



Interoffice Memorandum

November 20, 2024

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

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

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

SUBJECT: December 17, 2024 – Public Hearing
Applicant(s): Kristina Belt, Kimley-Horn & Associates, Inc.
Project Name: Collegiate Village Planned Development (PD)
Project No.: CDR-24-05-111 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 6, 2024, to approve the Change Determination Request (CDR) to the Collegiate Village Planned Development (PD). The subject property consists of 0.82 acres and is generally located south of University Boulevard and west of Alafaya Trail. This CDR seeks to request one waiver from Orange County Code to allow for a reduction in building setback along University Boulevard from 30 feet from the property line to 20 feet from the property line for Lot 1. The proposed setback waiver is requested to accommodate the required porte-cochere which will extend over the drive-thru lanes of a new quick service restaurant. Additionally, the waiver will accommodate a decorative screen wall that will shield the view of the proposed drive-thru from University Boulevard for the proposed restaurant structure.

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

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the amendment to the Collegiate Village Planned Development (PD) (CDR-24-05-111) dated "Received October 14, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

Attachments
TW/JCK/mr

CASE # CDR-24-05-111

Commission District: #5

GENERAL INFORMATION

APPLICANT Kristina Belt, Kimley-Horn & Associates, Inc.

OWNER DRE-12025 Collegiate Way, LLC

PROJECT NAME Collegiate Village Planned Development (PD)

PARCEL ID NUMBER 09-22-31-1494-00-010 (affected parcel)

TRACT SIZE 52.97 acres (overall PD)
0.82 acres (affected parcel)

LOCATION South of University Boulevard / West of Alafaya Trail

REQUEST The following waiver is requested from Orange County Code:

1. A waiver is requested from Orange County (Sec. 38-1272 - setbacks) to allow for a reduction in building setback along University Boulevard from 30' from the property line to 20' from the property line for Lot 1.

Applicant Justification: A proposed screen wall that is connected to a proposed porte cochere attached to the building is provided along University Boulevard. The structure will be 20' from the property line therefore is within the building setback. The screen wall and porte cochere will obscure visibility of the drive-thru from University Boulevard and carries architectural and aesthetic elements from the principal building.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 800 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Sixty-nine (69) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Collegiate Village PD contains approximately 52.97 gross acres and allows for commercial, student housing, and hotel uses. Through this Change Determination Request (CDR) to the PD, the applicant is proposing a waiver to reduce the Lot 1 setback along University Boulevard from 30 feet to 20 feet. The existing quick service restaurant with drive-thru on Lot 1 will be demolished and will be replaced with a new quick service restaurant with drive-thru. The proposed setback waiver is being requested to accommodate the required porte-cochere which will extend over the drive-thru lanes of a new quick service restaurant. The is also proposing a decorative screen wall that will act as a pseudo façade for the proposed restaurant structure. The purpose of the wall is to shield the view of the proposed drive-thru from University Boulevard, but as the wall would be within the current 30-foot setback, it also requires the requested setback waiver.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) on the Future Land Use Map. The Collegiate Village (aka Tech Properties) PD was originally approved in 1972 prior to the adoption of the Comprehensive Plan. The proposed Change Determination Request (CDR) is therefore consistent with the designation and a Comprehensive Plan Amendment is not necessary. The request therefore appears to be consistent with the Comprehensive Plan.

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

The Orange County Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.

Transportation Planning

This CDR request for an waiver to revise the building setback will not trigger the transportation concurrency requirements via a Capacity Encumbrance Letter (CEL) application.

Community Meeting Summary

A community meeting was not required for this case.

Schools

Orange County Public Schools (OCPS) staff has reviewed the proposed request and 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 – (November 6, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Silver City Properties PD dated "Received October 14, 2024", subject to the following conditions:

1. Development shall conform to the Collegiate Village Planned Development (PD) dated "Received October 14, 2024," 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 October 14, 2024," 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 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, as may be amended, 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
9. Billboards and new pole signs shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5, where applicable and as may be amended.
10. Outdoor sales, storage, and display shall be prohibited.
11. A screen wall shall be provided between University Blvd and the north elevation of the building, obscuring the view of the drive-through, consisting of a maximum overall height of 20 ft. and a maximum knee wall height between 3.5 ft to 4 ft tall with multiple wall openings provided. Materials within this screen wall shall be consistent with those materials proposed on the principal structure. The screen wall shall feature varied horizontal roof planes.
12. A waiver from Orange County (Sec. 38-1272 - setbacks) is granted to allow for a reduction in building setback along University Blvd from 30' from the property line to 20' from the property line for Lot #1.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 28, 2020, shall apply:
 - a. The required road right-of-way and/or easements shall be conveyed to the County via separate instrument prior to Construction Plan Approval.
 - b. The following waivers from Orange County Code are granted:
 1. A waiver from Section 38-1476(a) to allow for a reduction in parking requirements for student housing to 0.9 spaces per bedroom, in lieu of 1 space per bedroom.
 2. A waiver from Section 38-1254 to allow a setback of 10 feet, in lieu of a setback of 40 feet from Alafaya Trail right-of-way.

