




Interoffice Memorandum

November 10, 2020

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

FROM: Alberto A. Vargas, M.Arch., Manager, Planning Division 

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

SUBJECT: Adoption Public Hearings – November 10, 2020 Small-Scale Future Land Use Map Amendments and Concurrent Rezoning Request

Please find the attached staff reports and associated back-up materials for the two **Small-Scale Future Land Use Map Amendments** scheduled for a BCC adoption public hearing on November 10, 2020. The adoption public hearing for both Small-Scale Development Amendments (and concurrent rezonings where applicable) were conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on September 17, 2020.

If the BCC adopts the proposed amendments, the Small-Scale Development Amendments 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.

AAV/JVW/jhs

Enc: Small-Scale Development Amendments BCC Adoption Binder

c: Christopher R. Testerman, AICP, Assistant 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
Eric P. Raasch, AICP, Planning Administrator, Planning Division



ORANGE COUNTY

PLANNING DIVISION

SMALL SCALE CYCLE MONTHLY

AMENDMENTS

SS-20-07-048

2010 - 2030 COMPREHENSIVE PLAN

LUP-20-06-163

BOARD OF COUNTY COMMISSIONERS

NOVEMBER 10, 2020
ADOPTION PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



TABLE OF CONTENTS
Planning and Zoning Commission
NOVEMBER 10, 2020

SMALL SCALE AMENDMENTS & CONCURRENT REZONING PUBLIC HEARINGS

SS-20-07-048 & LUP-20-06-163
District 5.....1

CASE # SS-20-07-048
LUP-20-06-163

Commission District: #5

GENERAL INFORMATION

APPLICANT	Rebecca Wilson; Lowndes, Drosdick, Doster, Kantor Reed P.A.
OWNERS	Davaswarnauth Shiwlochan & Kamlawatee Shiwlochan
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment and Planned Development / Land Use Plan (PD/LUP) Rezoning
PROJECT NAME	Science & Technology Student Housing
FLUM REQUEST	IND (Industrial) to HDR – Student Housing (High Density Residential)
ZONING REQUEST	R-3 (Multiple-Family Residential District) to PD (Planned Development District)

A request to rezone one (1) parcel containing 3.82 gross acres from R-3 to PD, in order to construct a student housing project with a proposed 764 beds. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1259(d) is requested to allow a vegetative buffer in lieu of a six-foot high masonry, brick, or block wall along the boundaries of the student housing development located adjacent to right-of-way. This buffer will conform to the requirements found in Orange County Land Development Code Chapter 24-4(a)(1).

Applicant Justification: *This waiver is for materials to consist of opaque vegetative plantings to provide screening and will promote a more "eco-friendly" environment.*

2. A waiver from Section 38-1259(h) is requested to allow the student housing buildings up to five (5) stories/fifty-five (55) feet with an additional 10' to accommodate stair well shafts, elevator shafts, and up to 16 mezzanine bedrooms in lieu of the maximum building height of three (3) stories/forty (40) feet.

Rezoning # LUP-20-06-163
Small Scale Amendment # SS-20-07-048
Orange County Planning Division
BCC Hearing Date: November 10, 2020

Applicant Justification: As the development is not adjacent to any single-family homes, this waiver is to provide a more urban-style development and provide necessary student housing for the student population. Allowing the additional height for the residential buildings will also provide enhanced architectural features.

3. A waiver from Section 38-1476(a) is requested to allow 0.85 parking spaces per bedroom in lieu of one (1) space per bedroom.

Applicant Justification: Based on the parking study provided, this ratio would provide adequate parking for the development and limit the height of the parking garage to maintain a consistent look and height throughout the development.

4. A waiver from Section 38-1254(1) is requested to allow a twenty (20) foot PD perimeter setback in lieu of the twenty-five (25) foot PD perimeter setback.

Applicant Justification: The project is surrounded by industrial-zoned properties with manufacturing and office uses. the proposed student housing development is intended to provide a more urban environment, promote redevelopment, increase housing capacity, and promote a diverse mix of uses and housing types as required by orange county flu policy flu8.2.2 "a diverse mix of uses and housing types shall be promoted." this waiver would also allow the use of additional architectural features on the buildings to enhance visual interest. Additionally, no right-of-way is required for science drive or technology parkway from this project.

5. A waiver from Section 38-1251(b) is requested to allow a maximum building coverage of sixty-five (65) percent in lieu of the thirty (30) percent.

Applicant Justification: The project is surrounded by industrial-zoned properties with manufacturing and office uses. the proposed student housing development is intended to provide a more urban environment, promote redevelopment, increase housing capacity, and promote a diverse mix of uses and housing types as required by orange county flu

Rezoning # LUP-20-06-163
Small Scale Amendment # SS-20-07-048
Orange County Planning Division
BCC Hearing Date: November 10, 2020

policy flu8.2.2 "a diverse mix of uses and housing types shall be promoted." the proposed student housing development is intended to create a consistent look and height throughout the development. This waiver would also allow the use of additional architectural features on the buildings to enhance visual interest.

6. A waiver from Section 38-1259(g) is requested to allow a maximum density rate of 1 bedroom to count as one-quarter dwelling unit (1 bedroom = 1/4 dwelling unit) in lieu of one-half dwelling unit.

Applicant Justification: *To be consistent with the current comprehensive plan policy flu1.1.2.f (1) which states student housing density shall be calculated with four (4) bedrooms equal to one (1) multi-family unit.*

7. A waiver from Section 38-1259(c) is requested to allow a maximum number of bedrooms of 764 in lieu of the 750 maximum.

