



Interoffice Memorandum

DATE: April 22, 2021

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

SUBJECT: May 11, 2021 – Public Hearing
Applicant: Brian Ashby, Kimley-Horn & Associates, Inc.
Science and Technology Planned Development / Science and
Technology Development Plan
Case # DP-20-10-303 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 24, 2021, to approve the Science and Technology Planned Development (PD) / Science and Technology Development Plan (DP) to construct a 191 unit / 764 bed student housing complex on a total of 3.82 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 PSP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the Science and Technology PD / Science and Technology DP dated "Received March 29, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/EPR/lme
Attachments

CASE # DP-20-10-303

Commission District # 5

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of March 24, 2021, to approve the Science and Technology Planned Development (PD) / Science and Technology Development Plan (DP) to construct a 191 unit / 764 bed student housing complex on a total of 3.82 acres.

2. PROJECT ANALYSIS

- A. Location: North of Science Drive / West of Technology Parkway
- B. Parcel ID: 15-22-31-8835-00-011
- C. Total Acres: 3.82 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: Little Econ Trail – 0.4 Miles
- I. Proposed Use: 191 Student Housing Units / 764 Beds
- J. Site Data: Maximum Building Height: 65'
Building Setbacks:
20' Front
20' Side
20' Rear
- K. Fire Station: 80 – 1841 Bonneville Drive
- L. Transportation: Based on the Concurrency Management database (CMS) dated November 17, 2020, there are multiple failing roadway segments within the project's impact area. Alafaya Trail, from University Boulevard to Colonial Drive (2 segments) are failing segments. A traffic study and proportionate share agreement will be required. 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 property's Future Land Use Map (FLUM) designation is HDR - Student Housing and its zoning is PD. This request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Science and Technology PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Science & Technology Planned Development; Orange County Board of County Commissioners (BCC) approvals; Science & Technology Development Plan dated "Received March 29, 2021"; 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.

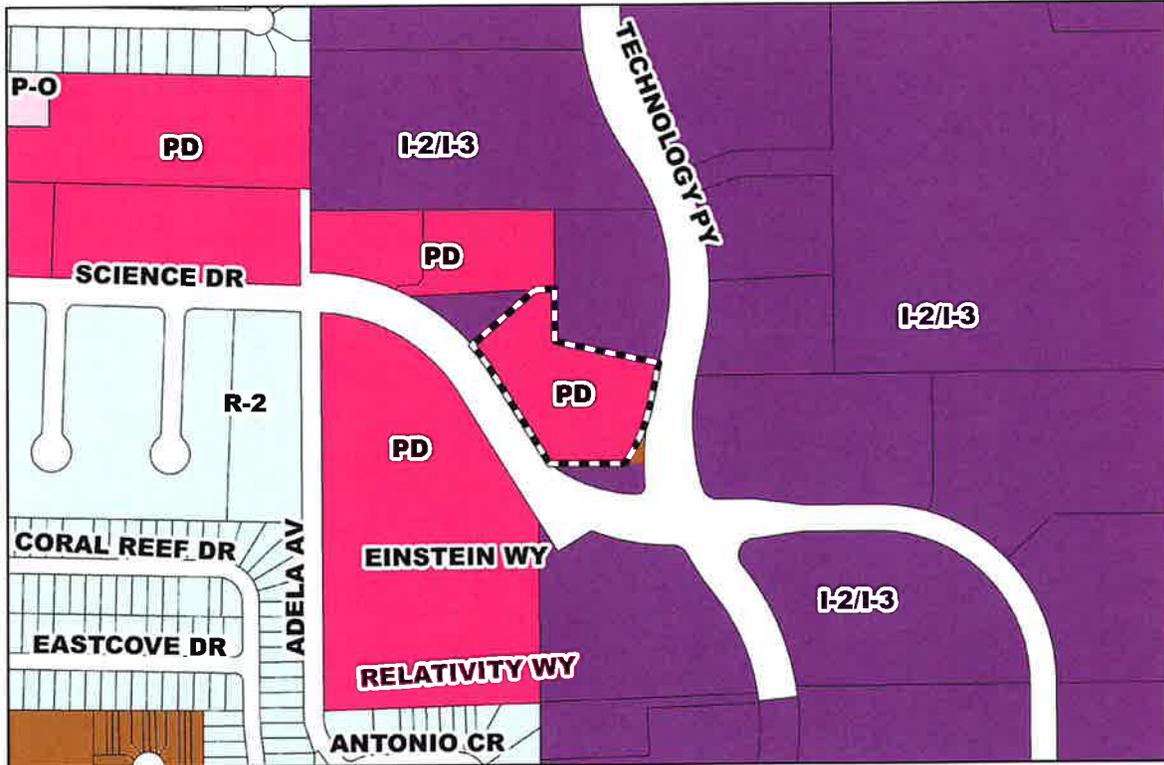
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, 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. A Master Utility Plan (MUP) for the PD, including hydraulically dependent development, 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.
 9. The amendment to the territorial agreement between Orange County and Central Florida Research Park must be approved by the BCC prior to approval of any construction plans within this PD. The amendment shall transfer the utilities service area to the County at no cost to the County.
 10. The developer shall be responsible for all offsite improvements required for this PD to connect to the Orange County Utilities water and wastewater systems, including the replacement of over ½-mile of existing public 4-inch wastewater forcemain on Science Drive and Lokanotosa Trail with a public wastewater forcemain with adequate capacity to accommodate the wastewater flow from this PD and the existing wastewater flow. The offsite improvements shall be constructed at no cost to the County.
 11. Unless otherwise allowed by County Code, the property shall be re-platted prior to the issuance of any vertical building permits.
 12. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. 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.
 13. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
 14. 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.

