



Interoffice Memorandum

DATE: July 29, 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
Planning Division
(407) 836-5523

Eric P. Raasch,
Jr., AICP

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Raasch, Jr., AICP
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SUBJECT: August 11, 2020 – Public Hearing
Jim Hall, Hall Development Services, Inc.
University Planned Development
Case # CDR-19-07-242 / District 5

The University Planned Development (PD) was originally approved by the Board in 1988 and currently allows for the development of 691 multi-family dwelling units on Tract A and 228 multi-family dwelling units on Tract B.

Through this PD substantial change, the applicant is seeking to create new Tract C from existing Tract A, and to add entitlements for 25,000 square feet of C-1 (Retail Commercial District) uses on the portion of the property that is designated Commercial on the Future Land Use Map. A community meeting was not required for this request.

On May 27, 2020, the Development Review Committee (DRC) recommended approval of the request, subject to conditions.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the University Planned Development / Land Use Plan (PD/LUP), dated "Received June 29, 2020" subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

Attachments
JVW/EPR/nt

CASE # CDR-19-07-242

Commission District: # 5

GENERAL INFORMATION

APPLICANT Jim Hall, Hall Development Services, Inc.

OWNER AC Properties 5, LLC

PROJECT NAME University Planned Development (PD)

PARCEL ID NUMBER(S) 08-22-31-0000-00-009 (affected parcel only)

TRACT SIZE 61.97 gross acres (overall PD)
1.97 gross acres (affected parcel only)

LOCATION Generally located South of University Boulevard / East of Dean Road

REQUEST A PD substantial change to create new Tract C from existing Tract A and to add entitlements for 25,000 square feet of C-1 (Retail Commercial District) uses.

PUBLIC NOTIFICATION A notification area extending beyond one thousand (1,000) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred thirty eight (438) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this request.

IMPACT ANALYSIS

Special Information

The University PD was originally approved by the Board of County Commissioners (BCC) in 1988 and currently allows for the development of 691 multi-family dwelling units on Tract A and 228 multi-family dwelling units on Tract B.

Through this PD Change Determination Request (CDR), the applicant is seeking to create new Tract C from existing Tract A, and to add entitlements for 25,000 square feet of C-1 (Retail Commercial District) uses on the portion of the property that is designated Commercial (C) on the Future Land Use Map.

Land Use Compatibility

The PD Change Determination Request would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

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

Transportation Concurrency

There are multiple failing segments within the impact area. A traffic study and a proportionate share may be required. University Boulevard, from Semoran Boulevard to Alafaya Trail, is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multi-modal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multiuse paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (May 27, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the University Planned Development / Land Use Plan (PD/LUP), dated "Received June 29, 2020", subject to the following conditions:

1. Development shall conform to the University Planned Development (PD) dated "Received June 29, 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 June 29, 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 state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
7. Short term/transient rental is prohibited. Length of stay shall be for a consecutive 180 days or greater within the Tracts designated as residential use. Length of stay for lodging uses shall not exceed 179 days within Tract C designated as commercial use.
8. Outside sales, storage, and display shall be prohibited.
9. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code, and the approved Master Sign Plan.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 18, 2019 shall apply:
 - a. The following Education Condition of Approval shall apply:

- 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 9, 2019.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - 5) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- b. The applicant shall dedicate 10-feet of road right-of-way for University Boulevard via plat or separate conveyance instrument.
- c. The following waivers from Orange County Code are granted:
- 1) A waiver from section 38-1254(1) to allow for a minimum 10' PD perimeter setback along the northwest property line of Tract B, in lieu of the 25' required setback.
 - 2) A waiver from section 38-1254(2) to allow for a 25' building setback along the west boundary of Tract B, in lieu of the 50' building setback required for arterial streets (Dean Road).
 - 3) A waiver from section 31.5-73(a) to allow for a sign stating the name of the multifamily development on Tract A to be erected outside of the Tract, on Tract B.

- 4) A waiver from section 31.5-73(a) to allow for a sign stating the name of the multifamily development on Tract b to be erected outside of the Tract, on Tract A.
 - 5) A waiver from section 31.5-67(g) to allow for a sign setback of 9.7 feet (min) from University Boulevard, in lieu of the required 10 feet setback and a 0.8 feet setback from the internal property line, in lieu of the required 10 feet setback (for Tracts A & B).
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 20, 2016 shall apply:
- a. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
 - b. The necessity for a left turn lane off Dean Road into the project will be evaluated with the review of the DP for this project.
 - c. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - d. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
 - e. The Developer shall obtain water and wastewater service from Orange County Utilities.
 - f. 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. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 21, 1989 and August 22, 1988 shall apply:
- a. Building setbacks for one (1) and two (2) story structures shall be 25 feet from all property boundaries, or from right-of-way lines as established on right-of-way reservation map. Buildings in excess of (2) two stories shall have a minimum 150 foot setback from all property boundaries, except where abutting commercial.
 - b. A six (6) foot masonry wall shall be provided on the eastern, western, and southern property boundaries of the site, except where adjacent to similarly

zoned property. Landscape buffer or wall shall be provided along University Boulevard except within Tract C.