Applicant Justification: *This waiver would be consistent with the comprehensive plan goal to encourage and facilitate redevelopment and increase housing capacity.*

8. A waiver from Section 38-1272(a)(1) is requested to allow maximum impervious coverage of eighty-five (85) percent in lieu of the seventy (70) percent.

Applicant Justification: *The project contains unique hardscape elements to promote both active and passive recreation. This waiver would be consistent with the comprehensive plan goal to encourage and facilitate redevelopment and increase housing capacity*

9. A waiver from Section 38-1253(b) is requested to allow the required recreation space to be calculated with a ratio of 2.25 acres per one thousand (1,000) projected population in lieu of the 2.5 acres per one thousand (1,000).

Applicant Justification: *The non-standard geometry of the site does not allow higher density urban redevelopment to provide the same quantity of recreational area of a traditional multi-family*

**Rezoning # LUP-20-06-163
Small Scale Amendment # SS-20-07-048
Orange County Planning Division
BCC Hearing Date: November 10, 2020**

development. Additionally, students will be less reliant on recreational areas located within the student housing development due to the availability of recreational areas provided at the University of Central Florida.

10. A waiver from Section 38-1259(h) is requested to allow the parking garage up to six (6) stories/sixty-five (65) feet in lieu of the maximum building height of three (3) stories/forty (40) feet.

Applicant Justification: *as the development is not adjacent to any single-family homes, this waiver is to provide a more urban-style development and provide additional parking for the student population*

LOCATION	12175 Science Drive; generally located on the east side of Science Drive, on the west side of Technology Parkway, north of Challenger Parkway, south of Research Parkway.
PARCEL ID NUMBER	15-22-31-8835-00-011
TRACT SIZE	3.82 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred seventeen (217) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held on September 8th, 2020.
PROPOSED USE	764 Student Housing Beds

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

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

Rezoning

Development Review Committee – (August 26, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Science and Technology Planned Development / Land Use Plan (PD/LUP), dated “Received September 1, 2020”, subject to the following conditions:

1. Development shall conform to the Science & Technology Land Use Plan (LUP) dated "Received September 1, 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 September 1, 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, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a

Rezoning # LUP-20-06-163
Small Scale Amendment # SS-20-07-048
Orange County Planning Division
BCC Hearing Date: November 10, 2020

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. 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.
7. If this student housing use converts to a market rate multi-family use, then this PD shall comply with OCPS capacity review and enhancement procedures prior to scheduling for BCC.
8. 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

Rezoning # LUP-20-06-163
Small Scale Amendment # SS-20-07-048
Orange County Planning Division
BCC Hearing Date: November 10, 2020

applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

9. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
10. 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.
11. 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.
12. 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.
13. 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.
14. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
15. 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.
16. The following waivers from Orange County Code are granted:
 - a. A waiver from Chapter 38-1259(d) to allow a vegetative buffer in lieu of a six-foot high masonry, brick, or block wall along the boundaries of the student housing development located adjacent to right-of-way. This buffer will conform to the requirements found in Orange County Land Development Code Chapter 24-4 (a)(1).
 - b. A waiver from Section 38-1259(h) to allow the student housing buildings up to five (5) stories/fifty-five (55) feet with an additional 10' to accommodate stair well

shafts, elevator shafts, and up to 16 mezzanine bedrooms in lieu of the maximum building height of three (3) stories/forty (40) feet.

- c. A waiver from Section 38-1476(A) to allow 0.85 parking spaces per bedroom in lieu of one (1) space per bedroom.
- d. A waiver from Section 38-1254(1) to allow a twenty (20) foot PD perimeter setback in lieu of the twenty-five (25) foot PD perimeter setback.
- e. A waiver from Section 38-1251 (B) to allow a maximum building coverage of sixty-five (65) percent in lieu of the thirty (30) percent.
- f. A waiver from Section 38-1259 (G) to allow a maximum density rate of 1 bedroom to count as one-quarter dwelling unit (1 bedroom =1/4 dwelling unit) in lieu of one-half dwelling unit.
- g. A waiver from Section 38-1259 (C) to allow a maximum number of bedrooms of 764 in lieu of the 750 maximum.
- h. A waiver from Section 38-1272 (A)(1) to allow maximum impervious coverage of eighty-five (85) percent in lieu of the seventy (70) percent.
- i. A waiver from Section 38-1253 (B) to allow the required recreation space to be calculated with a ratio of 2.25 acres per one thousand (1,000) projected population in lieu of the 2.5 acres per one thousand (1,000).
- j. A waiver from Section 38-1259 (H) to allow the parking garage up to six (6) stories/sixty-five (65) feet in lieu of the maximum building height of three (3) stories/forty (40) feet.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant is seeking to rezone the subject parcels from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District) in order to construct a student housing project with a proposed 764 beds.

The subject property is a single lot located at the northwest intersection of Science Parkway and Technology Parkway, in District 5. The immediate surrounding area is developed with professional offices, institutional uses, industrial uses, to the north and east, and south, Student housing and multifamily, and single-family residences to the west. The parcels to the north, east, and south of the subject property are part of the Central Florida Research Park DRI. The existing use of the property is multifamily residential, however the current zoning (R-3) was established in 1981 and is not consistent with the underlying Future Land Use.

Through this request the applicant is also seeking eleven (10) waivers from Orange County Code related to building height, recreation space, buffers, screening, parking requirements, maximum number of units, unit calculations, building coverage, and setbacks.

