Interoffice Memorandum



DATE:

March 22, 2023

TO:

Mayor Jerry L. Demings

-AND-

County Commissioners

THROUGH:

Tim Boldig, Interim Director

Planning, Environmental, and Development Services Department

FROM:

Alberto A. Vargas, MArch., Manager, Planning Division

SUBJECT:

Adoption Public Hearing - April 11, 2023, Small-Scale Future Land Use

Map Amendment and Concurrent Planned Development Rezoning

Request

Applicant: Thomas Sullivan, P.A.

SS-22-05-047 and LUP-22-07-258 (Alafaya Trail Student Housing PD)

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request** scheduled for a Board adoption public hearing on April 11, 2023.

The subject property is located at 2820 N. Alafaya Trail; generally located on the west side of Alafaya Trail, south of Pepperdine Place. The request is to change the Future Land Use Map designation from Medium Density Residential (MDR) to High Density Residential – Student Housing (HDR-Student Housing) and rezone the property from R-1A (Single-Family Dwelling District) to PD (Planned Development District). The applicant is proposing to construct 600 student housing beds and request six waivers from Orange County Code regarding building height, parking, impervious surface area, active and passive recreation, right-of-way wall type, and building coverage.

A community meeting was held on September 26, 2022, with two residents in attendance. Residents were inquisitive of the proposed project and did not present any objections.

The adoption public hearing for Small-Scale Future Land Use Amendment SS-22-05-047 and Rezoning LUP-22-07-258 was conducted before the Planning and Zoning Commission / Local Planning Agency on February 16, 2023, where the request was recommended for approval.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

Small-Scale Development Amendment Board Adoption Public Hearing SS-22-05-047 and LUP-22-07-258 April 11, 2023 Page 2

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, at 407-836-5602 or Jason.Sorensen@ocfl.net.

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and ADOPT the High Density Residential – Student Housing (HDR-Student Housing) Future Land Use Map designation, APPROVE the associated ordinance, and APPROVE the PD (Planned Development District) zoning subject to the conditions of approval listed in the staff report including six waivers from Orange County Code. District 5

TB/JHS/sw

Jon V. Weiss, P.E., Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

CASE # SS-22-05-047 LUP-22-07-258

Commission District: #5

GENERAL INFORMATION

APPLICANT Thomas Sullivan, Gray Robinson, P.A.

OWNER New Life Church of God

HEARING TYPE Planning and Zoning Commission / Local Planning Agency

PROJECT NAME Alafaya Trail Student Housing Planned Development /

Land Use Plan (PD / LUP)

FLUM REQUEST Medium Density Residential (MDR) to

High Density Residential - Student Housing (HDR-

Student Housing)

ZONING REQUEST R-1A (Single-Family Dwelling District) to

PD (Planned Development District) (Alafaya Trail Student

Housing PD)

A request to rezone 3.16 acres from R-1A to PD for a 600-bed / 150 unit student housing project.

In addition, six (6) waivers from Orange County Code are requested:

1. A waiver from Section 38-1259 (k) to allow a maximum building height of five (5) stories, sixty (60) feet, in lieu of three (3) stories, forty (40) feet.

Applicant Justification: To provide adequate parking for the development. The proposed height is compatible with adjacent developments.

 A waiver from Section 38-1476 is requested to allow a minimum nine-tenths (0.9) parking spaces per one (1) bedroom in lieu of one (1) parking spaces per one (1) bedrooms.

Applicant Justification: to allow for more recreational area throughout the development.

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

Rezoning Case # LUP-22-07-258 Small Scale Amendment # SS-22-05-047 Orange County Planning Division BCC Hearing Date: April 11, 2023

Applicant Justification: The proposed student housing development is intended to provide an urban environment to increase student housing capacity in proximity to the university. Also, pervious design is being used for the required emergency access road surrounding the site. No harm or undesirable effects will occur to the neighboring properties or the general public with the approval of this waiver. The additional impervious area will be accounted for in the onsite stormwater management areas and no offsite adverse impacts are anticipated.

