached is an itemized list of the amendments and the concurrent rezoning request in the order in which they will be heard. **The Environmental Protection Division's Consent Agenda Item for the East Colonial Drive Student Housing Project Conservation Area Impact Permit, CAI-20-02-020, needs to be pulled from the Consent Agenda and heard concurrently with Future Land Use Map Amendment 2020-1-S-5-2 and Concurrent Rezoning Case LUP-20-02-069.**

c: Chris Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney, County Attorney's Office

Jon Weiss, P.E., Director, Planning, Environmental, and Development Services  
 Department  
 Olan Hill, Assistant Manager, Planning Division  
 Gregory Golgowski, AICP, Chief Planner, Planning Division  
 Eric Raasch, AICP, Chief Planner, Planning Division

**2020-1 Comprehensive Plan Adoption – Privately-Initiated Small-Scale Development Future Land Use Map Amendment and Concurrent Rezoning Request**

Amendment 2020-1-S-5-2 District 5	Dustin Aukland, Toll Brothers Apartment Living, for KMP Properties, LLC, East Colonial Investments, LLC, and Cordner IV, LLC Commercial (C) and Low-Medium Density Residential (LMDR) to Planned Development-High Density Residential (PD-HDR) (Student Housing)
	-and-
Rezoning LUP-20-02-069	<p>C-1 (Retail Commercial District) and R-2 (Residential District) to PD (Planned Development District) (East Colonial Student Housing Planned Development/Land Use Plan) (PD/LUP)</p> <p>Also requested are nine (9) waivers from Orange County Code:</p> <ol style="list-style-type: none"> <li>1) A waiver from Section 38-1259 (b) to allow the student housing zoned property to maintain a minimum distance separation of zero (0) feet from any single-family zoned property as measured from the east side and north side property lines of the proposed student housing development to the nearest property line of the single-family zoned property, in lieu of four hundred (400) feet;</li> <li>2) A waiver from Section 38-1259 (h) to allow the student housing buildings to be a maximum of five (5) stories, fifty (50) feet and the student housing parking garage a maximum height of five (5) stories, sixty (60) feet, in lieu of a maximum building height of three (3) stories, forty (40) feet;</li> <li>3) A waiver from Section 38-1272 (a)(1) to allow a maximum impervious area coverage not to exceed eighty (80) percent of the net land area, in lieu of the seventy (70) percent of the net land area;</li> <li>4) A waiver from Section 38-1254(2)(d) to allow the minimum building setback abutting an expressway to be twenty-five (25) feet, in lieu of seventy-five (75) feet;</li> </ol>

	<p>5) A waiver from Section 38-1258 (f) to allow no wall when a multi-family development is located adjacent to any single-family zoned property, in lieu of a six (6) foot high masonry, brick or block wall;</p> <p>6) A waiver from Section 38-1258 (a) to allow five (5) story, sixty (60) foot tall multi-family buildings to be twenty-five (25) feet from single-family zoned property (only north and east of subject property), in lieu of multi-family buildings within 100 feet of single-family zoned property being limited to one (1) story in height;</p> <p>7) A waiver from Section 38-1258 (b) to allow five (5) story, sixty (60) foot tall multi-family buildings to be between 100 and 150 feet of a single-family zoned property (only north and east of subject property), in lieu of varying in building heights with maximum of fifty (50) percent of the building being three (3) stories, not to exceed forty (40) feet in height, with the remaining building being one (1) story or two (2) stories in height;</p> <p>8) A waiver from Section 38-1258 (c) to allow five (5) story, sixty (60) foot tall multi-family buildings to be twenty-five (25) feet from single-family zoned property (only north and east of subject property), in lieu of multi-family buildings within 150 feet of single-family zoned property being limited to three (3) stories and forty (40) feet in height; and</p> <p>9) A waiver from Section 38-1476 to allow a minimum nine-tenths (0.9) parking space per one (1) bedroom in lieu of one (1) parking space per one (1) bedroom.</p>
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**2020-1 Comprehensive Plan Adoption – Small-Scale Staff-Initiated Text Amendment**

Amendment 2020-1-S-FLUE-2 Countywide	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County
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**2020-1 Comprehensive Plan Adoption – Small-Scale Development Ordinance**