

## Interoffice Memorandum

**DATE:** March 10, 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 an amendment to the Silver City Properties Planned Development (PD) dated "Received January 24, 2025", subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 5.

**PROJECT:** Public Hearing - Silver City Properties PD (CDR-24-10-258)

**PURPOSE:** The Silver City Properties PD contains 35.52 gross acres generally located north of University Boulevard and east of N. Semoran Boulevard. The existing development program allows for 220,000 square feet of commercial in Phase 1 (Lots 1, 2 & 3) and 2,400 student housing beds and 30,000 square feet of commercial uses in Phase 2 (Lot 4).

Through this change determination request to the PD, the applicant is requesting 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. The waiver applies to the student housing portion of Phase 2.

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

**BUDGET:** N/A

**CASE # CDR-24-10-258**  
Commission District: #5

**GENERAL INFORMATION**

<b>APPLICANT</b>	Brittany Eveler, Nvision Development
<b>OWNER</b>	Silver City Properties, LTD.
<b>PROJECT NAME</b>	Silver City Properties Planned Development (PD)
<b>PARCEL ID NUMBER(S)</b>	03-22-30-0000-00-029 (affected parcel)
<b>TRACT SIZE</b>	35.52 gross acres (overall PD) 13.14 acres (affected parcel)
<b>LOCATION</b>	North of University Boulevard / East of N. Semoran Boulevard
<b>REQUEST</b>	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.

***Applicant Justification:*** This request is supported by a detailed parking study that analyzed the specific needs of the student population and the integrated mixed-use design. The study demonstrates that the proposed reduced parking ratios accurately reflects the parking demand of similar student housing developments. Factors such as the proximity to campus, public transportation availability, ridesharing, and the students' preference for non-motorized travel modes contribute to reduced parking needs.

Reducing the parking requirement will not only optimize land use but also promote sustainability by minimizing impervious surfaces, reducing stormwater runoff, and encouraging alternative transportation methods. Additionally, the adjusted ratio will maintain sufficient parking availability to meet the needs of students without creating excessive parking areas.

**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 three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Five hundred and forty-eight (548) notices were mailed to those property owners in the mailing area.

## **IMPACT ANALYSIS**

### **Project Overview**

The Silver City Properties PD contains 35.52 gross acres and was originally approved in 2000. 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 (which is the affected area of this request) being the majority of the western half of the PD. Lot 1 of the PD is currently developed with a grocery store with ancillary gas station, while Lot 2 is currently developed with a drive-thru quick service restaurant.

Through this change determination request to the PD, the applicant is requesting a waiver 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. The waiver applies to the student housing portion of Phase 2.

### **Land Use Compatibility**

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

### **Comprehensive Plan (CP) Consistency**

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.

### **Overlay Ordinance**

The subject property is not located within an Overlay District.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

### **Joint Planning Area (JPA)**

The subject property is not located within a JPA.

### **Environmental**

Orange County Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.

### **Transportation Planning**

This CDR case requests waivers from Orange County Code Section 38-1272(a)(3)(a) will not trigger the transportation concurrency requirements via a Capacity Encumbrance Letter (CEL) application.

**Community Meeting Summary**

A community meeting was not required for this case.

**Schools**

Orange County Public Schools (OCPS) staff has reviewed the proposed request and did not identify any issues or concerns.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

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

**Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Silver City Properties PD dated “Received January 24, 2025”, subject to the following conditions:**

1. Development shall conform to the Silver City Properties Planned Development (PD) dated "Received January 24, 2025," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received January 24, 2025," the condition of approval shall control to the extent of such conflict or inconsistency.
  
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 land use 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. 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.
8. 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.
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.
10. A waiver from Orange County Code Section 38-1476(a) is granted 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.
11. 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.