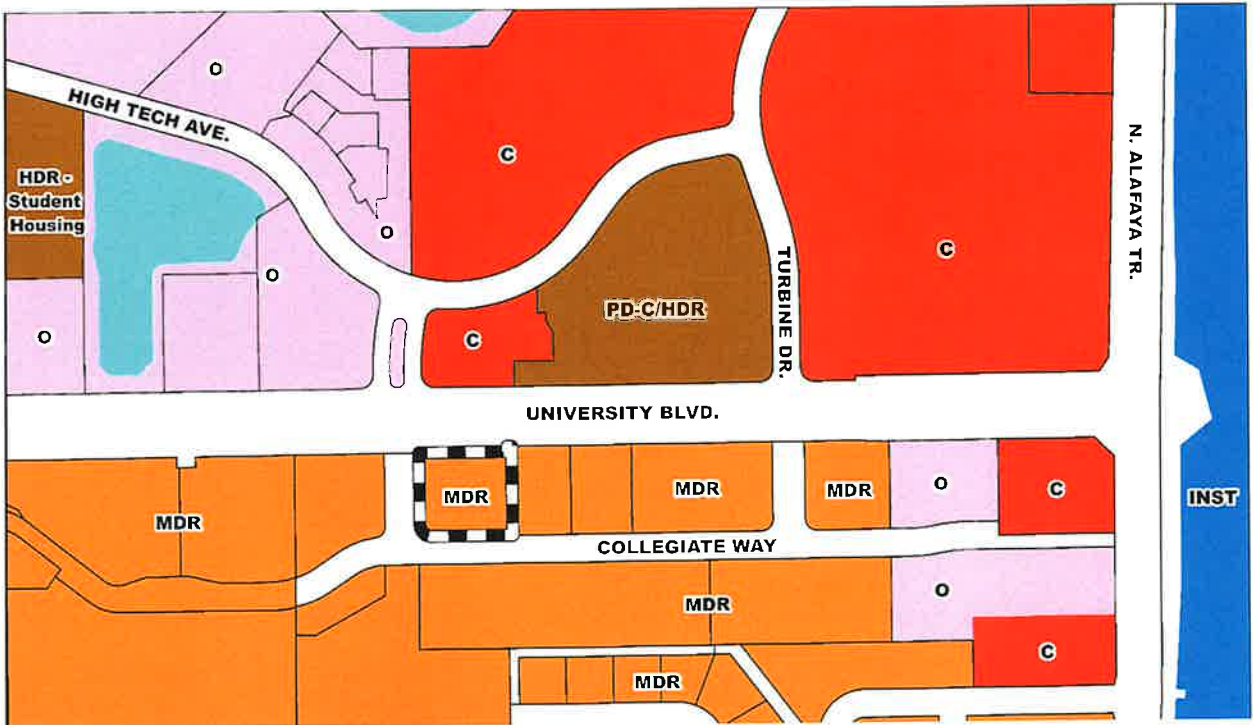
DRC Staff Report
Orange County Planning Division
BCC Hearing Date: December 17, 2024

3. A waiver from Section 38-1253(b) to allow a reduction in required recreational space to 1.25 acres per one thousand (1,000) projected population, in lieu of 2.5 acres per one thousand (1,000) projected population.
 - c. The dimensions, materials, landscaping, and aesthetics shown on Exhibits 2 and 3 submitted by David Simmons at the July 28, 2020 Orange County Board of County Commissioners hearing shall be the same or better than those shown thereon.
 - d. The Collegiate Village PD shall not change the historic volume of or historic drainage carried by the drainage easement located in the "Parcel Strip A" as shown on the Land Use Plan.
 - e. The foregoing conditions shall run with the land and be binding upon the owners, developers, lessees, and their respective successors in interest of the real property that is legally described in the Land Use Plan 19-11-394.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 4, 2019, shall apply:
 - a. The following waivers from Orange County Code are granted:
 1. A waiver from Section 38-1259(c) to allow a total of 1,800 beds of student housing, in lieu of 750 bedrooms for Parcel 1, Lots 6 and 6A, and Collegiate Village Inn.
 2. A waiver from Section 38-1258(d) and 38-1259(h) to allow a maximum building height up to 100' for student housing, in lieu of a maximum building height of 40' (3-stories) for Parcel 1, Lots 6 and 6A, and Collegiate Village Inn.
 3. A waiver from Section 38-1476(a) to allow for a reduction in parking requirements for commercial / retail development to 3.6 spaces, in lieu of 5 spaces per 1,000 square feet of gross floor area for Lots 7, 8, & 9 and commercial development that may be a part of Lot 6 and / or Collegiate Village Inn.
 4. A waiver from Section 38-1501 to allow container stores to be a minimum of 160' square feet in lieu of 500 square feet for Lots 7, 8, & 9.
 5. A waiver from Section 38-79(87) to allow multiple food vendors to operate as described in the paseo programming on Sheet 4.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 20, 2016, shall apply:

