



Interoffice Memorandum

DATE: December 28, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

**CONTACT PERSON: Joe Kunkel, P.E., DRC Chairman
Development Review Committee
Public Works Department
(407) 836-7971**

SUBJECT: January 25, 2022 – Public Hearing
Applicant: Brooks Stickler, Kimley-Horn & Associates, Inc.
East Colonial Student Housing Planned Development / UCF
Student Housing Development Plan
Case # DP-21-06-209 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 15, 2021, to approve the East Colonial Student Housing Planned Development (PD) / UCF Student Housing Development Plan (DP) to construct a 206 unit / 680 bed student housing complex on a total of 8.18 acres.

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 PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the East Colonial Student Housing PD / UCF Student Housing DP dated "Received September 22, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

JVW/JK/lme
Attachments

CASE # DP-21-06-209

Commission District # 5

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 15, 2021, to approve the East Colonial Student Housing Planned Development (PD) / UCF Student Housing Development Plan (DP) to construct a 206 unit / 680 bed student housing complex on a total of 8.18 acres.

2. PROJECT ANALYSIS

- A. Location: North of East Colonial Drive / East of Challenger Parkway
- B. Parcel ID: 23-22-31-0000-00-004, 23-22-31-0000-00-074,
23-22-31-0000-00-010
- C. Total Acres: 8.18 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: East Orange Neighborhood Park – 0.7 Miles
- I. Proposed Use: 206 Student Housing Units / 680 Beds
- J. Site Data: Maximum Building Height: 60'
Building Setbacks:
50' Front
25' Side
5' Rear
25' Side Street
25' NHWE
- K. Fire Station: 80 – 1841 Bonneville Drive

L. Transportation: This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. This development is located near failing roadway(s) within Orange County. Based on the Concurrency Management database (CMS) dated July 14, 2021, there are multiple failing roadway segments within the project's impact area. Colonial Drive, from Woodbury Road to Avalon Park (2 segments) and Woodbury Road, from Lake Underhill Road to Colonial Drive (2 segments), are failing. This information is dated and subject to change.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a CEL prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Planned Development – High Density Residential (PD-HDR). The property zoning is PD and is within the East Colonial Student Housing PD, which is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (East Colonial Student Housing PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the East Colonial Student Housing Planned Development; Orange County Board of County Commissioners (BCC) approvals; UCF Student Housing Development Plan dated "Received September 22, 2021"; and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

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 development 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.