4. A waiver from Section 38-1253(b) to allow both active and passive recreation areas to be provided at a ratio of 2.2 acres per one thousand (1,000) projected population, in lieu of at a ratio of two and five-tenths (2.5) acres per one thousand (1,000) projected population.

Applicant Justification: The proposed student housing development is located within one (1) mile of the University of Central Florida, which provides ample opportunity for recreational activities for residents including nature trails, disc golf courses, and various intramural fields. Additionally, the site is located in close proximity to the little econ greenway, which provides further recreational opportunities. The development is also proposed to contain ±16,900 sf of amenity area/clubhouse space, which is intended to be utilized by residents in addition of external amenity space provided by the university.

 A waiver from Section 38-1259(d) to allow a knee wall in lieu of providing a six (6) foot high masonry, brick or block wall whenever a student housing development is located adjacent to any right-of-way.

Applicant Justification: This will allow for consistency in the character of the development with the surround uses.

6. A waiver from Section 38-1251(b) is requested to allow the maximum building coverage of all buildings to not exceed 67% of the gross land area internal to the pd, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area.

Applicant Justification: The proposed student housing development is intended to provide an urban environment to increase student housing capacity in

proximity to the university. No harm or undesirable effects will occur to the neighboring properties or the general public with the approval of this waiver.

LOCATION 2820 North Alafaya Trail; generally located on the west

side of Alafaya Trail, south of Pepperdine Place.

PARCEL ID NUMBER 15-22-31-0000-00-030

TRACT SIZE 3.16 gross acres

PUBLIC NOTIFICATION The notification area for this public hearing was 1,000 feet

[Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Six hundred six (606) notices were mailed to those property owners in the mailing area.

COMMUNITY MEETING A community meeting was held on September 26, 2022,

and is summarized further in this staff report.

PROPOSED USE 600 Student Housing Beds (150 Units)

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested High Density Residential (HDR) (Student Housing) Future Land Use.

Rezoning

Development Review Committee – (January 25, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Alafaya Trail Student Housing Planned Development / Land Use Plan (PD/LUP), dated "Received January 9, 2023", subject to the following conditions:

Development shall conform to the Alafaya Trail Student Housing Planned Development / Land Use Plan (PD / LUP) dated "Received January 9, 2023" 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 9, 2023," the condition of approval shall control to the extent of such conflict or inconsistency.

- This project shall comply with, adhere to, and not deviate from or otherwise conflict 2. 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 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. Pursuant to Article XII, Chapter 30, Orange County Code, 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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.
- 7. Per Section 38-1259(e), a Mobility Plan is required to be submitted with the DP.
- 8. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
- The developer shall obtain water and wastewater service from Orange County
 Utilities subject to County rate resolutions and ordinances.
- Short term/transient rental is prohibited; length of stay shall be for 180 consecutive days or greater.
- Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
- Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- Occupancy of this project shall be by verified students only; any other occupancy, including, but not limited to short term / transient rental, shall be prohibited.
- 14. The north and south side facades of the parking garage shall be architecturally treated similarly to the residential buildings.

- 15. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1259(k) to allow a maximum building height of five (5) stories, sixty (60) feet, in lieu of three (3) stories, forty (40) feet.
 - b. A waiver from Section 38-1476 to allow a minimum nine-tenths (0.9) parking spaces per one (1) bedroom in lieu of one (1) parking spaces per one (1) bedrooms.
 - c. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent lot impervious coverage in lieu of seventy (70) percent of the net land area.
 - d. A waiver from Section 38-1253(b) to allow both active and passive recreation areas to be provided at a ratio of 2.2 acres per one thousand (1,000) projected population, in lieu of at a ratio of two and five-tenths (2.5) acres per one thousand (1,000) projected population.
 - e. A waiver from Section 38-1259(d) to allow a knee wall in lieu of providing a six (6) foot high masonry, brick or block wall whenever a student housing development is located adjacent to any right-of-way.
 - f. A waiver from Section 38-1251(b) to allow the maximum building coverage of all buildings to not exceed 67% of the gross land area internal to the pd, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 3.16-acre subject property from Medium Density Residential (MDR) to High Density Residential — Student Housing (HDR-Student Housing) and to rezone from R-1A (Single-Family Dwelling District) to P-D (Planned Development District) in order to construct a 600-bed student housing development (150 units).

