



**Interoffice Memorandum**

**DATE:** July 29, 2020

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

**FROM:** Jon V. Weiss, P.E., Director  
Planning, Environmental and Development  
Services Department

**CONTACT PERSON:** **Eric Raasch, DRC Chairman**  
**Development Review Committee** Eric P. Raasch, Jr.,  
**Planning Division** AICP  
**(407) 836-5523**

**SUBJECT:** August 11, 2020 – Public Hearing  
Jon Wood, Urbanscape Development, Inc.  
Valencia College Lane Planned Development  
Case # CDR-20-02-032 / District 3  
(Related to Future Land Use Amendment 2020-1-S-3-2)

Digitally signed by Eric P. Raasch, Jr., AICP  
Date: 2020.07.29 15:44:16 -04'00'

The Valencia College Lane PD was originally approved February 1, 2000, with an approved development program of 75,000 square feet of C-1 (Retail Commercial District) uses.

Through this PD substantial change, the applicant is seeking to change the PD entitlements from 75,000 square feet of commercial uses to 252 multi-family residential dwelling units. The request also includes 12 waivers from Orange County Code related to reduced PD perimeter and ROW setbacks, reduced required parking ratio, increased building height, reduced landscape buffer requirements, buffering between multi-family and single-family zoned properties, and reduced building separation.

On June 24, 2020, the Development Review Committee (DRC) recommended approval of the request, subject to conditions and subject to approval of Comprehensive Plan Future Land Use Map Amendment 2020-1-S-3-2.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

**ACTION REQUESTED:** Make a finding of consistency with the Comprehensive Plan (CP) and approve the Valencia College Lane Planned Development / Land Use Plan (PD/LUP), dated “Received March 24, 2020” subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3

Attachments  
JVW/EPR/nt

**CASE # CDR-20-02-032**

Commission District: # 3

**GENERAL INFORMATION**

**APPLICANT** Jon Wood, Urbanscape Development, Inc.

**OWNER** AC Five LLC

**PROJECT NAME** Valencia College Lane Planned Development (PD)

**PARCEL ID NUMBER(S)** 24-22-30-0000-00-005

**TRACT SIZE** 7.83 gross acres / 7.20 net developable acres

**LOCATION** 8751 Valencia College Lane; Generally north of Valencia College Lane and south of State Road 417.

**REQUEST** A Change Determination Request (CDR) to change the PD entitlements from 75,000 square feet of commercial uses to 252 multi-family residential dwelling units. In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 38-1254(1) to allow a 10' setback along the western property Boundary in lieu of the required 25'.  
***Applicant Justification:** The undeveloped property to the west is approved for office/commercial use which utilize a 25' setback adjacent to our property. Adequate separation will be provided between the two developments.*
2. A waiver from Section 38-1254(2)(d) to allow 10' setbacks along the northern property Boundary in lieu of the required 75'.  
***Applicant Justification:** To the north the property is adjacent to ROW which is 50 feet wide before any SR 417 travel lanes.*
3. A waiver from Section 38-1476 to allow a parking ratio of 1.53 spaces per unit in lieu of 1.5 spaces per unit for one bedroom apartments and 2 spaces per unit for two and three bedroom apartment units.  
***Applicant Justification:** Based on the parking study conducted for this site dated June 25<sup>th</sup>, 202, by James M. Taylor, P.E. A 10% reduction from code required parking is sufficient for the development to function properly.*

4. A waiver from Section 38-1258(a) to allow a four story building located within 100' of a single family zoned property in lieu of the required one story building.

***Applicant Justification:*** *The subject single family residential property is a drainage canal. The drainage canal will never act as a single family residential property and for that reason we believe that this waiver should be granted.*

5. A waiver from Section 38-1258(b) to allow a four story building height of 55' and four stories in lieu of varying 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.

***Applicant Justification:*** *The subject single family residential property is a drainage canal. The drainage canal will never act as a single family residential property and for that reason we believe that this waiver should be granted.*

6. A waiver from Section 38-1258(c) to allow a four story building height of 55' and four stories in lieu of 40' and three stories.

