



**Interoffice Memorandum**

**DATE:** January 8, 2020

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

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

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

**SUBJECT:** January 28, 2020 – Public Hearing  
Applicant: Thomas Sullivan, Gray Robinson, P.A.  
Burlington Planned Development / The Cottages at Alafaya  
Development Plan  
Case # DP-19-08-263

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 20, 2019, to approve the Burlington Planned Development (PD) / The Cottages at Alafaya Development Plan (DP) to construct a 151 unit, 602 bed student housing complex on a total of 11.61 acres.

A community meeting was held for this request on October 10, 2019. That meeting was attended by three students from the University of Central Florida, which were in attendance as part of a class assignment.

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 (CP) and approve the Burlington PD / The Cottages at Alafaya DP dated "Received December 10, 2019", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/EPR/lme  
Attachments

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**CASE # DP-19-08-263**

Commission District # 5

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 20, 2019, to approve the Burlington Planned Development (PD) / The Cottages at Alafaya Development Plan (DP) to construct a 151 unit, 602 bed student housing complex on a total of 11.61 acres.

**2. PROJECT ANALYSIS**

- A. Location: South of Orpington Street / North of East Colonial Drive
- B. Parcel ID: 22-22-31-9461-00-010, 22-22-31-9461-00-011;  
22-22-31-0000-00-091 (a portion of)
- C. Total Acres: 11.61 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: East Orange Neighborhood Park – 0.1 Mile
- I. Proposed Use: 151 Unit / 602 Bed Student Housing Complex
- J. Site Data: Maximum Building Height: 50' (3-stories)  
Building Setbacks:
  - 25' PD Perimeter
  - 25' Side
  - 25' Rear
  - 50' State Road
- K. Fire Station: 80 – 1841 Bonneville Road
- L. Transportation: 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.

### **3. COMPREHENSIVE PLAN**

The affected property has an underlying Future Land Use Map (FLUM) designation of Planned Development – Commercial / Medium Density Residential (Student Housing) and is zoned Planned Development (Burlington PD). The proposed Development Plan is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