The subject property is improved with a church, a single-family residence, and a gathering hall. The surrounding area is residential in character, with townhomes, student housing, and multi-family development. University High School is approximately a quarter mile to the west of the subject site.

The reason for the request is as per Orange County Comprehensive Plan Future Land Use Element, Policy FLU1.1.2(E), student housing may be permitted only on property with a future land use designation of Medium Density Residential (MDR), High Density Residential (HDR, or Planned Development (PD. Policy FLU1.1.2E (1) states that a P-D (Planned Development) zoning classification shall be required for all student housing projects. The existing Future Land Use Map designation of MDR permits up to 20 units an acre while HDR permits up to 50 units an acre. The density, if the request is approved as proposed, will be 50 units per acre. Additionally, the student housing density is

calculated based on the number of bedrooms, with four (4) bedrooms equals one (1) multi-family unit. If approved, the development will consist of 150 units with a maximum of 600 bedrooms per the development program on the Land Use Plan. This request is below the maximum set by Section 38-1259 of Orange County Code which limits student housing development to 750 total bedrooms.

Existing FLUM Development Program

The existing Medium Density Residential Future Land Use Map designation allow for residential uses, including student housing, at a density of up to 20 dwelling units an acre. Religious uses are permitted in residential zoning districts. The existing R-1A zoning district is inconsistent with the MDR future land use.

Proposed FLUM Development Program

The proposed Future Land Use Map designation of High Density Residential (HDR) allows for residential uses at a density of up to fifty (50) dwelling units per acre. Based on the density calculation for student housing, the site can be developed with a maximum of 632 student housing beds, however the Land Use Plan development program is for 600 student housing beds.

Land Use Compatibility

The proposed High Density Residential – Student Housing (HDR-Student Housing) Future Land Use and PD zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties. The surrounding area is largely developed with student housing, multi-family developments, and townhomes. The addition of student housing would not negatively impact the development pattern of the surrounding community and would provide additional housing within close proximity of the University of Central Florida.

Site Analysis

	Yes	No	Information
Rural Settlement		\boxtimes	
Joint Planning Area (JPA)		\boxtimes	
Overlay District Ordinance		\boxtimes	
Airport Noise Zone		\boxtimes	
Code Enforcement		\boxtimes	

Comprehensive Plan (CP) Consistency

As mentioned previously, the Future Land Use Map (FLUM) designation of the subject property is Medium Density Residential (MDR), which is inconsistent with the R-1A (Single-Family Residential) zoning. However, the proposed P-D (Planned Development District) zoning is consistent with the existing and the proposed designations. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.1.2.E(2) states Student housing may be permitted only on property with a future land use designation of Medium Density Residential (MDR), Medium-High Density

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Residential (MHDR), High Density Residential (HDR), or Planned Development (PD) (in which medium or high density student housing is included as a single use or part of a mix of uses).

- **FLU1.1.2(F)** states that a planned development zoning classification shall be required for all student housing projects.
- **FLU1.1.2(F)(1)** states that Student housing density shall be calculated based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family unit. An alternative density calculation may be permitted upon the approval of the Board of County Commissioners, provided the developer has committed to a mobility plan to be implemented with the development of the student housing project, has demonstrated a need for the additional units, and/or has proposed a redevelopment project located within the area extending one (1) mile east and one (1) mile west of the Alafaya Trail corridor, between McCulloch Road and State Road 408.
- **FLU1.1.5** states that the County shall encourage mixed-use development, infill development and transit oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area.
- **FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- **FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.
- **FLU8.1.5** states that the location of Planned Development (PDs) within the Urban Service Area that have been approved as of the date of adoption of the 1991 CPP shall be considered consistent with the Comprehensive Plan and included as part of the adopted Orange County Future Land Use Map (FLUM).
- **OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.
- **FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.
- **FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.
- **FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such

as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use

Church

Adjacent	FLUM	Zoning
North	Medium Density Residential	R-3 (Multiple-Family Dwelling District)
	(MDR) (1991)	(1981)
South	Medium Density Residential	R-3 (Multiple-Family Dwelling District)
	(MDR) (1991)	(1969)
East	Medium Density Residential	R-2 Residential District) (1980)
	(MDR) (1991)	
West	Medium Density Residential	R-3 (Multiple-Family Dwelling District)
	(MDR) (1991)	(1968)

