





Interoffice Memorandum

DATE: December 2, 2021

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

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

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee
Planning Division 
(407) 836-5523

SUBJECT: December 14, 2021 – Public Hearing
Applicant: Brooks Stickler, Kimley-Horn & Associates, Inc.
East Colonial Student Housing PD
Case # CDR-21-08-260 / District 5

The East Colonial Student Housing Planned Development (PD) is generally located north of East Colonial Drive and east of Challenger parkway. The existing PD development program allows for a student housing complex with up to 208 units / 680 beds.

Due to a waiver granted on the original approval, the maximum building height for the parking structure is five stories / 60 feet and the maximum height of the student housing buildings is five stories / 50 feet. Through this PD substantial change, the applicant is seeking to expand the previously-granted waiver from Orange County Code Section 38-1259(k) to allow for the student housing buildings to be a maximum of five stories and 60 feet in height, consistent with the maximum height permitted for the parking structure.

On October 6, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

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 substantial change to the East Colonial Student Housing Planned Development / Land Use Plan (PD/LUP) dated “Received October 12, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

Attachments
JVW/EPR/jsh

CASE # CDR-21-08-260

Commission District: # 5

GENERAL INFORMATION

APPLICANT	Brooks Stickler, Kimley-Horn & Associates, Inc.
OWNER	East Colonial Investments, LLC
PROJECT NAME	East Colonial Student Housing Planned Development
PARCEL ID NUMBERS	23-22-31-0000-00-004, 23-22-31-0000-00-074 23-22-31-0000-00-010
TRACT SIZE	8.18 gross acres
LOCATION	Generally located at the northeast corner of East Colonial Drive and east of Challenger Parkway
REQUEST	A PD substantial change to request the following waiver from Orange County Code:

1. Waiver from Section 38-1259 (k) to allow the student housing buildings to be a maximum of five (5) stories, sixty (60) feet in height, in lieu of the currently approved maximum student housing building of three (3) stories, forty (40) feet in height.

Applicant Justification: To provide adequate parking for the development and minimize impacts to the existing wetland area and associated buffers. The proposed height is compatible with adjacent developments.

PUBLIC NOTIFICATION A notification area extending beyond eight hundred (800) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred seventy-seven (277) notices were mailed to those property owners in the notification buffer area. A community meeting was held on October 11, 2021 and is summarized in this report below.

IMPACT ANALYSIS

Special Information

The East Colonial Student Housing Planned Development was originally approved on January 12, 2021, and it includes development entitlements for a student housing complex with up to 208 units / 680 beds, along with nine waivers from Orange County Code, including one for student housing building height of five stories / 50 feet, as well as a waiver to allow a parking structure height of up to five stories / 60 feet.

Through this PD substantial change, the applicant is seeking to expand the previously-granted waiver from Orange County Code Section 38-1259(k) to allow for the student housing buildings to be a maximum of five stories / 60 feet in height, consistent with the maximum height permitted for the parking structure.

Land Use Compatibility

The PD substantial change would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development – High Density Residential (Student Housing) (PD-HDR (Student Housing)). The proposed PD substantial change is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Community Meeting Summary

A community meeting was held for this request on October 11, 2021. Three residents were in attendance. A majority of the discussion centered around the appearance of the buildings from the residential community to the north.

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.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Environmental

Environmental Protection Division reviewed the request but did not identify any comments or concerns.

Transportation / Concurrency

Transportation Planning staff reviewed the request and did not have any comments related to the requested waiver for building height.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks

Orange County Parks and Recreation staff reviewed the 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 – (October 6, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the East Colonial Student Housing Planned Development / Land Use Plan (PD/LUP), dated "October 12, 2021", subject to the following conditions:

1. Development shall conform to the East Colonial Student Housing Planned Development (PD) dated "Received October 12, 2021," 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 October 12, 2021," 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 at the public hearing where this development was approved, 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. 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 or 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

