



Interoffice Memorandum

DATE: May 15, 2020

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

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

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

SUBJECT: June 2, 2020 – Public Hearing
Ian McCook, Nvision Development Management Services
River Run at Valencia Planned Development
Case # CDR-19-09-312 / District 3

The River Run at Valencia Planned Development (PD) is generally located north of State Road 417 and east of Econlockhatchee Trail. The existing PD development program allows for 456 beds (114 units) of student housing.

Through this PD substantial change, the applicant is seeking a waiver from Orange County Code to allow for a six foot high opaque vinyl fence along the southern property line, northern property line, and adjacent to the SR 417 right-of-way, in lieu of a six foot high masonry, brick, or block wall.

On April 22, 2020, 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 River Run at Valencia Planned Development / Land Use Plan (PD/LUP) dated "Received March 18, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3**

Attachments
JVW/EPR/nsw

CASE # CDR-19-09-312
Commission District: # 3

GENERAL INFORMATION

APPLICANT Ian McCook, Nvision Development Management Services
OWNER RRAD Phase I, LLC
PROJECT NAME River Run at Valencia Planned Development
PARCEL ID NUMBER(S) 30-22-31-0000-00-022 (affected parcel only)
TRACT SIZE 12.30 gross acres
LOCATION Generally located north of SR 417 and east of Econlockhatchee Trail
REQUEST A PD substantial change to request the following waiver from Orange County Code:

1. A waiver from Section 38-1258(f) to allow for a six (6) foot high opaque vinyl fence along the southern property line, northern property line, and adjacent to the SR 417 right-of-way, in lieu of a six (6) foot high masonry, brick, or block wall.

Applicant Justification: *The property's southern neighbor is an uninhabited county-owned water plant. The southern portion of the subject property also contains a sloped grade down to the county's property. As such, without the necessity for residential courtesy and the inherently low visibility of the fence in question, the applicant is seeking permission for a 6' opaque fence. The stretch of property adjacent to the SR 417 r/w borders the bridge overpass of SR 417 over Econlockhatchee Trail, and this portion of the property is not visible from the highway. The northern property line borders a residence and new town home development. Allowing a 6' opaque vinyl fence in lieu of a masonry, brick, or block wall would open the opportunity to match the continuity of the existing vinyl fence on the neighboring property. Masonry, brick, or block wall has been deleted from the western property boundary along Econlockhatchee Trail due to safety concerns of obstructions within vehicular site lines.*

PUBLIC NOTIFICATION A notification area extending beyond one thousand three hundred (1300) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred twelve (312) 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 River Run at Valencia PD was originally approved on February 6, 2018. Today, the PD contains 12.30 gross acres and is entitled for a 456 beds (114 units) of student housing.

Through this PD Change Determination Request (CDR), the applicant is seeking to request one (1) waiver from Orange County Code to allow for a six (6) foot high opaque vinyl fence along the southern property line, northern property line, and adjacent to the SR 417 right-of-way, in lieu of a six (6) foot high masonry, brick, or block wall.

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 Medium Density Residential (MDR). The River Run at Valencia PD was approved in 2018. The proposed PD substantial change is consistent with this designation and all applicable CP provisions; therefore, the request is 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

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

Transportation Concurrency

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.

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 impact public school 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 – (April 22, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the River Run at Valencia Planned Development / Land Use Plan (PD/LUP), dated “March 18, 2020”, subject to the following conditions:

1. Development shall conform to the River Run at Valencia Planned Development (PD dated "Received March 18, 2020," 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 March 18, 2020," 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 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. 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.