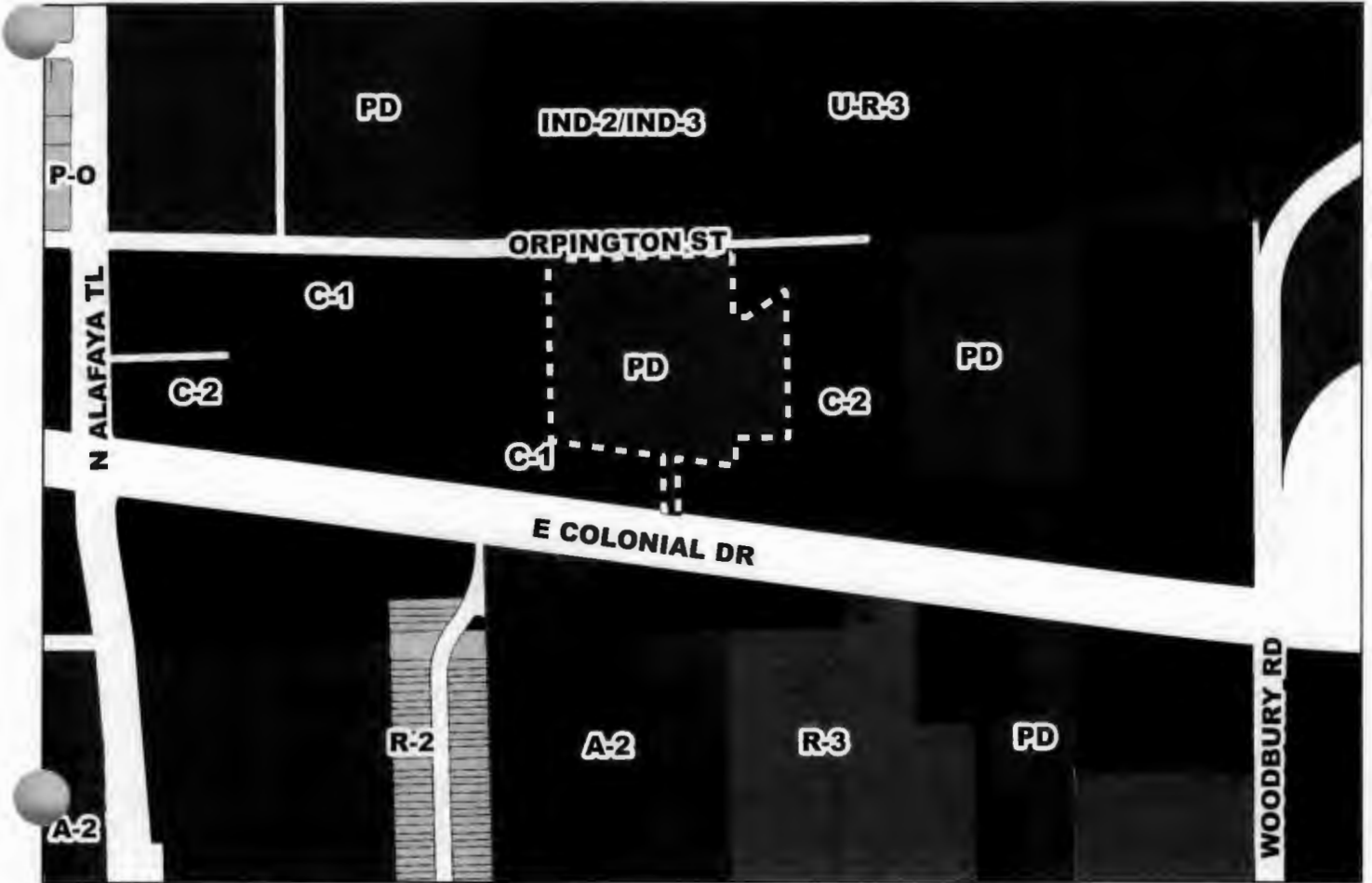
1. Development shall conform to the Burlington Planned Development; Orange County Board of County Commissioners (BCC) approvals; The Cottages at Alafaya Development Plan dated "Received December 10, 2019"; and to the conditions of approval listed below. Development based upon this approval shall comply 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. 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.
8. 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.
9. 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 certificate.
10. Prior to construction plan approval, hydraulic calculations, including hydraulically dependent development, 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.
11. If any public utility infrastructure will be located outside public right-of-way on property owned by an entity other than the developer, construction plans shall not be approved until the developer has provided the County with the appropriate easements for such public utility mains; such easements shall be recorded in the public records of Orange County, Florida.
12. If the property will rely upon private utility mains located on property owned by an entity other than the developer, construction plans shall not be approved until the developer can demonstrate the right to connect to such private utility mains via a recorded private utility easement.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code.
14. In accordance with Orange County Code Section 38-1259 (a), A student housing development plan shall require approval through a public hearing before the Board of County Commissioners. Prior to the public hearing, a community meeting shall be held.

15. 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.
16. Unless otherwise allowed by County Code, the property shall be platted / re-platted prior to the issuance of any vertical building permits.
17. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. 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.
18. Prior to plat recordation, the various properties shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot or tract.
19. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.



Subject Parcel



Subject Property

### Zoning Map

**ZONING:** PD (Planned Development District)

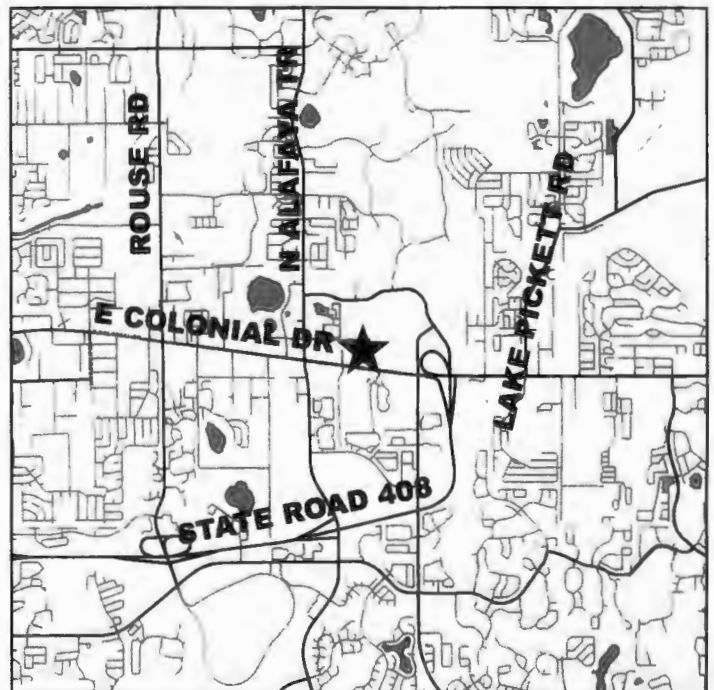
**APPLICANT:** Thomas R. Sullivan, Gray Robinson, P.A.

