



Orange County Government

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

Decision Letter

Board of County Commissioners

Tuesday, November 14, 2023

2:00 PM

County Commission Chambers

23-1416 Adoption of Future Land Use Map Amendment SS-23-01-096, Ordinance, and Concurrent Rezoning Request LUP-22-08-267, Jim Hall, Hall Development Services, Inc.

a. Amendment SS-23-01-096

Consideration: Request to change the Future Land Use designation from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR); pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30

Location: District 2; Marden Road; generally located south of Ocoee Apopka Road and east of Marden Road; Orange County, Florida (legal property description on file in Planning Division)

And

b. Ordinance for Proposed Amendment

Consideration: 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.

And

c. Rezoning LUP-22-08-287

Consideration: Request to change the zoning from R-2 (Residential District) and R-3 Restricted (Multiple-Family Dwelling District) to PD (Planned Development District) (Cascades at Marden PD) in order to allow for 214 single-family attached residential dwelling units and 362 multi-family residential dwelling units with 20% of those units being affordable (72 units). Also, the following six waivers are requested from Orange County Code: 1) A waiver from Section 38-1258(a) to allow multi-family buildings located ninety- five (95) feet from single-family zoned property at a height of fifty-five (55) feet, five (5) stories, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to a single story in height. 2) A waiver from Section

38-1258(b) to allow multi-family buildings located between one hundred plus (100+) feet to one hundred fifty (150) feet of single-family zoned property to be a maximum of fifty-five (55) feet, five (5) stories in height, in lieu of varying building heights with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height. 3) A waiver from Section 38-1258(c) to allow multi-family buildings located within one hundred fifty (150) feet of single-family zoned property to be a maximum of fifty-five (55) feet, five (5) stories in height, in lieu of three (3) stories, forty (40) feet in height. 4) A waiver from Section 38-1258(d) to allow multi-family buildings fifty-five (55) feet, five (5) stories in height in lieu of three (3) stories or forty (40) feet for multi-family buildings. 5) A waiver from the Section 38-1258(f) requirement to install a wall between the proposed apartments and townhomes in lieu of constructing a six (6) foot high masonry, brick, or block wall wherever a multi-family development is located adjacent to single-family zoned property. 6) A waiver from Section 38-1258(j) to allow a multifamily building separation of twenty-five (25) feet in lieu of the graduated building separation with windows and other openings; pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30.

Location: District 2; Marden Road; generally located south of Ocoee Apopka Road and east of Marden Road; Orange County, Florida (legal property description on file in Planning Division)

New Condition of Approval # 21

21. Prior to approval of the first PSP/DP for the project, the developer shall provide evidence of satisfaction of commitments to the City of Apopka regarding a \$200,000 contribution for the traffic signal project at Ocoee Apopka Road at Marden Road and the construction of an enhanced mid-block pedestrian crossing along Marden Road. Orange County shall not be responsible for the reimbursement of any developer costs to the City towards these improvements.

Previous Condition of Approval # 21 is renumbered to Condition of Approval # 22:

2122. Applicant has committed to set aside a minimum of twenty percent (20%) of the multi-family residential units within this project as affordable housing to be rented to households at or below eighty percent (80%) of the area median income; such commitment shall be documented in an agreement satisfactory to the county which shall be executed and recorded prior to approval of any plat for the multifamily portion of this project.

Previous Condition of Approval # 22 is renumbered to Condition of Approval # 23:

2223. The following waivers from Orange County Code are granted:

a. A waiver from Section 38-1258(a) to allow multi-family buildings located ninety-five (95) feet from single-family zoned property at a height of fifty-five (55) feet, five (5) stories, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to a single story in height.

b. A waiver from Section 38-1258(b) to allow multi-family buildings located between one hundred plus (100+) feet to one hundred fifty (150) feet of single-family zoned property to be a maximum of

fifty-five (55) feet, five (5) stories in height, in lieu of varying building heights with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

c. A waiver from Section 38-1258(c) to allow multi-family buildings located within one hundred fifty (150) feet of single-family zoned property to be a maximum of fifty-five (55) feet, five (5) stories in height. in lieu of three (3) stories, forty (40) feet in height.

d. A waiver from Section 38-1258(d) to allow multifamily buildings fifty-five (55) feet, five (5) stories in height in lieu of three (3) stories or forty (40) feet for multifamily buildings.

e. A waiver from the Section 38-1258(f) requirement to install a wall between the proposed apartments and townhomes in lieu of constructing a six (6) foot high masonry, brick, or block wall wherever a multi-family development is located adjacent to single-family zoned property.

f. A waiver from Section 38-1258(i) to allow a multifamily building separation of twenty-five feet (25) feet in lieu of the graduated building separation with windows and other openings.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, adopt Amendment SS-23-01-096, Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR) Future Land Use; further, adopt the associated Ordinance 2023-41; further, approve the rezoning request Case # LUP-22-08-267 from R-2 (Residential District) and R-3 Restricted (Multiple-Family Dwelling District) to PD (Planned Development District) in order to allow for 214 single-family attached residential dwelling units and 362 multi-family residential dwelling units with 20% of those units being affordable (72 units); further, approve new Condition of Approval # 21; and further, approve renumbered 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 28TH DAY OF NOVEMBER 2023.

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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