Adjacent Land Uses N: Townhomes

E: Single-Family Residences

W: Townhomes

S: Student Housing

APPLICABLE PD DEVELOPMENT STANDARDS

PD (Planned Development District) Development Standards Student housing standards are in Sec 38-1259:

Min. Lot Area: 15,000 sq. ft.

Min. Lot Width: 85 ft.
Max. Height: 35 ft.

Min. Floor Area: 500 d/u

Building Setbacks

Front: 20 ft. Rear: 30 ft. Side: 10 ft.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information	
Environmental	\boxtimes		See comments below.	
Transportation / Access	\boxtimes		See comments below.	
Schools		\boxtimes		
Parks and Recreation		\boxtimes		
Sheriff's Department		\boxtimes		
Fire Rescue		\boxtimes		

Environmental:

This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference Orange County Code Chapter 15 Article XI.

Demolition: Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Section 108 Notification procedure and requirements, Subsection A(1)

Erosion Control: Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

Solid Waste: Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. The applicant should call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation:

Trip Generation (ITE 11 th Edition) Land Use Scenario	PM Pk. Hr. Trips	% New	New PM Pk. Hr.
Existing Use: Single Family Residential (1	1	Trips 100%	Trips 1
DU) Proposed Use: Up to 623 bedrooms/158 DU	192	100%	192

Net New Trips (Proposed Development less Allowable Development): 191

Future Roadway Network

Road Agreements: No

Planned and Programmed Roadway Improvements: NEOCATS: The main objective of this study is to identify and analyze potential transportation projects that would improve network connectivity and provide relief to constrained corridors. The study shall develop a prioritized list of regional roadway improvements as well as intersection improvements, transit, pedestrian, and bicycle enhancements. At the time of this report, the project is 80% overall complete (May 2022).

Right of Way Requirements: No

Summary

- The subject property is not located within the County's Alternative Mobility Area.
- The subject property is located along a backlogged/constrained facility or multimodal corridor.

The property is located along the Alafaya Trail Multi-modal Corridor. Alafaya Trail, from the Seminole County line to Innovation Way, is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multimodal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multiuse paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed student housing will result in an increase in the number of pm peak trips by 191, and therefore impact the area roadways.

Based on the concurrency management system dated 4/05/2022, there are multiple failing roadway segments within the project's impact area along Alafaya Trail from University Blvd to Colonial Drive (2 segments). This information is dated and subject to change. Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency

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Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

A Mobility Plan will be required for this project. Per Section 38-1259 (e) Student Housing (Pedestrian Safety ADA Ordinance) a Mobility Plan is requited to be submitted with the Development Plan. The Development Plan for all student housing projects shall include a mobility plan submitted to the Transportation Planning Division and a community/site design plan for crime prevention through environmental controls submitted to the Planning Division that is consistent with the Crime Prevention through Environmental Design ("CPTED") Manual used by the International CPTED Association and Florida CPTED Network. 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, bikesharing, 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.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Detailed Utility Information:

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required

Community Meeting Summary

A community meeting was held at university High School on the evening of September 26, 2022. A total of two residents attended the meeting and provided feedback on the proposed student housing development. Questions were asked regarding ingress/egress to the site, parking space requirements, and shuttle services to UCF.

State of Florida Notice

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 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.

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (February 16, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested High Density Residential (HDR) (Student Housing) Future Land Use.

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Alafaya Trail Student Housing Planned Development / Land Use Plan (PD/LUP), dated "Received January 9, 2023", subject to the following conditions of approval:

- Development shall conform to the Alafaya Trail Student Housing Planned Development / Land Use Plan (PD / LUP) dated "Received January 9, 2023" 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 9, 2023," 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.
- 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 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. Pursuant to Article XII, Chapter 30, Orange County Code, 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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.
- 7. Per Section 38-1259(e), a Mobility Plan is required to be submitted with the DP.

