



**Interoffice Memorandum**

DATE: November 23, 2020  
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

Eric P. Raasch,  
Jr., AICP

Digitally signed by Eric P.  
Raasch, Jr., AICP  
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SUBJECT: December 15, 2020 – Public Hearing  
Applicant: Julie Salvo, Tavistock Development Company  
Ginn Property Planned Development / Interamerican University of  
Puerto Rico Development Plan  
Case # DP-20-09-268 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 18, 2020, to approve the Ginn Property Planned Development (PD) / Interamerican University of Puerto Rico Development Plan (DP) construct 112,334 square feet of classroom, office, gymnasium, cafeteria, and ancillary uses for a university, as well as a student housing development with 48 units / 192 beds on a total of 17.11 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 DP may be found in the Planning Division for further reference.

**ACTION REQUESTED:** Make a finding of consistency with the Comprehensive Plan and approve the Ginn Property PD / Interamerican University of Puerto Rico DP dated "Received November 2, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report.  
**District 4**

JVW/EPR/lme  
Attachments

**CASE # DP-20-09-268**  
Commission District # 4

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 18, 2020, to approve the Ginn Property Planned Development (PD) / Interamerican University of Puerto Rico Development Plan (DP) construct 112,334 square feet of classroom, office, gymnasium, cafeteria, and ancillary uses for a university, as well as a student housing development with 48 units / 192 beds on a total of 17.11 acres.

**2. PROJECT ANALYSIS**

- A. Location: North of J Lawson Boulevard / West of Boggy Creek Road
- B. Parcel ID: 21-24-30-3127-00-024, 21-24-30-3127-02-005
- C. Total Acres: 17.11 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: Meadow Woods Park – 4 Miles
- I. Proposed Use: 48 Student Housing Units / 192 Beds  
112,334 Square Foot University
- J. Site Data: Maximum Building Height: 50'  
Building Setbacks:  
35' Front  
25' Side  
25' Rear
- K. Fire Station: 55 – 801 Greenway Professional Court
- L. Transportation: The Ginn Development of Regional Impact Developer's Agreement was approved by the Board of County Commissioners on July 9, 2002 and recorded at OR Book/Page 6566/8146. Under the terms of this agreement the Developer will convey right-of-way along Boggy Creek Road and for roads A, B, and D in the New Road Network

along with drainage easements. Developer will receive Road Impact Fee Credits for Right-of-Way dedicated and for design and construction of roads A, B and D for excess capacity created. The Right-of-Way for Boggy Creek Road and Road A was dedicated by plat and the Developer has received \$1,933,613.00 in Road Impact Fee Credits. The Right-of-Way for Roads B and D was dedicated by plat and the Developer received an additional \$4,130,635.00 in Road Impact Fee Credits. The Ginn Property DRI was rescinded by the Board of County Commissioners at the request of the applicant on October 27, 2020.

Based on the concurrency management database dated October 14, 2020, there is a failing roadway segment within the project's impact area. Boggy Creek Road from Central Florida Greenway to the Osceola County line is 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 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 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 has an underlying Future Land Use Map (FLUM) designation of Planned Development (PD-LDR/LMDR/MDR/C/O/IND/PR-OS/CON). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designation.

### **4. ZONING**

PD (Planned Development District) (Ginn Property PD)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Ginn Property Planned Development; Orange County Board of County Commissioners (BCC) approvals; Interamerican University of Puerto Rico Development Plan dated "Received November 2, 2020"; 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).