15. 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.
16. 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.
17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
18. 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.
19. In order to qualify as student housing, all units must comply at all times with the definition of student housing in Section 38-1, Orange County Code, as such definition exists as of the date of approval of this development plan. Failure to comply with such definition may subject the project to code enforcement and/or increased impact fees, as well as any applicable concurrency requirements.
20. This DP shall not become effective unless and until CDR-20-12-348 has become effective, following approval by the BCC and the expiration of all applicable appeal periods, without an appeal having been filed.
21. If possible, provide a sidewalk connection from the site to the sidewalk stub-out at the intersection of Science Drive and Technology Parkway, prior to construction plan approval.

Zoning Map

DP-20-10-303

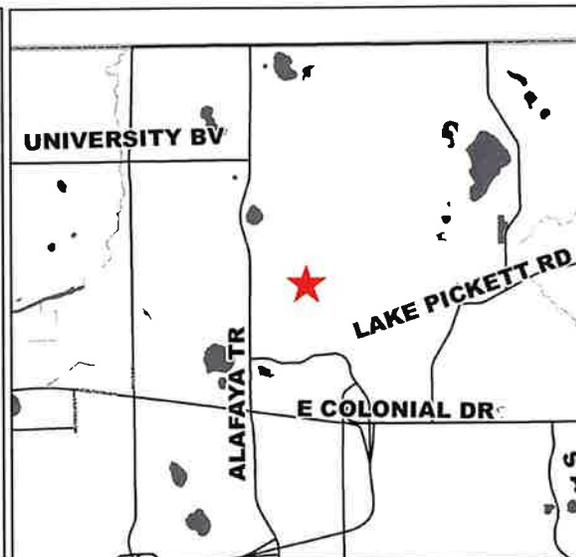


Subject Property

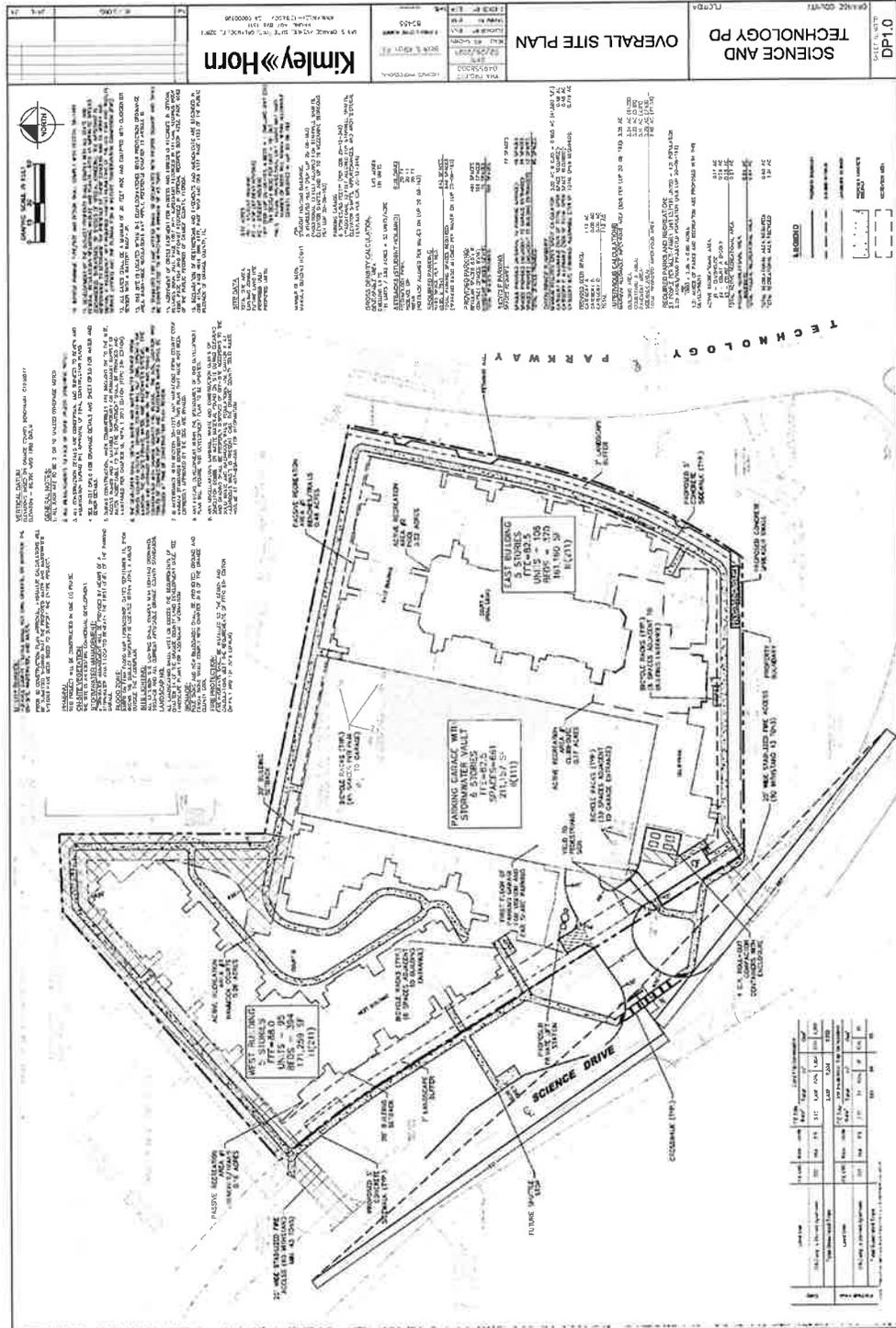


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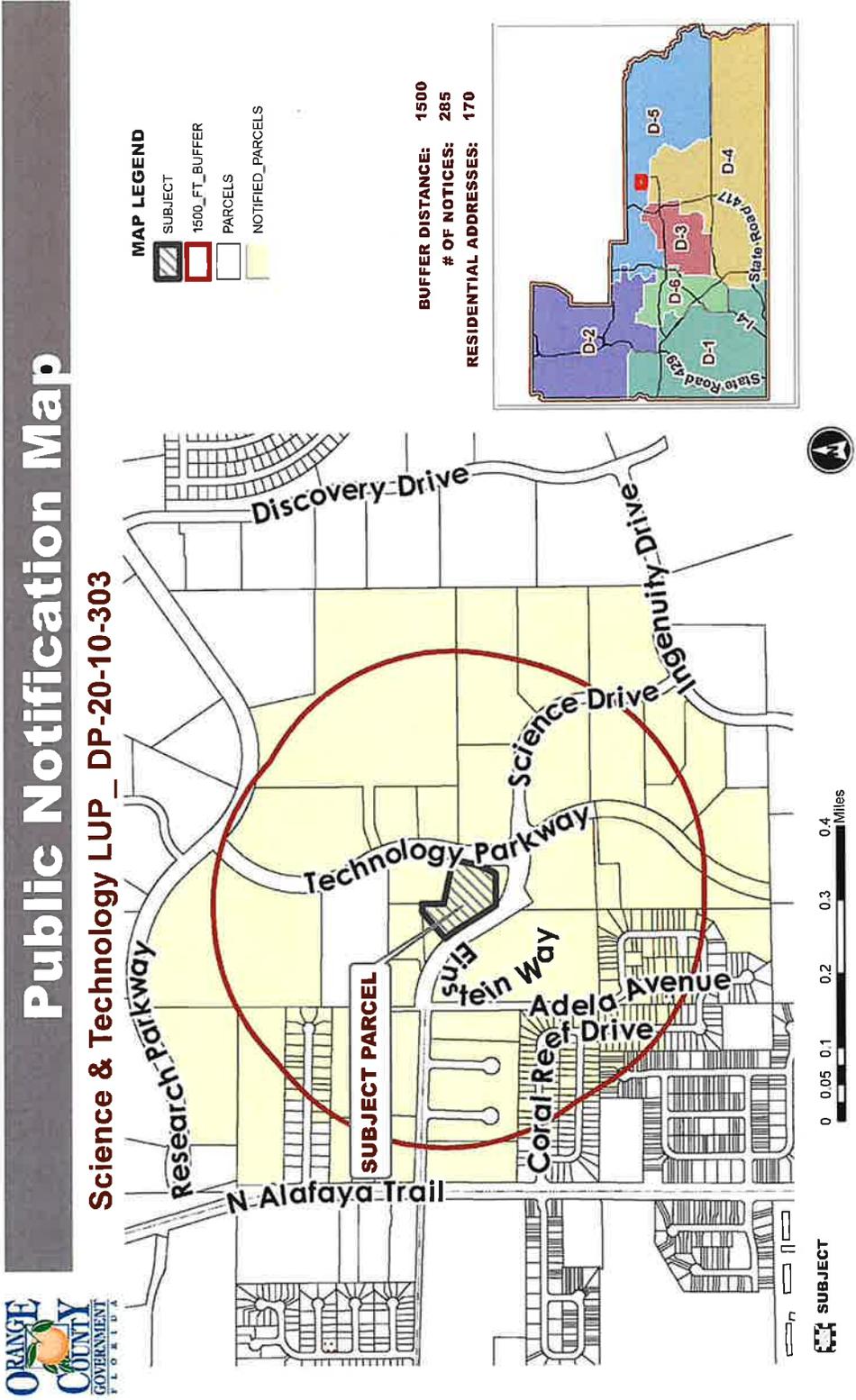
Zoning Map	
ZONING:	PD (Planned Development District)
APPLICANT:	Brian Ashby, Kimley-Horn & Associates, Inc.
LOCATION:	North of Science Drive / West of Technology Parkway
TRACT SIZE:	3.82 acres
DISTRICT:	# 5
S/T/R:	15/22/31
1 inch = 450 feet	



Site Plan & Site Data & Notes Sheet



Notification Map



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