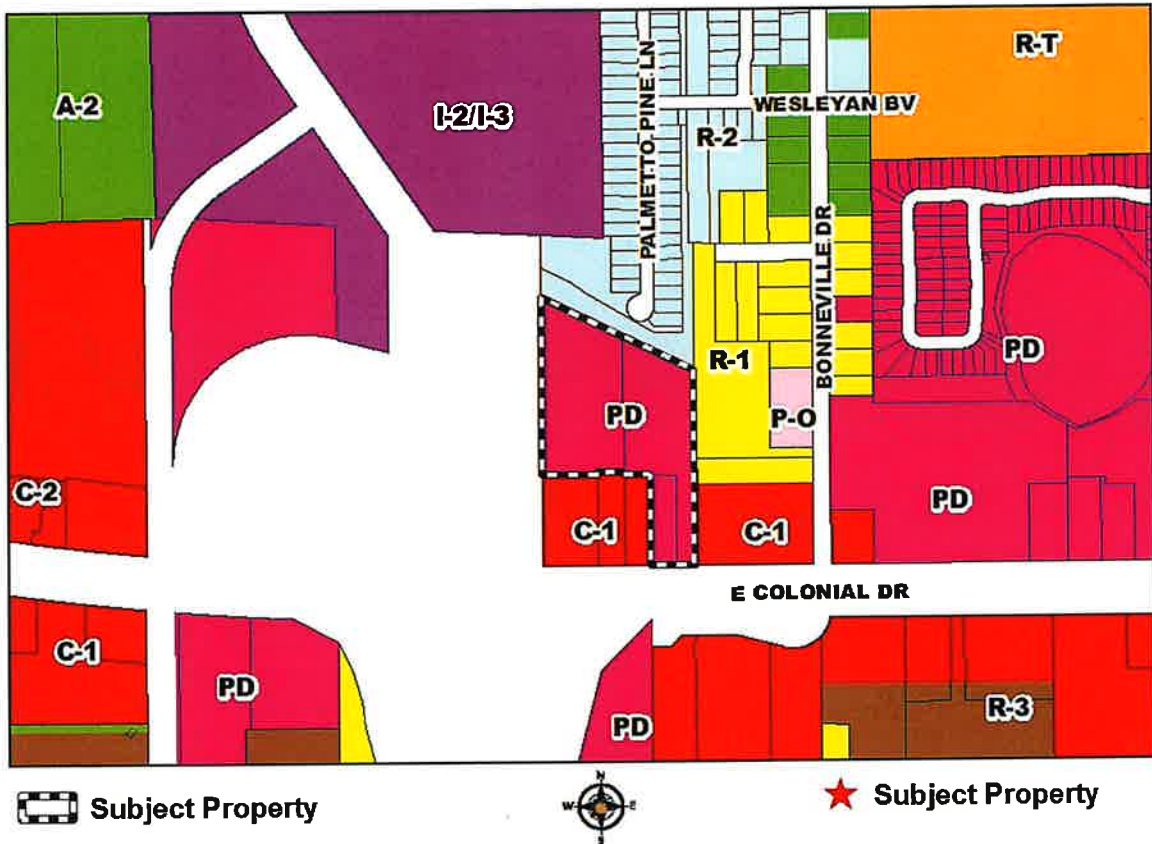
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner/Developer shall provide, at no cost to County, any and all easements 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. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
7. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
8. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/sufficiency review meeting prior to formal submittal of the plat to the County.
9. The various properties must be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot, tract, and/or parcel prior to plat pre-sufficiency for any phase of this Development Plan.
10. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
11. 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).

12. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
13. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
15. 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.
16. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development (including hydraulically dependent development) within the PD.
17. While UCF is in session, a shuttle bus shall operate on the half hour to and from UCF's main campus between the hours of 7:30 a.m. and 6:30 p.m., Monday through Friday, and until 9:00 p.m. [on those days], as may be needed.
18. 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. Length of stay shall be for 180 consecutive days or greater.

19. In order to qualify as student housing, all units must comply at all times with the definition of student housing in Section 38-1, Orange County Code, as such definition exists as of the date of approval of this development plan. Failure to comply with such definition may subject the project to code enforcement and/or increased impact fees, as well as any applicable concurrency requirements.
20. Pole signs and new billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
21. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
22. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

Zoning Map

DP-21-06-209



Zoning Map

ZONING: P-D (Planned Development District)
(East Colonial Student Housing PD)

APPLICANT: Brooks Stickler
Kimley Horn

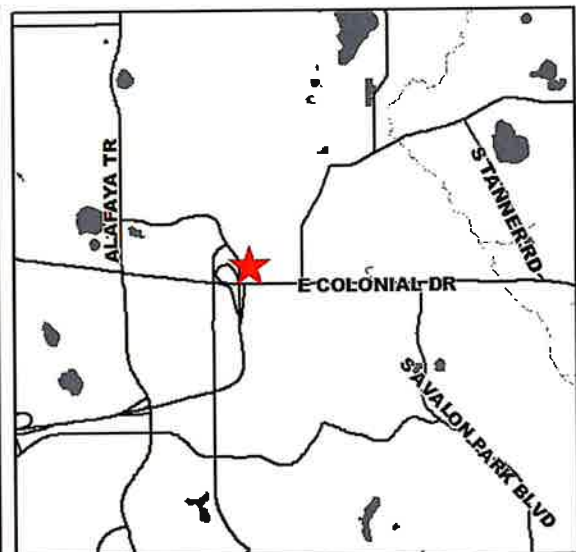
LOCATION: North of East Colonial Drive /
East of Challenger Parkway