- c. This approval will not preclude Orange County from requesting or requiring that the developer accept phasing of the project as indicated by the Alafaya Trail Traffic Study, authorized by the Orange County Commission on May 2, 1988. Inclusion of this condition will not preclude the developer from objecting to the imposition of any phasing requirement on this project.

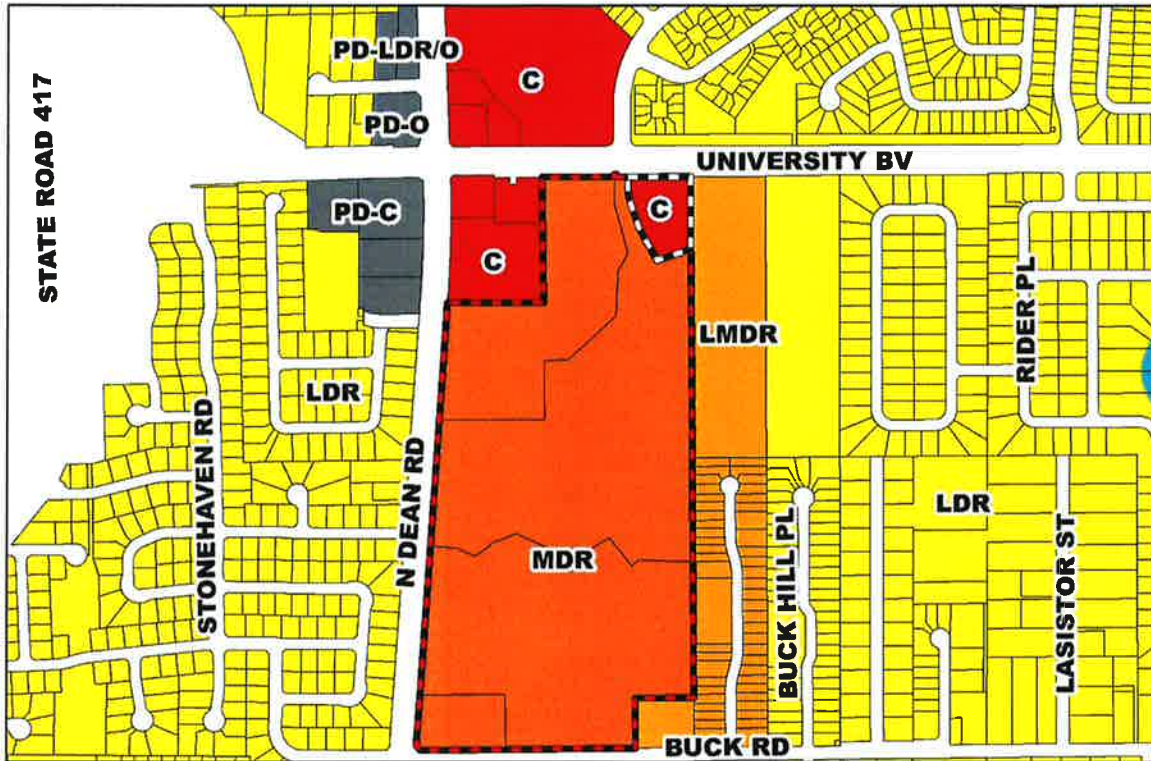
This condition shall not impair the developer or his successors from proceeding with this project prior to a final determination with respect to any phasing requirements.

- d. The applicant shall preserve the trees in the oak hammock, located in the southwestern portion of the project, to the greatest extent practical.
- e. There shall be no access onto Buck Road. There will be three accesses onto Dean Road and two accesses onto University Boulevard with one of the access points being a joint access with the property to the east.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 18, 2019)

Upon a motion by Commissioner Bonilla, seconded by Commissioner Siplin, and carried by all members present voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and approved the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the staff report; and further, deleted Condition of Approval #12d; and further, approved a modification to Condition of Approval #12.e.