- 8. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
- The developer shall obtain water and wastewater service from Orange County
 <u>Utilities subject to County rate resolutions and ordinances.</u>
- Short term/transient rental is prohibited; length of stay shall be for 180 consecutive days or greater.
- 11. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
- Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- Occupancy of this project shall be by verified students only; any other occupancy, including, but not limited to short term / transient rental, shall be prohibited.
- 14. The north and south side facades of the parking garage shall be architecturally treated similarly to the residential buildings.
- 15. The following waivers from Orange County Code are granted:
 - A waiver from Section 38-1259(k) to allow a maximum building height of five (5) stories, sixty (60) feet, in lieu of three (3) stories, forty (40) feet.
 - b. A waiver from Section 38-1476 to allow a minimum nine-tenths (0.9) parking spaces per one (1) bedroom in lieu of one (1) parking spaces per one (1) bedrooms.
 - c. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent lot impervious coverage in lieu of seventy (70) percent of the net land area.
 - d. A waiver from Section 38-1253(b) to allow both active and passive recreation areas to be provided at a ratio of 2.2 acres per one thousand (1,000) projected population, in lieu of at a ratio of two and five-tenths (2.5) acres per one thousand (1,000) projected population.
 - e. A waiver from Section 38-1259(d) to allow a knee wall in lieu of providing a six (6) foot high masonry, brick or block wall whenever a student housing development is located adjacent to any right-of-way.

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f. A waiver from Section 38-1251(b) to allow the maximum building coverage of all buildings to not exceed 67% of the gross land area internal to the pd, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested High Density Residential – Student Housing (HDR-Student Housing) Future Land Use Designation, and APPROVAL of the PD (Planned Development District) zoning subject to fifteen (15) conditions of approval including six (6) waivers from Orange County Code. The applicant was present and concurred with staff's recommendations. No residents were present to speak in favor or in opposition of the requests. The PZC members discussed the proposed building height, site access and shuttle services to UCF from the subject property.

A motion was made by Commissioner Spears and seconded by Commissioner Boers to ADOPT the requested High Density Residential – Student Housing (HDR-Student Housing) Future Land Use Map designation and APPROVE the requested PD (Planned Development District) zoning, subject to fifteen (15) conditions of approval. The motion carried on a 7-0 vote.

Motion / Second Gordon Spears/ David Boers

Voting in Favor George Wiggins, Gordon Spears, Nelson Pena, David

Boers, Eddie Fernandez, Camille Marie Evans and

Michael Arrington

Voting In Opposition None

Absent Walter Pavon and Evelyn Cardenas

SS-22-05-047

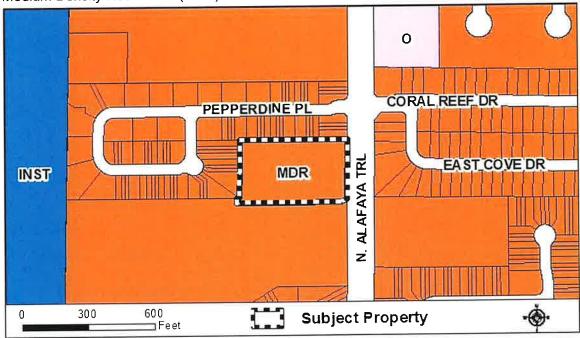






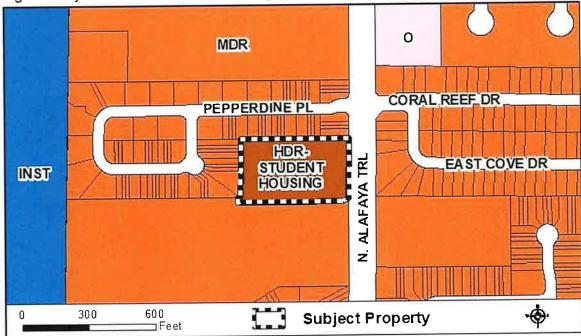
FUTURE LAND USE - CURRENT

Medium Density Residential (MDR)



