



Orange County Government

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

Decision Letter

Board of County Commissioners

Tuesday, April 9, 2019

2:00 PM

County Commission Chambers

19-004

Rezoning

Thomas Daly, Daly Design Group, Inc., Tyson Ranch Planned Development / Land Use Plan Amendment (PD/LUPA), Case # LUP-18-02-056; District 4
(Continued from January 8, 2019, February 26, 2019 and March 26, 2019)

Consideration: Request to rezone 75.29 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms. This request also includes a Master Sign Plan. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-79(20)(j) to allow 40' rear to rear townhome building separations within Parcel 4, in lieu of a 60' rear to rear separation for townhome buildings;
2. A waiver from Section 38-79(20)(f) to allow a maximum 50% of buildings to be (4) four units within Parcel 4, in lieu of a maximum 25% of building to be (4) four units;
3. A waiver from Section 38-1258(d) to allow 3-story (45' height) multi-family buildings within parcel 3, in lieu of 3-story and 40' in height;
4. A waiver from Section 38-1258(a) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to single story in height;
5. A waiver from Section 38-1258(b) to allow 100% of the multi-family buildings to be 3 story (45' height) to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height;
6. A waiver from Section 38-1258(c) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (40 feet) in height, except as

provided in (d) below;

7. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development on parcel 3 to be located ten (10) feet from the east property line adjacent to single-family zoned property line. A (10)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code;

8. A waiver from Section 38-1258(f) to allow a 6' high aluminum fence on the east and west property line of Parcel 3, in lieu of a six-foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property;

9. A waiver from Section 38-1254(1) to allow a 3 story (45' height) multi-family building to be located 85' on the east side of Parcel 3, 65' from the west side of Parcel 3 abutting the Ward PD Parcel 14, and 105' from internal Parcel 4, in lieu of structures in excess of two (2) stories should increase this setback to reflect the additional structural height;

10. A waiver from Section 38-1272(5) to allow a 6 story (75' height) hotel within Parcel 1 north of Pond 10, in lieu of a maximum commercial building height of 50' and 35' within 100' of any residential property;

11. A waiver from Section 38-1603 to allow a 60' non-residential building setback from the center line of Boggy Creek Rd (minor arterial urban) and 40' from the property line whichever is greater, in lieu of a 120' non-residential building setback from the center line of Boggy Creek Rd (minor arterial rural); and

12. A waiver from Section 24-5(3) to allow a 10' landscape buffer on the north and west side of Parcel 2, in lieu of a 15' Type "C" landscape buffer; pursuant to Orange County Code, Chapter 30.

Location: District 4; property generally located South of State Road 417, North of Simpson Road, and West of Boggy Creek Road; Orange County, Florida (legal property description on file in Planning Division)

Based upon input from the applicant and agreed upon by County staff, Condition of Approval #7 was deleted from the Conditions of Approval listed in the Staff Report:

~~7. The project shall dedicate the necessary right-of-way, retention pond and easements for Boggy-Creek Road prior to or concurrently with the first PSP or DP approval for this project.~~

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request Case # LUP-18-02-056 to rezone 75.29 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms, subject to the conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report; and further, delete condition of approval #7. 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 23RD DAY OF APRIL 2019.

Katie Smith

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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