



# Orange County Government

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

## Decision Letter

### Board of County Commissioners

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Tuesday, April 8, 2025

2:00 PM

County Commission Chambers

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**25-434**

√Case # CDR-24-10-258

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

**Consideration:** A PD substantial change to request a waiver from Orange County Code Section 38-1476(a) to reduce the code minimum parking requirement for student housing to 0.9 spaces per bedroom in lieu of the code minimum 1 space per bedroom; pursuant to Orange County Code, Chapter 30.

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

New Condition of Approval #11:

11. 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

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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.

Previous Condition of Approval #11 is renumbered to Condition of Approval #12 and modified; by deleting 11j as follows:

44-12. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated September 10, 2024 shall apply:

- a. 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.
- b. 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).
- c. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.
- d. 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.

- e. 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.
- f. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
- g. 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.
- h. 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.
- i. All facades of the structured parking shall reflect the character, scale, massing and materiality of the principal structures surrounding them. These facades shall be architecturally treated to compliment the principal building, including but not limited to roof treatments, wall finishes, and color palette.
- ~~j. In compliance with Section 19 of the Orange County Code, the property owner / engineer may be required to provide a series of FEMA Letter of Map Changes (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without an established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer must perform a study to establish the BFE and obtain a FEMA LOMR (Letter of Map Revision) prior to site construction plan submittal. For modifications to a determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval must be obtained by the owner / engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy and / or Certificate of Completion. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107(1).~~
- j. 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.
- k. The following waivers from Orange County Code are granted:
- i. A waiver from Section 38-1272(a)(3)(a) to allow a minimum required front (south) building setback for commercial buildings along the east one hundred fifty feet (150'), to ten feet (10') in lieu of the minimum required thirty feet (30').

ii. 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.

iii. A waiver from Section 38-1272(a)(5), to allow commercial buildings a maximum height of seventy feet (70') for buildings located between ninety feet (90') and three hundred fifty feet (350') from University Boulevard right-of-way and a maximum height of ninety-five feet (95') for buildings located beyond three hundred fifty feet (350') from University Blvd right-of-way, in lieu of fifty feet (50').

iv. A waiver from Section 38-1258 (2), to allow residential buildings a maximum height of seventy feet (70') for buildings located between ninety feet (90') and three hundred fifty feet (350') from University Boulevard right-of-way and a maximum height of ninety-five feet (95') for buildings located beyond three hundred fifty feet (350') from University Blvd right-of-way, in lieu of three (3) stories or forty feet (40') in height.

v. 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 twenty five foot (25') setback.

vi. 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 twenty five foot (25') setback.

Previous Conditions of Approval #12, #13, and #14 are renumbered to Conditions of Approval #13, #14 and #15.

~~42~~ 13. 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.

~~43~~ 14. Except as amended, modified, and/or superseded, the following Board Conditions of Approval, dated June 18, 2019, shall apply:

a. 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.

~~44~~ 15. 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 operate as a three-faced billboard.

## Revised Condition of Approval #9:

9. 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~~ issuance of the first building permit for the project.

A motion was made by Commissioner Martinez Semrad, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the fourteen (14) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated March 10, 2025; further, approve new Condition of Approval #11; further, delete Condition of Approval #11j; further, approve renumbered Conditions of Approval #12, #13, #14 and #15; and further, modify Conditions of Approval #9 and #12. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Martinez Semrad, and Commissioner Scott



**THE FOREGOING DECISION HAS BEEN FILED  
WITH ME THIS 18TH DAY OF APRIL 2025.**

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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