



Interoffice Memorandum

June 6, 2024

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

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services Department

**CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman
Development Review Committee
Public Works Department
(407) 836-7971**

SUBJECT: July 9, 2024 – Public Hearing
Applicant(s): Christopher Leppert, Kimley-Horn & Associates, Inc.
Project Name: Fairwinds Credit Union
Project No.: DP-23-12-343 / District 5
(Related to RAG-24-05-010 / CEL-24-04-029 - Consent Item)

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 8, 2024, to approve the University Center Park North Planned Development (PD) / Orlando - Alafaya Student Housing Development Plan (DP). The project is generally located north of Science Drive and east of North Alafaya Trail. The request is to construct a 200 unit / 626 bed student housing complex.

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 documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the University Center Park North Planned Development (PD) / Orlando - Alafaya Student Housing Development Plan (DP) (DP-23-12-343) dated "Received May 13, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

TW/JCK/bs

Attachments

CASE # DP-23-12-343

Commission District # 5

1. GENERAL INFORMATION

Applicant:	Christopher Leppert, Kimley-Horn & Associates, Inc.
Owner:	Fairwinds Credit Union
Project Name:	University Center Park North Planned Development (PD) / Orlando - Alafaya Student Housing Development Plan (DP)
Hearing Type:	Development Plan (DP)
Request:	To construct a 200 unit / 626 bed student housing complex on a total of 3.13 acres

2. PROJECT INFORMATION

A. Overview:

The subject property is generally located north of Science Drive and east of North Alafaya Trail, within the University Center Park North Planned Development (PD). The University Center Park North PD was originally approved November 2, 1987, and consists of approximately 8.16 gross acres.

The most recent substantial change to the PD (CDR-23-07-214) was to add a new use of student housing and 626 beds. There was a concurrent small-scale Future Land Use Map Amendment (SS-23-10-072) to change from Industrial to Planned Development-High Density Residential Student Housing in order to construct a 626-bedroom student housing development. The updated development program for the PD will include 91,227 square feet of industrial uses, 2,701 square feet of retail commercial uses, and 626 student housing beds.

Through this Development Plan (DP), the applicant is proposing to construct the 200 student housing dwelling units with a total of 626 beds on the 3.13 acres. The development program was approved on April 23, 2024, via PD amendment CDR-23-07-214. That

DRC Staff Report
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	amendment included a Condition of Approval that the applicant enter into a Proportionate Share Agreement for Transportation Concurrency prior to or concurrently with the Development Plan approval for this project.
B. Location:	North of Science Drive / East of North Alafaya Trail
C. Parcel ID(s):	10-22-31-0000-00-007 (affected parcel)
D. Total Acres:	8.16 gross acres (overall PD) 3.14 acres (affected area)
E. Water Supply:	Orange County Utilities
F. Sewer System:	Orange County Utilities
G. Schools:	N/A
H. School Population:	N/A
I. Parks:	Little Econ Greenway - 0.1 Miles
J. Proposed Use:	626- bed student housing
K. Site Data:	Maximum Building Height: 83' Building Setbacks: Science Drive – 15' Alafaya Trail – 15' North – 10' East – 10'
L. Fire Station:	Fire station 67 – 10679 University Blvd.
M. Public Notification:	The notification area for this public hearing extended beyond 800 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within 300 feet of the subject property to be notified at least 10 days prior to the date of the hearing. Four hundred and ninety-two (492) notices were mailed to those property owners in the mailing area.
N. Community Meeting Summary:	A Community Meeting was held on March 25, 2024, at Bonneville Elementary School for the subject project. County staff and the applicant team were present. No members of the community attended.

O. Transportation:

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.

Based on the Concurrency Management database (CMS) dated 12/19/2023, there are multiple failing roadway segments within the project's impact area along Alafaya Trail from University Blvd to Colonial Drive (2 segment(s)). This information is dated and subject to change.

P. Environmental Protection Division:

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.

This site is located within the Bacteria Pollution Control Plan for The Little Econlockhatchee River Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or

wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc.) and other measures.

Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Q. Comprehensive Plan:

The subject property has an underlying Future Land Use Map (FLUM) designation of High Density Residential (HDR) on the Future Land Use Map. The LUP was amended in CDR-23-07-214 concurrent with small-scale amendment SS-23-10-072 in April 2024. The proposed development plan appears to be consistent with the Comprehensive Plan.

R. Zoning:

PD (Planned Development District)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (May 8, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the University Center Park North Planned Development (PD) / Orlando - Alafaya Student Housing Development Plan (DP) dated "Received May 13, 2024", subject to the following conditions:

1. Development shall conform to the University Center Park North Planned Development; Board approvals; Orlando - Alafaya Student Housing Development Plan dated "Received May 13, 2024"; 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 Board, or by action of the Board.

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 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).

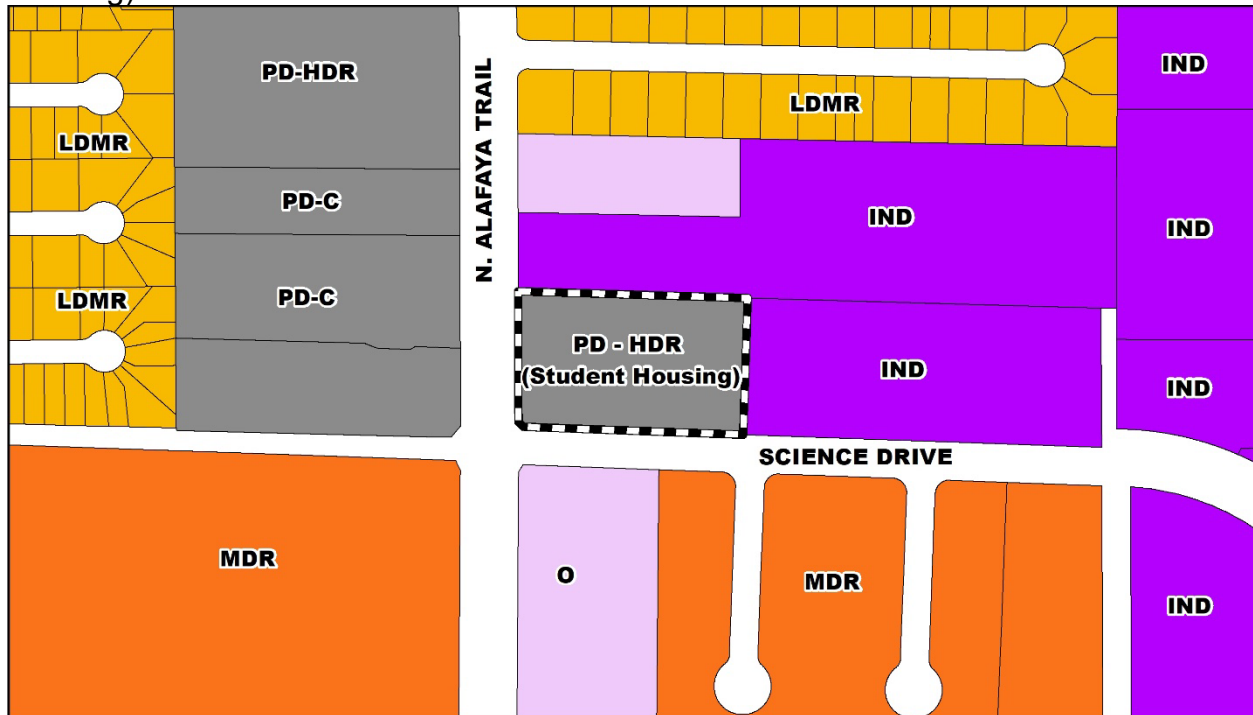
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Development plan (DP) approval by the DRC (or Board, 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.
8. 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.
9. Unless otherwise allowed by County Code, the property shall be platted/replatted prior to the issuance of any vertical building permits.
10. A mandatory pre-application/sufficiency review meeting for the plat/replat 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.
11. The private underground drainage easement recorded in Official Record Book 4158, Page 3984 must be released, relocated, terminated or otherwise extinguished prior to the issuance of any vertical permits.
12. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.

