




Interoffice Memorandum

December 27, 2023

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

FROM: Andres Salcedo, P.E., Acting 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 9, 2024 – Public Hearing
Brooks A. Stickler, P.E., Kimley-Horn & Associates, Inc.
Alafaya Trail Student Housing Planned Development
Case # CDR-23-04-130 / District 5

The Alafaya Trail Student Housing Planned Development (PD) is located at 2820 N. Alafaya Trail, Orlando, FL 32826. The subject property is generally located North of East Colonial Drive / West of North Alafaya Trail / South of Lokanotosa Trail / East of Rouse Road. This PD was originally approved on April 11, 2023 with a development program of up to 600 bedrooms.

Through this PD substantial change, the applicant is seeking to modify the required building setbacks to move buildings closer to the major street (N. Alaya Trail) and requesting an increase to the building height to five stories rather than the required three stories, to reflect their proposed site plan design. There is a current development program (DP-23-03-110) that is still under review with County staff.

On December 6, 2023, 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 Alafaya Trail Student Housing Planned Development / Land Use Plan (PD/LUP) dated “Received November 7, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

NT/nt
Attachments

CASE # CDR-23-04-130
Commission District: # 5

GENERAL INFORMATION

APPLICANT Brooks A. Stickler, P.E., Kimley-Horn & Associates, Inc.
OWNER Church of God
PROJECT NAME Alafaya Trail Student Housing PD
PARCEL ID NUMBER(S) 15-22-31-0000-00-030
TRACT SIZE 3.2 gross acres
LOCATION 2820 N. Alafaya Trail, Orlando, FL 32826; North of East Colonial Drive / West of North Alafaya Trail / South of Lokanotosa Trail / East of Rouse Road
REQUEST To request the following two waivers from Orange County Code:

1. A waiver from Section 38-1254(2)(c) is requested for the eastern boundary of the property to allow a minimum building setback of ten (10) feet from an arterial road (N. Alafaya Trail) in lieu of fifty (50) feet.

Applicant Justification: The requested waiver allows for the multi-family building to be placed against the right of way (ROW) on N. Alafaya Trail to frame the roadway and create an urban feel for the site. This will allow for consistency in the character of the development with the surrounding sites.

2. A waiver from Section 38-1259(k) to allow a maximum building height of five (5) stories, seventy (70) 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.

PUBLIC NOTIFICATION A notification area extending beyond one thousand (1,000) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seven hundred and fourteen (714) 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 Alafaya Trail Student Housing Planned Development (PD) is located at 2820 North Alafaya Trail; north of East Colonial Drive, west of N. Alafaya Trail, south of Lokanotosa Trail, and east of Rouse Road. The Alafaya Trail Student Housing Planned Development (PD) (LUP-22-07-258) was originally approved April 11, 2023, this went concurrent with a small-scale land use amendment (SS-22-05-047) to change the Future Land Use from Medium Density Residential (MDR) to High Density Residential - Student Housing (HDR-Student Housing) and to amend the zoning designation from R-1A (Single-Family Dwelling District) to PD (Planned Development District) to allow for up to 600 student housing beds (150 units).

Through this PD Change Determination Request (CDR), the applicant is seeking to modify the required building setbacks to move buildings closer to the major street (N. Alafaya Trail) and requesting an increase to the building height to five stories rather than the required three stories, to reflect their proposed site plan design. There is a current development program (DP-23-03-110) that is still under review with County staff.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of High Density Residential - Student Housing (HDR-Student Housing). The proposal appears to be consistent with the Comprehensive Plan.

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

This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. This may include, but is not limited to, increased buffer size, more stringent habitat protection regulations, increased stormwater requirements, and additional landscaping requirements. [Chapter 15, Article XI, Econlockhatchee River Protection]

Transportation Planning

Transportation Planning staff has reviewed the proposed request but did not identify any issues or concerns.