***Applicant Justification:*** *The subject single family residential property is a drainage canal. The drainage canal will never act as a single family residential property and for that reason we believe that this waiver should be granted.*

7. A waiver from Section 38-1258(d) to allow a four story building height of 55' and four stories in lieu of 40' and three stories.

***Applicant Justification:*** *The subject single family residential property is a drainage canal. The drainage canal will never act as a single family residential property and for that reason we believe that this waiver should be granted.*

8. A waiver from Section 38-1258(e) to allow the existing drainage canal to remain unaltered in lieu of providing a 25' landscape buffer with Type "C" landscape buffer requirements.

***Applicant Justification:*** *No parking is proposed within the existing drainage canal (+/- 35' within the eastern property Boundary). The subject single family residential property is a drainage canal. The drainage canal will never act as a single*

*family residential property and for that reason we believe that this waiver should be granted.*

9. A waiver from Section 38-1258(f) to allow a multifamily development adjacent to a single-family zoned property without a six-foot high masonry, brick or block wall in lieu of requiring a six-foot high masonry, brick or block wall.

***Applicant Justification:*** *The subject single family residential property is a drainage canal. The drainage canal will never act as a single family residential property and for that reason we believe that this waiver should be granted.*

10. A waiver from Section 38-1258(j) to allow all buildings to be constructed with 20' separation rather than 30' separation for two-story buildings, 40' separation for three-story buildings and 50' separation for four-story buildings.

***Applicant Justification:*** *Due to site constraints with existing easements, parking requirements and necessary densities to make the project viable, providing the separations specified in Orange County code section 38-1258(j) is not feasible and only 20' separation can be provided between all buildings within the development.*

**PUBLIC NOTIFICATION** A notification area extending beyond one thousand (1,000) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two-hundred forty eight (248) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this request.

## **IMPACT ANALYSIS**

### **Special Information**

The Valencia College Lane PD was originally approved on February 1, 2000, with an approved development program of 75,000 square feet of C-1 (Retail Commercial District) uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to change the PD entitlements from 75,000 square feet of commercial uses to 252 multi-family residential dwelling units. The request also includes twelve (12) waivers from Orange County Code related to reduced PD perimeter and ROW setbacks, reduced required parking ratio, increased building height, reduced landscape buffer requirements, buffering between multi-family and single-family zoned properties, and reduced building separation.

**Land Use Compatibility**

The proposed PD Change Determination Request (CDR) would not adversely impact any adjacent properties or result in an incompatible land use pattern.

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development - Commercial (PD-C), but there is a pending amendment to the FLUM to Planned Development-Medium-High Density Residential (PD-MHDR), with a proposed development program of up to 252 multi-family dwelling units (Case #2020-1-S-3-2). If that amendment is approved, the proposed use will be consistent with the FLUM designation and all applicable CP provisions.

**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**

Conservation Area Determination (CAD-19-11-192) was issued on February 10, 2020, and identified 2.14 acres of Class III wetlands and a Class I canal hydrologically connected to the Little Econlockhatchee River are located on site. Conservation Area Impact (CAI) permit application CAI-20-03-022 was issued on June 8, 2020. Unless an impact permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, Wetland Conservation Areas, no conservation area or buffer encroachments shall be permitted.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The ecological assessment dated November 8, 2019 reported that no listed species were observed on site. This assessment is not valid for more than a few months.

**Transportation Concurrency**

This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.

Transportation Planning Division staff have approved the submitted parking study subject to the following parameters: The parking study is approved for a minimum of 1.53 parking spaces per dwelling unit for a mixture of 152 one bedroom units and 100 two or more bedroom units.

**Community Meeting Summary**

A community meeting was held on March 5, 2020, at Little River Elementary School. No members of the public attended the meeting.

