



# 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, October 25, 2022

2:00 PM

County Commission Chambers

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**22-390**

Adoption of Future Land Use Map Amendment SS-22-01-103, Ordinance, and Concurrent Rezoning RZ-22-01-001, Jonathan Martin, Kimley-Horn and Associates, Inc. (Continued from April 26, 2022, June 21, 2022 and September 27, 2022)

c. Rezoning RZ-22-01-001

**Consideration:** Request to rezone one (1) parcel containing 3.64 gross acres from C-1 to PD, in order to construct a 600-bed student housing development. The request also includes the following waivers from Orange County Code: 1. A waiver from Section 30-248(d)(3) to allow a minimum 50 foot driveway length in lieu of 70 feet. 2. A waiver from Section 38-1251(b) to allow a maximum building coverage of all buildings up to sixty percent (60%) of the project in lieu of thirty percent (30%) of the gross land area. 3. A waiver from Section 38-1251(d) to allow a maximum height of seventy-five (75) feet for residential development in lieu of a maximum height of thirty-five (35) feet. 4. A waiver from Section 38-1254(1) to allow a fifteen (15') foot PD setback along Orpington Street, ten (10') foot PD setback along Crescent Blvd., and twenty-five (25') foot PD setback along remaining boundaries and no increase due to structure height from all boundaries of the PD in lieu of a minimum twenty-five foot (25') setback from all boundaries of the PD and increases due to structure height. 5. A waiver from Section 38-1254(2)(e) to allow a fifteen foot (15') building setback along the north boundary (Orpington Street) and ten feet (10') along the west boundary (Crescent Boulevard) in lieu of twenty feet (20') from all other rights-of-way. 6. A waiver from Section 38-1258(a) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height and located a minimum of eighty-five (85) feet from single family zoned property in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to single story in height. 7. A waiver from Section 38-1258(b) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located between one hundred plus (100+) feet to one hundred and fifty (150) feet of a single-family zoned property in lieu of 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 Section 38-1258(c) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located within one hundred and fifty (150) feet of single-family zoned property in lieu of three (3) stories (forty [40] feet) in height. 9. A waiver from Section 38-1259(b) to allow a minimum distance separation of eighty-five (85) feet between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400'). 10. A waiver from Section 38-1259(d) to allow for a vegetative buffer in lieu of a six-foot high masonry, brick or block wall constructed whenever a student housing development is located adjacent to any right-of-way. 11. A waiver from Section 38-1259(k) to allow five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height in lieu of a maximum building height of three (3) stories (forty [40] feet). 12. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent impervious coverage in lieu of a maximum impervious coverage of seventy (70) percent of the net land area. 13. A waiver from Section 38-1476(a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom; pursuant to Orange County Code, Chapter 30

**Location:** District 5; property located at 11731 E. Colonial Drive; generally north of E. Colonial Drive, west of Alafaya Trail, and east of Crescent Boulevard; Orange County, Florida (legal property description on file in Planning Division)

Modified Condition of Approval # 15:

15. In connection with the development of the Fifty South Student Housing Planned Development (the "Project"), the Developer will, at Developer's expense, construct and/or install within existing Orange County right-of-way, to Orange County standards for design and construction, one of the following improvement options (the "Options"); such Option to be determined by Orange County before final approval of the Development Plan for the Project, or no later than six (6) months from the final approval of the Development Plan for the Project, or unless the Board of County Commissioners decides prior to that six month period which option to operate:

OPTION 1. Either a "cul-de-sac" or a "hammer-head" at the intersection of Crescent Blvd. and Cochin St. to prevent cut-through traffic from Alafaya Trail to Colonial Drive. Additionally, the improvements may include (i) a "crash gate" at Cochin St. to allow emergency vehicles the ability to access Crescent Blvd. from Cochin St. with pedestrian accessibility, and/or (ii) removal of a portion of asphalt at the western end of Cochin St. with a provision of a stabilized surface to allow emergency vehicles the ability to access Crescent Blvd. as well as to allow for a pedestrian connection:

OPTION 2. Developer shall install the following "traffic calming" improvements in or along Crescent Blvd., provided, however, any stop signs shall be warranted and approved by the BCC prior to installation in accordance with Section 21 -231(h), Orange County Code: (i) Stop signs going both directions at the intersection of Crescent Blvd. and Cochin St.; (ii) Stop signs going all three directions at the intersection of Crescent Blvd. and Minorca St.; (iii) Stop signs going all four directions at the intersection of Crescent Blvd. and Orpington St.; (iv) Speed table(s) on Crescent Blvd. approximately half-way between Cochin St. and Minorca St. or at a location determined by the County traffic Engineer; and (v) Speed table(s) on Crescent Blvd. approximately half-way between Minorca St. and Orpington St. or at a location determined by the County traffic Engineer.

