



# 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, June 4, 2019

2:00 PM

County Commission Chambers

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19-677

Concurrent Rezoning Request

VHB, Inc.

Rezoning LUPA-18-05-175 (Hannah Smith Property PD)

**Consideration:** Rezone from A-2 (Farmland Rural District) and PD (Planned Development District) to PD (Planned Development District) (Hannah Smith Property PD) Also requested are twenty-two (22) waivers from Orange County Code: 1) A waiver from Section 38-1393 to eliminate the BVN minimum setback/height limitations to allow a multi-family building with a maximum building height of one hundred fifteen (115) feet/nine (9) stories for Tract 1, in lieu of the proximity based requirements; 2) A waiver from Section 38-1254 within Tracts 1, 2, 3 and 4 to allow zero foot setback for internal lot lines, in lieu of the required minimum setback of twenty-five (25) feet; 3) A waiver from Section 38-1393 to allow a maximum height of 150 feet for non-residential development for Tract 4, in lieu of the proximity based requirements; 4) A waiver from Section 38-1394.1(a)(2) to allow for multi-family and non-residential buildings to allow for tree planting requirements around the building base area per Sec. 24-4(d) for all Tracts, in lieu of the one (1) canopy tree for each one hundred (100) square feet of green space; 5) A waiver from Section 38-1272(a)5 to allow the maximum building height to be fifty (50) feet, in lieu of thirty-five (35) feet for any commercial building within Tract 1; 6) A waiver from Section 38-1392.1 to allow a building setback of twenty-five (25) feet for Tracts 1, 2, 4 and 5, in lieu of thirty-five (35) feet minimum building setback requirement to lands with residential zoning, residential future land use or physical residential use; 7) A waiver from Section 38-1392.2(2)c within Tracts 2, 3, and 4 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path, in lieu of ten (10) feet along one side of the pedestrian path; 8) A waiver from Section 38-1392.2(3)c is requested within Tracts 2, 3, and 4 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path, in lieu twelve (12) feet along one (1) side (or six (6)-foot on each side) of the connecting pathway; 9) A waiver from Section 38-1391.1 to provide architectural design concepts with Development Plans, in lieu of providing a building architectural design concept or set of design guidelines as part of the planned development process; 10) A waiver from Section 38-1396.1(2) for Tracts 1, 2, 3 and 4 to allow light fixtures other than the acorn-style fixtures; 11) A waiver from Section 24-4(a)(2)a within Tracts 1, 2, 3, and 4 to permit palms, in addition to shade trees, to meet the vehicular use area requirements, with no more that 25% of the shade tree requirement being met with palms, in lieu of limiting allowable trees to shade trees; 12) A waiver from Section 38-1392.5(1) within Tracts 1, 2, 3 and 4 to allow for a minimum landscaped area of eight (8) percent of a parking lot, in lieu of ten (10) percent and a minimum landscape planter width of ten (10) feet from face of curb to face of curb, in lieu of thirteen (13) feet from face of curb to face of curb. Cumulative tree caliper inches will be provided per code

