



Orange County Government

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

Decision Letter

Board of County Commissioners

Tuesday, July 7, 2020

2:00 PM

Communications Media Technology

20-751

Rezoning

Kathy Hattaway, Poulos & Bennett, LLC, Horizon West - Village I - Gem
Groves Planned Development (PD), Case # LUP-18-10-334; District 1

Consideration: Request to rezone 277.09 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop 370 multi-family, 117 single-family attached, and 365 single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, a communications tower, and seven (7) conditional uses for the village center. In addition, the applicant has requested the following waivers from Orange County Code:

- 1) A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.
- 2) A waiver from Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
- 3) A waiver from Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, to allow garage access to be setback from an alley tract in lieu of an easement.
- 4) A waiver from Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.
- 5) A waiver from Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.
- 6) A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.
- 7) A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in

height, in lieu of the requirement that 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.

8) A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

9) A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family buildings constructed up to five-stories and 65 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.

10) A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.

11) A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.

12) A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.

13) A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.

14) A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.

15) A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.

16) A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from the APF road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.

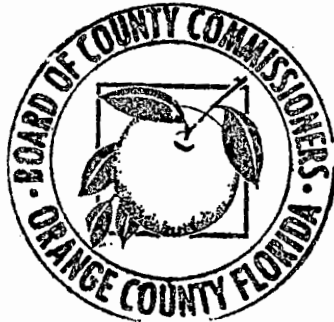
17) A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located north and south of Flemings Road / West of C.R. 545 (Avalon Rd.) / West of Lake Star Road; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request from A-1 (Citrus Rural District) to PD (Planned Development District) to develop 370 multi-family dwelling units, 117 single-family attached dwelling units, and 365 single-family detached dwelling units, a 5-acre APF park, an elementary school, 200,000 square feet of commercial space, a communications tower, and seven (7) conditional uses for the village center, subject to the twenty-seven (27) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report; and further, approve and execute the Adequate Public Facilities Agreement for Horizon West Village I Gem Groves PD by and between Titan Liberty Lake Underhill Joint Venture, Village I 545, LLC, and Orange County conveying 26.16 acres of APF lands and providing \$51,975 in Transportation Impact Fee Credits. 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 14TH DAY OF JULY
2020.**



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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