**Schools**

Orange County Public Schools has indicated that there is sufficient capacity and a Capacity Enhancement Agreement (CEA) is not required for this project. Capacity Determination OC-19-031 was issued on December 9, 2019.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the Change Determination Request but 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 – (June 24, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Valencia College Lane Planned Development / Land Use Plan (PD/LUP), dated "Received March 24, 2020", subject to the following conditions:**

1. Development shall conform to the Valencia College Lane PD Land Use Plan (LUP) dated "Received March 24, 2020," 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 March 24, 2020," 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 of County Commissioners ("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, 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. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be



**DRC Staff Report**  
**Orange County Planning Division**  
**BCC Hearing Date: August 11, 2020**

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approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

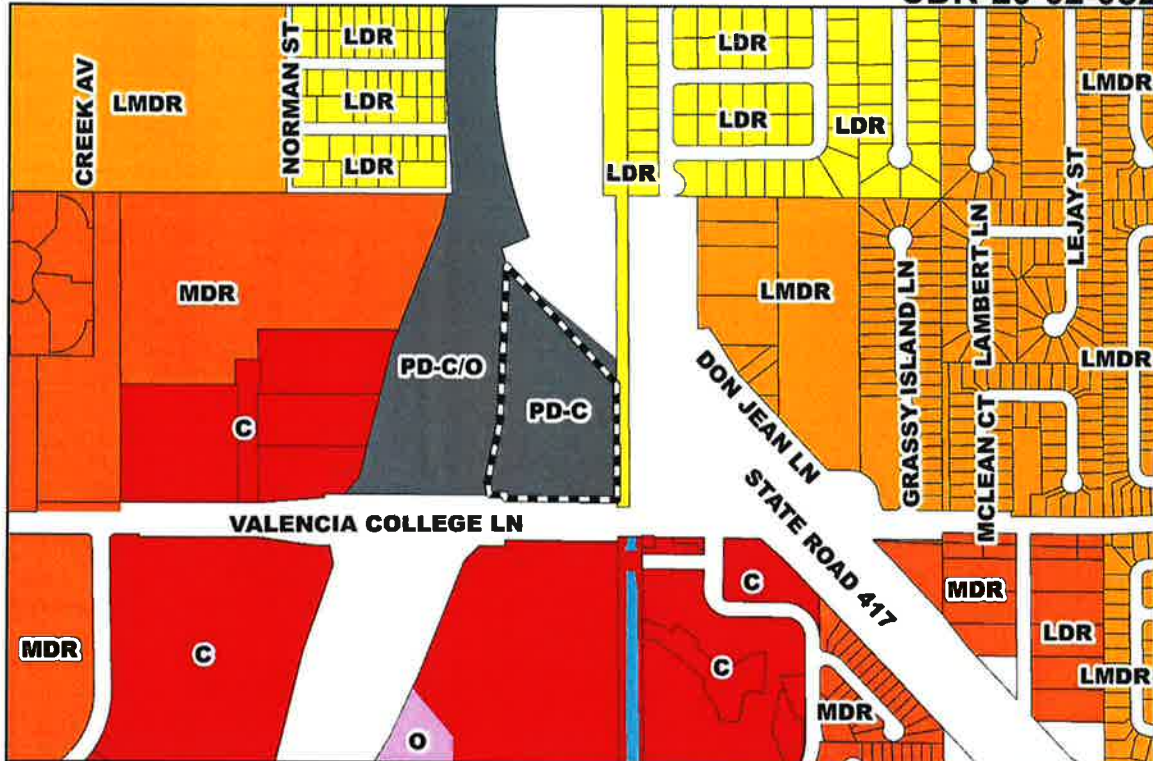
7. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.
10. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
11. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
14. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
15. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 38-1254(1) to allow a 10' setback along the western property boundary in lieu of the required 25'.
  - b. A waiver from Section 38-1254(2)(d) to allow 10' setbacks for non-residential buildings and 50' setbacks for residential buildings along the northern property boundary in lieu of the required 75'.

