





**Interoffice Memorandum**

**DATE:** January 22, 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  
Planning Division   
(407) 836-5523

**SUBJECT:** February 11, 2020 – Public Hearing  
Bryan F. Borland, WP South Acquisitions, LLC  
Core Academy Planned Development  
Case # CDR-19-09-293 / District 1

The Core Academy Planned Development (PD) is generally located north of Old YMCA Road and West of Avalon Road. The existing PD development program allows for 100,000 square feet of commercial uses and a 645-bed dormitory use.

Through this PD substantial change, the applicant is seeking to amend the current LUP to convert 100,000 square feet of commercial uses and the 645-bed dormitory use to 350 multi-family residential units. Additionally, one access location on Avalon Road is being shifted towards the south. One waiver is associated with this request to allow for a minimum setback of 25 feet for residential, in lieu of 75 feet when adjacent to expressways.

On November 6, 2019, 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 Core Academy Planned Development / Land Use Plan (PD/LUP) dated “Received December 2, 2019”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments  
JVW/EPR/nsw

**CASE # CDR-19-09-293**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Bryan F. Borland, WP South Acquisitions, LLC

**OWNER** Avalon Real Estate Limited, LLC

**PROJECT NAME** Core Academy Planned Development

**PARCEL ID NUMBER** 32-23-27-0000-00-007

**TRACT SIZE** 21.61 gross acres

**LOCATION** Generally located north of Old YMCA Road and West of Avalon Road

**REQUEST** A PD substantial change to amend the current LUP to convert 100,000 square feet of commercial uses and a 645-bed dormitory use to 350 multi-family residential units. Additionally, one access location on Avalon Road is being shifted towards the south. Finally, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 38-1254(2)(d) to allow for a minimum setback of twenty-five (25) feet for residential, in lieu of seventy-five (75) feet when adjacent to expressways.

***Applicant Justification:*** This section of SR 429 is elevated above the area requested for this waiver and buildings will be positioned with the narrowest portion of the walls facing the roadway. Therefore, the requested reduction in setback has significantly less impact on the proposed MF DU's.

**PUBLIC NOTIFICATION** A notification area extending beyond one thousand five hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred seventy-nine (179) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

**IMPACT ANALYSIS**

**Special Information**

The Core Academy PD was originally approved December 1, 2015 and has an existing development program of 100,000 square feet of commercial uses and a 645-bed dormitory.

Through this PD Change Determination Request (CDR), the applicant is seeking to amend the current LUP to convert 100,000 square feet of commercial uses and a 645-bed dormitory use to 350 multi-family residential units. One (1) waiver related to expressway setbacks is also being requested.

**Land Use Compatibility**

The PD Change Determination Request would not adversely impact any adjacent properties.

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) and is designated Corporate Campus Mixed Use District on the Special Planning Area map. The Corporate Campus Mixed Use District allows for a mix of uses including attached and detached housing, office, hotel, light industrial, civic, open space, and recreational uses. The Core Academy PD was approved in 2015 and includes commercial and dormitory uses. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

**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**

Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns.

**Transportation Concurrency**

Owner shall convey a total of 3.23 acres of APF Land approved on December 1, 2016 and recorded at ORBK 11022/6904. The dedication of right-of-way shall serve to satisfy the APF requirements which requires approximately 3.23 acres of public facilities lands to be provided from this property. Owner will receive \$22,500 per acre for the conveyance of 1.62 acres of right-of-way for Avalon Road (C.R. 545) for a total of \$36,450.00, and \$18,000 per acre for the 1.61 acres of drainage easement for a total of \$28,980.00, which combined is a total of \$65,430.00 in Transportation Impact Fee Credits.

First Amendment to the Right-of-Way Conveyance and Adequate Public Facilities Agreement was approved by the Board of County Commissioners on March 21, 2017 and recorded at Doc # 20170159212. The First Amendment adjusts the timeframe provided for the conveyance of right-of-way to within 120 days of the Execution Date of the First Amendment.

Avalon Road (CR 545): A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and D.R. Horton, Inc. ("DRHI"); Avalon Properties, Ltd.

("Avalon"); Horizon West Properties ("HWP"); HAP, Inc. ("HAP"); Titan Western Beltway, LLC ("Titan"); Hanover Hickory Nut, LLC, ("Hanover"); Zanzibar Properties, LLC ("Zanzibar"); and Seidel West I, LLC ("Seidel"). DRHI, Avalon, HWP, HAP, Titan, Hanover, Zanzibar, and Seidel are collectively referred to herein as "Signatory Owners" was approved by the Board of County Commissioners on February 12, 2013 and recorded at OR Book/Page 10525/6172. The Village H Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of C.R. 545 to four lanes in four phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile. This agreement was negotiated based on the approved Horizon West Global Road Term Sheet.