7. A waiver from Orange County Code Section 38-1258(f) is granted to allow for a six (6) foot high opaque vinyl fence along the southern property line, northern property line, and adjacent to the SR 417 right-of-way, in lieu of a six (6) foot high masonry, brick, or block wall.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 6, 2018 shall apply:
 - a. 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.
 - b. 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.
 - c. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
 - 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. The covenants, conditions, and restrictions (CC&Rs), or as appropriate, a recorded restrictive covenant on the property and a note on the plat shall contain notification to potential purchasers, builders or tenants of this

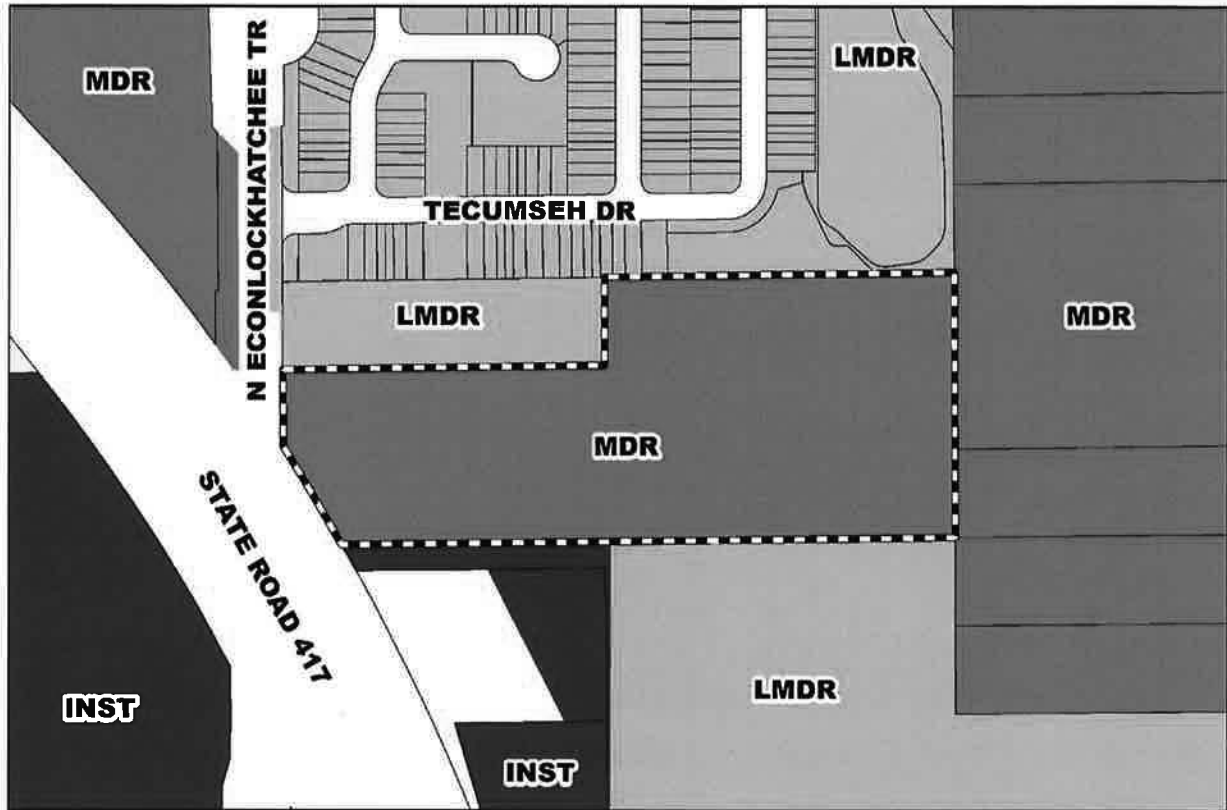
development that a regional water treatment plant is located adjacent to the southern boundary of this PD.

- 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. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- i. The development shall not (i) generate attendance by school-aged children in grades K-12 within the Orange County Public School System or (ii) utilize any public school facilities. Any proposed change to this condition shall require a substantial change to the PD.
- j. The following waivers from Orange County Code are granted:
 - 1) A waiver from Section 38-1259(b) Student Housing to allow for reduced distance from single-family residential along the northern border of 150 feet in lieu of 400 feet for the 4-story student housing buildings and 25 feet in lieu of 400 feet for the single-story clubhouse; along the southern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings; and along the eastern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings.
 - 2) A waiver from Section 38-1259(h)(b) to allow a maximum building height of four (4) stories and sixty (60) feet in lieu of three (3) stories and forty (40) feet.
 - 3) A waiver from Section 38-1258(f) to eliminate the 6' high masonry, brick or block wall where the conservation area is located along the northernmost border. Location of the conservation area will be shown on the development plan.
 - 4) A waiver from Section 38-1259 Student Housing, Subsection (G) to align with density calculation in the Comprehensive Plan, Policy FLU1.1.2, Subsection (F) whereas student housing density is calculated as four bedrooms equal one multi-family unit, in lieu of one bedroom counting as one-half dwelling unit.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (February 6, 2018)

Upon a motion by Commissioner Clarke, seconded by Commissioner Nelson, and carried by all present members voting AYE by voice vote, the Board approved the request to rezone 12.30 gross acres from R-CE to PD, in order to construct a 456 bed / 114 unit student housing project, subject to conditions.