- a. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater system has been designed to support all development within the PD.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 6, 2009, shall apply:
- a. All acreages regarding 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 permit any proposed conservation impacts.
 - b. The (Covenants, Conditions, and Restrictions) CC&Rs for senior housing shall include language that at least one owner/resident shall be at least 55 years of age or older, and in no case shall there be any residents 18 years or under. In the event this project becomes market rate housing, it shall be deemed a substantial change, and a Capacity Enhancement Agreement (CEA) and compliance with school concurrency may be required.
 - c. A waiver from Section 38-1272(5) is granted to allow a maximum building height of seventy-five (75) feet for the commercial and a maximum building height of one hundred fifty (150) feet for the office in lieu of fifty (50) feet.
 - d. A waiver from Section 38-1254(1) is granted to allow a reduction of the PD boundary setback to ten (10) feet in lieu of twenty-five (25) feet.
 - e. For Student Housing only, the following waivers are approved:
 - 1. A waiver from Section 38-1476 is granted to allow a reduction of parking spaces to one (1) space per bed in lieu of one and a quarter (1.25) spaces per bed.
 - 2. A waiver from Section 38-1259(d) is granted to allow for decorative fencing and/or landscaping with a two (2) to three (3) foot optional knee wall along the right-of-way in lieu of the required six (6) foot high masonry wall, brick wall, or block wall, along a right-of-way.
 - 3. A waiver from Section 38-1259(b) is granted to allow for a twenty-five (25) foot single-family separation with buffer, fence, or landscaping in lieu of four hundred (400) feet.
 - f. Vehicular access to and from the subject development shall be limited to emergency vehicles only from Socrates Drive and Khayyam Avenue.