Existing FLUM Development Program

The property's R-3 (Multiple Family Dwelling District) zoning is inconsistent with the IND (Industrial) Future Land Use Map designation, therefore a change to either the zoning or future land use is required in order to develop the property for this parcel. The existing multifamily development was established prior to the adoption of the current FLUM designation.

Proposed FLUM Development Program

The proposed PD zoning with the Future Land Use Map designation of HDR – Student Housing will allow the applicant to construct a student housing project at a density of 50 dwelling units per acre. If this request is approved with the requested waivers it will allow for a 764 bed student housing project to be constructed.

Land Use Compatibility

The HDR – Student Housing Future Land Use and PD zoning would allow for development that is compatible with the character of the surrounding area, and would not adversely impact adjacent properties.

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

The subject property has an underlying Future Land Use Map (FLUM) designation of Industrial (IND). The proposed PD zoning district and development program is inconsistent with the Industrial FLUM designation. However, through concurrent FLUM amendment # SS-20-07-048, the applicant is seeking to change the FLUM designation to High Density Residential (HDR). Additionally, the request is consistent with the following CP provisions:

FLU1.1.2(F) states that student housing may be permitted only on property with a future land use designation of Medium Density Residential, Medium-High Density Residential, High Density Residential, or Planned Development. 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 Multi-Family Residential

Adjacent	FLUM	Zoning
North	IND (Industrial)	PD (University Center Park East PD), (1986), I-2/I-3 (Industrial District General) (1980)
South	IND (Industrial)	I-2/I-3 (Industrial District General) (1980)
East	IND (Industrial)	PD (University South PD) (1973)
West	IND (Industrial)	PD (University South PD) (1973), I-2/I-3 (Industrial District General) (1980)

Adjacent Land Uses N: Professional offices, Industrial warehouse
 E: Professional offices
 W: Student housing
 S: Professional offices, institutional uses

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback 20 feet *waiver requested

Maximum Building Height: 55 feet (student housing) *waiver requested
 65 feet (parking structure) *waiver requested

Minimum Building Setbacks

Front Setback: 20 feet
 Rear Setback: 20 feet
 Side Setback: 20 feet
 Science DR: 20 feet
 Technology PKWY: 20 feet

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below table
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Received and approved a revised analysis using ITE recommended rates. 2. The parking study request is appropriate but we will support a minimum rate of 0.85.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If this use converts to market-rate multi-family housing in the future, then the development shall comply with OCPS capacity review and enhancement procedures prior to scheduling for BCC.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhoods	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the proposed development scenario the Sheriff's Office needs are 0.24 deputies and 0.11 support personnel to provide the standard level of service to this development.
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply per Orange County Code Chapter 15 Article XI Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater management, and landscaping with native plant species.

The Phase I Environmental Site Assessment (ESA) dated June 3, 2020 reported no evidence of recognized environmental conditions connected with this property.

Community Meeting Summary

Due to health restrictions a virtual community meeting was held on September 8th, 2020, and there were no members of the public in attendance. Staff recorded a presentation which was uploaded for viewing by area residents.

Utilities

Water: Orange County
 Wastewater: Orange County
 Reclaim Water: Orange County, not currently available

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 – (September 17, 2020)

Future Land Use Map Amendment

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

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Science and Technology Planned Development / Land Use Plan (PD/LUP), dated “Received September 1, 2020”, subject to the following conditions:

1. Development shall conform to the Science & Technology Land Use Plan (LUP) dated "Received September 1, 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 September 1, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

Rezoning # LUP-20-06-163
Small Scale Amendment # SS-20-07-048
Orange County Planning Division
BCC Hearing Date: November 10, 2020

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

Rezoning # LUP-20-06-163
Small Scale Amendment # SS-20-07-048
Orange County Planning Division
BCC Hearing Date: November 10, 2020

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. 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.
7. If this student housing use converts to a market rate multi-family use, then this PD shall comply with OCPS capacity review and enhancement procedures prior to scheduling for BCC.
8. 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.
9. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
10. 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.
11. 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.
12. 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.
13. 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.
14. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

15. 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.

16. The following waivers from Orange County Code are granted:
 - a. A waiver from Chapter 38-1259(d) to allow a vegetative buffer in lieu of a six-foot high masonry, brick, or block wall along the boundaries of the student housing development located adjacent to right-of-way. This buffer will conform to the requirements found in Orange County Land Development Code Chapter 24-4 (a)(1).
 - b. A waiver from Section 38-1259(h) to allow the student housing buildings up to five (5) stories/fifty-five (55) feet with an additional 10' to accommodate stair well shafts, elevator shafts, and up to 16 mezzanine bedrooms in lieu of the maximum building height of three (3) stories/forty (40) feet.
 - c. A waiver from Section 38-1476(A) to allow 0.85 parking spaces per bedroom in lieu of one (1) space per bedroom.
 - d. A waiver from Section 38-1254(1) to allow a twenty (20) foot PD perimeter setback in lieu of the twenty-five (25) foot PD perimeter setback.
 - e. A waiver from Section 38-1251 (B) to allow a maximum building coverage of sixty-five (65) percent in lieu of the thirty (30) percent.
 - f. A waiver from Section 38-1259 (G) to allow a maximum density rate of 1 bedroom to count as one-quarter dwelling unit (1 bedroom =1/4 dwelling unit) in lieu of one-half dwelling unit.
 - g. A waiver from Section 38-1259 (C) to allow a maximum number of bedrooms of 764 in lieu of the 750 maximum.
 - h. A waiver from Section 38-1272 (A)(1) to allow maximum impervious coverage of eighty-five (85) percent in lieu of the seventy (70) percent.
 - i. A waiver from Section 38-1253 (B) to allow the required recreation space to be calculated with a ratio of 2.25 acres per one thousand (1,000) projected population in lieu of the 2.5 acres per one thousand (1,000).
 - j. A waiver from Section 38-1259 (H) to allow the parking garage up to six (6) stories/sixty-five (65) feet in lieu of the maximum building height of three (3) stories/forty (40) feet.

