



Interoffice Memorandum

DATE: April 18, 2022

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

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

THROUGH: Alberto A. Vargas, MArch., Manager, Planning Division

SUBJECT: Adoption Public Hearing – April 26, 2022 Small-Scale Future Land Use Map Amendments

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on April 26, 2022. The adoption public hearing for Small-Scale Development Amendment SS-22-01-103 was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on March 17, 2022.

If the BCC adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

JVW/AAV/jhs

Enc: Small-Scale Development Amendment BCC Adoption Binder

c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Acting Planning Administrator, Planning Division

CASE # SS-22-01-103
Commission District: #5

GENERAL INFORMATION

APPLICANT	Jonathan A. Martin; Kimley-Horn & Associates, Inc.
OWNERS	East Colonial, LLC
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	Commercial (C) to Planned Development-High Density Residential- Student Housing (PD-HDR-Student Housing)
EXISTING ZONING	C-1 (Retail Commercial District)
LOCATION	11731 E. Colonial Drive; generally located north of E. Colonial Drive, approximately 250 feet west of N. Alafaya Drive.
PARCEL ID NUMBER	22-22-31-5749-00-010
TRACT SIZE	3.63 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,100 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred forty-seven (147) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was held on March 1, 2022, and is summarized further in this report.
PROPOSED USE	Six Hundred (600) Bed Student Housing Development.

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Planned Development-High Density Residential-Student Housing Future Land Use.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 3.63 gross acre subject property from C (Commercial) to PD-HDR-Student Housing (Planned Development-High Density Residential-Student Housing). The applicant is proposing through this request to construct a 600-bed student housing development.

The subject property is a single parcel and is improved with a previously operating Golden Corral restaurant. The immediate surrounding area is developed with office and commercial uses comprised of hotels, restaurants and retail stores, and single-family residential uses north of the subject parcel on Crescent Boulevard.

If this Future Land Use Map amendment is approved, the applicant will need an approved Planned Development / Land Use Plan prior to submitting for building permits.

Existing FLUM Development Program

The existing development program would allow for office and commercial uses permitted under the C-1 zoning district, consistent with the C (Commercial) land use designation. This is consistent with what exists on the property now.

Proposed FLUM Development Program

The existing C-1 zoning is inconsistent with the proposed Future Land Use Map designation of PD-HDR-Student Housing. In order for the site to develop with the proposed 600-bed student housing development, the site is required to be rezoned to the PD (Planned Development) zoning classification, pursuant to Future Land Use Element policy FLU1.1.2E(1).

Land Use Compatibility

The PD-HDR-Student Housing Future Land Use would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties. It is the intent of the applicant to rezone the subject property from C-1 to the required PD zoning classification at a later date in order to provide consistency between the Future Land Use Map designation and the zoning classification.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

As mentioned previously, the underlying Future Land Use Map (FLUM) designation of the subject property is C (Commercial), which is consistent with the C-1 (Retail Commercial District) zoning. The proposed PD-HDR-Student Housing FLUM designation will be inconsistent with the C-1 zoning until the site is rezoned with the required PD zoning. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.1.2.E(2) states Student housing may be permitted only on property with a future land use designation of Medium Density Residential (MDR), Medium-High Density Residential (MHDR), High Density Residential (HDR), or Planned Development (PD) (in which medium or high density student housing is included as a single use or part of a mix of uses).

FLU1.1.2(F) states that a planned development zoning classification shall be required for all student housing projects.

FLU1.1.2(F)(1) states that Student housing density shall be calculated based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family unit. An alternative density calculation may be permitted upon the approval of the Board of County Commissioners, provided the developer has committed to a mobility plan to be implemented with the development of the student housing project, has demonstrated a need for the additional units, and/or has proposed a redevelopment project located within the area extending one (1) mile east and one (1) mile west of the Alafaya Trail corridor, between McCulloch Road and State Road 408.

FLU1.1.5 states that the County shall encourage mixed-use development, infill development and transit oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area.

FLU1.4.1 states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

FLU8.1.5 states that the location of Planned Development (PDs) within the Urban Service Area that have been approved as of the date of adoption of the 1991 CPP shall be considered consistent with the Comprehensive Plan and included as part of the adopted Orange County Future Land Use Map (FLUM).