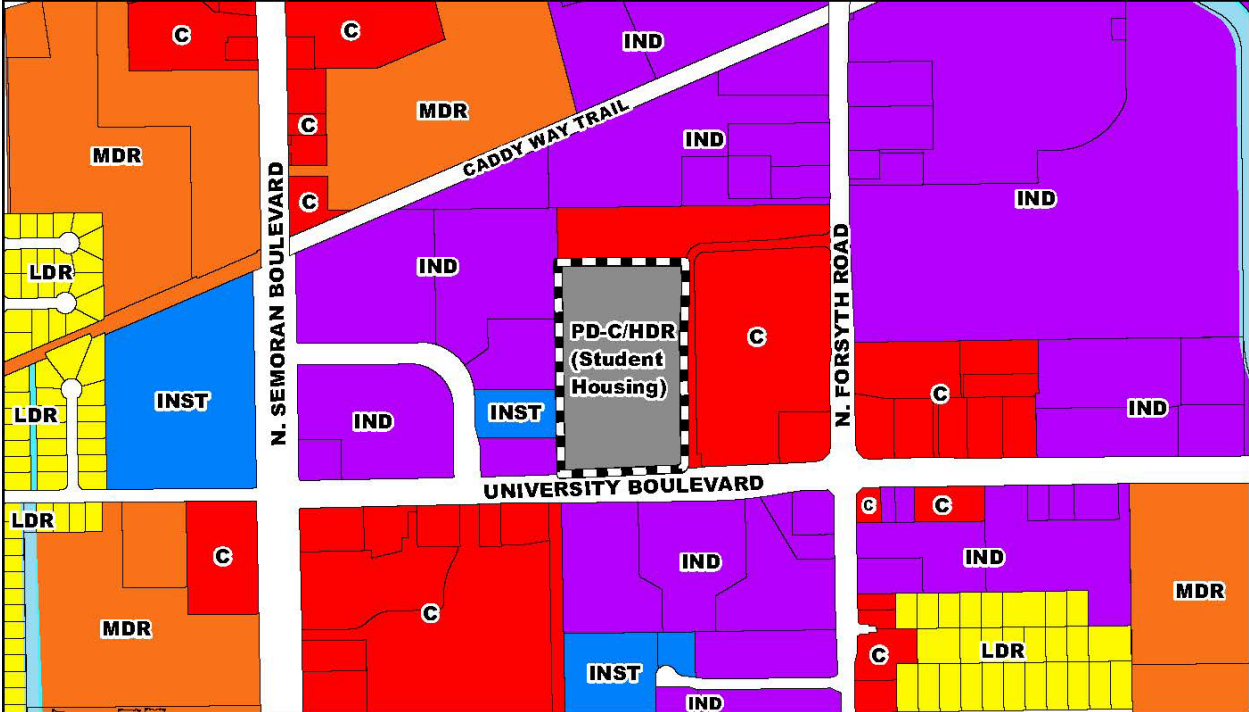
- i. All facades of the structured parking shall reflect the character, scale, massing and materiality of the principal structures surrounding them. These facades shall be architecturally treated to compliment the principal building, including but not limited to roof treatments, wall finishes, and color 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).
  
- k. 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.
  
- l. 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.
12. 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.
13. 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.
14. 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.