- c. A waiver from Section 38-1476 to allow a parking ratio of 1.53 spaces per unit in lieu of 1.5 spaces per unit for one bedroom apartments and 2 spaces per unit for two and three bedroom apartment units.
  - d. A waiver from Section 38-1258(a) to allow a four story building located within 100' of a single-family zoned property in lieu of the required one story building.
  - e. A waiver from Section 38-1258(b) to allow a four story building height of 55' and four stories in lieu of varying 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.
  - f. A waiver from Section 38-1258(c) to allow a four story building height of 55' and four stories in lieu of 40' and three stories.
  - g. A waiver from Section 38-1258(d) to allow a four story building height of 55' and four stories in lieu of 40' and three stories.
  - h. A waiver from Section 38-1258(e) to allow the existing drainage canal to remain unaltered in lieu of providing a 25' landscape buffer with Type "C" landscape buffer requirements.
  - i. A waiver from Section 38-1258(f) to allow a multifamily development adjacent to a single-family zoned property without a six-foot high masonry, brick or block wall in lieu of requiring a six-foot high masonry, brick or block wall.
  - j. A waiver from Section 38-1258(j) to allow all buildings to be constructed with 20' separation rather than 30' separation for two-story buildings, 40' separation for three-story buildings and 50' separation for four-story buildings.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 1, 2000 shall apply:
- a. Orange County shall not own, operate, or maintain on site water and wastewater systems.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (February 1, 2000)**

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried by all members present voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and approved the Valencia College Lane PD.

CDR-20-02-032



Subject Property



Subject Property

### Future Land Use Map

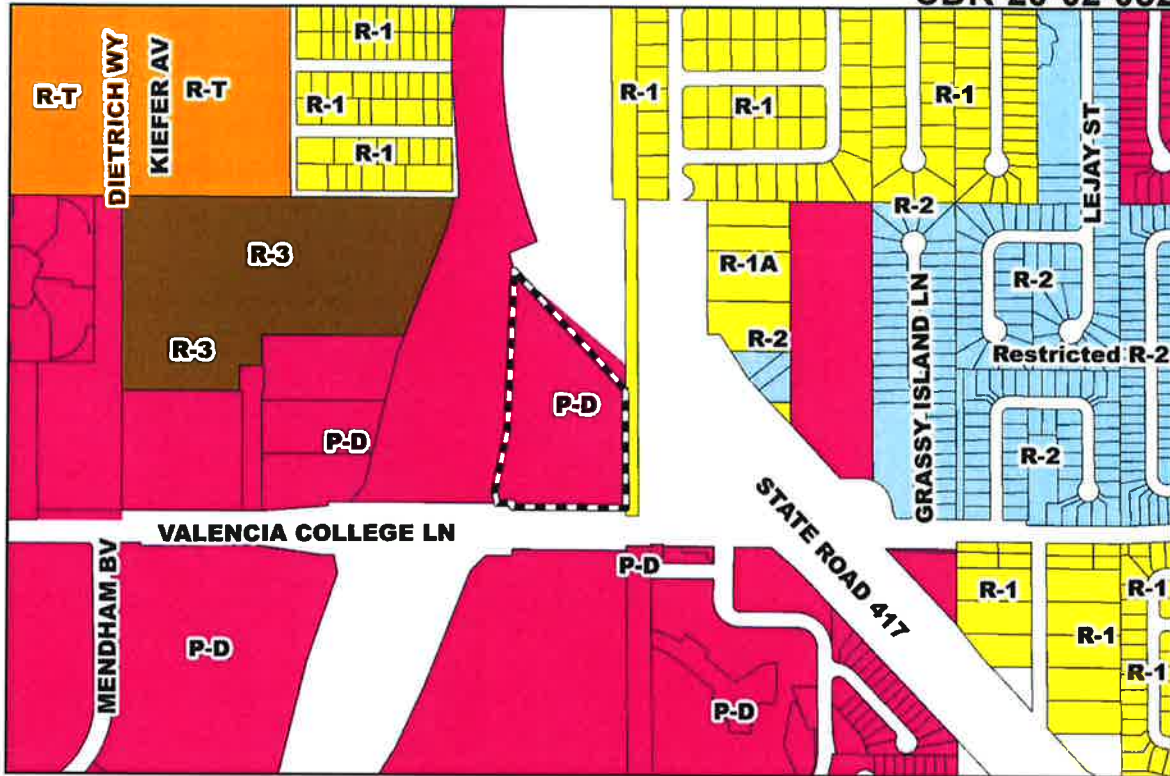
**FLUM:** Planned Development (PD)  
**APPLICANT:** Jon Wood, Urban Scape USA  
**LOCATION:** 8751 Valencia College Lane; Generally north of Valencia College Lane and south of State Road 417.  
**TRACT SIZE:** 7.83 gross acres / 7.20 net developable acres  
**DISTRICT:** # 3  
**S/T/R:** 24/22/30