Community Meeting Summary

A community meeting was not required for this case.

Schools

Orange County Public Schools (OCPS) staff has reviewed the proposed 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 – (December 6, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Alafaya Student Housing Planned Development / Land Use Plan (PD/LUP), dated “November 7, 2023”, subject to the following conditions:

1. Development shall conform to the Alafaya Trail Student Housing Planned Development dated "Received November 7, 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 November 7, 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.
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. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
 7. 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 properties must obtain concurrency

prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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.

8. Per Section 38-1259 (e) Student Housing (Pedestrian Safety ADA Ordinance) a Mobility Plan is required to be submitted with the DP. Please see MuniCode Ordinance 2020-30 adopted 10/13/20 for the Mobility Plan requirements pages 62-63. (e) 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.

9. The following waivers from Orange County are granted:
 - a. A waiver from Section 38-1254(2)(c) is requested for the eastern boundary of the property to allow a minimum building setback of ten (10) feet from an arterial road (N. Alafaya Trail) in lieu of fifty (50) feet.

 - b. A waiver from Section 38-1259(k) to allow a maximum building height of five (5) stories, seventy (70) feet, in lieu of three (3) stories, forty (40) feet.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 11, 2023, shall apply:
 - a. 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

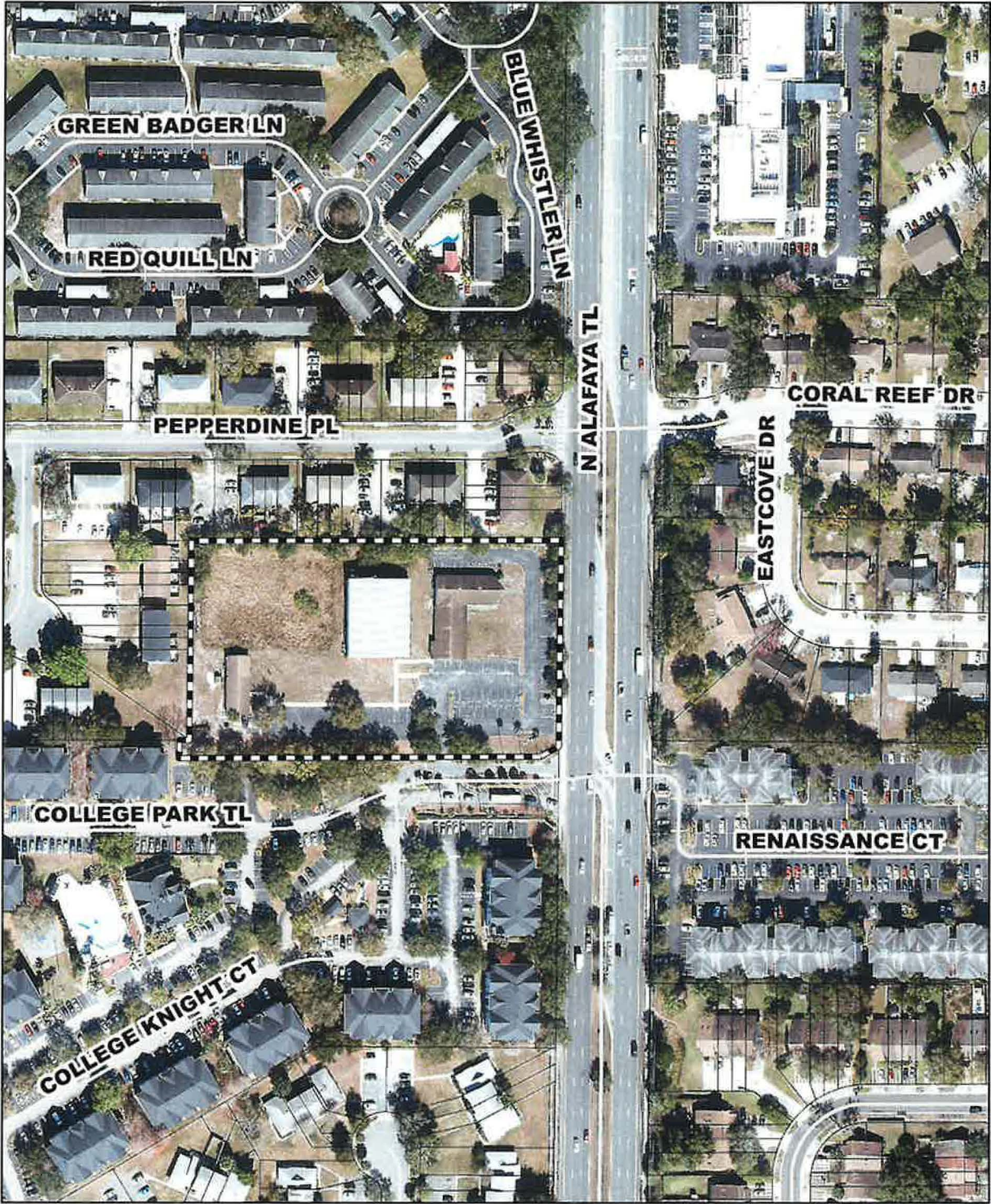
at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.