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 **ADOPTION** of the requested HDR (High Density Residential – Student Housing) Future Land Use Designation, and approval of the the Science and Technology Planned Development / Land Use Plan (PD/LUP). The applicant was represented by Rebecca Wilson.

Staff indicated that two hundred seventeen (217) notices were mailed to those property owners in the mailing area extending beyond 1,000 feet surrounding the property, and that staff has received one (1) commentary in support of the request, via mailed comment card.

After discussion addressing the proposed use of the property, compatability with the surrounding area, and the applicant's presentation, the following motions were made:

Future Land Use Map Amendment

A motion was made on the Future Land Use Map Amendment (SS-20-07-048) by Commissioner Spears, and seconded by Commissioner Dunn to recommend **ADOPTION** of the requested HDR (High Density Residential – Student Housing) Future Land Use designation. The motion carried on a 7-0 vote.

Motion / Second	<i>Gordon Spears / Jimmy Dunn</i>
Voting in Favor	<i>Gordon Spears, Carlos Nazario, Jimmy Dunn, JaJa Wade, Mohammed Abdallah, Evelyn Cardenas, Diane Velazquez</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena and Eddie Fernandez</i>

Rezoning

A motion was made on the rezoning (LUP-20-06-163) by Commissioner Spears, and seconded by Commissioner Nazario to recommend **APPROVAL** of the Science and Technology Planned Development / Land Use Plan (PD/LUP) dated "Received September 1, 2020", subject to sixteen (16) conditions. The motion carried on a 7-0 vote.

Motion / Second	<i>Gordon Spears / Carlos Nazario</i>
Voting in Favor	<i>Gordon Spears, Carlos Nazario, Jimmy Dunn, JaJa Wade, Mohammed Abdallah, Evelyn Cardenas, Diane Velazquez</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena and Eddie Fernandez</i>