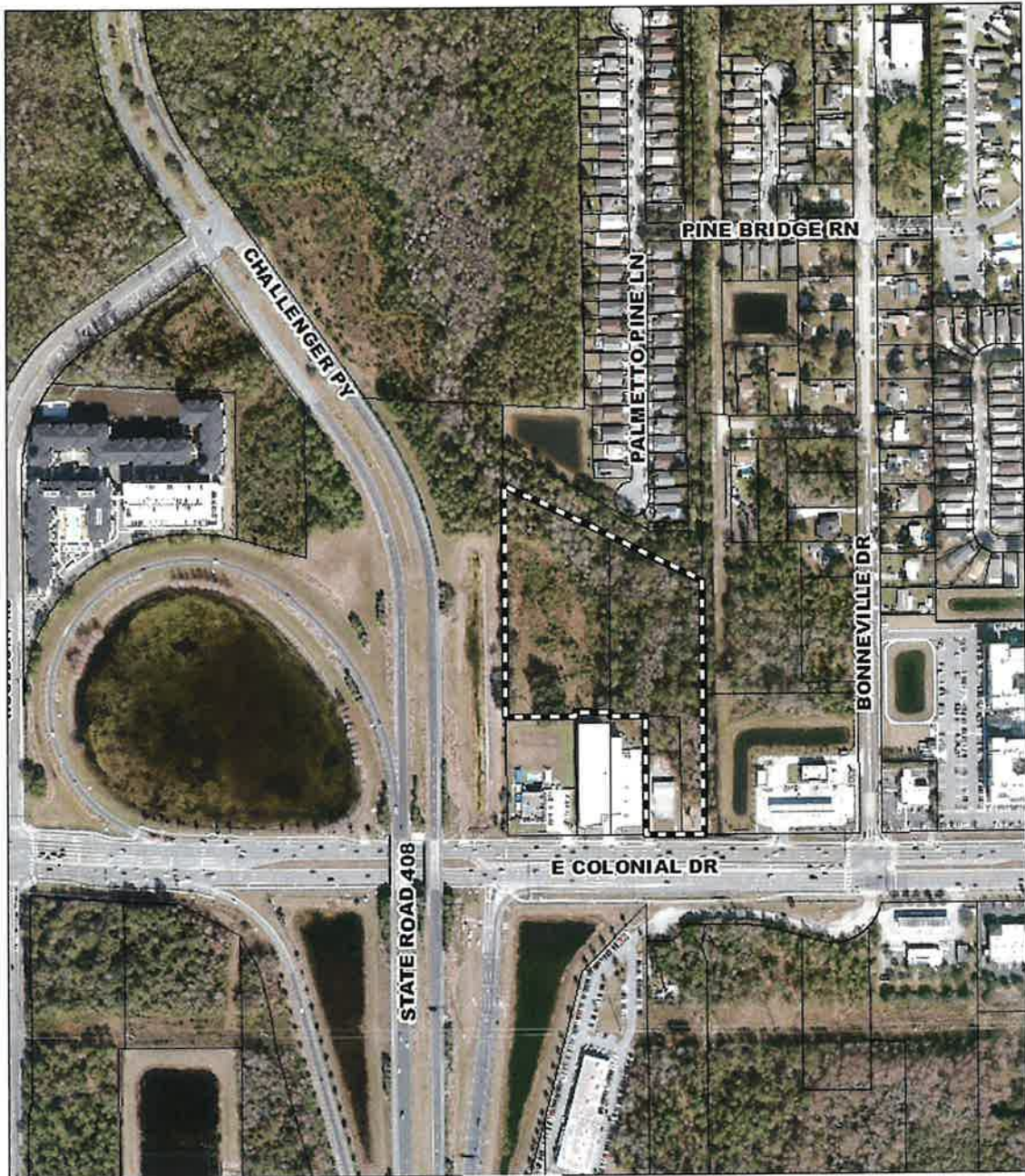
ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / 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. A waiver is granted from Section 38-1259 (k) to allow the student housing buildings to be a maximum of five (5) stories, sixty (60) feet in height, in lieu of the required three (3) stories, forty (40) feet in height.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 12, 2021, shall apply:
 - a. 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.
 - b. 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).
 - c. 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, 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.

- d. 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.
- e. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
- f. Pole signs and new billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
- g. 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.
- h. If this student housing use converts to market rate housing, then this PD shall comply with any County and OCPS school capacity procedures prior to scheduling for BCC.
- i. 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 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.
- j. 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.
- k. The following waivers from Orange County Code are granted:
 - 1. A waiver from Section 38-1259 (b) to allow the student housing zoned property to maintain a minimum distance separation of zero (0) feet from any single-family zoned property as measured from the east side and north side property lines of the proposed student housing development to the nearest property line of the single-family zoned property, in lieu of four hundred (400) feet.
 - 2. A waiver from Section 38-1272 (a)(1) to allow a maximum impervious area coverage not to exceed eighty (80) percent of the net land area, in lieu of the seventy (70) percent of the net land area.
 - 3. A waiver from Section 38-1254(2)(d) to allow the minimum building setback abutting an expressway to be twenty-five (25) feet, in lieu of seventy-five (75) feet.
 - 4. A waiver from Section 38-1258 (f) to allow no wall when a multi-family development is located adjacent to any single-family zoned property, in lieu of a six (6) foot high masonry, brick or block wall.