- b. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
- c. Short term/transient rental is prohibited; length of stay shall be for 180 consecutive days or greater.
- d. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
- e. 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.
- f. 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.
- g. The north and south side facades of the parking garage shall be architecturally treated similarly to the residential buildings.
- h. A UCF shuttle with transportation to UCF shall be provided to residents of the student housing complex.
- i. The owner of the student housing complex shall provide a security service for known special events including at annual move in and football games. Additional security will be provided twenty-four-seven through the leasing staff.
- j. The following waivers from Orange County Code are granted:
 - 1. 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.
 - 2. 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.
 - 3. 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.
 - 4. 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.
 - 5. 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.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(April 11, 2023)*


A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; further, adopt Amendment SS-22-05-047, High Density Residential - Student Housing (HDR - Student Housing) Future Land Use; further, adopt the associated Small-Scale Ordinance 2023-14; further, make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request from R-1A (Single-Family Dwelling District) to PD (Planned Development District) (Alafaya Trail Student Housing PD) to allow for up to 600 student housing beds, subject to the fifteen (15) conditions of approval and six (6) waivers listed under the Planning and Zoning Commission recommendation in the Staff Report dated March 22, 2023; further, renumber condition #15 to condition #17; and further, approve new conditions of approval #15 and #16. The motion was carried by a 6-0 vote. Commissioner Scott was absent.