SS-20-07-048
LUP-20-06-163

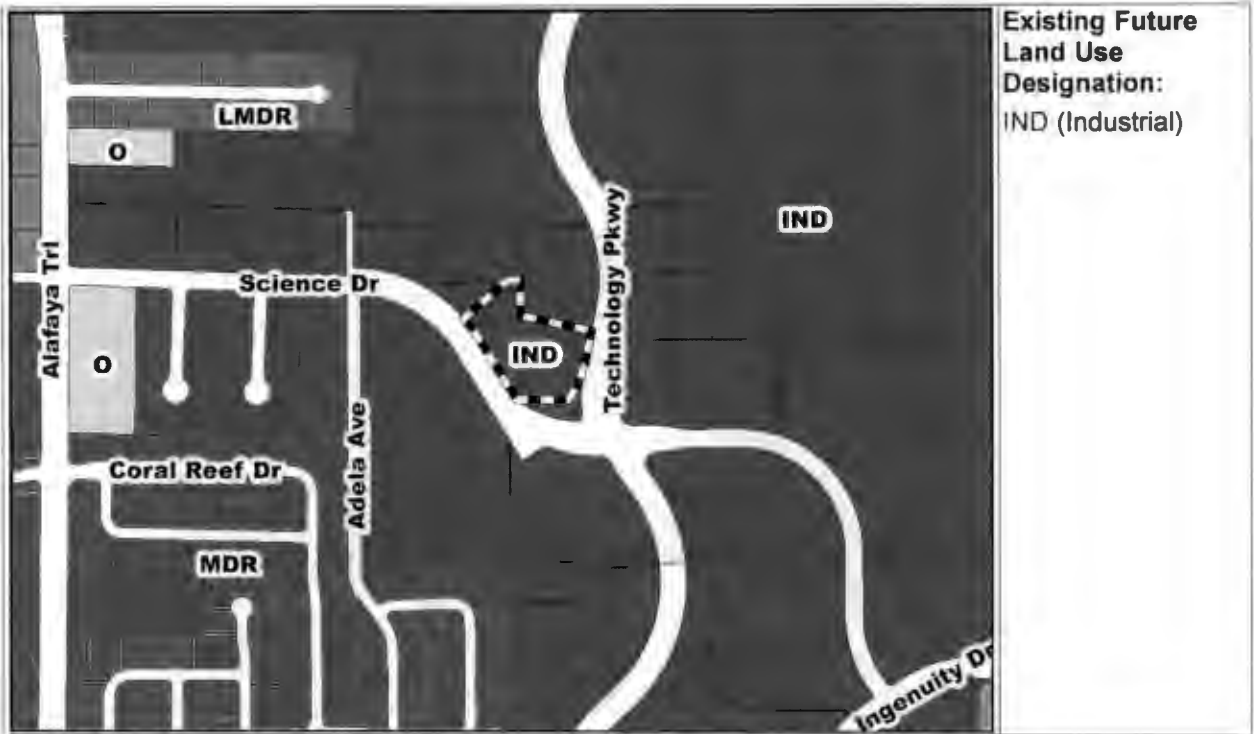


 Subject Property

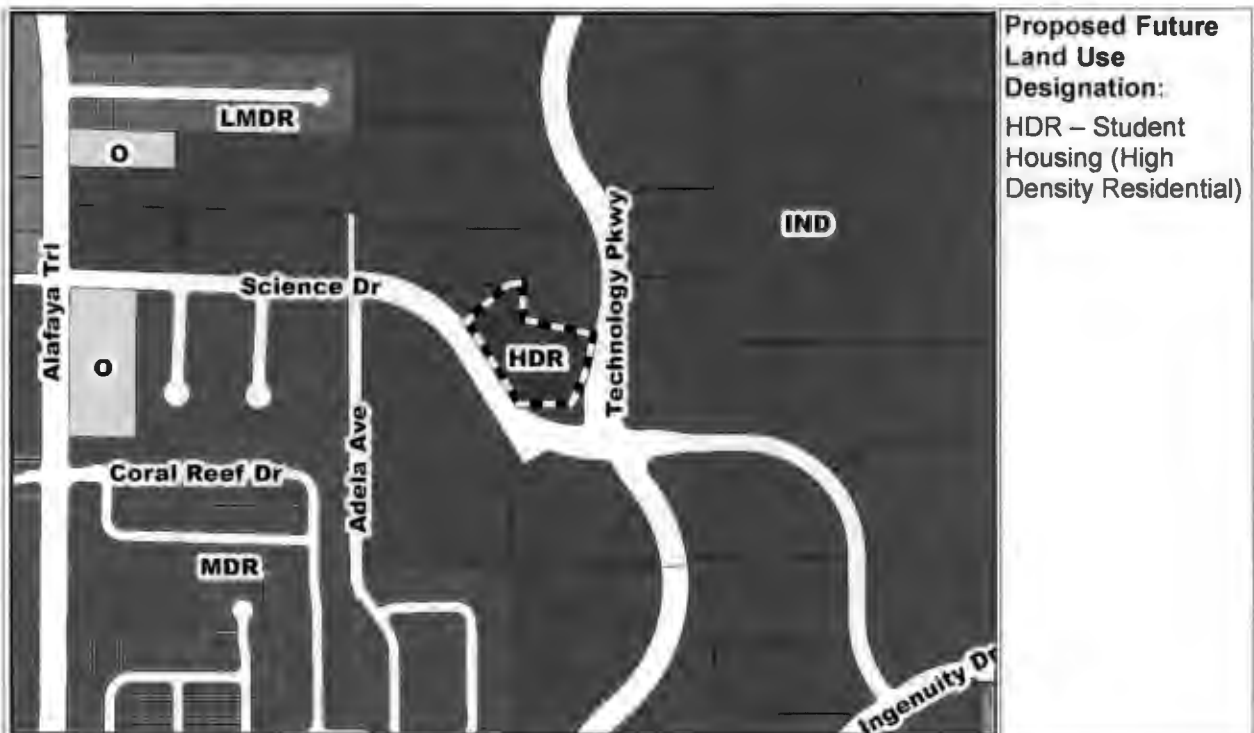


1 inch = 300 feet

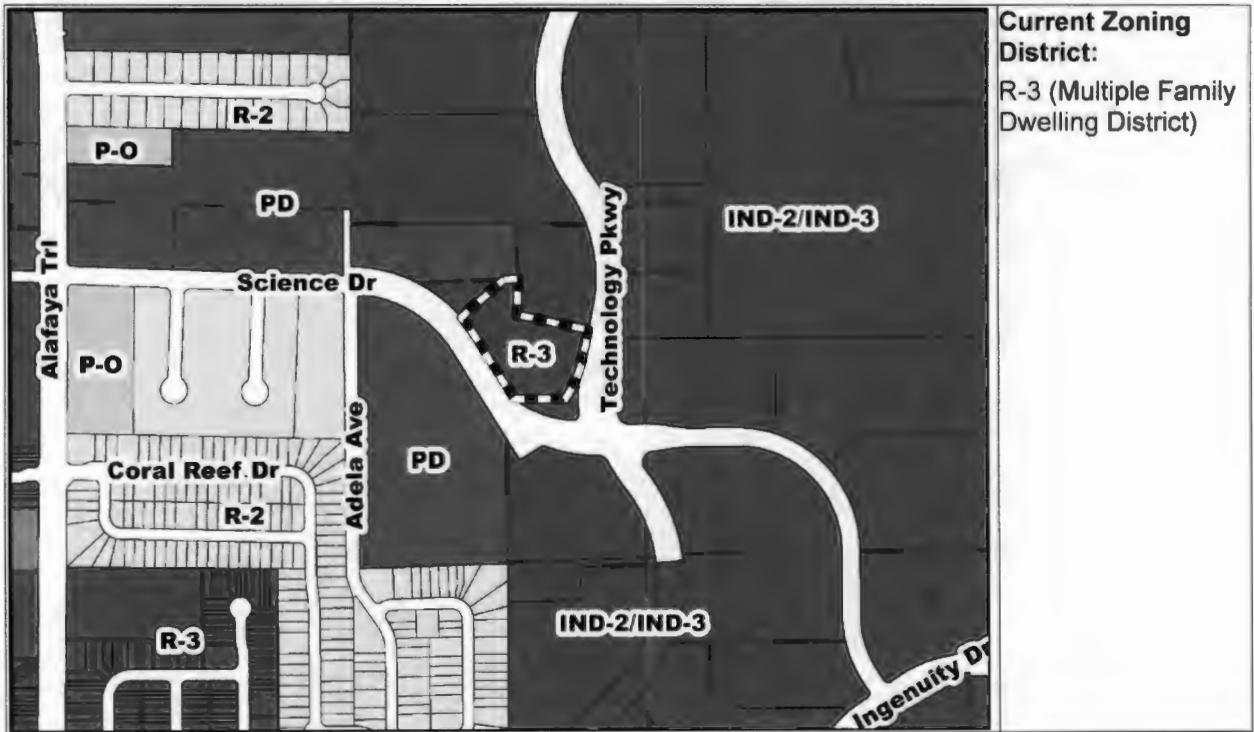
FUTURE LAND USE – CURRENT



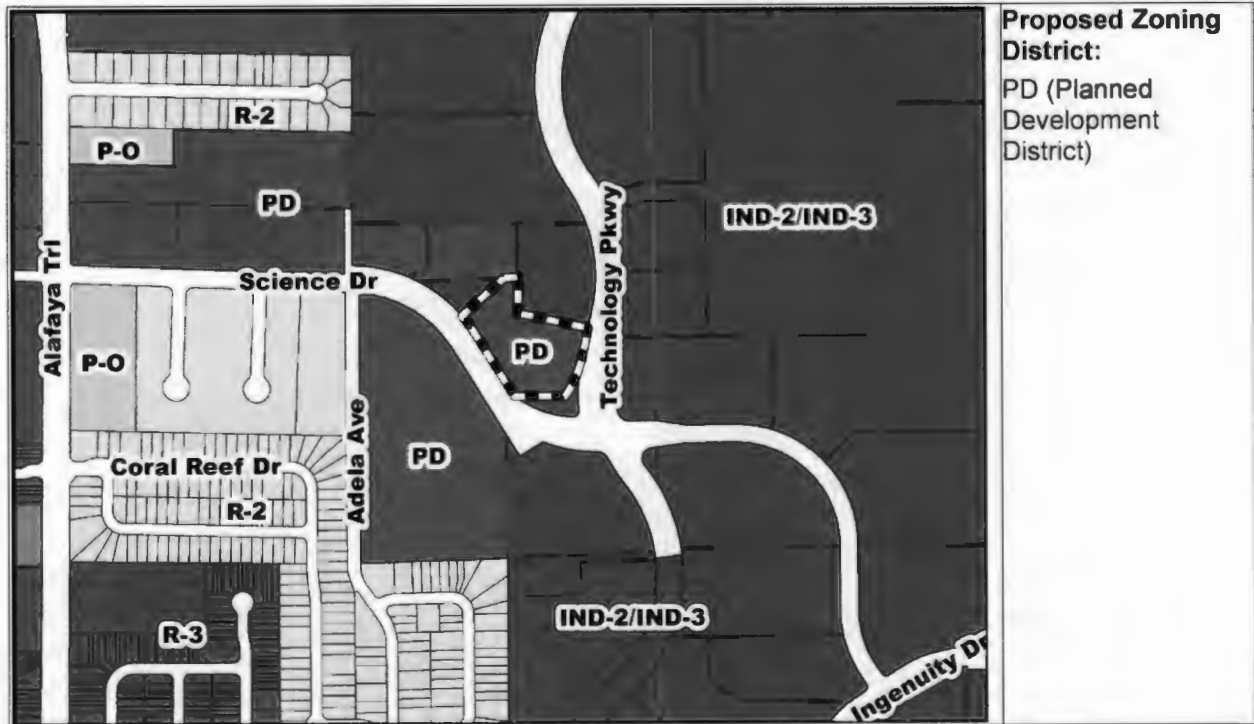
FUTURE LAND USE - PROPOSED



ZONING - CURRENT



ZONING - PROPOSED



SCIENCE AND TECHNOLOGY PD LAND USE PLAN

PARCEL #: 15-22-31-8835-00-011

ORANGE COUNTY, FLORIDA

AUGUST 27, 2020

LUP-20-06-163



SECTION 16, TOWNSHIP 22 SOUTH, RANGE 31 EAST
VICINITY MAP

LEGAL DESCRIPTION

A portion of Lot 1, subdivision 8835, as shown on Plat Book 8, Page 88, Public Records of Orange County, Florida, more particularly described as follows:

Commencing at the southerly most corner of Lot 1, subdivision 8835, as shown on Plat Book 8, Page 88, Public Records of Orange County, Florida, run North 24 degrees 40 minutes 00 seconds West along the northwesterly right of way line of Lot 1, a distance of 150.00 feet to the POINT OF BEGINNING; thence South 74 degrees 40 minutes 00 seconds West along and right of way line 200.00 feet to the point of curvature of a curve bearing Southwesterly having a radius of 1000.00 feet; thence run Northwesterly along the arc of said curve and east right of way line 100.00 feet through a central angle of 60 degrees 00 minutes 00 seconds to the southerly most corner of said Lot 1; thence run North 40 degrees 00 minutes 00 seconds East along the West line of said Lot 1 a distance of 100.00 feet; thence North 80 degrees 00 minutes 00 seconds East along and West line of Lot 1 a distance of 2.00 feet to the West line of Section 16, Township 22 South, Range 31 East; thence run North 80 degrees 00 minutes 00 seconds East along said West line 100.00 feet; thence South 80 degrees 00 minutes 00 seconds East 100.00 feet to the southerly right of way line of Sideway Parkway; thence run South 40 degrees 00 minutes 00 seconds West along said Westwesterly right of way line a distance of 100.00 feet to the point of curvature of a curve bearing Northwesterly having a radius of 1000.00 feet; thence run Northwesterly along the arc of said curve 100.00 feet through a central angle of 60 degrees 00 minutes 00 seconds to a point; thence from a bearing bearing of South 24 degrees 40 minutes 00 seconds to a point; thence from a bearing bearing of South 24 degrees 40 minutes 00 seconds West run West 200.00 feet to the POINT OF BEGINNING.