13. Prior to site construction plan approval, the access easement recorded at OR Book 4158, Page 3975, Public Records of Orange County, Florida will need to be amended to extend to northern boundary.
14. Any development associated with this Development Plan shall provide adequate off-site improvements, as determined by the County Engineer, to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to bus stop improvement on Science Drive, shuttle bus improvements, roadway improvements/milling & resurfacing, and public utilities within Science Drive from Alafaya Drive to the east driveway common access location. Such off-site improvements, including those within a publicly dedicated right-of-way, must be submitted as an E-Plan along with the required surety per Sections 21-202 and 21-208, Orange County Code, and must obtain a Certificate of Completion prior to issuance of a Certificate of Occupancy.
15. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations.
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. 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.
18. 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 (including hydraulically dependent development) within the PD.
19. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
20. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

21. 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.
24. The owner of the student housing complex shall provide a security service twenty-four-seven through the property management staff. Also, the owner shall provide additional security for known special events, including during annual move in and football game days.
25. A shuttle with transportation to and from UCF shall be provided to residents of the student housing complex.
26. A minimum five (5) foot pedestrian access shall be dedicated via easement with the plat.

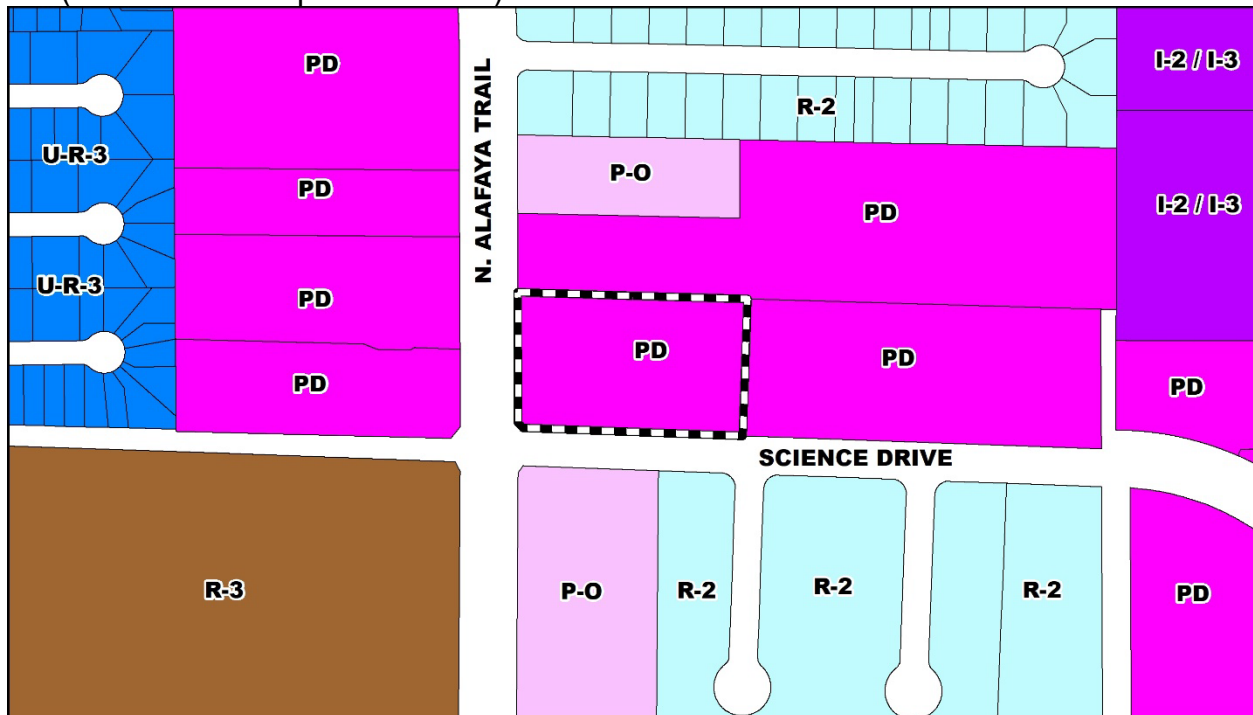
FUTURE LAND USE

Planned Development – High Density Residential/Student Housing (PD-HDR/Student Housing)