CDR-19-09-312



Subject Property

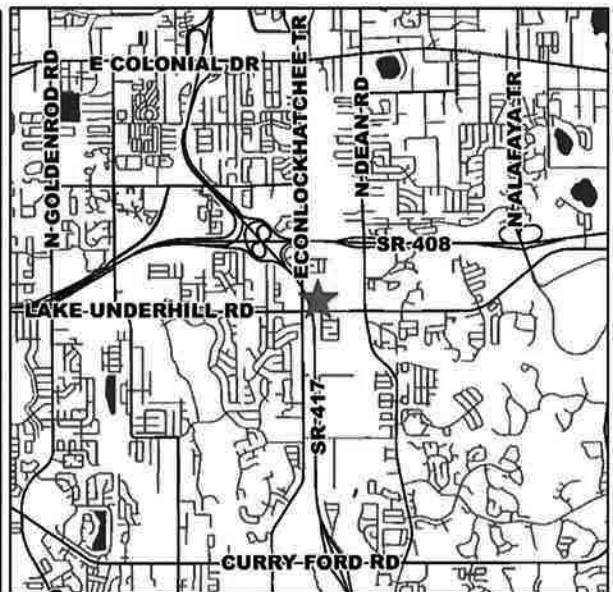


Subject Property

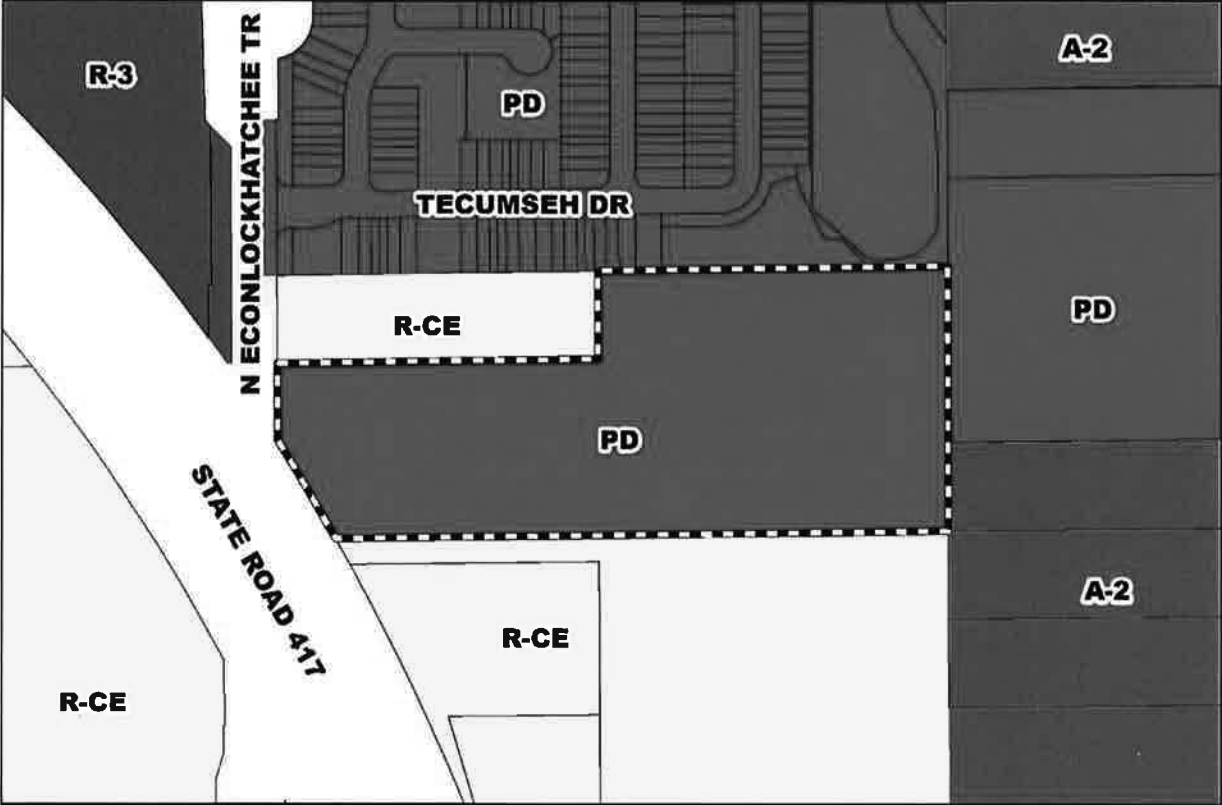
Future Land Use Map

FLUM: Medium Density Residential
 APPLICANT: Ian McCook,
 Nvision Development Management Services
 LOCATION: Generally located north of SR 417 and east
 of Econlockhatchee Trail
 TRACT SIZE: 12.30 gross acres