PROJECT AREA - SEE ACROSS

PROJECT TEAM

CONVEYOR/OWNER
 SET GROUP HOLDINGS LLC
 24 NE 17TH STREET, SUITE 212
 MIAMI, FL 33139
 CONTACT: ARI COLE
 PHONE: (305) 486-4838
 EMAIL: ari@setgroup.com

SURVEYOR
 SPENCER SURVEYING, INC.
 489 NORTH GULF AVE, SUITE 200
 ALTAIR SPRINGS, FL 32714
 CONTACT: JIM SPENCER
 PHONE: (888) 774-8972
 EMAIL: jim@spencer-survey.com

ENGINEER
 BELLEFLORE AND ASSOCIATES, INC.
 900 S. ORANGE AVENUE, SUITE 100
 ORLANDO, FL 32838
 CONTACT: BRIAN S. BELLEFLORE, P.E.
 PHONE: (407) 500-0911
 EMAIL: bsbelleflore@belleflore.com

LEGAL COUNSEL
 LOWMEYER DORSEY, COSTER,
 KANTOR & REED, P.A.
 210 NORTH GULF AVENUE
 ORLANDO, FL 32838
 CONTACT: REBECCA WILSON
 PHONE: (407) 416-8800
 EMAIL: rebecca.wilson@lowmeyerdorsey.com