 Subject Property

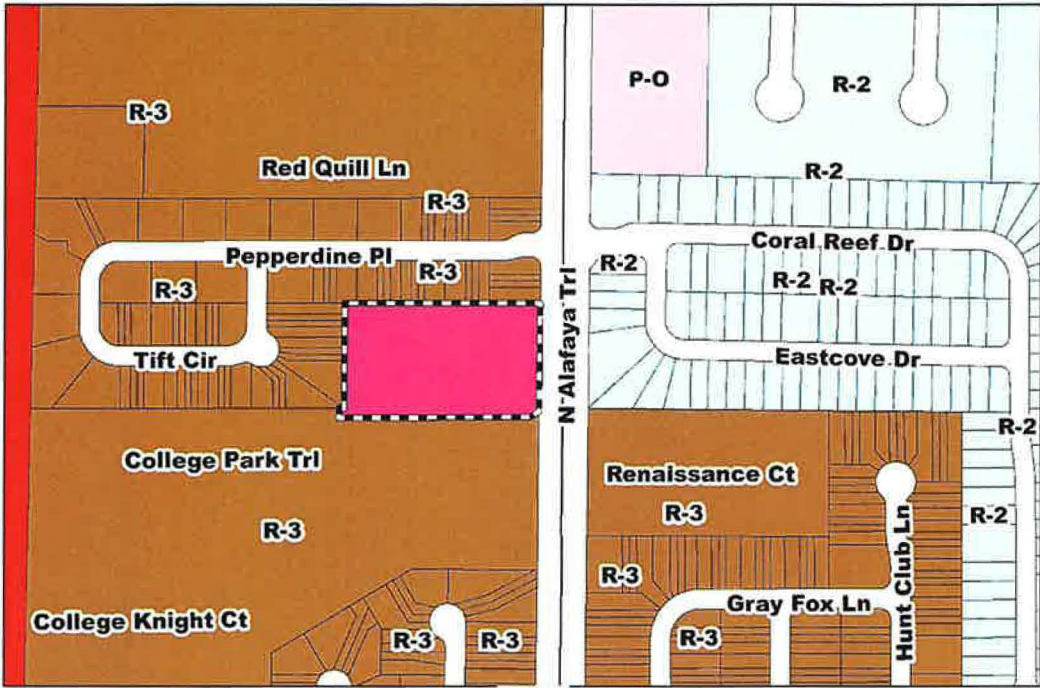


0 165 330 Feet



ZONING – CURRENT

PD (Planned Development District)