 DISTRICT: # 3
 S/T/R: 30/22/31

1 inch = 300 feet



CDR-19-09-312



Subject Property



Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Ian McCook,
 Nvision Development Management Services

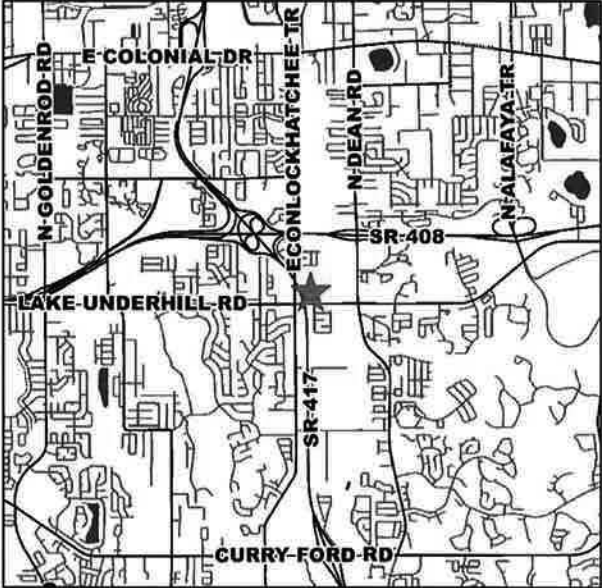
LOCATION: Generally located north of SR 417 and east
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TRACT SIZE: 12.30 gross acres