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or

conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use Restaurant (Golden Corral)

Adjacent	FLUM	Zoning
North	O (Office) (1991)	P-O (Professional Office District) (2004)
South	C (Commercial) (1991)	C-1 (Retail Commercial District) (1958)
East	C (Commercial) (1991)	C-1 (Retail Commercial District) (1968)
West	C (Commercial) (1991)	C-1 (Retail Commercial District) (1969)

Adjacent Land Uses N: Office
 E: Hotel
 W: Hotel
 S: Restaurant

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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***Environmental Comments:**

The property is located within the geographic limits of the Econlockhatchee River Protection Ordinance area. Basin-wide regulations apply. Reference Orange County Code Chapter 15 Article XI. Basin regulations of Section 15-442 include, but are not limited to, wetland buffers, habitat preservation and wildlife management, stormwater management, and landscaping with native plant species.

***Transportation Comments:**

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed use will result in a decrease in the number of pm peak trips and therefore will not impact the area roadways.

The subject property is not located within the County's Alternative Mobility Area.

The subject property is not located along a backlogged/constrained facility or multimodal corridor. However, the property is located proximate to Alafaya Trail Multi-modal corridor- Alafaya Trail, from the Seminole County line to Innovation Way, is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multimodal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multiuse paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study.

The property is located within North East Orange County Areawide Transportation Study (NEOCATS). The study area is bounded by Colonial Drive (SR 50) to the south, Seminole County Line to the north, Alafaya Trail (SR 434) to - Colonial Drive (SR 50) to Alafaya Trail (SR 434) to West end of Chuluota Road. The main objective of this study is to identify and analyze potential transportation projects that would improve network connectivity and provide relief to constrained corridors. The study shall develop a prioritized list of regional roadway improvements as well as intersection improvements, transit, pedestrian, and bicycle enhancements. Current Phase: Roadway Conceptual Analysis estimated at 5% complete. This information is dated and subject to change.

As a student housing project, a Mobility Plan will be required at the Development Plan stage. Per Section 38-1259 (e) Student Housing (Pedestrian Safety ADA Ordinance) a Mobility Plan is required to be submitted with the DP. 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.

A traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Colonial Drive. Based on existing conditions, there are several deficient roadway segments within the project's impact area. This information is dated and subject to change. The following segment is operating over capacity:

- Alafaya Trail, from University to Science Drive
- Colonial Drive, from Woodbury to Lake Pickett Road
- Woodbury Road, from Waterford Lakes Parkway to Colonial Drive. This information is dated and subject to change.

Based on the project trip distribution, the majority of traffic will be travelling along Colonial Drive and Alafaya Trail.

These segments are projected to operate at Level of Service "F" as a result of background traffic and committed trips. However, no deficiencies are identified due to the reduction in the number of potential trips.

The short term (Year 2025) as well as the long term (Year 2040) analysis under the proposed FLU designation showed that the following roadway segments are projected to operate at an adverse level of service due to background traffic:

The analysis indicated that all segments in the study area are operating within the short-term (2025) horizon PM peak hour volumes within their adopted maximum service volumes (MSV), with the exception of the existing deficient segments and the following background deficient segments:

- Alafaya Trail, from University Boulevard to Science Drive
- Alafaya Trail, from Science Drive to Colonial Drive
- Colonial Drive, from Dean Road to Rouse Road
- Colonial Drive, from Rouse Road to Alafaya Trail
- Colonial Drive, from Alafaya Trail to Woodbury Road

The deficiencies described above are based on existing and background traffic volumes and are not due to the addition of the proposed project's trips. No new deficiencies are identified due to project traffic impact.

The long-term analysis year 2040 revealed in addition to the six (6) segments mentioned above, the following four (4) segments will be operating above their capacity:

- Alafaya Trail, from Colonial Drive to Lake Underhill Road
- Challenger Parkway, from Colonial Drive to Woodbury Road
- Challenger Parkway, from Woodbury Road to Ingenuity Drive
- Rouse Road, from Colonial Drive to Lokanotosa Trail

Note that these deficient segments are based on background traffic volumes and are not due to the addition of the proposed project's trips. No deficiencies are identified due to project traffic impact.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

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Community Meeting Summary

A community meeting was held on Tuesday, March 1, 2022, with nine (9) area residents in attendance expressing concerns for overflow parking, property values, and cut-thru traffic on Crescent Boulevard.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

***Utilities Comments**

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37,

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

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.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (March 17, 2022)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD-HDR-Student Housing (Planned Development – High Density Residential – Student Housing) Future Land Use.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD-HDR-Student Housing (Planned Development – High Density Residential – Student Housing). The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred forty seven (147) notices were mailed to those property owners in the mailing area extending beyond 1,100 feet surrounding the property, and that staff received two letters in opposition stating no comments for the reason for the opposition, and no letters in favor. During public comments two speakers were present speaking in opposition of the request stating concerns for compatibility, drainage, and traffic.