5. A waiver from Section 38-1258 (a) to allow five (5) story, sixty (60) foot tall multifamily buildings to be twenty-five (25) feet from single-family zoned property (only north and east of subject property), in-lieu of multi-family buildings within 100 feet of single-family zoned property being limited to one (1) story in height.
6. A waiver from Section 38-1258 (b) to allow five (5) story, sixty (60) foot tall multifamily buildings to be between 100 and 150 feet of a single-family zoned property (only north and east of subject property), in-lieu of varying in building heights with maximum of fifty (50) percent of the building being three (3) stories, not to exceed forty (40) feet in height, with the remaining building being one (1) story or two (2) stories in height.
7. A waiver from Section 38-1258 (c) to allow five (5) story, sixty (60) foot tall multifamily buildings to be twenty-five (25) feet from single-family zoned property (only north and east of subject property), in-lieu of multi-family buildings within 150 feet of single-family zoned property being limited to three (3) stories and forty (40) feet in height.
8. 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) bedroom.

CDR-21-08-260

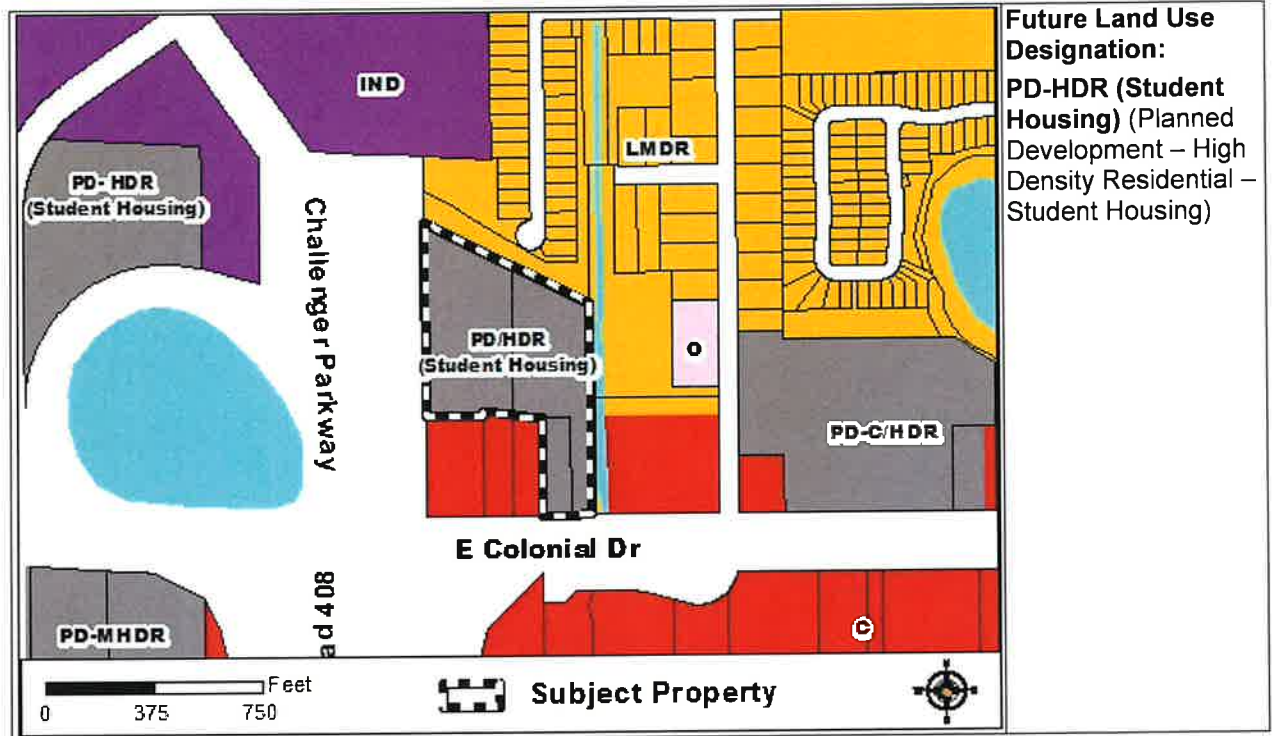


 Subject Property



1 inch = 375 feet

FUTURE LAND USE – CURRENT



ZONING - CURRENT