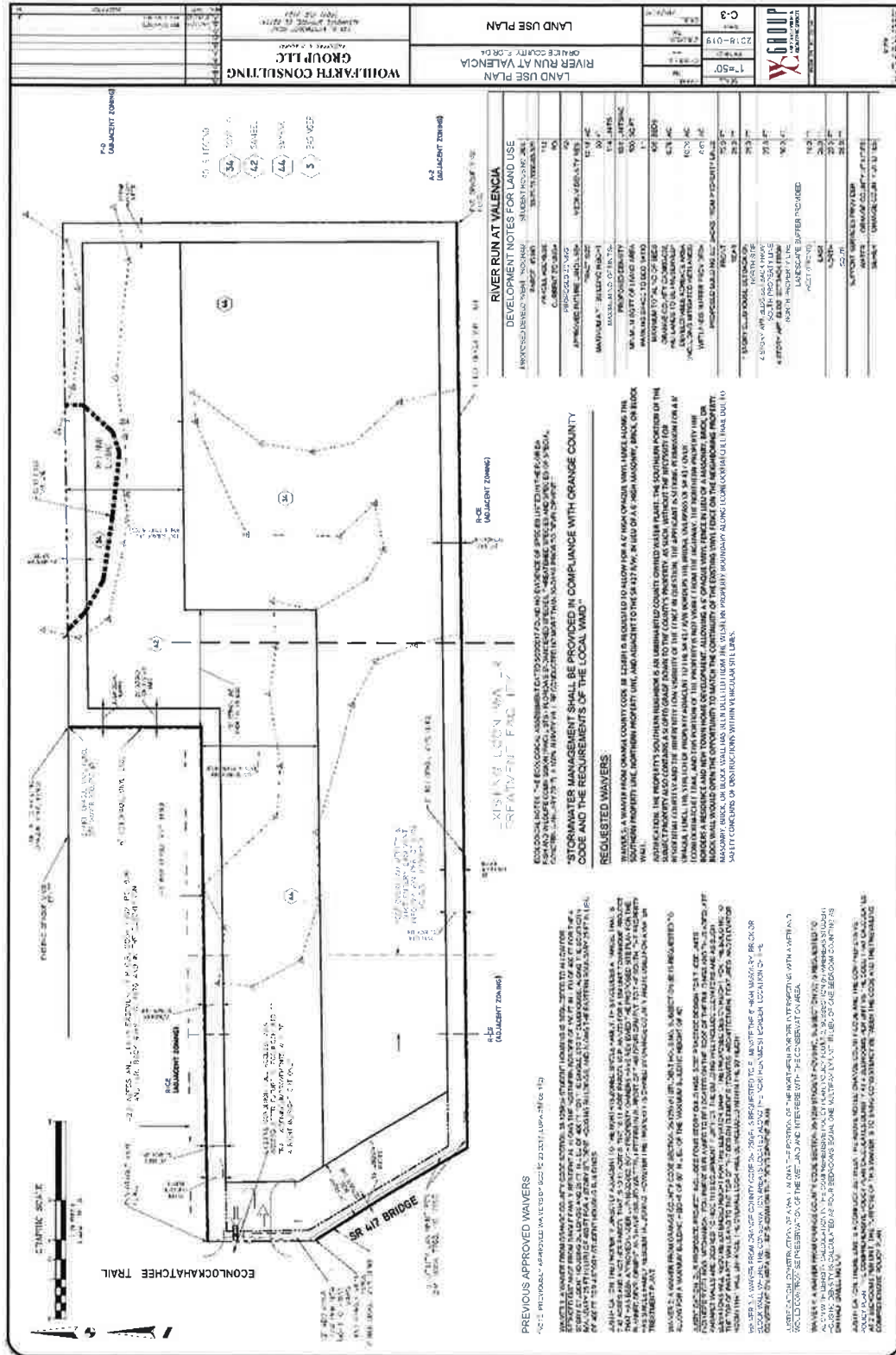
DISTRICT: # 3

S/T/R: 30/22/31

1 inch = 300 feet



River Run at Valencia PD / LUP



| LAND USE PLAN | |
|---------------------------------|-------------------------------------|
| RIVER RUN AT VALENCIA | |
| ORANGE COUNTY, FLORIDA | |
| DATE: 2019-01-19 | SCALE: 1"=50' |
| PROJECT NO: C-3 | PROJECT NAME: RIVER RUN AT VALENCIA |
| DESIGNED BY: [Redacted] | CHECKED BY: [Redacted] |
| DRAWN BY: [Redacted] | DATE: 2019-01-19 |
| PROJECT LOCATION: [Redacted] | PROJECT AREA: [Redacted] |
| PROJECT OWNER: [Redacted] | PROJECT NUMBER: [Redacted] |
| PROJECT PHASE: [Redacted] | PROJECT STATUS: [Redacted] |
| PROJECT DESCRIPTION: [Redacted] | PROJECT NOTES: [Redacted] |

DEVELOPMENT NOTES FOR LAND USE

PROPOSED DEVELOPMENT SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE AND THE SUBDIVISION MAP ACT.

2. THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE LOCAL WATER MANAGEMENT DISTRICT'S REQUIREMENTS.

3. THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE LOCAL WMD'S REQUIREMENTS.

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10. THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE LOCAL WMD'S REQUIREMENTS.

PREVIOUS APPROVED WAIVERS

1. THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE LOCAL WMD'S REQUIREMENTS.

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REQUESTED WAIVERS

1. THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE LOCAL WMD'S REQUIREMENTS.

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Notification Map

S:\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2020\River Run at Valencia PD-LUP_CDR-19-09-312\River Run at