PREPARED BY
Kimley-Horn

0.0 11/10/20 11:00 AM
 11/10/20 11:00 AM
 11/10/20 11:00 AM

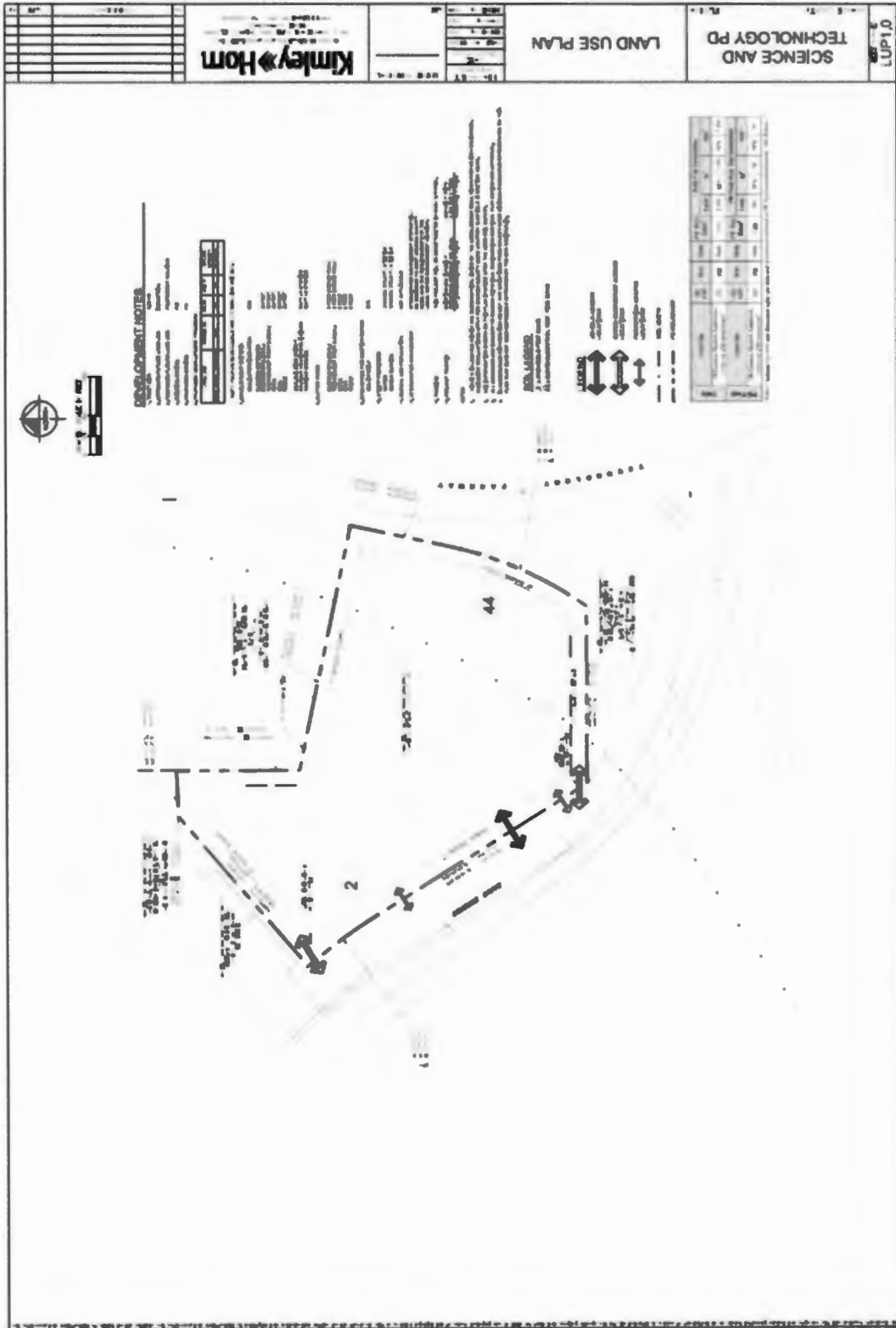
SHEET INDEX

Sheet Number	Sheet Title
LUP-0	COVER SHEET
LUP-1	LAND USE PLAN
LUP-2	SURVEY

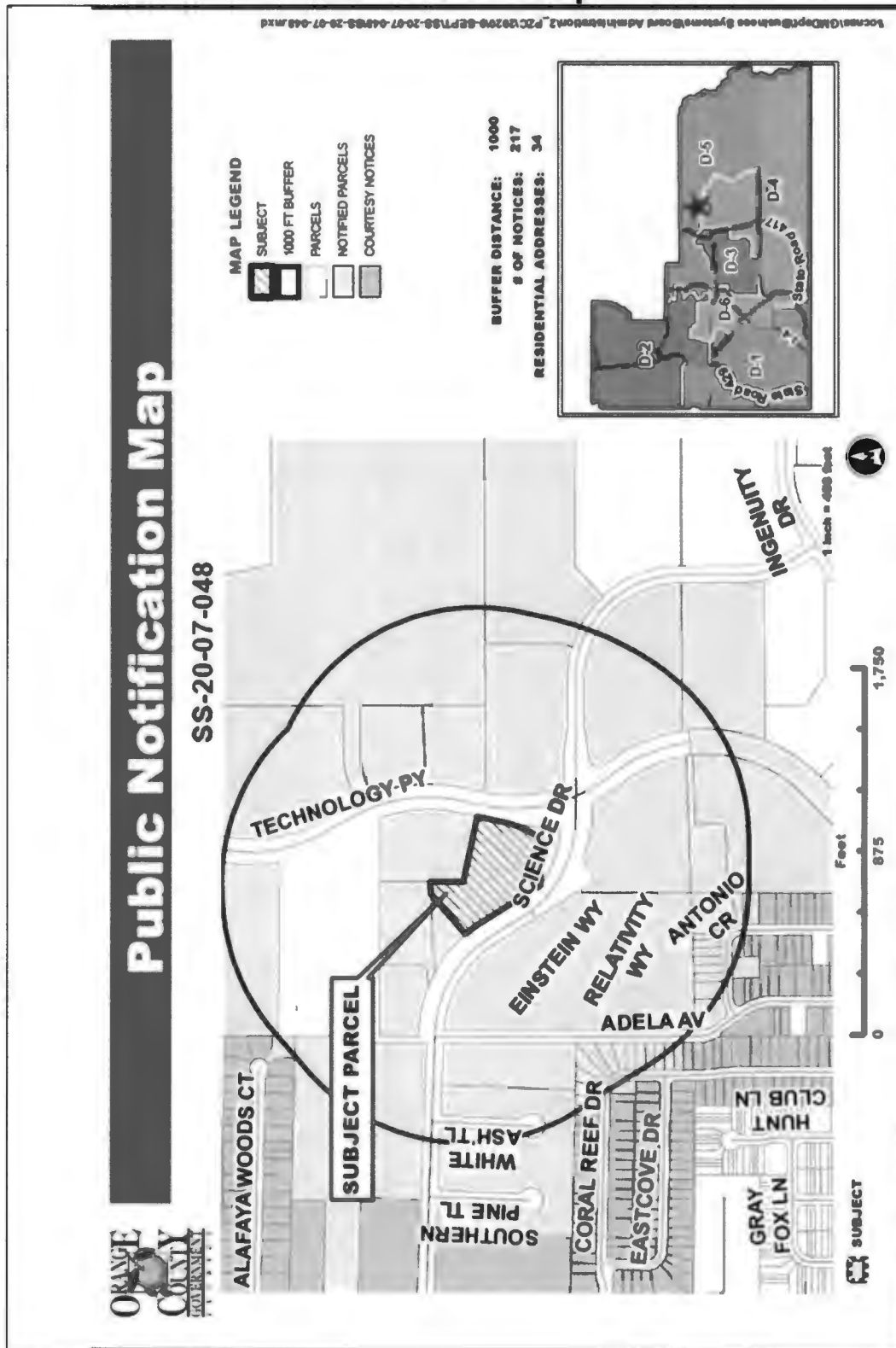
RECEIVED
 By: [Signature] On: 8/11/20, 11:00 AM, 2020

LUP 0.0

Science and Technology PD / LUP



Notification Map



ORDINANCE NO. 2020-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING SMALL SCALE DEVELOPMENT AMENDMENTS PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

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

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

c. On November 10, 2020, the Board held a public hearing on the adoption of the proposed amendments, as described in this ordinance, and decided to adopt them.

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

Section 3. Amendments to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designations as described at **Appendix “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 amendments adopted in this ordinance may not become effective until 31 days after adoption. However, if an 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 10th DAY OF NOVEMBER, 2020.

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: _____

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Deputy Clerk

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69

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENTS

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-20-07-048	Industrial (IND)	High Density Residential – Student Housing (HDR-Student Housing)
SS-20-09-059	Planned Development – Mini Storage (PD)	Medium-High Density Residential (MHDR)
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		

70