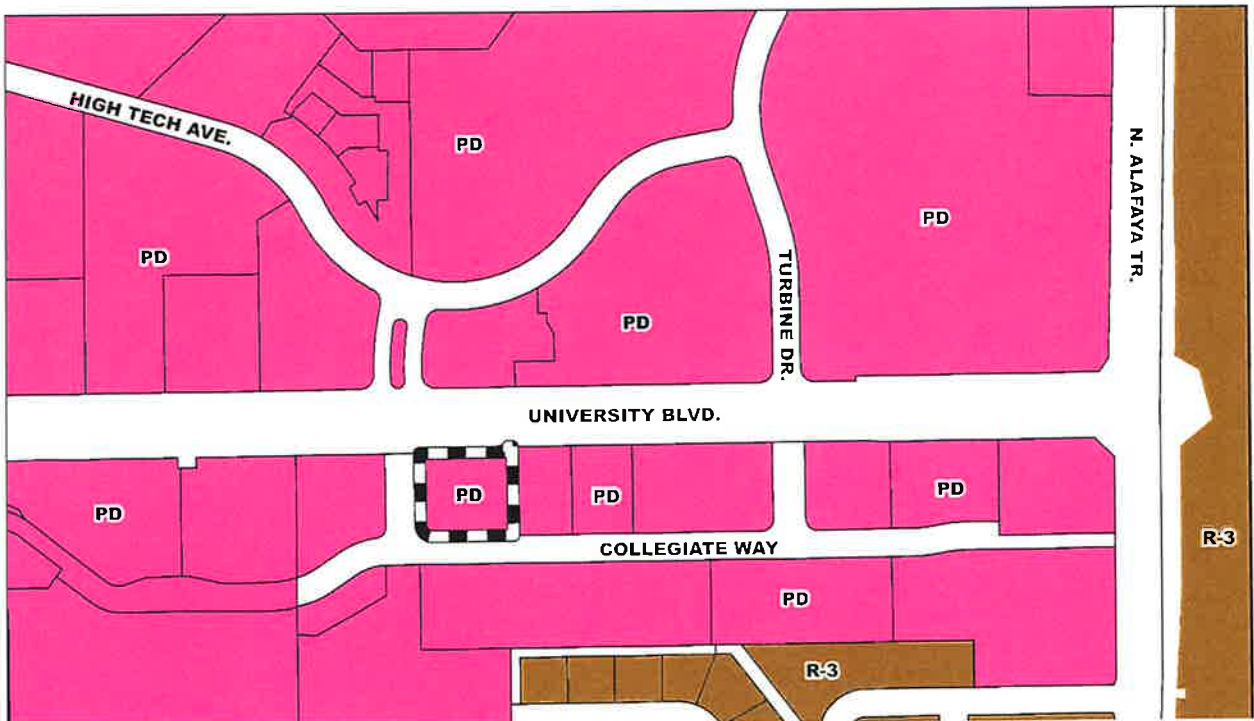
FUTURE LAND USE

Medium Density Residential (MDR)

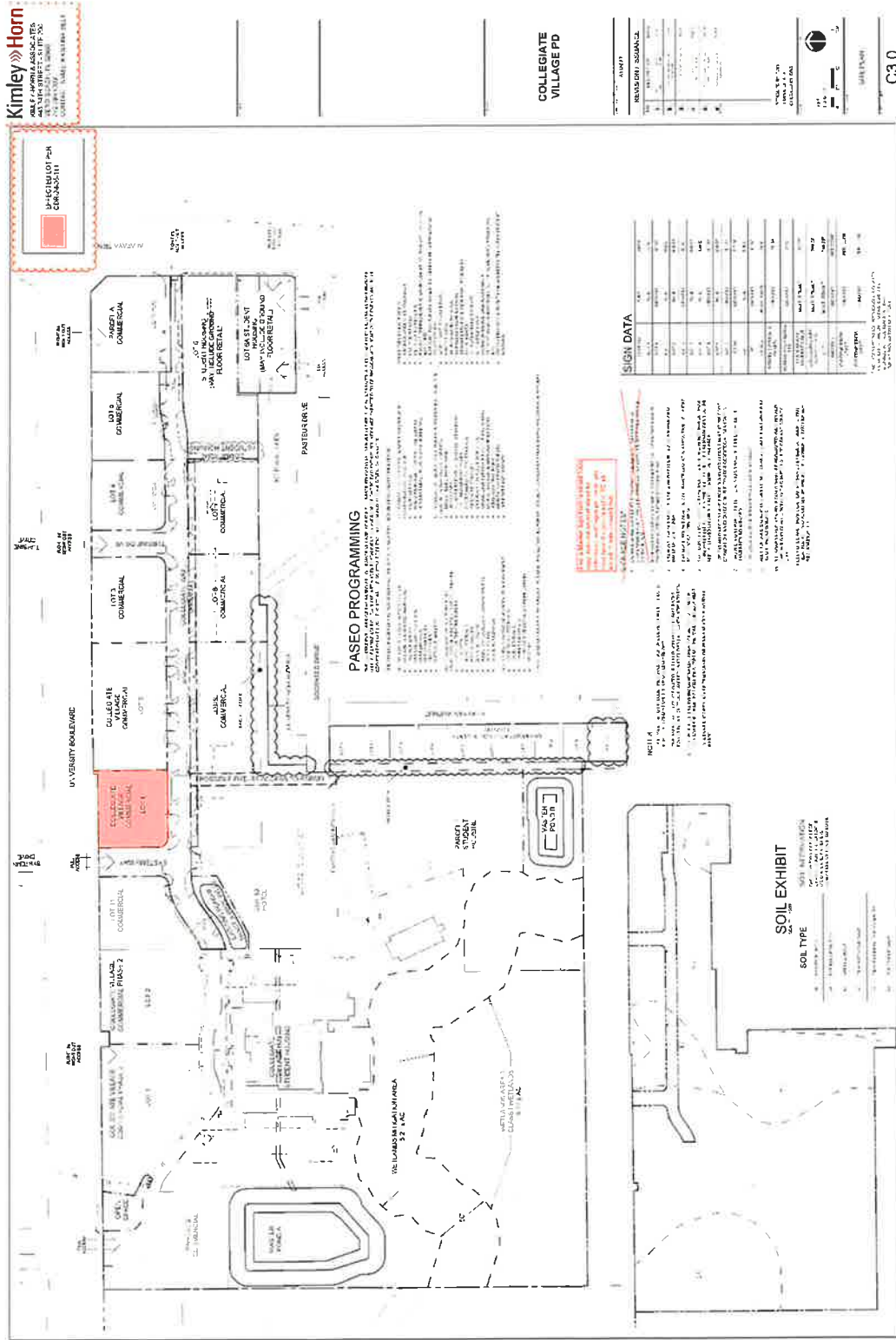


ZONING

PD (Planned Development District)