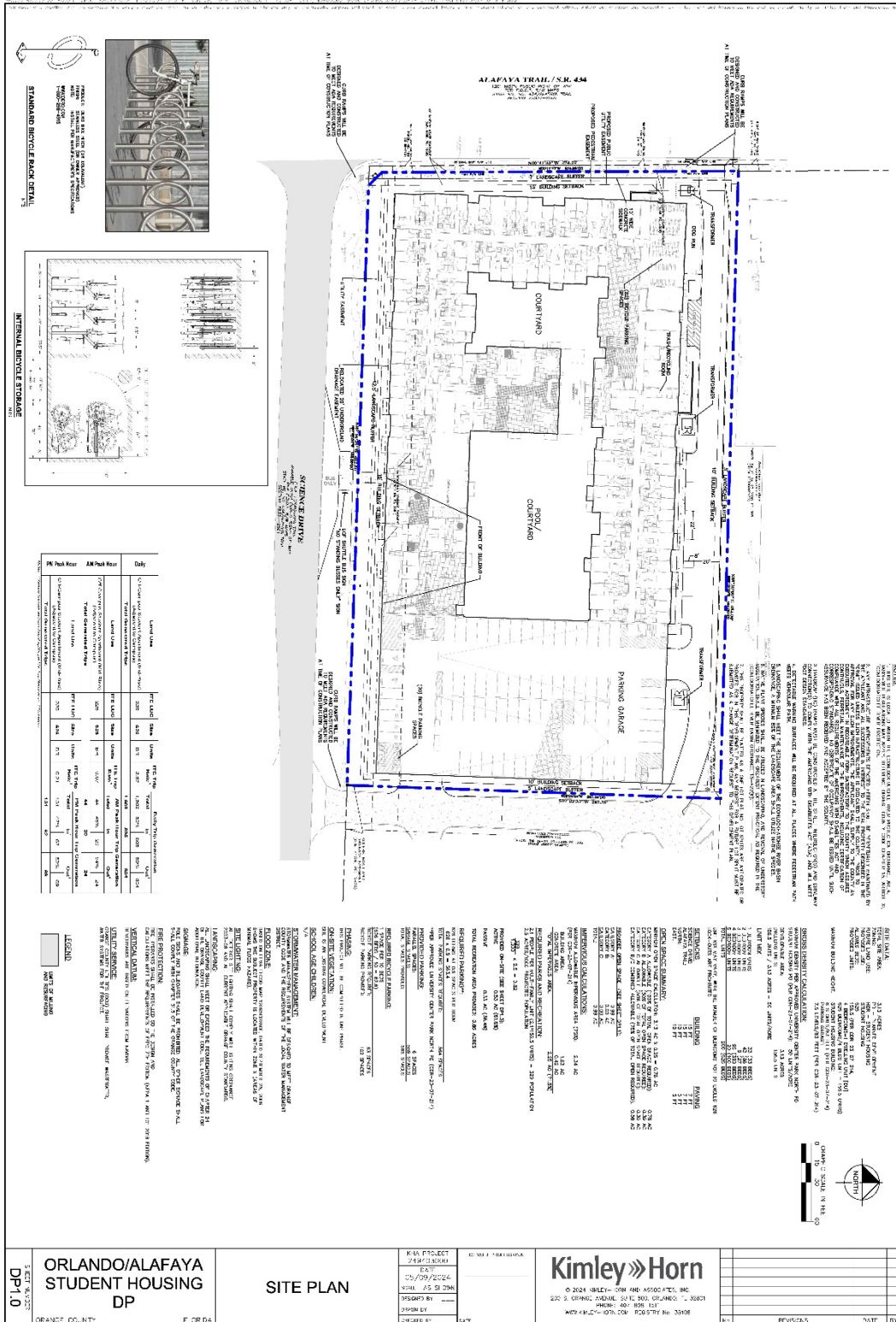


ZONING

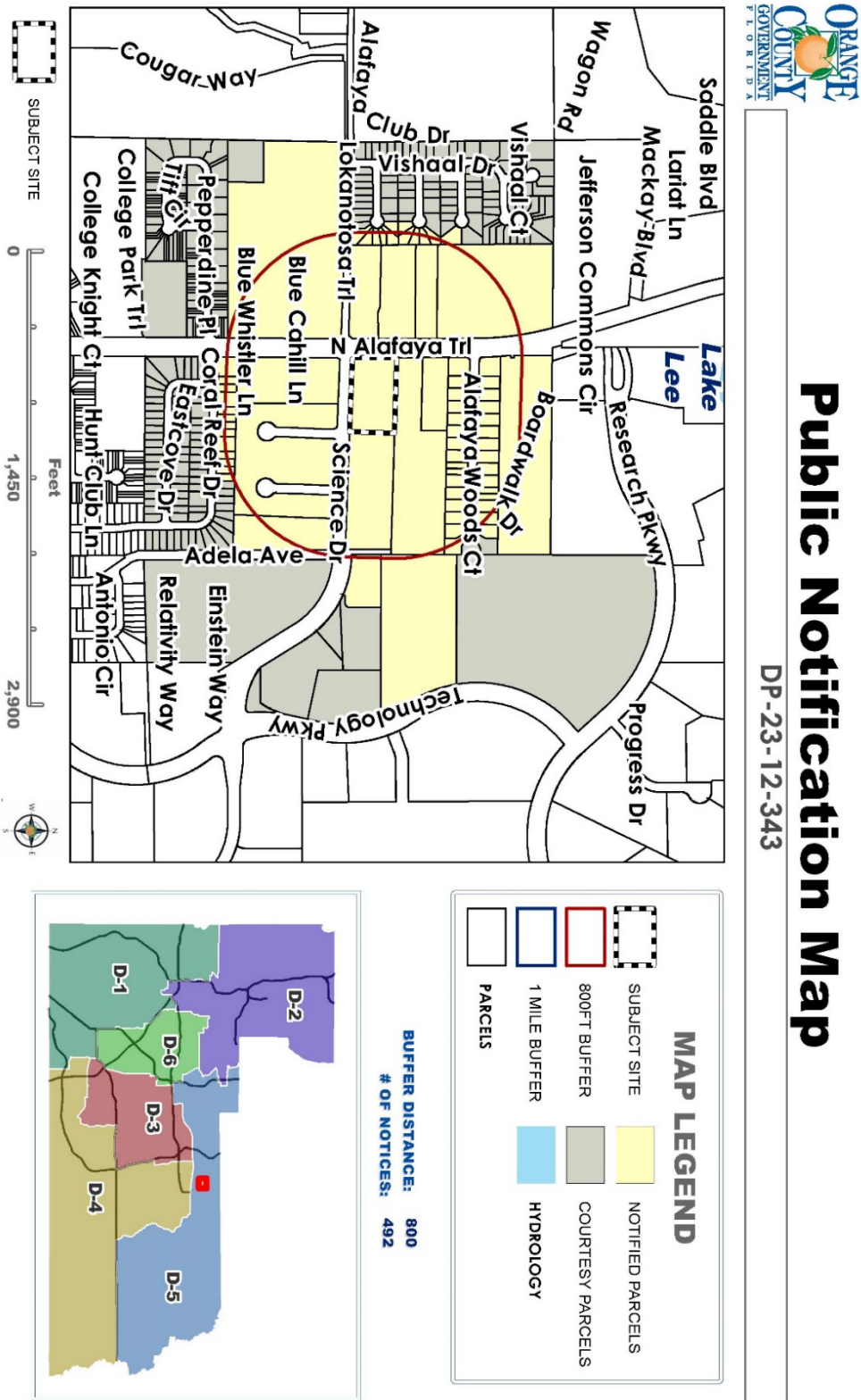
PD (Planned Development District)



Site Plan Sheet



Notification Map



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