**LOCATION:** South of Orpington Street / North of East Colonial Drive

**TRACT SIZE:** 11.61 gross acres

**DISTRICT:** 5

**S/T/R:** 22/22/31



**SITE DATA**

TOTAL SITE AREA: 11.813 ACRES  
 ZONING: PD  
 FUTURE LAND USE: PD-C/MDR (STUDENT HOUSING)  
 PROPOSED USE: STUDENT HOUSING  
 PROPOSED UNITS: 151 (602 BEDS/4 UNITS PER BED = 151)  
 NUMBER OF BEDS: 602  
 MAXIMUM BUILDING HEIGHT: 5 STORIES/50 FEET  
 PROPOSED BLDG HEIGHT: 5 STORIES/50 FEET (PARKING DECK)  
 SEE BUILDING ELEVATIONS

**GROSS DENSITY CALCULATION**  
 DEVELOPABLE AREA: 11.813 ACRES  
 DWELLING UNITS: 151 UNITS  
 151 UNITS / 11.813 ACRES = 13.00 UNITS/ACRE

**SETBACKS (MULTI-FAMILY) BUILDING**  
 PD PERMETER: 25 FT  
 SIDE: 25 FT  
 REAR: 25 FT  
 STATE ROAD 50: 30 FT

**REQUIRED PARKING**  
 1 SPACE PER 1 BED:  
 0.5 x 602 = 301 SPACES  
 TOTAL PARKING SPACES REQUIRED: 602 SPACES

**PROVIDED PARKING**  
 REGULAR SPACES: 138 SPACES  
 GARAGE SPACES: 52 SPACES  
 TANDEM SPACES: 40 SPACES  
 PARKING DECK SPACES: 331 SPACES  
 COMPACT SPACES: 34 SPACES  
 HANDICAP SPACES: 14 SPACES  
 TOTAL SPACES PROVIDED: 609 SPACES  
 \*DOES NOT INCLUDE 22 SPACES FOR CHILD'S USE

**OPEN SPACE SUMMARY**

MINIMUM OPEN SPACE CALCULATION: 11.813 AC X 0.25 = 2.95 AC (126,466 S.F.)  
 CATEGORY B ALLOWABLE (50% OF TOTAL OPEN SPACE REQUIRED): 1.45 AC  
 CATEGORY C ALLOWABLE (50% OF TOTAL OPEN SPACE REQUIRED): 1.45 AC  
 CATEGORY B/C COMBINED ALLOWABLE (75% OF TOTAL OPEN SPACE REQUIRED): 2.18 AC

**PROVIDED OPEN SPACE**  
 CATEGORY A: 3.02 AC  
 CATEGORY B: 0.84 AC  
 CATEGORY C: 0.00 AC  
 TOTAL: 3.86 AC

**IMPERVIOUS CALCULATIONS**

MAXIMUM ALLOWABLE IMPERVIOUS AREA (70%): 8.13 AC  
 BUILDING AREA: 3.44 AC  
 ASPHALT AREA: 3.08 AC  
 CONCRETE AREA: 1.13 AC  
 TOTAL IMPERVIOUS AREA: 7.65 AC (85.95%)

**REQUIRED PARKS AND RECREATION:**

2.1 PEOPLE PER MULTI-FAMILY UNIT (2.1\*151 UNITS) = 317 POPULATION  
 2.5 ACRES/1000 PROJECTED POPULATION

317  
 1000 x 2.5 = 0.79 ACRES  
 0.79 ACRES OF PARKS AND RECREATION ARE PROPOSED WITH THIS DEVELOPMENT.