**Community Meeting Summary**

A community meeting was not required for this request.

**Schools**

Orange County Public Schools (OCPS) reviewed the request and determined that it will not negatively impact public school capacity. The applicant is in receipt of Capacity Determination OC-19-063, which shows available capacity.

**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 – (November 6, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Core Academy Planned Development / Land Use Plan (PD/LUP), dated "December 2, 2019", subject to the following conditions:**

1. Development shall conform to the Core Academy PD Land Use Plan dated "Received December 2, 2019," 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 December 2, 2019," 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. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, of the proximity of the 545 & West Orange Environmental solid waste construction and demolition debris disposal facilities that are located adjacent to the northern property boundary.
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. The project shall comply with the terms and conditions of that certain Right-Of-Way (ROW) Conveyance and Adequate Public Facilities Agreement approved on December 1, 2015 and recorded at OR Book / Page 11022 / 6904 in the Public Records of Orange County, Florida, as may be amended.
9. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to rate resolutions and ordinances.
10. 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 within the DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the Village.
11. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village (SAP).
12. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

13. Signage shall comply with applicable sign code and the Master Sign Plan (if adopted). Billboards and Pole Signs shall be prohibited.
14. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
15. A waiver from Section 38-1254(2)(d) is granted to allow for a minimum setback of twenty-five (25) feet for residential, in lieu of seventy-five (75) feet when adjacent to expressways.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 1, 2015 shall apply:
  - a. 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.
  - b. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized for Village requirements. Property owners may elect to use alternative financing, in lieu of the private proportionate cost share agreement, provided master utilities sized for Village requirements are constructed.
  - c. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
  - d. 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.
  - e. Outside sales, storage, and display shall be prohibited.
  - f. 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



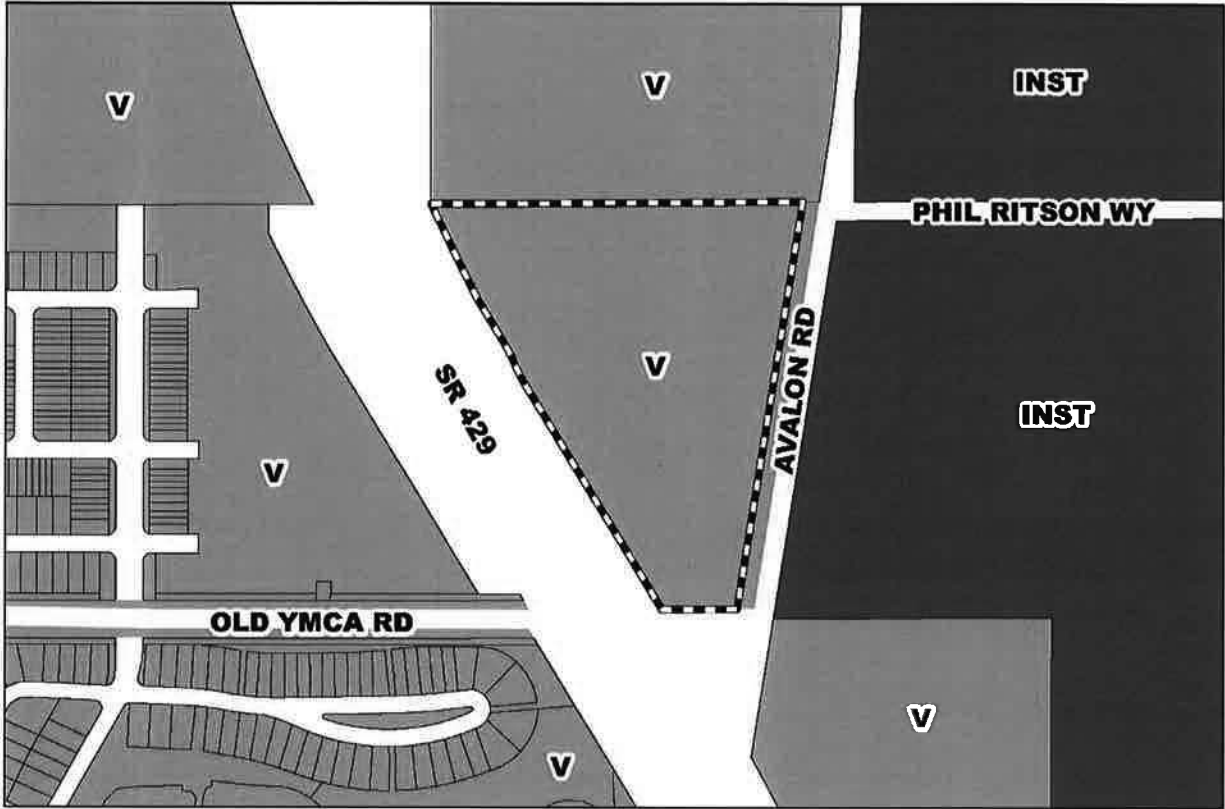
regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

