




Interoffice Memorandum

June 15, 2023

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

FROM: Timothy L. Boldig, Interim Director 
Planning, Environmental and Development
Services Department

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

SUBJECT: July 11, 2023 – Public Hearing
Applicant: Jonathan Martin, Kimley-Horn & Associates, Inc.
Fifty South Student Housing Planned Development / Fifty South
Student Housing Development Plan
Case # DP-23-01-003 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 24, 2023, to approve the Fifty South Student Housing Planned Development (PD) / Fifty South Student Housing Development Plan (DP) to construct a 139 unit / 556 bed student housing complex on a total of 3.63 acres. The request also includes offsite improvements to install a cul-de-sac at the corner of Crescent Boulevard and Cochin Street.

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 and approve the Fifty South Student Housing PD / Fifty South Student Housing DP dated "Received May 31, 2023", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/JK/lme
Attachments

CASE # DP-23-01-003
Commission District # 5

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee’s (DRC) meeting of May 24, 2023, to approve the Fifty South Student Housing Planned Development (PD) / Fifty South Student Housing Development Plan (DP) to construct a 139 unit / 556 bed student housing complex on a total of 3.63 acres.

2. PROJECT ANALYSIS

- A. Location: North of East Colonial Drive / East of Crescent Boulevard
- B. Parcel ID: 22-22-31-5749-00-010
- C. Total Acres: 3.63 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 – 0.5 Miles
- I. Proposed Use: 139 Student Housing Units / 556 Beds
- J. Site Data: Maximum Building Height: 75’ (5-stories)
Minimum Living Area: 500 Square Feet
Building Setbacks:
50’ Front
25’ Side
15’ Rear
10’ Side Street
- K. Fire Station: 80 – 1841 Bonneville Drive
- L. EPD: This site is located within the Econlockhatchee River Protection Ordinance Area. Native plant species shall be utilized in landscaping.

M. Transportation: Based on the Concurrency Management database (CMS) dated January 25, 2023, there are multiple failing roadway segments within the project's impact area. Alafaya Tr., from University Blvd. to Science Dr and Science Dr. to Colonial Dr., and from Colonial Dr., Woodbury Rd. to Lake Pickett Rd. and from Woodbury Rd, from Waterford to Colonial Dr. (3 segment(s)) are failing. This information is dated and subject to change.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned development- High Density Residential (PD-HDR) on the Future Land Use Map. LUP was approved concurrent with Small-scale amendment SS-22-01-103 at the October 25, 2022 BCC meeting. The proposed development plan is consistent the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Fifty South Student Housing PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Fifty South Student Housing Planned Development; Orange County Board of County Commissioners (BCC) approvals; Fifty South Student Housing Development Plan dated "Received May 31, 2023"; 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. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Development plan (DP) approval by the DRC (or 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.

8. 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.
9. 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.
10. In accordance with Orange County Code, Chapter 30, Article VIII, Division 2, Section 30-280(e) of the Orange County Site Development Ordinance, the applicant shall submit a Stormwater Facility Operations and Maintenance (O&M) Plan. The submittal of a proposed O&M plan shall be required prior to final approval of the project and prior to the initiation of any construction activities. O&M of all constructed stormwater management facilities shall be the owner's responsibility unless maintenance of the facility is conveyed to and accepted by the county or by another entity that has been given the O&M responsibility through an easement or other legal conveyance. For stormwater facilities not being dedicated to Orange County, the submittal of a proposed O&M Plan shall contain, at a minimum, the following information: 1) a schedule for mowing stormwater ponds, including around structures, 2) a schedule for algae control for wet bottom ponds, 3) a schedule for disking dry ponds, 4) a schedule for inspection of pipes, underdrains, control structures, pond slopes, and any other permitted stormwater management control or conveyance structures, 5) a method for identifying and repairing or replacing damaged structures or eroded pond banks, and, 6) additional requirements as necessary to address specific site conditions related to land use, soil conditions, water table, annual rainfall, and the age of the system.
11. Per Section 38-1259 (e) Student Housing (Pedestrian Safety ADA Ordinance) a Mobility Plan is required to be submitted with the DP. Please see MuniCode Ordinance 2020-30 adopted 10/13/20 for the Mobility Plan requirements pages 62-63. (e) The development plan for all student housing projects shall include a mobility plan submitted to the Transportation Planning Division and a community/site design plan for crime prevention through environmental controls submitted to the Planning Division that is consistent with the Crime Prevention through Environmental Design ("CPTED") Manual used by the International CPTED Association and Florida CPTED Network. The student housing mobility plan shall describe and depict pedestrian and bicycle systems and facility needs