CLUBHOUSE: 0.15 AC  
 ACTIVE RECREATION AREA (R): 0.51 AC  
 PASSIVE RECREATION AREA (R): 0.13 AC  
 TOTAL PROVIDED AREA: 0.79 AC

**REQUIRED BICYCLE PARKING:**

2 SPACES FOR 10 PARKING SPACES +  
 1 SPACE PER 10 PARKING SPACES OVER 10: 81 SPACES  
 (2 + 802/10 = 81)  
 BICYCLE PARKING PROVIDED: 81 SPACES

**PHASING**

THIS PROJECT WILL BE CONSTRUCTED IN ONE (1) PHASE.

**ON-SITE VEGETATION:**

THE SITE IS AN EXISTING COMMERCIAL DEVELOPMENT.

**STORMWATER MANAGEMENT**

THERE IS AN EXISTING MASTER STORM WATER MANAGEMENT FACILITY, LOCATED ON THE NORTH SITE OF THE PROPERTY.

**FLOOD ZONE**

BASED ON FEMA FLOOD MAP 1209500220F, DATED SEPTEMBER 23, 2009 SHOWS THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X AREAS OUTSIDE THE FLOODPLAIN.

**SITE LIGHTING**

ALL EXTERIOR SITE LIGHTING SHALL COMPLY WITH LIGHTING ORDINANCE 2003-08 AND ALL CURRENT APPLICABLE ORANGE COUNTY STANDARDS.

**LANDSCAPING**

ALL LANDSCAPING SHALL MEET OR EXCEED THE REQUIREMENTS OF CHAPTER 24 OF THE ORANGE COUNTY LAND DEVELOPMENT CODE. SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION.

**SIGNAGE**

POLE SIGNS AND NEW BILLBOARDS SHALL BE PROHIBITED. GROUND AND FASCIA SIGNS SHALL COMPLY WITH CHAPTER 31.5 OF THE ORANGE COUNTY CODE.

**FIRE PROTECTION:**

FIRE HYDRANTS SHALL BE INSTALLED SO THE DESIGN AND CALCULATIONS MEET THE REQUIREMENTS OF FPFC 6TH EDITION (NFPA 1 AND 101 2015 EDITION).

**VERTICAL DATUM:**

BENCHMARKS ARE BASED ON ORANGE COUNTY BENCHMARKS 1986 DATUM  
 FOOT BENCHMARK 750366 PUBLISHED ELEVATION = 83.828

**UTILITY SERVICE**

ORANGE COUNTY UTILITIES SHALL NOT OWN, OPERATE, OR MAINTAIN THE ON-SITE WASTEWATER AND WATER.

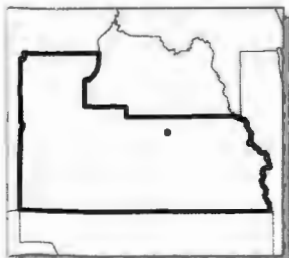
PRIOR TO CONSTRUCTION PLAN APPROVAL, HYDRAULIC CALCULATIONS WILL BE SUBMITTED SHOWING THAT THE PROPOSED WATER, WASTEWATER AND RECLAIMED WATER SYSTEMS HAVE BEEN SIZED TO SUPPORT THE ENTIRE PROJECT.