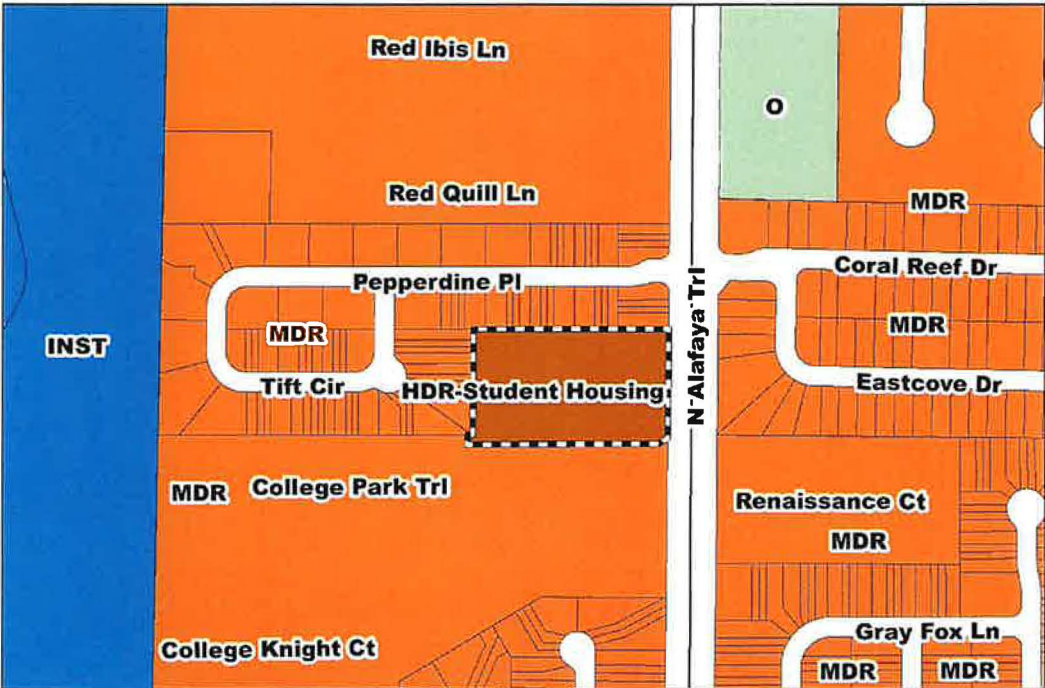


Subject Property



FUTURE LAND USE – CURRENT

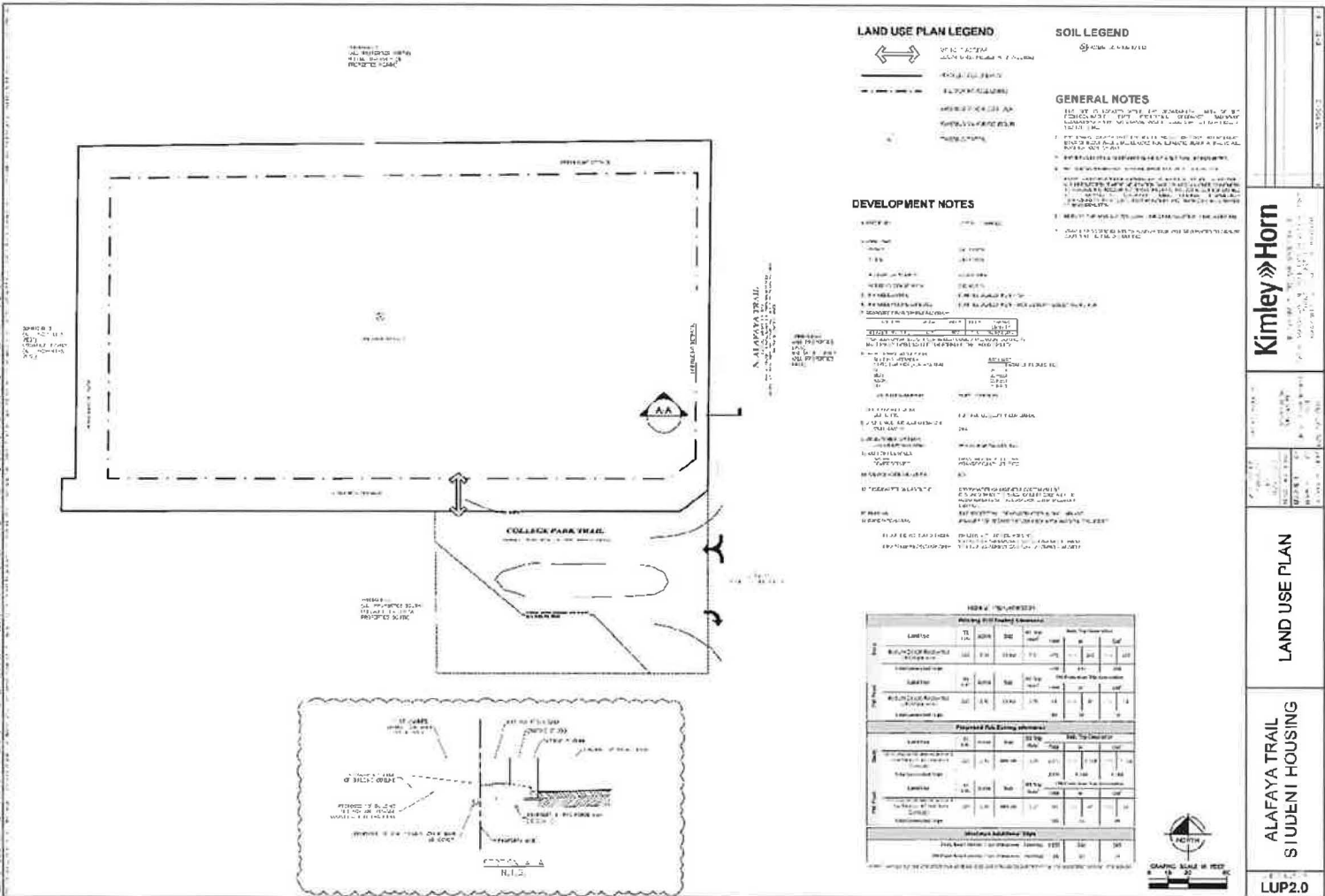
HDR-Student Housing (High Density Residential - Student Housing)