- g. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits, ~~the property shall be platted.~~
- h. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. 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.
- i. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of the Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (December 1, 2015)**

Upon a motion by Commissioner Boyd, seconded by Commissioner Siplin, and carried by all present members voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Juli S. James, Shutts & Bowen, LLP, Core Academy PD/UNP, Case # LUP-15-02-051 to rezone one (1) parcel comprising 23.24 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop 100,000 square feet of educational / administrative uses, and a 645-bed dormitory facility, subject to conditions.

CDR-19-09-293



Subject Property



Subject Property

**Future Land Use Map**

**FLUM:** Village (V)

**APPLICANT:** Bryan F. Borland,  
 WP South Acquisitions, LLC

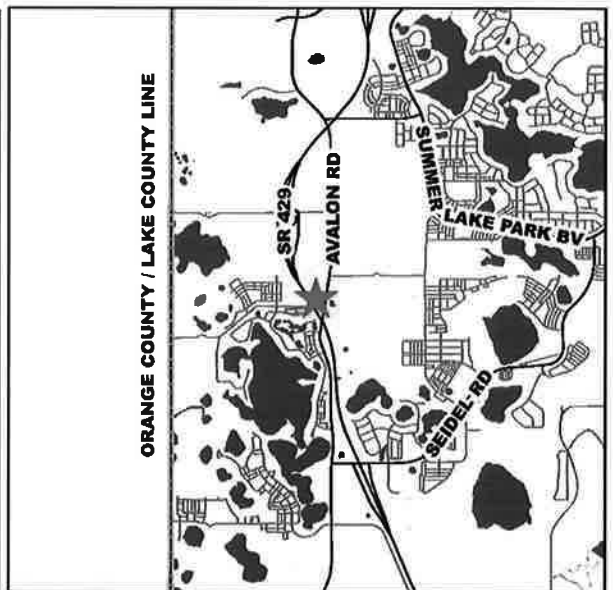
**LOCATION:** Generally located north of Old YMCA Road  
 and West of Avalon Road.