TRACT SIZE: 8.18 gross acres

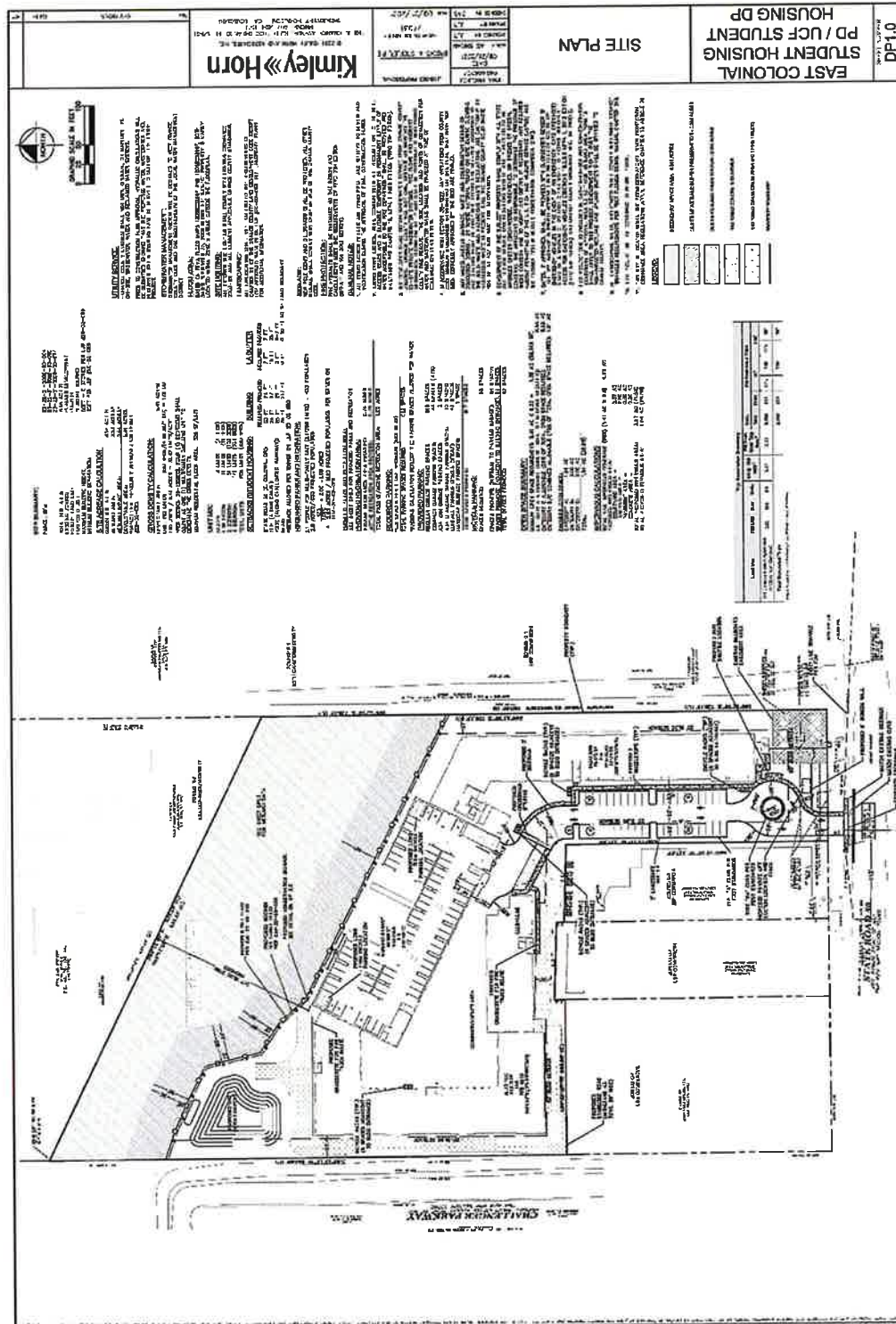
DISTRICT: # 5

S/T/R: 23-22-31

1 inch = 550 feet



Site Plan & Site Data & Notes Sheet



Notification Map