requirements; 13) A waiver from Section 38-1392.5(2) within Tracts 1, 2, 3 and 4 to allow for a minimum of one (1) canopy tree (as defined by BVN code as 4" caliper or greater) for every 10 parking spaces, in lieu of 0.8 caliper inches of canopy trees for every parking space. It is also requested to permit specimen palms, in addition to canopy tree; 14) A waiver from Section 38-1272 (a)(1) within Tracts 2,3, and 4 to allow a maximum impervious coverage not to exceed eighty (80) percent of the net land area, in lieu of seventy (70) percent of the net land area; 15) A waiver from Section 38-1394(1)(b) within Tracts 1, 2, 3 and 4 to allow one shade tree every fifty (50) feet at minimum of four-inch (4") caliper with a minimum height of fourteen (14) feet and three (3) ornamental trees every one-hundred (100) feet, in lieu of one (1) shade tree every forty (40) feet at a minimum of four-inch caliper with a minimum height of fourteen (14) feet and 3 ornamental trees every one hundred feet for collector roads. It is also requested to permit specimen palms, in addition to canopy trees, to meet the requirement; 16) A waiver from Section 38-1394(1)(c) within Tracts 1, 2, 3 and 4 to also permit specimen palms as canopy trees and palms as understory trees in reference to three (3) shade trees for every one hundred (100) feet, four-inch caliper, 14-foot height minimum; or five (5) under-story trees in tree-wells for every one hundred (100) feet; 17) A waiver from Section 38-1394(2) within Tracts 1, 2, 3 and 4 to allow for specimen palms, in lieu of laurel oaks and in addition to live oaks as streetscape shade trees; 18) A waiver from Section 38-1394.1(a) within Tracts 1, 2, 3 and 4 to allow for the green space around the base of each single-story building to be zero feet (0') if abutted by a sidewalk, in lieu of ten feet (10') around the base of each single story building within the commercial or vertical mixed use developments; 19) A waiver from Section 38-1394.1(b) within Tracts 1, 2, 3, and 4 to allow for a minimum ground sign planting area of one times the copy area of the ground sign, in lieu of three times the copy area of the ground sign; 20) A waiver from Section 38-1394.1(c) within Tracts 1, 2, 3 and 4 to allow for zero (0) feet of landscape buffer requirement between land uses internal to the PD; 21) A waiver from Section 38-1286 within Tract 4 to have no minimum lot width, in lieu of one hundred fifty (150) feet; and 22) A waiver from Section 38-1287(1) to allow a minimum building setback from an Arterial to be twenty-five (25) feet for Tract 4, in lieu of sixty (60) feet.

**Location:** District 1; Generally located north of Interstate 4 and south of Fenton St.; Parcel ID#s: 11-24-28-0000-00-020, 14-24-28-0000-00- 012/018/027, 14-24-28-1242-60-000/66-000/66-001, 15-24-28-7774-00-023/024, and 14-24-28-1242-71-350/380; 86.84 gross ac.

**Court Reporter:** Candy Morgan, Landmark Reporting, Inc.

Modified Condition of Approval # 11:

o. A waiver from Section 38-1394(1)(b) is requested within Tracts 1, 2, 3 and 4 to allow one shade tree every fifty (50) feet at minimum of four-inch (4") caliper with a minimum height of fourteen (14) feet and three (3) ornamental trees every one-hundred (100) feet, in lieu of one (1) shade tree every forty (40) feet at a minimum of four-inch caliper with a minimum height of fourteen (14) feet and 3 ornamental trees every one hundred feet for collector roads. It is also requested to permit specimen palms, in addition to canopy trees, to meet the requirement. Palms may comprise no more than 25% of the required shade trees.

p. A waiver from Section 38-1394(1)(c) is requested within Tracts 1, 2, 3 and 4 to also permit

specimen palms as canopy trees and palms as understory trees in reference to three (3) shade trees for every one hundred (100) feet, four-inch caliper, 14-foot height minimum; or five (5) under-story trees in tree-wells for every one hundred (100) feet. Palms may comprise no more than 25% of the required understory trees.

q. A waiver from Section 38-1394(2) is requested within Tracts 1, 2, 3 and 4 to allow for specimen palms, in lieu of laurel oaks and in addition to live oaks as streetscape shade trees. Palms may comprise no more than 25% of the required streetscape shade trees.

New Conditions of Approval # 16 and 17:

16. Any Preliminary Subdivision Plan (PSP) or Development Plan (DP) for Tracts 1 and 2 may not be approved until all requirements of the Fenton Street Petition to Vacate application (PTV-15-12-026) are completed to the County's satisfaction.

17. The PD shall be limited to a maximum of 415,142 square feet of commercial uses and a maximum of 1,300 multi-family residential dwelling units.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request from Farmland Rural District (A-2) and Planned Development District (PD) to Planned Development District (PD) subject to the fifteen (15) conditions of approval, including the revised waivers, listed under the Planning and Zoning Commission recommendation in the Staff Report; further, approve new conditions of approval # 16 and 17; and further, approve modified condition of approval # 11 (o), (p), and (q). The motion carried by the following vote:

**Aye:** 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

**Absent:** 2 - Commissioner Gomez Cordero, and Commissioner Bonilla



THE FOREGOING DECISION HAS BEEN FILED  
WITH ME THIS 14TH DAY OF JUNE 2019.

for Jessica Vaynsel  
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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