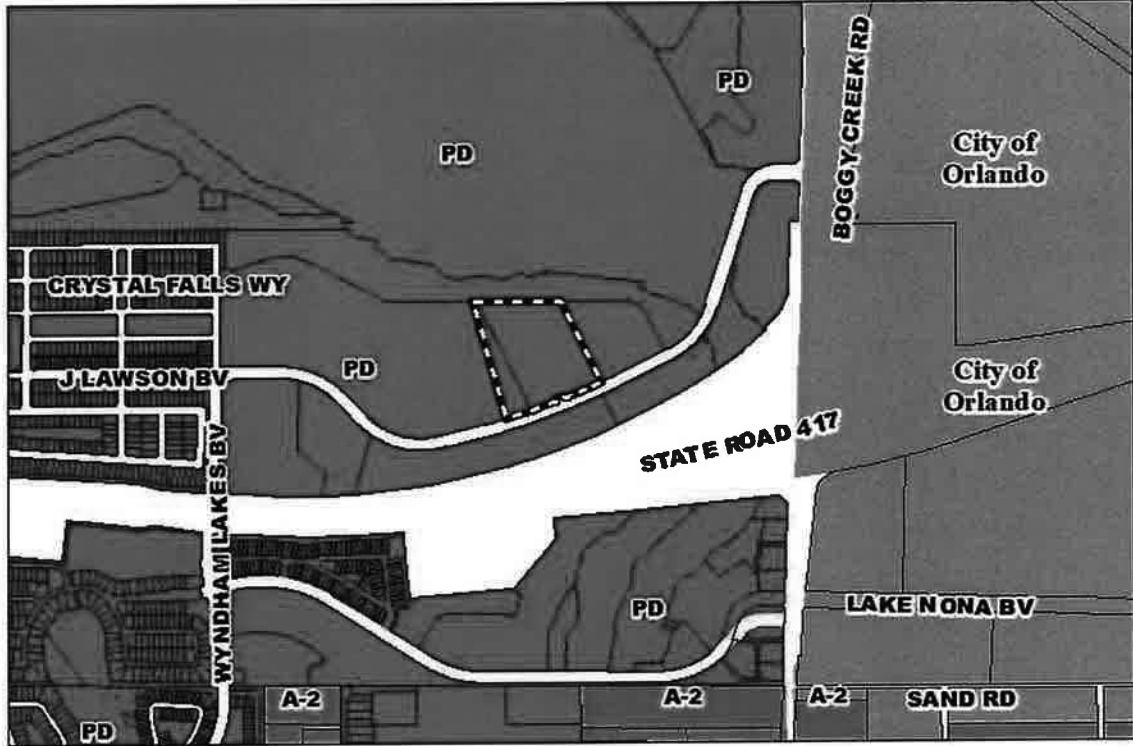
6. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval 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 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.
8. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
9. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
10. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
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. 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.

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. 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 PD.
15. 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.
16. Prior to issuance of any vertical building permit, the two (2) parcels must be aggregated.

Zoning Map

DP-20-09-268



Subject Property



Subject Property

**Zoning Map**

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

**APPLICANT:** Julie Salvo, Tavistock Development Company

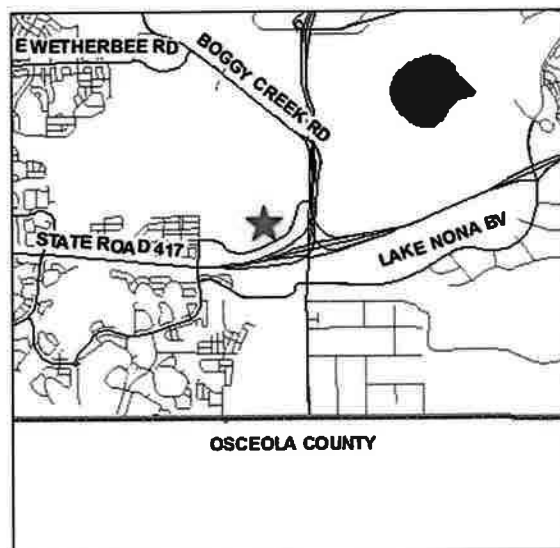
**LOCATION:** Northside of J Lawson Boulevard / West of Boggy Creek Road

**TRACT SIZE:** 17.11 gross acres

**DISTRICT:** # 4

**S/T/R:** 21/24/30

1 inch = 1,250 feet



# Site Data & Notes Sheet



NO.	DESCRIPTION	DATE	BY	REVISIONS
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**DEVELOPMENT PLAN PERFORMANCE DATA SHEET**