Land Use Plan

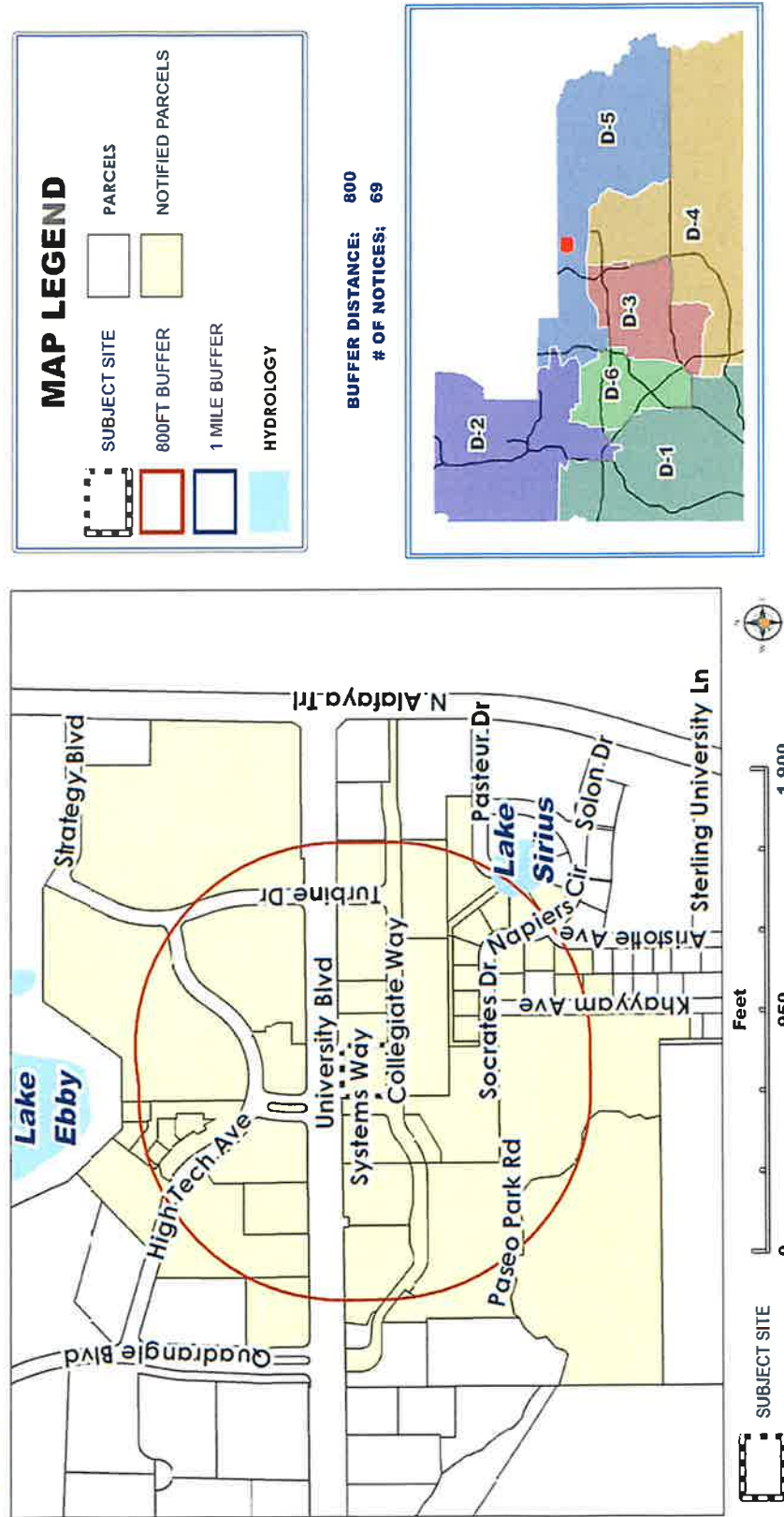


Notification Map



Public Notification Map

CDR-24-05-111



MAP LEGEND

- SUBJECT SITE (dashed black outline)
- 800FT BUFFER (red outline)
- 1 MILE BUFFER (blue outline)
- HYDROLOGY (light blue fill)
- PARCELS (thin black outline)
- NOTIFIED PARCELS (yellow fill)

BUFFER DISTANCE: 800
 # OF NOTICES: 69