1 inch = 600 feet





CDR-20-02-032



Subject Property



Subject Property

### Zoning Map

**ZONING:** PD (Planned Development District)

**APPLICANT:** Jon Wood, Urban Scape USA

**LOCATION:** 8751 Valencia College Lane; Generally north of Valencia College Lane and south of State Road 417.

**TRACT SIZE:** 7.83 gross acres /  
7.20 net developable acres

**DISTRICT:** # 3

**S/I/R:** 24/22/30

1 inch = 600 feet



CDR-20-02-032



 Subject Property



1 inch = 500 feet



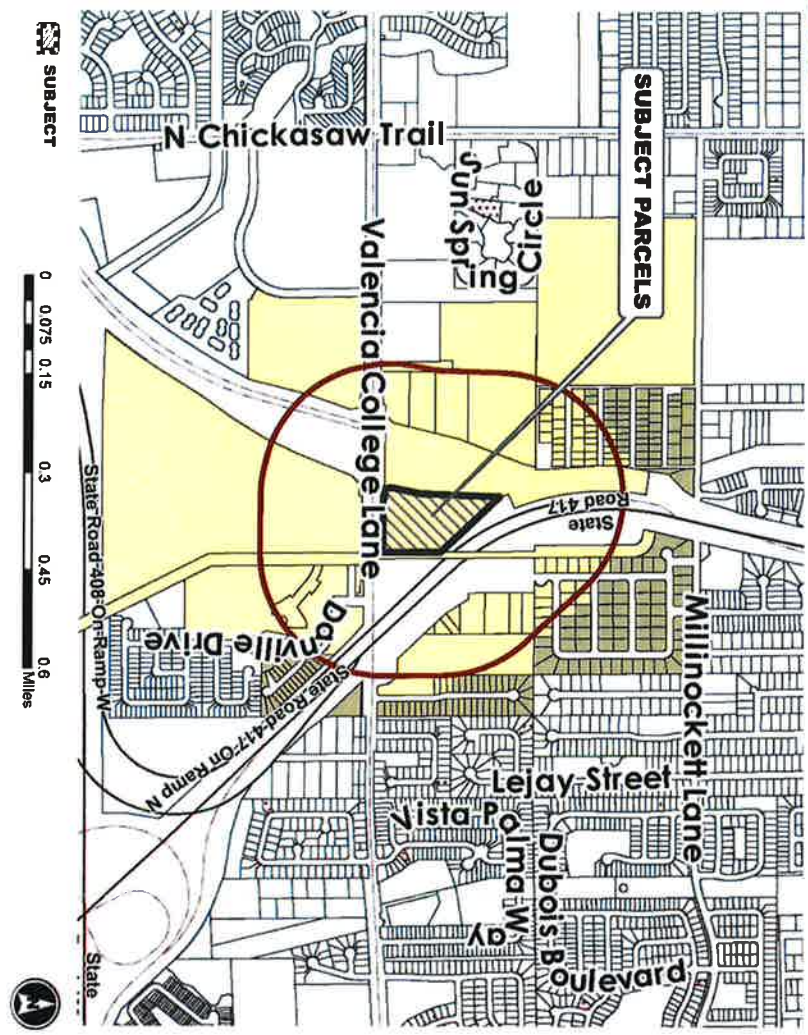


## Notification Map



# Public Notification Map

Valencia College Lane PD-LUP\_CDR-20-02-032



**MAP LEGEND**

- SUBJECT
- 1000 FT BUFFER
- 1 MILE BUFFER
- NOTIFIED PARCELS
- PARCELS
- COURTESY PARCELS

**BUFFER DISTANCE:** 1000  
**# OF NOTICES:** 248  
**RESIDENTIAL ADDRESSES:** 49