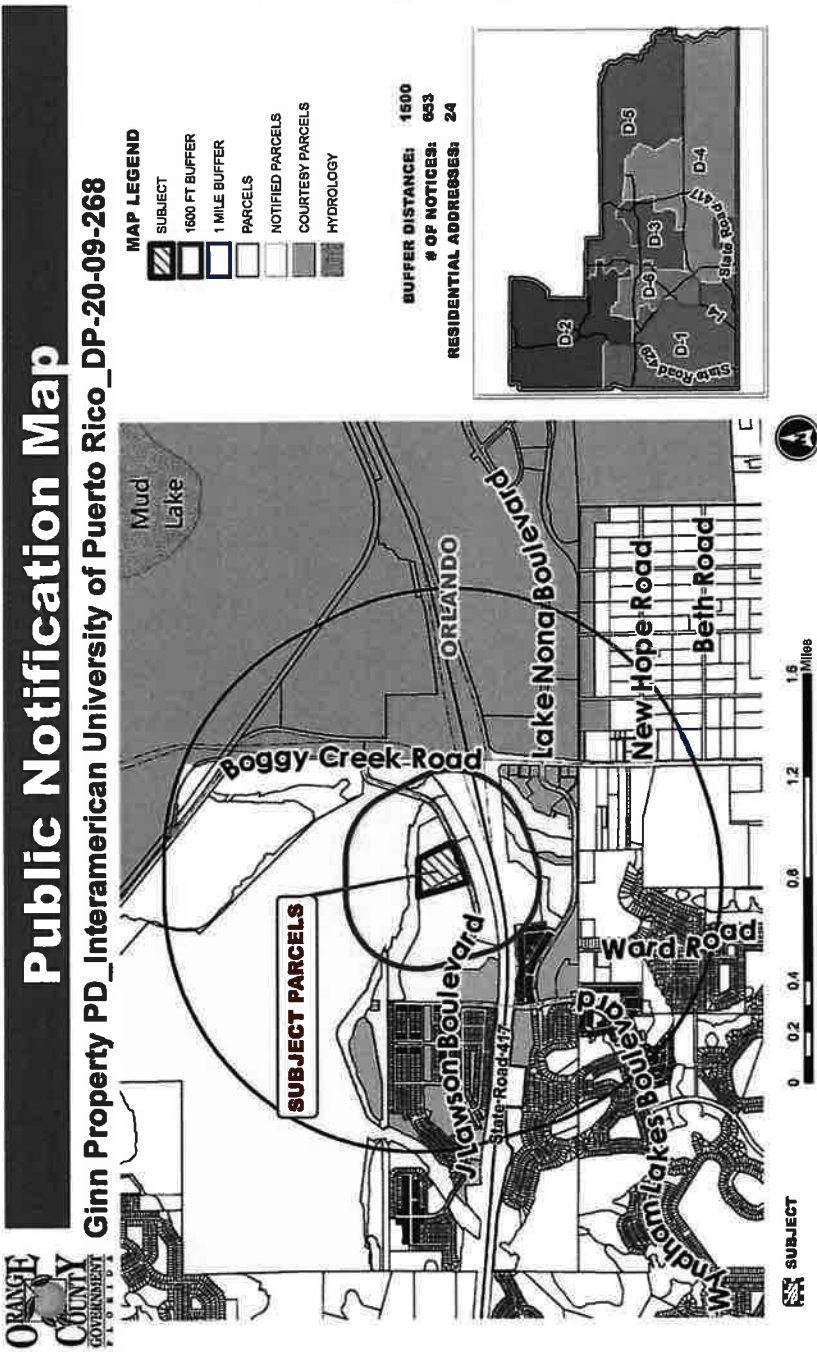
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**C-205**





# Notification Map



locansjmgdepBusiness Systems\Board Administrators\SUBSTANTIAL CHANGE\2020\DRC\Ginn Property PD\_Interamerican University <