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If the County has not yet selected one of the Options by the time Developer submits for Development Plan approval, Developer may submit alternative plans for Option 1 and Option 2 at the Development Plan phase so that the County can evaluate both Options in connection with the Development Plan review. If the County has not selected an Option within six (6) months following the approval of the Development Plan for the Project, the Developer may proceed with Option 2 to satisfy this condition. The Developer will be required to complete the applicable Option prior to the issuance of a final Certificate of Occupancy for the Project. Nothing herein is intended to delay or supersede the standard development process for the Project.

Renumber Condition of Approval # 16 to Condition of Approval # 18

~~16-~~ 18. The following waivers from Orange County Code are granted:

- a. A waiver from Section 30-248(d)(3) to allow a minimum 50-foot driveway length in lieu of 70-feet.
- b. A waiver from Section 38-1251(b) to allow a maximum building coverage of all buildings up to sixty percent (60%) of the project in lieu of thirty percent (30%) of the gross land area.
- c. A waiver from Section 38-1251 (d) to allow a maximum height of seventy-five (75) feet for residential development in lieu of a maximum height of thirty-five (35) feet.
- d. A waiver from Section 38-1254(1) to allow a fifteen (15') foot PD setback along Orpington Street, ten (10') foot PD setback along Crescent Blvd., and twenty-five (25') foot PD setback along remaining boundaries and no increase due to structure height from all boundaries of the PD in lieu of a minimum twenty-five foot (25') setback from all boundaries of the PD and increases due to structure height.
- e. A waiver from Section 38-1254(2)(e) to allow a fifteen foot (15') building setback along the north boundary (Orpington Street) and ten feet (10') along the west boundary (Crescent Boulevard) in lieu of twenty feet (20') from all other rights-of-way.
- f. A waiver from Section 38-1258(a) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy five [75] feet) in height and located a minimum of eighty-five (85) feet from single family zoned property in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to single story in height.
- g. A waiver from Section 38-1258(b) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy five [75] feet) in height located between one hundred plus (100+) feet to one hundred and fifty (150) feet of a single-family zoned property in lieu of 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.

h. A waiver from Section 38-1258(c) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy five [75] feet) in height located within one hundred and fifty (150) feet of single family zoned property in lieu of three (3) stories (forty [40] feet) in height.

i. A waiver from Section 38-1259(b) to allow a minimum distance separation of eighty-five (85') feet between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400').

j. A waiver from Section 38-1259(d) to allow for a vegetative buffer in lieu of a six foot high masonry, brick or block wall constructed whenever a student housing development is located adjacent to any right-of-way.

k. A waiver from Section 38-1259(k) to allow five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height in lieu of a maximum building height of three (3) stories (forty [40] feet).

l. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent impervious coverage in lieu of a maximum impervious coverage of seventy (70) percent of the net land area.

m. A waiver from Section 38-1476(a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom.

New Condition of Approval # 16:

16. If at the time of approval of the development plan the development is served by a UCF-affiliated shuttle or other transit option, one or more transit shelters shall be depicted on the mobility plan required by Section 38-1259(e) and those shelters must be located on or immediately adjacent to the development site to accommodate transit ridership to and from the development, consistent with Section 38-1259(i). If at the time of approval of the development plan the development is not served by a UCF-affiliated shuttle or other transit option, the developer shall make other arrangements for a shuttle or other transit option which must operate until such time that there is a UCF-affiliated shuttle or other transit operation serving the development.

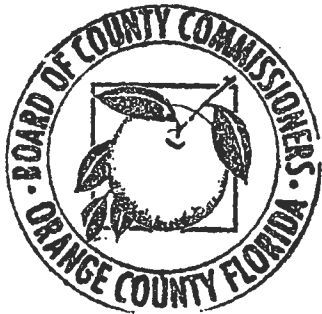
New Condition of Approval # 17:

17. Balconies shall be prohibited on any apartment units facing the exterior of the project.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, adopt Amendment SS-22-01-103, Planned Development - High Density Residential - Student Housing (PD-HDR-Student Housing); further, adopt the associated Small-Scale Ordinance 2022-37; further, approve the concurrent rezoning request of one (1) parcel containing 3.64 gross acres from C-1 to PD, in order to construct a 600-bed student housing development subject to the sixteen (16) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report dated October 3, 2022; further, modify condition of approval # 15; further renumber condition of approval # 16 (waivers) to condition of approval # 18; and further, approve new conditions of approval # 16 and #17. The motion carried by the following vote:

**Aye:** 6 - Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

**Absent:** 1 - Mayor Demings



THE FOREGOING DECISION HAS BEEN FILED  
WITH ME THIS 14TH DAY OF NOVEMBER 2022.

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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