**GENERAL NOTES:**

1. ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING THE APPROVAL OF FINAL CONSTRUCTION PLANS.
2. SEE SHEET DP2.0 FOR DRAINAGE DETAILS AND SHEET DP3.0 FOR WATER AND SEWER DETAILS.
3. DURING CONSTRUCTION, WHEN COMBUSTIBLES ARE BROUGHT ON TO THE SITE, ACCESS ROADS AND A SATISFACTORY TEMPORARY OR PERMANENT SUPPLY OF WATER ACCEPTABLE TO THE FIRE DEPARTMENT SHALL BE PROVIDED AND MAINTAINED PER CHAPTER 16, NFPA 1 2012 EDITION (FPFC 5TH EDITION).
4. THE DEVELOPER SHALL OBTAIN WATER AND WASTEWATER SERVICE FROM ORANGE COUNTY UTILITIES. ORANGE COUNTY WILL NOT OWN, OPERATE OR MAINTAIN THE ON-SITE PRIVATE WATER AND WASTEWATER SYSTEMS. FIRE FLOWS AND HYDRANT INFORMATION SHOWN ON THE PLANS SHALL BE COORDINATED WITH ORANGE COUNTY FIRE RESCUE. THE SIZE, LOCATION AND POINTS OF CONNECTION FOR WATER AND WASTEWATER MARKS SHALL BE FINALIZED AT TIME OF CONSTRUCTION PLAN REVIEW.
5. IN ACCORDANCE WITH SECTION 38-1227, ANY VARIATIONS FROM COUNTY CODE MINIMUM STANDARDS REPRESENTED ON THIS PLAN THAT HAVE NOT BEEN EXPRESSLY APPROVED BY THE BCC ARE INVALID.
6. ANY FUTURE DEVELOPMENT WITHIN THE BOUNDARIES OF THIS DEVELOPMENT PLAN WILL REQUIRE THIS DEVELOPMENT PLAN TO BE UPDATED.
7. ANY MISCELLANEOUS GARBAGE, WASTE AND CONSTRUCTION DEBRIS OR DEMOLITION DEBRIS, OR WASTE MATERIAL FOUND ON SITE DURING CLEARING AND GRADING SHALL BE PROPERLY DISPOSED OF OFF-SITE, ACCORDING TO THE SOLID WASTE AND HAZARDOUS WASTE REGULATIONS. USE CAUTION IF ANY HAZARDOUS WASTE IS PRESENT. CALL THE ORANGE COUNTY SOLID WASTE HOTLINE AT 407-836-8601 FOR INFORMATION.
8. BICYCLE PARKING TYPE/SIZE AND DESIGN SHALL COMPLY WITH SECTION 38-1408
9. DEVELOPMENT OF THE SUBJECT PROPERTY SHALL COMPLY WITH ALL STATE AND FEDERAL REGULATIONS REGARDING WILDLIFE AND PLANTS LISTED AS IMPERILED SPECIES (ENDANGERED, THREATENED, OR SPECIES OF SPECIAL CONCERN). THE APPLICANT IS RESPONSIBLE TO DETERMINE THE PRESENCE OF THESE CONCERN AND TO VERIFY AND OBTAIN, IF NECESSARY, ANY REQUIRED HABITAT PERMITTING OF THE U.S. FISH AND WILDLIFE SERVICE (USFWS) AND THE FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION (FWC).
10. ALL GATES SHALL BE A MINIMUM OF 20-FEET WIDE AND EQUIPPED WITH CLICKCENTER SENSOR WITH A BATTERY BACK-UP.
11. THIS SITE IS LOCATED WITHIN THE EDGEMOODHATCHEE RIVER PROTECTION ORDINANCE AREA. BASIN-WIDE REGULATIONS MAY APPLY. REFERENCE CHAPTER 15 ARTICLE X.
12. STABILIZED FIRE LANE ACCESS SHALL BE DELINEATED WITH PROPER SIGNAGE.
13. AGREEMENT OF CROSS EASEMENT FOR INGRESS AND EGRESS IS RECORDED IN OFFICIAL RECORDS BOOK 3821, PAGE 4857 WITH AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4250, PAGE 1454 AND AFFIDAVIT RECORDED IN OFFICIAL RECORDS BOOK 4332, PAGE 4382 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
14. DECLARATION OF RESTRICTIONS AND EASEMENTS AND AMENDMENTS ARE RECORDED IN ORB 4154, PAGE 4819, ORB 4377, PAGE 3052 AND ORB 4377, PAGE 1123 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FL.







# Burlington PD / The Cottages at Alafaya DP Case # DP-19-08-263



Parcels	Subject Property	Jurisdiction	Hydrology
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1 : 2,400  
1 in : 200 ft