FUTURE LAND USE - PROPOSED

High Density Residential - Student Housing (HDR-Student Housing)



ZONING – CURRENT

R-1A (Single-Family Dwelling District)

P-0

R-2

P-1A

R-1A

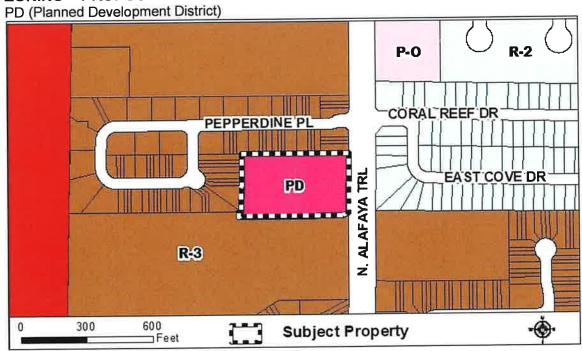
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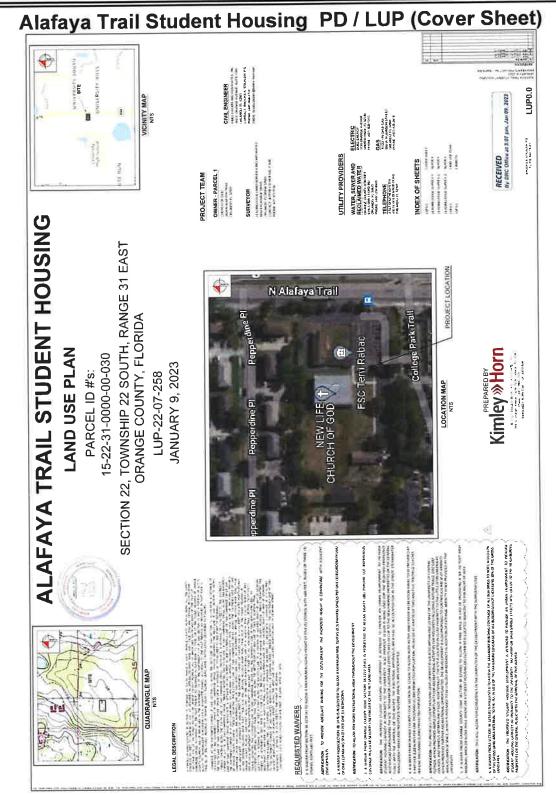
R-1A