After a discussion regarding access and traffic on Crescent Boulevard, a motion was made on the Future Land Use Map Amendment by Commissioner Spears, and seconded by Commissioner Fernandez to recommend ADOPTION of the requested PD-HDR-Student Housing (Planned Development – High Density Residential – Student Housing) Future Land Use Map designation. The motion carried on a 8-0 vote.

Motion / Second

Gordon Spears / Eddie Fernandez

Voting in Favor

George Wiggins, Trevor Sorbo, Jaja Wade, Mohammed Abdallah, Gordon Spears, Eddie Fernandez, Walter Pavon, and Evelyn Cardenas

Voting in Opposition

None

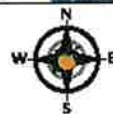
Absent

Nelson Pena

SS-22-01-103

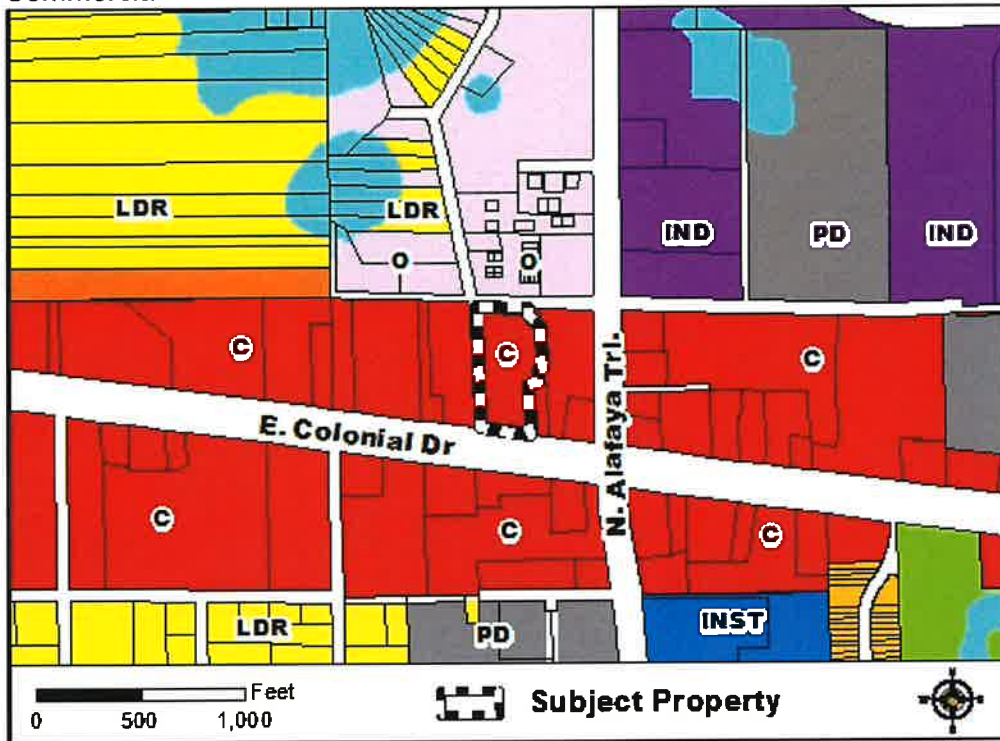


 Subject Property

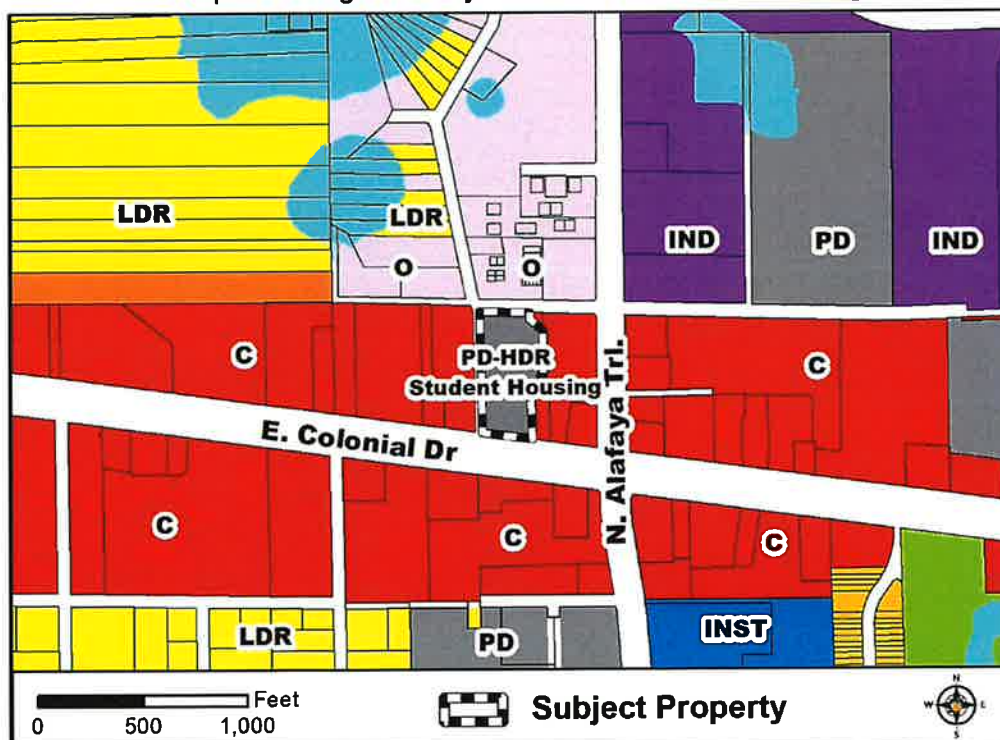


1 inch = 208 feet

FUTURE LAND USE - CURRENT
Commercial

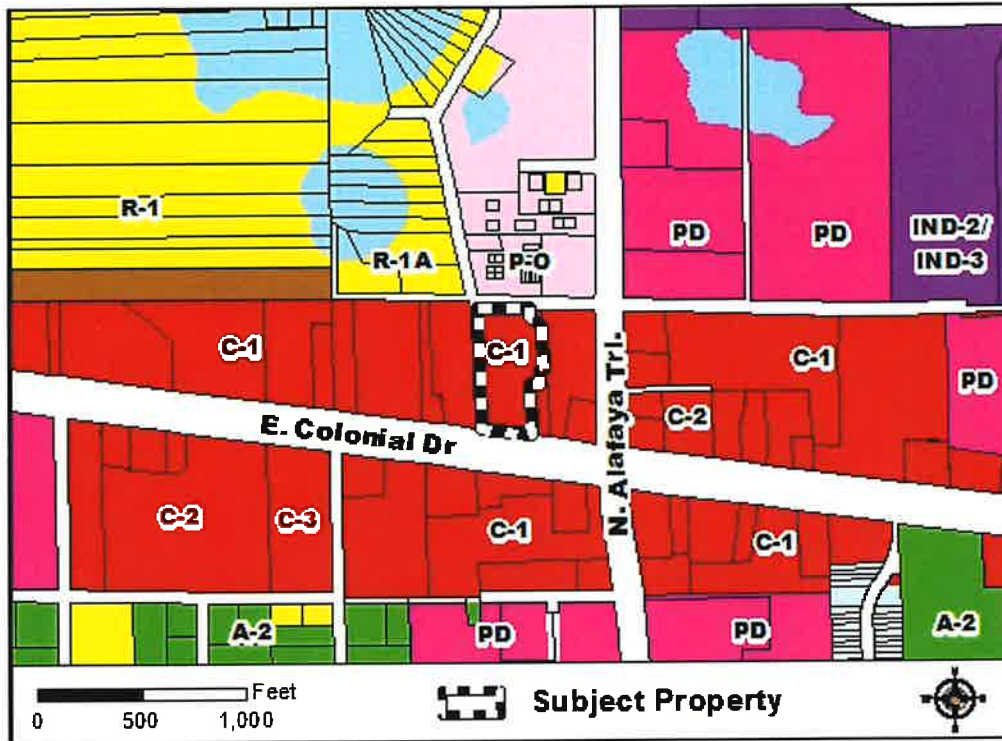


FUTURE LAND USE - PROPOSED
Planned Development–High Density Residential–Student Housing