CDR-19-07-242



Subject Property



Subject Property

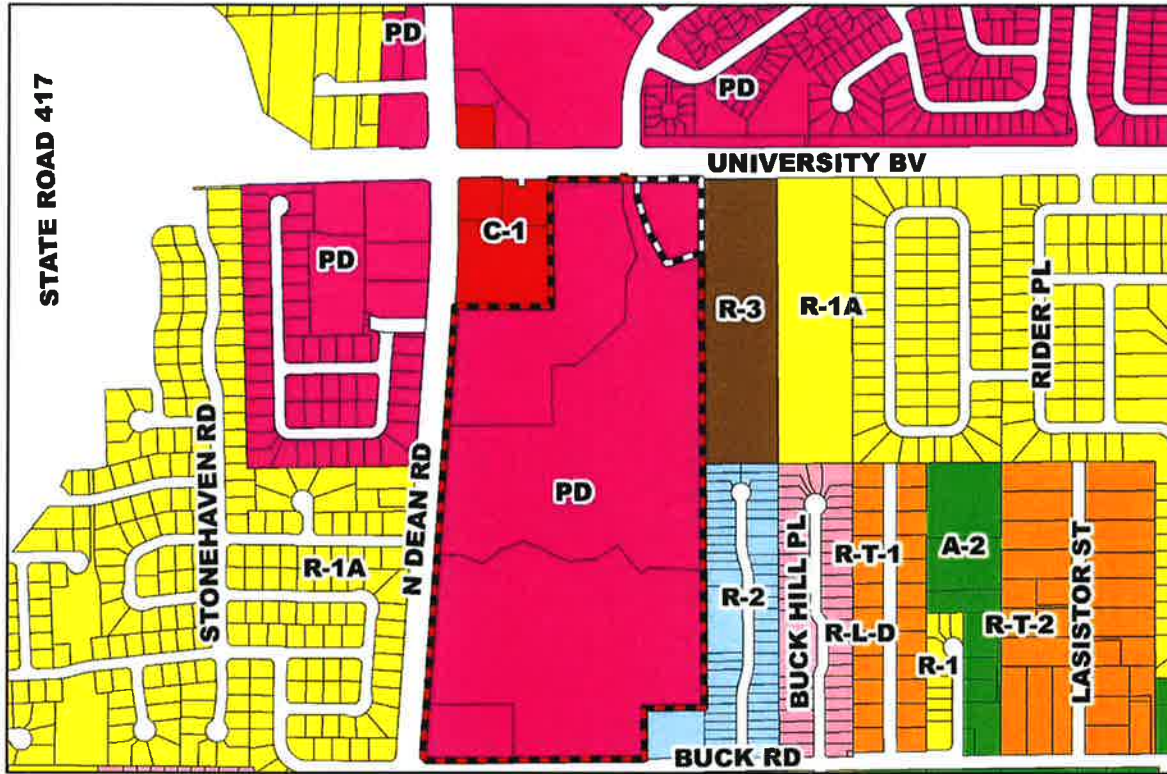
Future Land Use Map

FLUM: Commercial (C)
APPLICANT: Jim Hall, Hall Development Services, Inc.
OWNER: AC Properties 5, LLC
LOCATION: Generally located South of University Boulevard / East of Dean Road
TRACT SIZE: 1.97 gross acres (affected parcel only)
DISTRICT: # 5
S/T/R: 08/22/31

1 inch = 667 feet



CDR-19-07-242



Subject Property

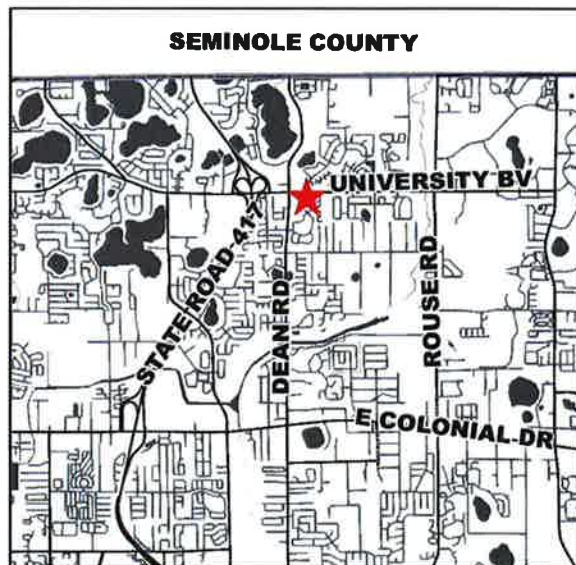


Subject Property

Zoning Map

ZONING: PD (Planned Development District)
APPLICANT: Jim Hall, Hall Development Services, Inc.
OWNER: AC Properties 5, LLC
LOCATION: Generally located South of University Boulevard / East of Dean Road
TRACT SIZE: 1.97 gross acres (affected parcel only)
DISTRICT: # 5
S/T/R: 08/22/31