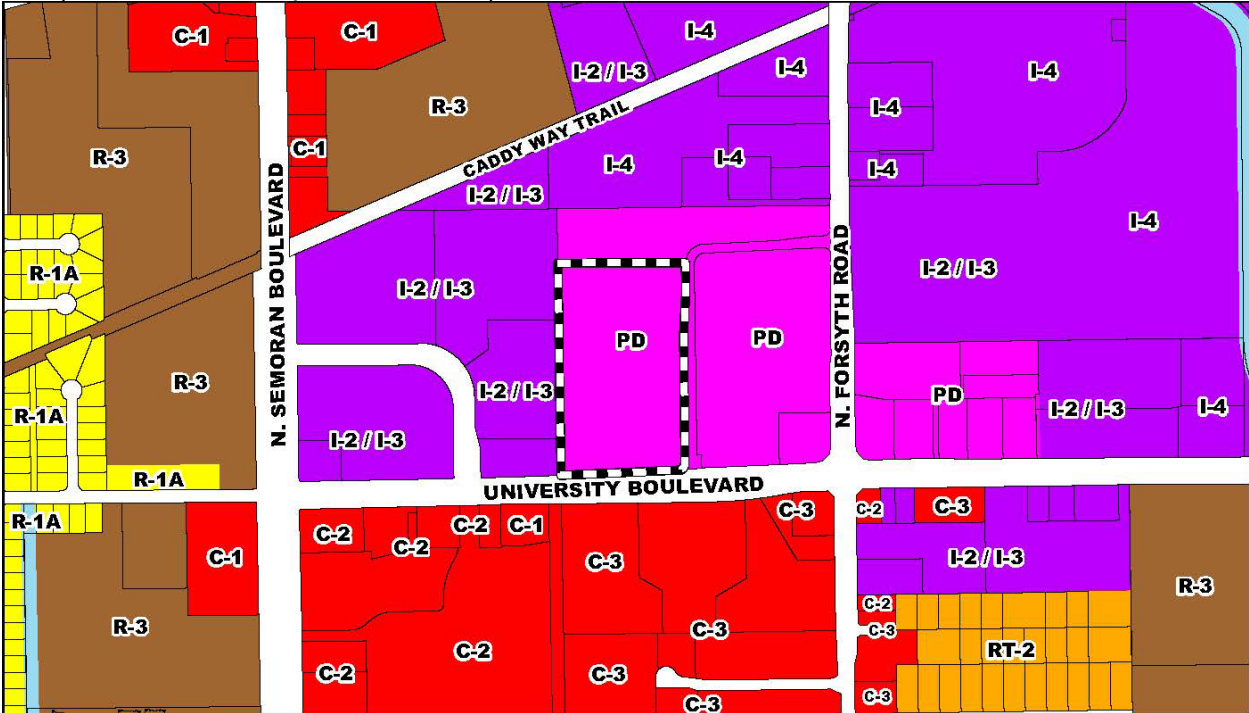
**FUTURE LAND USE**

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

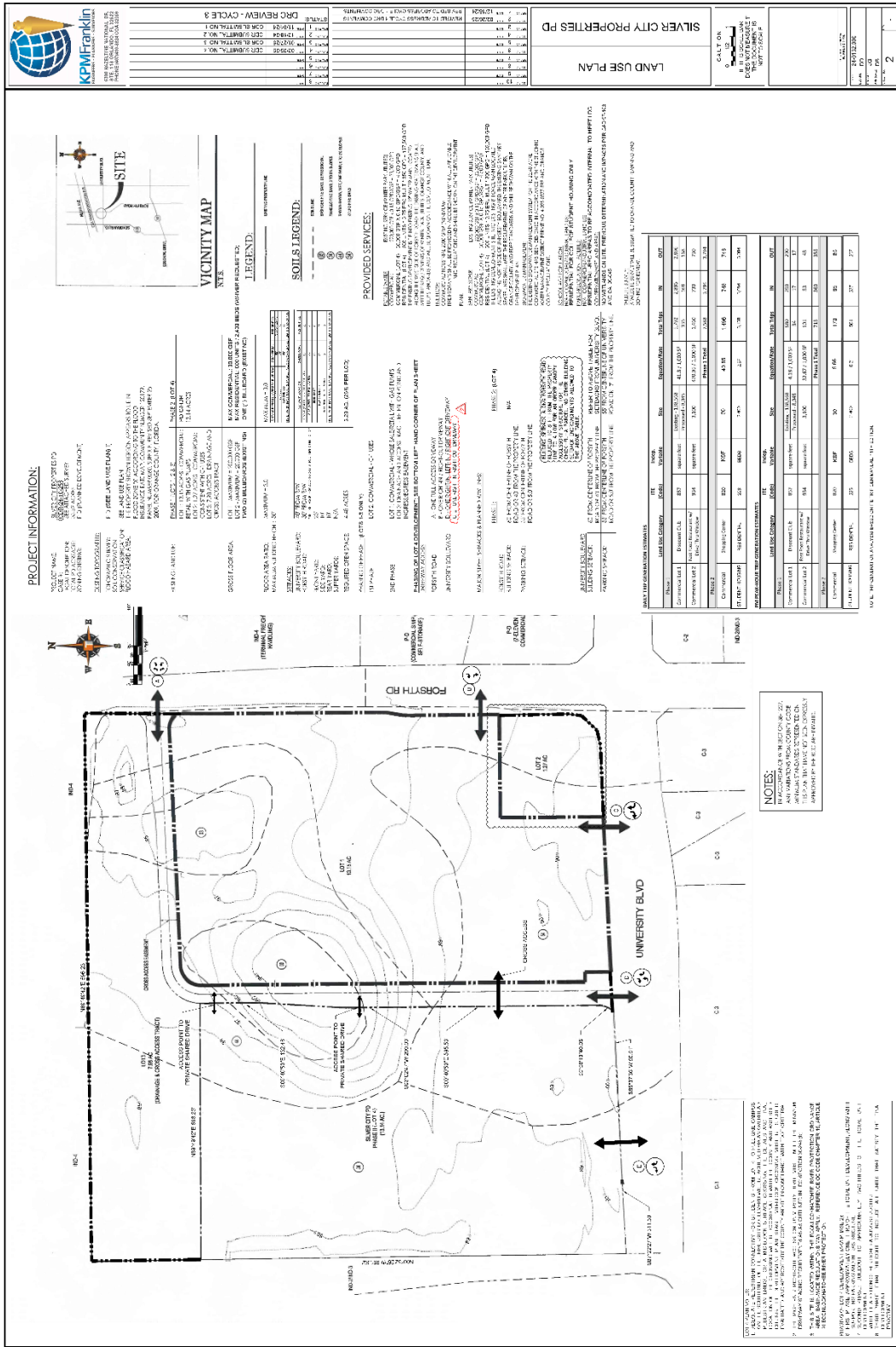


**ZONING**

PD (Planned Development District)



# Land Use Plan





# Public Notification Map

Silver City Properties PD\_CDR-24-10-258

## Notification Map

**MAP LEGEND**

- SUBJECT\_SITE
- 1500FT\_BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED\_PARCELS
- COURTESY\_PARCELS

BUFFER DISTANCE: 1500  
 # OF NOTICES: 548