**TRACT SIZE:** 21.61 gross acres

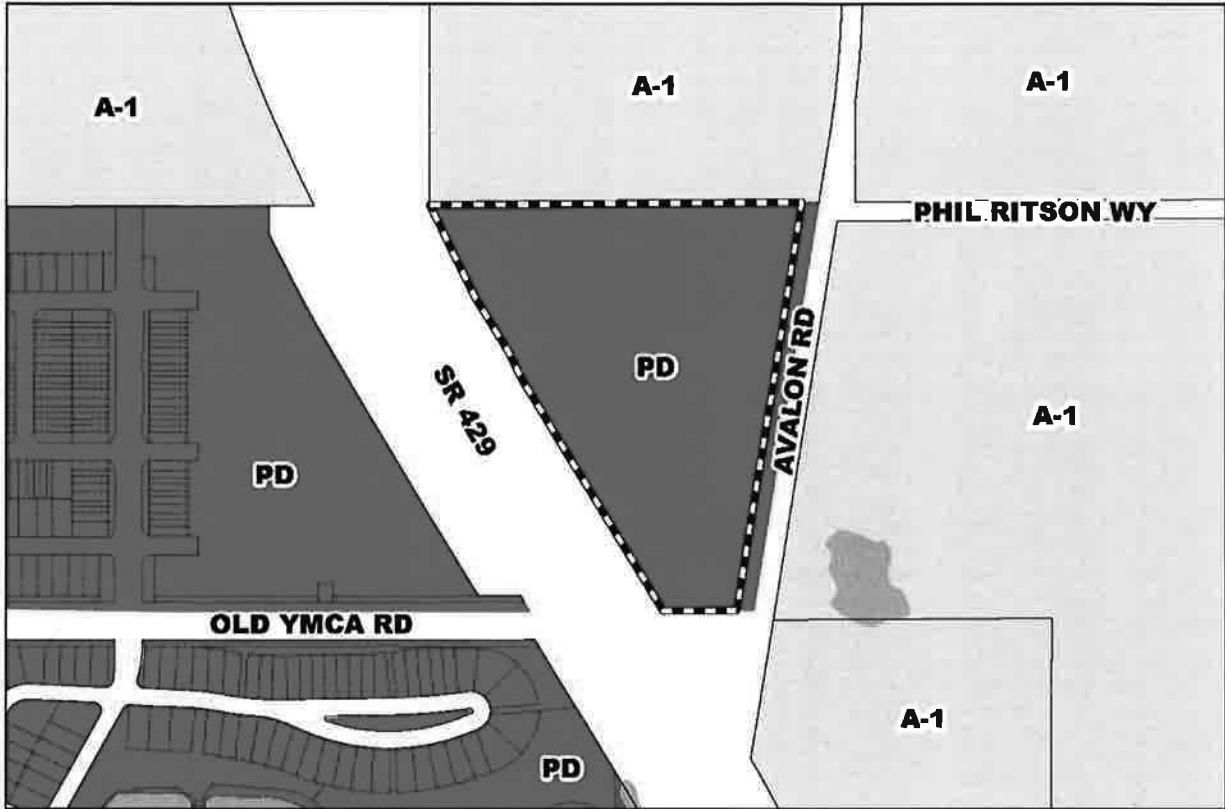
**DISTRICT:** # 1

**S/T/R:** 32/23/27

1 inch = 500 feet



CDR-19-09-293



Subject Property



Subject Property

**Zoning Map**

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

**APPLICANT:** Bryan F. Borland,  
 WP South Acquisitions, LLC

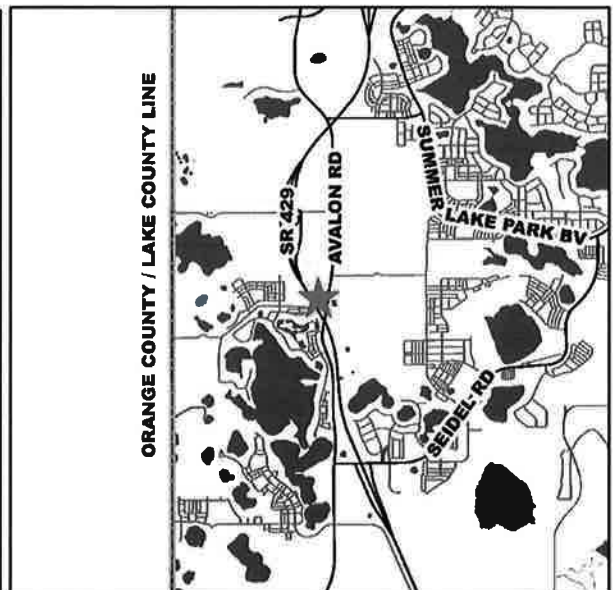
**LOCATION:** Generally located north of Old YMCA Road  
 and West of Avalon Road.

**TRACT SIZE:** 21.61 gross acres

**DISTRICT:** # 1

**S/I/R:** 32/23/27

1 inch = 500 feet



**Core Academy PD / LUP (Cover Sheet)**


# CORE ACADEMY PD/UNP

## PLANNED DEVELOPMENT / UNIFIED NEIGHBORHOOD PLAN / LAND USE PLAN


PREVIOUSLY APPROVED LUP-15-02-051  
 CDR-19-09-293  
 PARCEL ID: 32-23-27-0000-00-007

NORTHWEST CORNER OF OLD YMCA RD AND  
 AVALON RD  
 ORANGE COUNTY, FL

PREPARED FOR:  
 AVALON REAL ESTATE LIMITED, LLC




255 SOUTH MAITLAND AVENUE  
 SUITE 400  
 MAITLAND, FLORIDA 32751  
 PHONE (407) 822-0094




**KELLY,  
 COLLINS &  
 GENTRY, INC.**  
 ENGINEERING • PLANNING

1700 NORTH ORANGE AVENUE  
 SUITE 400  
 ORLANDO, FLORIDA 32804  
 PHONE (407) 880-7855  
 FAX (407) 880-1488



LEGAL DESCRIPTION:  
 THE 1/4 OF 34 PLANNED DEVELOPMENT / UNIFIED NEIGHBORHOOD PLAN / LAND USE PLAN FOR THE CORE ACADEMY PD/UNP, PARCEL ID: 32-23-27-0000-00-007, ORANGE COUNTY, FLORIDA, AS SHOWN ON THE PLANNED DEVELOPMENT / UNIFIED NEIGHBORHOOD PLAN / LAND USE PLAN, MAP NO. 15-02-051, APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, ORANGE COUNTY, FLORIDA, ON 02/15/19.