ZONING – CURRENT

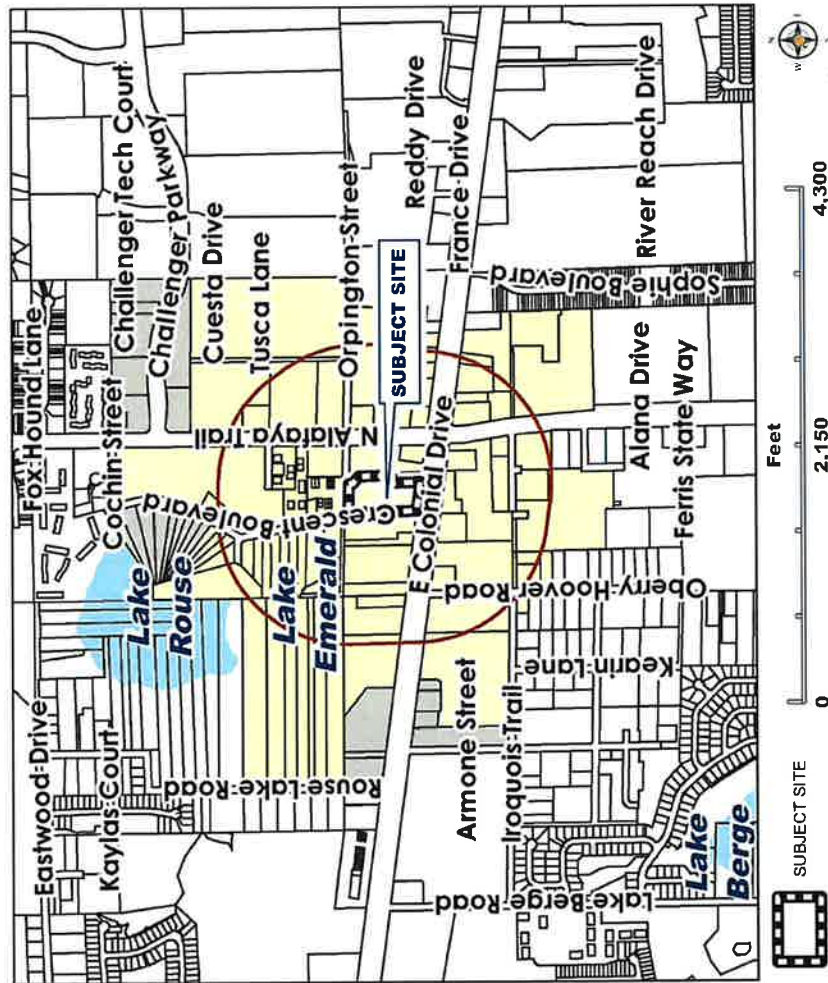
C-1 (Retail Commercial District)



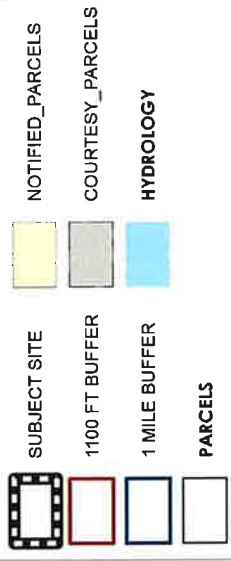
Notification Map

Public Notification Map

SS-22-01-103



MAP LEGEND



BUFFER DISTANCE: 1100 FT
 # OF NOTICES: 147



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4 **ORDINANCE NO. 2022-_____**
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6 **AN ORDINANCE PERTAINING TO COMPREHENSIVE**
7 **PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING**
8 **THE ORANGE COUNTY COMPREHENSIVE PLAN,**
9 **COMMONLY KNOWN AS THE “2010-2030**
10 **COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING**
11 **A SMALL SCALE DEVELOPMENT AMENDMENT**
12 **PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;**
13 **AND PROVIDING EFFECTIVE DATES.**
14

15 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
16 **ORANGE COUNTY:**

17 ***Section 1. Legislative Findings, Purpose, and Intent.***

18 a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for
19 a local government in the State of Florida to adopt a comprehensive plan and amendments to a
20 comprehensive plan;

21 b. Orange County has complied with the applicable procedures and requirements of
22 Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive
23 Plan; and

24 c. On April 26, 2022, the Board held a public hearing on the adoption of the proposed
25 amendment, as described in this ordinance, and decided to adopt it.

26 ***Section 2. Authority.*** This ordinance is adopted in compliance with and pursuant to
27 Part II of Chapter 163, Florida Statutes.

28 ***Section 3. Amendments to Future Land Use Map.*** The Comprehensive Plan is
29 hereby amended by amending the Future Land Use Map designation as described at **Appendix**
30 **“A,”** attached hereto and incorporated herein.

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Section 4. Effective Dates for Ordinance and Amendments.

(a) This ordinance shall become effective as provided by general law.

(b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small-scale development amendment adopted in this ordinance may not become effective until 31 days after adoption. However, if the amendment is challenged within 30 days after adoption, the amendment that is challenged may not become effective until the Department of Economic Opportunity or the Administration Commission issues a final order determining that the adopted amendment is in compliance.

(c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning changes approved by the Board are contingent upon the related Comprehensive Plan amendment becoming effective. Aside from any such concurrent zoning changes, no development orders, development permits, or land uses dependent on any of these amendments may be issued or commence before the amendments have become effective.

ADOPTED THIS 26th DAY OF APRIL, 2022.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-22-01-103	Commercial (C)	PD-HDR-Student Housing (Planned Development – High Density Residential – Student Housing)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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