1 inch = 667 feet



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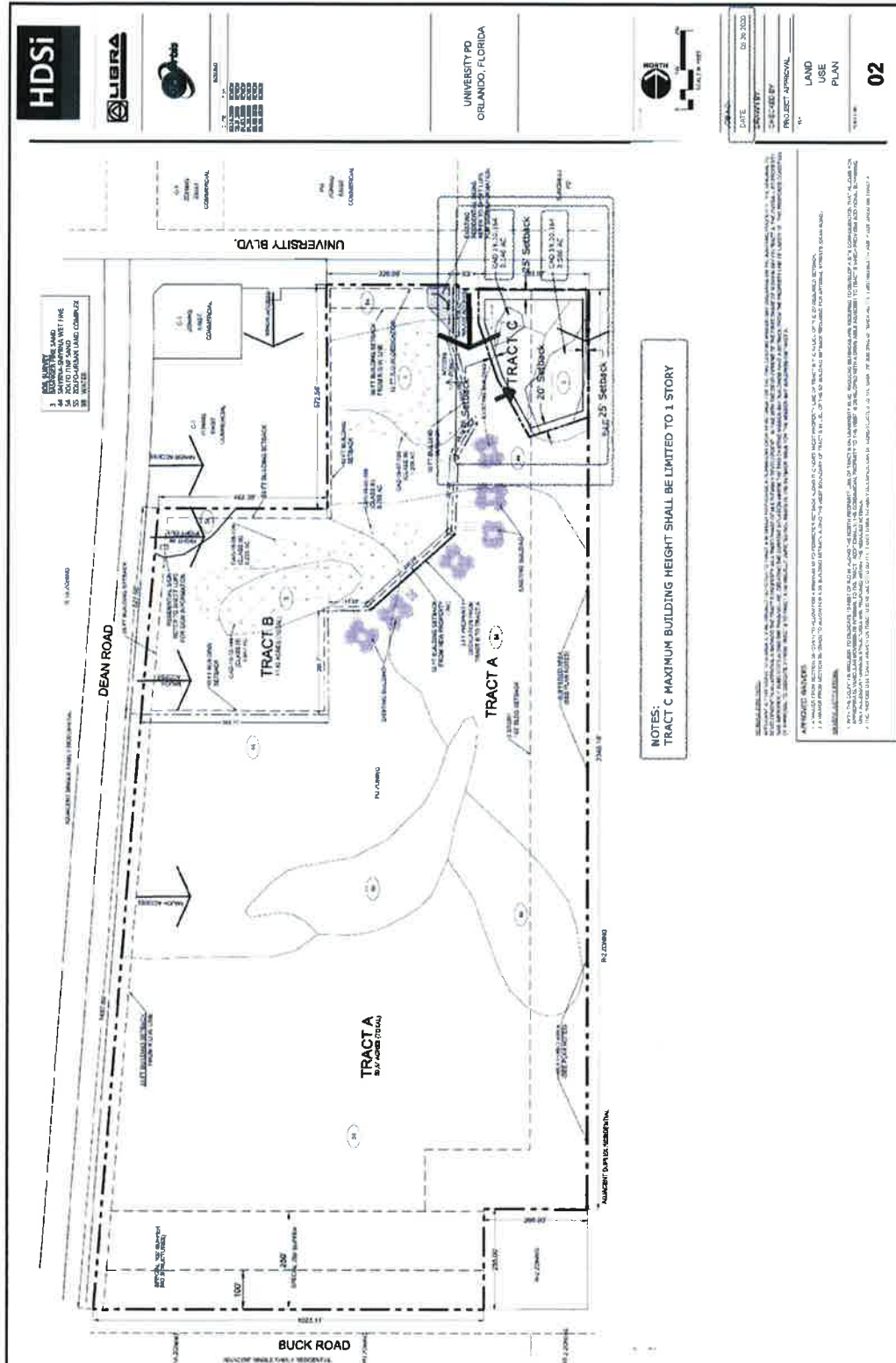


 Subject Property
 Overall PD



1 inch = 500 feet

University PD / LUP



HDSI
LIBRA

DATE	DESCRIPTION
08/11/2020	FINAL
08/11/2020	REVISION
08/11/2020	REVISION
08/11/2020	REVISION
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UNIVERSITY PD
 ORLANDO, FLORIDA

UNIVERSITY PD
ORLANDO, FLORIDA

DATE	DESCRIPTION
08/11/2020	FINAL
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NOTES:
 TRACT C MAXIMUM BUILDING HEIGHT SHALL BE LIMITED TO 1 STORY

APPROVED MANAGES
 1. A MANAGED TRACTOR IS DEFINED AS A TRACTOR THAT IS OPERATED BY AN INDIVIDUAL WHO IS NOT THE OWNER OF THE TRACTOR AND WHO IS NOT A MEMBER OF THE OPERATOR'S IMMEDIATE FAMILY.

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