R-1A

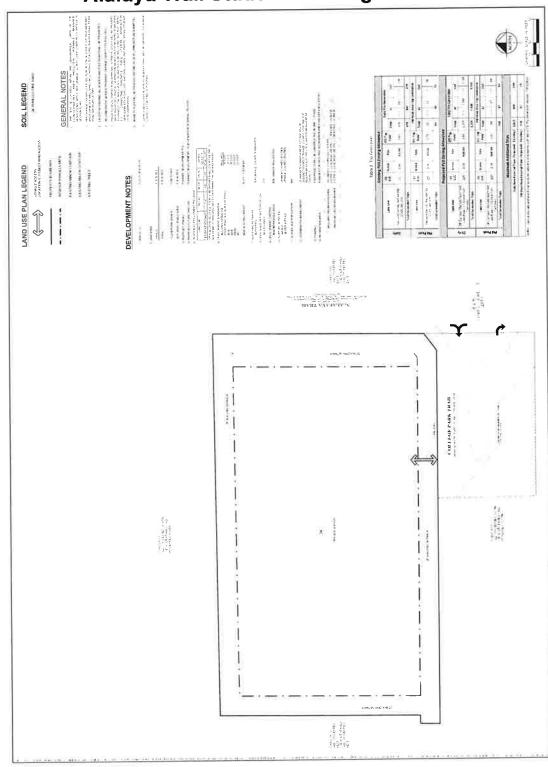
Subject Property

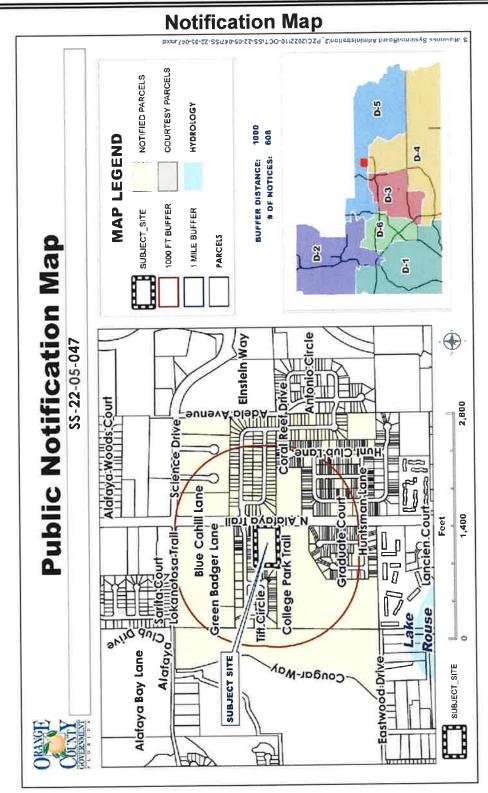
ZONING - PROPOSED





Alafaya Trail Student Housing PD / LUP





1 2		DRAFT
3		03-22-23
4	ORDINANCE NO. 2023	
5 6 7	AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN,	
8 9	COMMONLY KNOWN AS THE "2010-2030	
10	COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING	
11	A SMALL SCALE DEVELOPMENT AMENDMENT	
12	PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.	
13 14	AND PROVIDING AN EFFECTIVE DATE.	
15	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSI	ONERS OF
16	ORANGE COUNTY:	
17	Section 1. Legislative Findings, Purpose, and Intent.	
18	a. Part II of Chapter 163, Florida Statutes, sets forth procedures and rec	uirements for
19	a local government in the State of Florida to adopt a comprehensive plan and amount	endments to a
20	comprehensive plan;	
21	b. Orange County has complied with the applicable procedures and re	quirements of
22	Part II of Chapter 163, Florida Statutes, for amending Orange County's 2010-2030 C	omprehensive
23	Plan;	
24	c. On April 11, 2023, the Board of County Commissioners held a pub	lic hearing on
25	the adoption of the proposed amendment to the Comprehensive Plan, as des	cribed in this
26	ordinance, and decided to adopt it.	
27	Section 2. Authority. This ordinance is adopted in compliance with a	nd pursuant to
28	Part II of Chapter 163, Florida Statutes.	
29	Section 3. Amendment to Future Land Use Map. The Comprehensive	Plan is hereby
30	amended by amending the Future Land Use Map designation as described at A	ppendix "A,"

31	attached hereto and incorporated herein.
32	* * *
33	Section 4. Effective Dates for Ordinance and Amendment.
34	(a) This ordinance shall become effective as provided by general law.
35	(b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale developmen
36	amendment adopted in this ordinance may not become effective until 31 days after adoption
37	However, if an amendment is challenged within 30 days after adoption, the amendment that i
38	challenged may not become effective until the Department of Economic Opportunity or th
39	Administration Commission issues a final order determining that the adopted amendment is i
40	compliance.
41	(c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zonin
42	changes approved by the Board are contingent upon the related Comprehensive Plan amendmen
43	becoming effective. Aside from any such concurrent zoning changes, no development orders
44	development permits, or land uses dependent on this amendment may be issued or commence
45	before the amendment has become effective.
46	
47	
48	ADOPTED THIS 11TH DAY OF APRIL, 2023.
49	
50 51 52 53	ORANGE COUNTY, FLORIDA By: Board of County Commissioners
54 55	By:
56 57	Jerry L. Demings Orange County Mayor

58	
59	ATTEST: Phil Diamond, CPA, County Comptroller
60	As Clerk to the Board of County Commissioners
61	715 Cioix to the Dourd of County Commissioners
62	
63	
64	By:
65	Deputy Clerk

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*			
Privately Initiated Future Land Use Map Amendment			
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	
SS-22-05-047	Medium Density Residential (MDR)	High Density Residential – Student Housing (HDR-Student Housing)	
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.			