

Interoffice Memorandum

DATE: April 25, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve the Silver City Properties Planned Development (PD) / Lot 4 Phase 1 Student Housing Development Plan (DP) dated "Received March 26, 2025", subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 5.

PROJECT: Silver City Properties PD / Lot 4 Phase 1 Student Housing DP (DP-24-10-242)

PURPOSE: The subject property is located on the north side of University Boulevard , east of N. Semoran Boulevard and contains 13.14 acres. The site is part of the Silver City Properties Planned Development and is approved for 2,400 student housing beds and retail uses. Through this request, the applicant is proposing to construct 182 units (580 beds) of student housing and an associated clubhouse, along with 6,103 sq. ft. of retail space. This is proposed to be the first of several phases of the overall student housing development on the site. The proposed development plan is in compliance with the approved PD and all applicable development standards and conditions. The Code requires all student housing development plans to receive BCC approval.

The proposal received a recommendation of approval from the DRC on February 19, 2025.

BUDGET: N/A

CASE # DP-24-10-242

Commission District # 5

1. GENERAL INFORMATION

Applicant:	Brittany Eveler Nvision Development
Owner:	Silver City Properties Ltd.
Project Name:	Silver City Properties Planned Development (PD) / Lot 4 Phase 1 Student Housing Development Plan (DP)
Hearing Type:	Development Plan (DP)
Request:	To construct 182 units (580 beds) of student housing and an associated clubhouse, along with 6,103 sq. ft. of retail space, on 13.14 acres.

2. PROJECT INFORMATION

A. Overview:	<p>The Silver City Properties PD was originally approved in 2000 and contains 35.52 gross acres. The existing development program allows for 220,000 square feet of commercial in Phase 1 (which encompasses Lots 1, 2 & 3) and 2,400 student housing beds and 30,000 square feet of commercial uses in Phase 2 (which is Lot 4). The PD is located north of University Boulevard and east of N. Semoran Boulevard, with Lot 4 being the majority of the western half of the PD. Lot 1 of the PD is developed with a grocery store and ancillary gas station, while Lot 2 is developed with a drive-thru quick service restaurant.</p>
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Through this request, the applicant is proposing to construct 182 units (580 beds) of student housing and an associated clubhouse, along with 6,103 sq. ft. of retail space. The proposed development plan complies with the approved PD and all applicable development standards and conditions. The Code requires all student housing development plans to receive approval from the Board of County Commissioners.

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B. Location:	North of University Boulevard / East of N. Semoran Boulevard
C. Parcel ID(s):	03-22-30-0000-00-029
D. Total Acres:	13.14 gross acres
E. Water Supply:	City of Winter Park
F. Sewer System:	City of Winter Park
G. Schools:	N/A
H. School Population:	N/A
I. Parks:	Goldenrod Park – 1.7 miles
J. Proposed Use:	182 units / 580 bed student housing
K. Site Data:	<p>Maximum Building Height:</p> <ul style="list-style-type: none">- Student Housing Building:<ul style="list-style-type: none">o 40 ft. – If less than 90 ft. from University Blvd.o 70 ft. – If between 90 ft. and 350 ft. from University Blvd.o 95 ft. – If more than 350 ft. from University Blvd.- Commercial Building:<ul style="list-style-type: none">o 50 ft. – If less than 90 ft. from University Blvd.o 70 ft. – If between 90 ft. and 350 ft. from University Blvd.o 95 ft. – If more than 350 ft. from University Blvd. <p>Building Setbacks:</p> <ul style="list-style-type: none">- Student Housing Building:<ul style="list-style-type: none">o Front (south): 25 ft.o Side (west): 25 ft.o Side (east): 10 ft.o Rear (north): 25 ft.o Interior (front/rear): 0 ft.- Commercial Building:<ul style="list-style-type: none">o Front (south): 10 ft.o Side (west): 25 ft.o Side (east): 10 ft.o Rear (north): 10 ft.o Interior (front/rear): 0 ft.