Subject Property



Alafaya Trail Student Housing PD / LUP



Kimley-Horn

LAND USE PLAN

**ALAFAYA TRAIL
STUDENT HOUSING**

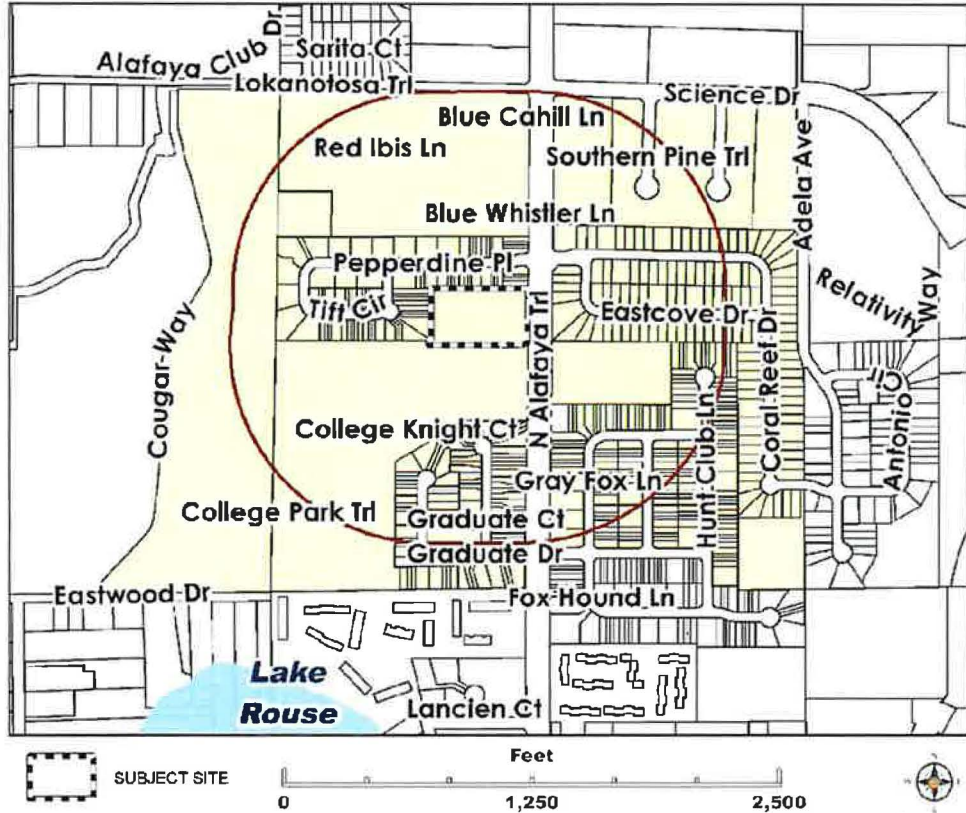
LUP2.0



Public Notification Map

CDR-23-04-130

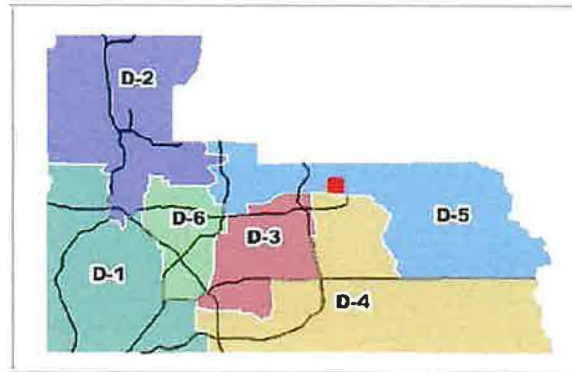
12



MAP LEGEND

- | | |
|----------------|------------------|
| SUBJECT SITE | PARCELS |
| 1000 FT BUFFER | NOTIFIED PARCELS |
| 1 MILE BUFFER | |
| HYDROLOGY | |

**BUFFER DISTANCE: 1000
OF NOTICES: 714**



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Notification Map