REVISION DATE  
 10/15/19

SHEET TITLE	SHEET NO.	DATES
COVER SHEET	P-0	2019
PRELIMINARY PLAN	SHEET 1	2019
EXHIBIT CONCEPT PLAN	P-0	2019
LAND USE PLAN	P-0	2019
UNIFIED NEIGHBORHOOD PLAN	P-0	2019
BCC CONDITIONS OF APPROVAL	P-0	2019

SHEET INDEX

**RECEIVED**  
 By DRC Office at 12:37 pm, Dec 02, 2019

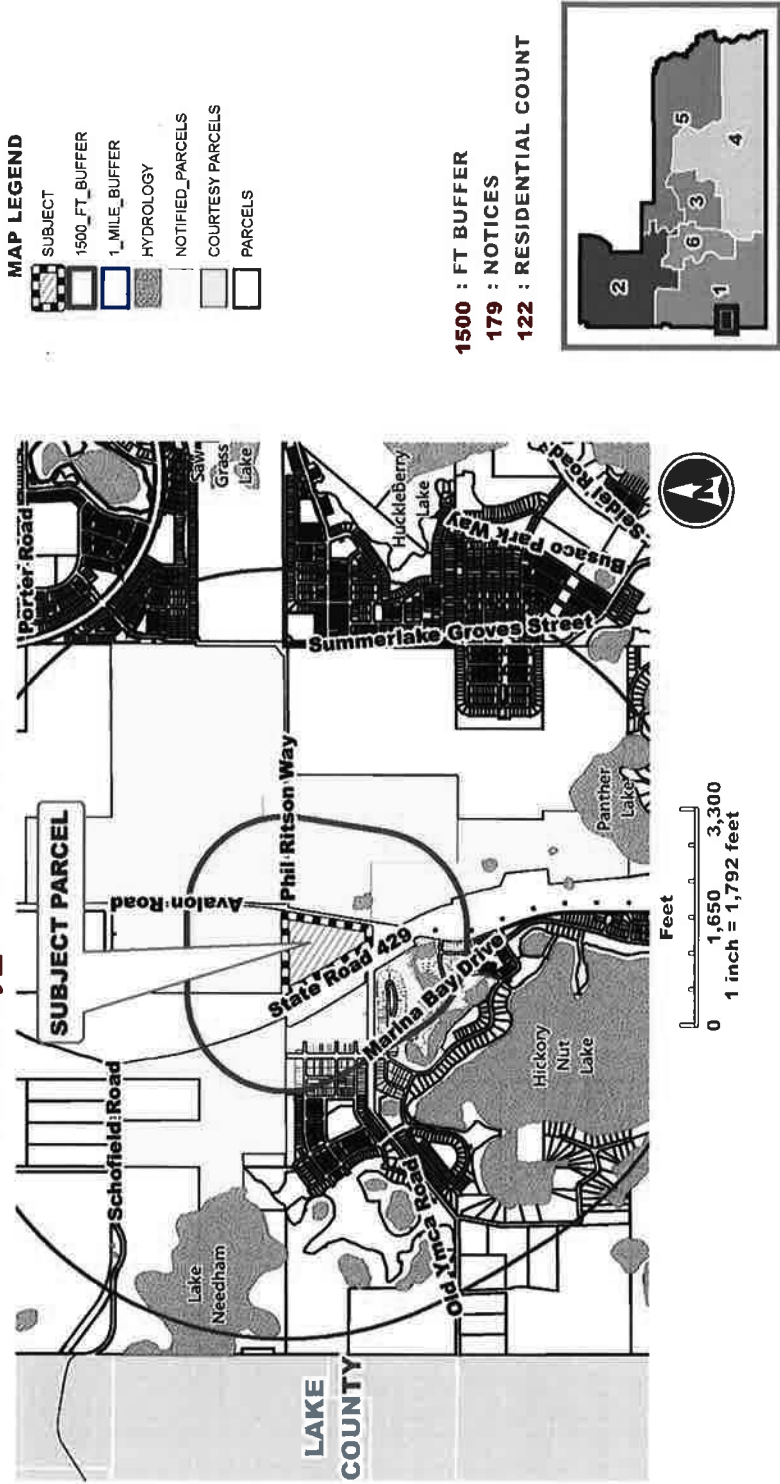


# Notification Map

## Public Notification Map



**Core Academy\_CDR-19-09-293**



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