DRC Staff Report
Orange County Planning Division
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L. Fire Station:	Fire Station 63 – 2450 North Goldenrod Road
M. Public Notification:	The notification area for this public hearing extended beyond 1,500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within 300 feet of the subject property to be notified at least 10 days prior to the date of the hearing. Five hundred and eighty (580) notices were mailed to those property owners in the mailing area.
N. Community Meeting Summary:	A community meeting was held on January 16, 2025, at Aloma Elementary School. There were approximately 7 residents in attendance. The meeting began with county staff presenting the DRC process and an overview of the project. After the staff presentation, the applicant team presented the project in more detail and showed residents the proposed site plan and some renderings. Topics of discussion during the question-and-answer session included: the proposed pedestrian bridge, fencing, stormwater, building height, ownership and maintenance of the project, tree saving, and landscaping.
O. Transportation:	<p>Existing/Valid transportation capacity entitlements not found. This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Should this project be located near failing roadways then a traffic study will be required with the CEL application.</p> <p>Based on the Concurrency Management database (CMS) dated 11/15/2024, there are multiple failing roadway segments within the project's impact area. Aloma Ave, from Lakemont Ave to Tangerine Ave (2 segment(s)) and Semoran Blvd, from University Blvd to Seminole County Line (1 segment(s)) are failing. This information is dated and subject to change.</p>
P. Environmental Protection Division:	Based on the Environmental Assessment Report provided, Gopher tortoise burrows have been located on this site. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations.

Forward any related permits to the Orange County Environmental Protection Division.

This site is located within the Crane Strand Drain Bacteria Pollution Control Plan area, a Pollution Reduction Plan (PRP) Area. Installation of enhanced nutrient-reducing OSTDS regulated in Sections 373.811 and 403.067, Florida Statutes, is not applicable to this request since development within this property is required to connect to the Orange County Utilities wastewater system.

Proximity to parcels with known FDEP cleanup sites associated with the City Industries Inc located approximately 500 feet North East of the site. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

Q. Comprehensive Plan:

The subject property has a Future Land Use Map (FLUM) designation of Planned Development PD- Commercial / High Density Residential (Student Housing) (PD-C/HDR) on the Future Land Use Map and is currently zoned Planned Development (PD). The Silver City Properties PD was last amended in September 2024 and currently allows up to 600 student housing units (2,400 beds) and 30,000 square feet of commercial uses on the subject property (Lot 4). The request appears to be consistent with the Comprehensive Plan.

R. Zoning:

PD (Planned Development District)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (February 19, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the Silver City Properties PD / Lot 4 Phase 1 Student Housing DP dated "Received March 26, 2025", subject to the following conditions:

1. Development shall conform to the Silver City Properties Planned Development; Board approvals; Phase 1 Development Plan dated "Received March 26, 2025"; and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the Board, or by action of the Board.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, as may be amended, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this development plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Development plan (DP) approval by the DRC (or Board, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.

8. As required by Section 38-1259(e), Orange County Code, for all student housing projects, a Mobility Plan shall be submitted with the DP to the Transportation Planning Division. The student housing mobility plan shall describe and depict pedestrian and bicycle systems and facility needs consistent with this section, transit service and facility needs, university and County coordination measures that will be implemented by the developer to manage transportation demand and promote pedestrian and bicycle safety, and designation of appropriate space within the development for carsharing, bike sharing, and electric car charging stations, as they may be implemented within the university area. The student housing mobility plan also shall describe and depict the pedestrian and bicycle safety features cross-sections, marked and stamped crosswalks, safety beacons, traffic signal modifications, pedestrian scale lighting, and other pedestrian and bicycle safety features (with associated funding and maintenance responsibilities) that will be provided and are needed (and warranted, as applicable) to ensure safe pedestrian and bicycle access to adjacent land uses and across major roadways to commercial land uses and transit facilities. Improvements identified by the plans shall be constructed or implemented prior to issuance of a certificate of occupancy and shall be consistent with the most recent editions of Florida Department of Transportation standards. As required by Section 38-1259(e), Orange County Code, for all student housing projects, a community/site design plan for crime prevention through environmental controls shall be submitted with the DP to the Planning Division and must be consistent with the Crime Prevention through Environmental Design ("CPTED") Manual used by the International CPTED Association and Florida CPTED Network.

9. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

10. The developer must submit an updated flood study/report to the Stormwater Manager addressing the following concerns:
 - a. Flood Claims: Address any FEMA flood claims adjacent to the site.
 - b. Storm Event Analysis: Use multi-day storm events in the analysis.
 - c. Pipe Connection: Clarify the connection between the existing depression area (remnant of the original Zone A/wetland) and the stormwater ponds, confirming its impact on floodplain storage.
 - d. Compensatory Storage: Verify compensatory storage provisions within the pond system to ensure compliance with floodplain storage requirements.
 - e. Buffer Area/Landscaping: Confirm the 7.8-acre buffer area's relationship to previous compensatory storage calculations.

This study and report must be approved by Stormwater Management prior to the first construction permit approval associated with the project.

Additionally, the developer must submit a Conditional Letter of Map Revision (CLOMR), and no construction permit for this project will be issued until FEMA provides an approval letter to the County. After construction is completed, the developer must submit a Letter of Map Revision (LOMR), and a Certificate of Occupancy (C/O) will not be issued until FEMA's approval is received.

11. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
12. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
13. Unless otherwise allowed by County Code, the property shall be platted/replatted prior to the issuance of any vertical building permits.
14. A mandatory pre-application/sufficiency review meeting for the plat/replat shall be required prior to plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.

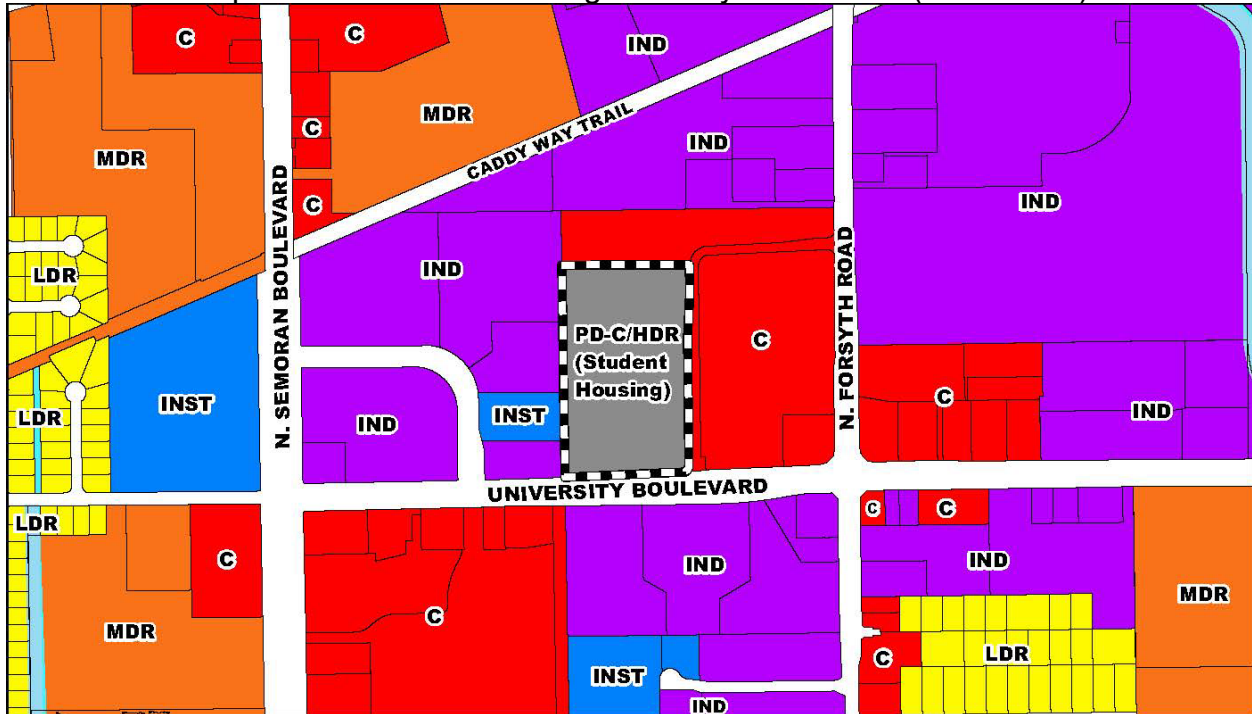
15. Developer shall enter into an agreement with the County for the ownership, construction, and maintenance of the proposed overhead pedestrian bridge as well as the necessary ancillary easements and agreements; such easements and agreements shall be reviewed and approved by the County for this project and recorded in Public Records of Orange County, Florida prior to construction plan approval.
16. Site development activity shall comply with State recommended Best Management Practices to protect soils during clearing, earthwork and construction. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.
17. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
18. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
19. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
20. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that potable wells using local groundwater will not be allowed on site. Irrigation wells may be allowed on site if reclaimed water is deemed not available and the wells are approved and inspected by the Florida Department of Health (FDOH).

21. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S., as may be amended.
22. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
23. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
24. New pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
25. Per Sec. 38-1259(a) of Orange County Code, a student housing development plan shall require approval through a public hearing before the Board of County Commissioners.
26. In order to qualify as student housing, all units must comply at all times with the definition of student housing in Section 38-1, Orange County Code, as such definition exists as of the date of approval of this development plan. Failure to comply with such definition may subject the project to code enforcement and/or increased impact fees, as well as any applicable concurrency requirements.
27. 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.

28. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to the construction of the pedestrian bridge over University Blvd west. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208.
29. Six (6) additional long-term bicycle parking spaces, in addition to any required for future student housing phases, shall be provided at the time of development plan for the future phases.
30. A minimum 5-foot-wide sidewalk shall be provided along the east side of the parcel at the private street from University Boulevard to North Forsyth Road prior to the Certificate of Occupancy for Phase 1.

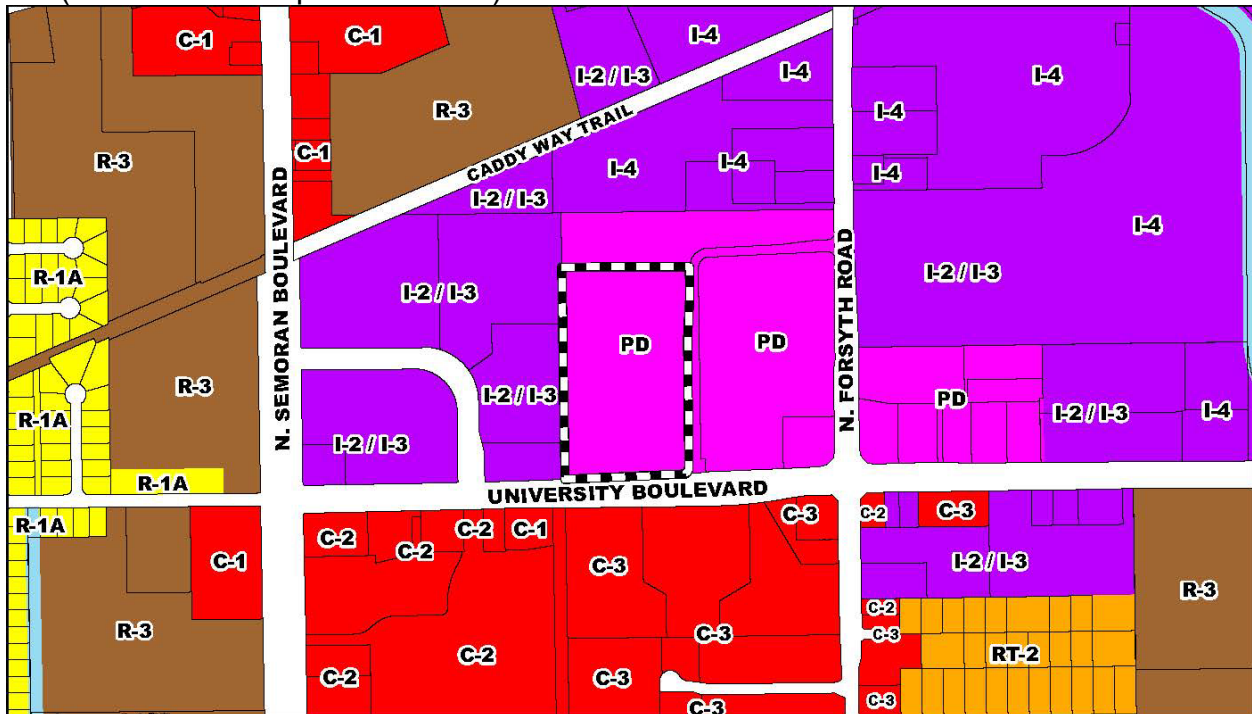
FUTURE LAND USE

Planned Development – Commercial / High Density Residential (PD-C/HDR)



ZONING

PD (Planned Development District)





Notification Map

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Public Notification Map

DP-24-10-242