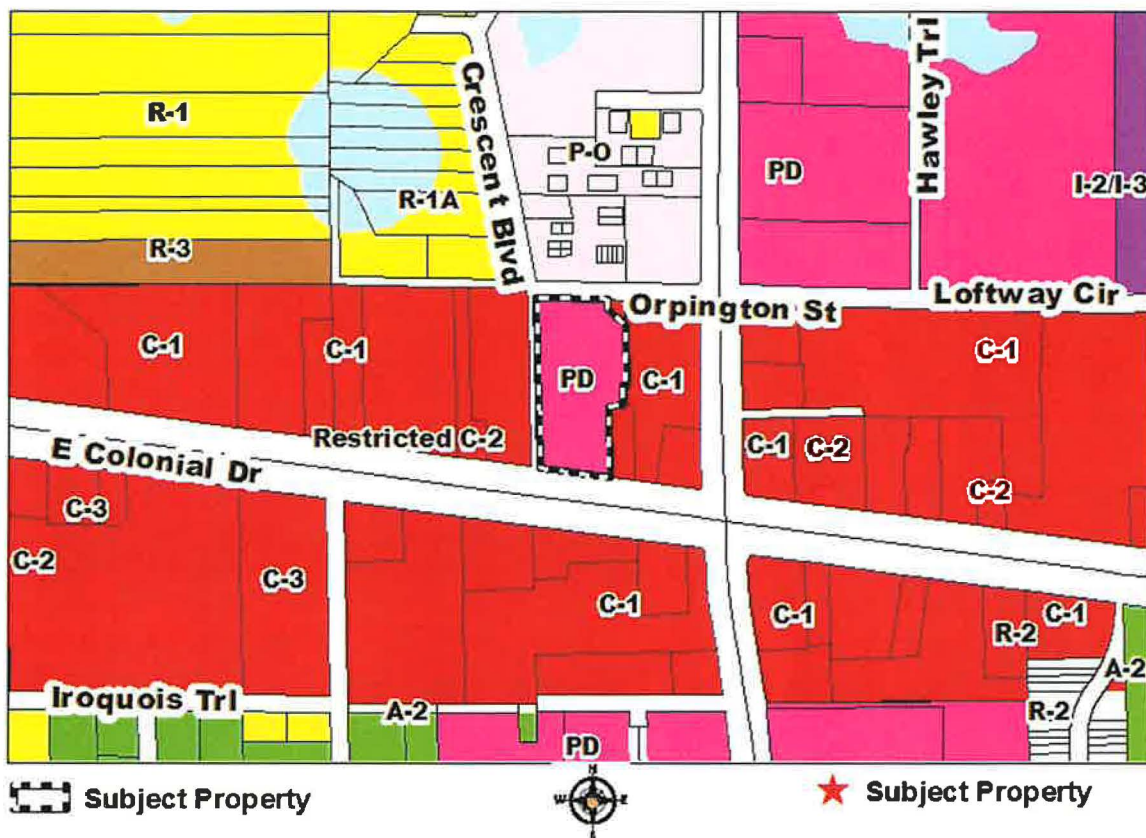
consistent with this section, transit service and facility needs, university and County coordination measures that will be implemented by the developer to manage transportation demand and promote pedestrian and bicycle safety, and designation of appropriate space within the development for carsharing, bike sharing, and electric car charging stations, as they may be implemented within the university area. The student housing mobility plan also shall describe and depict the pedestrian and bicycle safety features cross-sections, marked and stamped crosswalks, safety beacons, traffic signal modifications, pedestrian-scale lighting, and other pedestrian and bicycle safety features (with associated funding and maintenance responsibilities) that will be provided and are needed (and warranted, as applicable) to ensure safe pedestrian and bicycle access to adjacent land uses and across major roadways to commercial land uses and transit facilities. Improvements identified by the plans shall be constructed or implemented prior to issuance of a certificate of occupancy and shall be consistent with the most recent editions of Florida Department of Transportation standards.

12. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and nonresidential 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.
13. In order to qualify as student housing, all units must comply at all times with the definition of student housing in Section 38-1, Orange County Code, as such definition exists as of the date of approval of this development plan. Failure to comply with such definition may subject the project to code enforcement and/or increased impact fees, as well as any applicable concurrency requirements.
14. 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.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
16. Per Sec. 38-1259(a) of Orange County Code, a student housing development plan shall require approval through a public hearing before the Board of County Commissioners.

17. Any infrastructure improvements required by this development plan shall be perpetually maintained by the applicant and all successors in interest to the real property described in the site construction plan permit issued unless dedicated to the county. Prior to approval of the site construction plan permit, the applicant shall supply to the county an executed agreement in recordable form, or some other form of security, satisfactory to the county which assures continuous, perpetual maintenance of the improvements, including certification of compliance with all requirements of the Americans with Disabilities Act and corresponding standards. No certificate of occupancy shall be issued until such assurance has been received and accepted by the county, and recorded in the public records of Orange County, Florida.
18. A mandatory pre-application / sufficiency review meeting for the plat / replat shall be required prior to plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
19. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
20. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
21. Unless otherwise allowed by County Code, the property shall be platted / replatted prior to the issuance of any vertical building permits.
22. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
23. Associated infrastructure including milling and resurfacing of Orpington Street from Alafaya Trail to Crescent Blvd, and Crescent Street from Colonial Drive to Orpington Street including but not limited to rehabilitation of all associated drainage systems and sidewalks must be submitted as an E-Plan and issued a Certificate of Completion prior to platting.
24. 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.

Zoning Map

DP-23-01-003



Zoning Map

ZONING: PD (Planned Development)

APPLICANT: Jonathan Martin, Kimley-Horn & Associates, Inc.

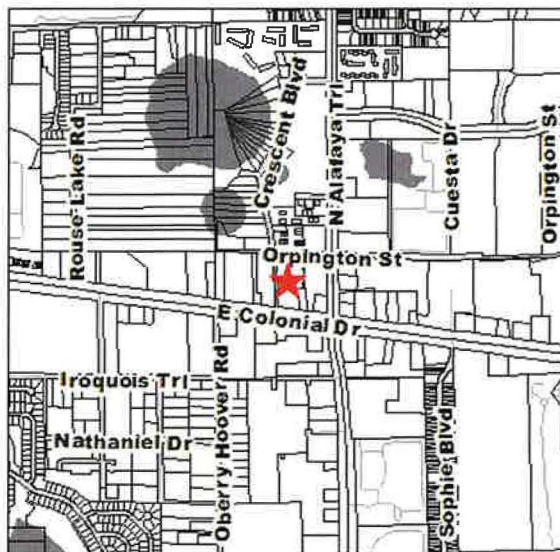
LOCATION: North of East Colonial Drive / East of Crescent Boulevard

TRACT SIZE: 3.63 acres

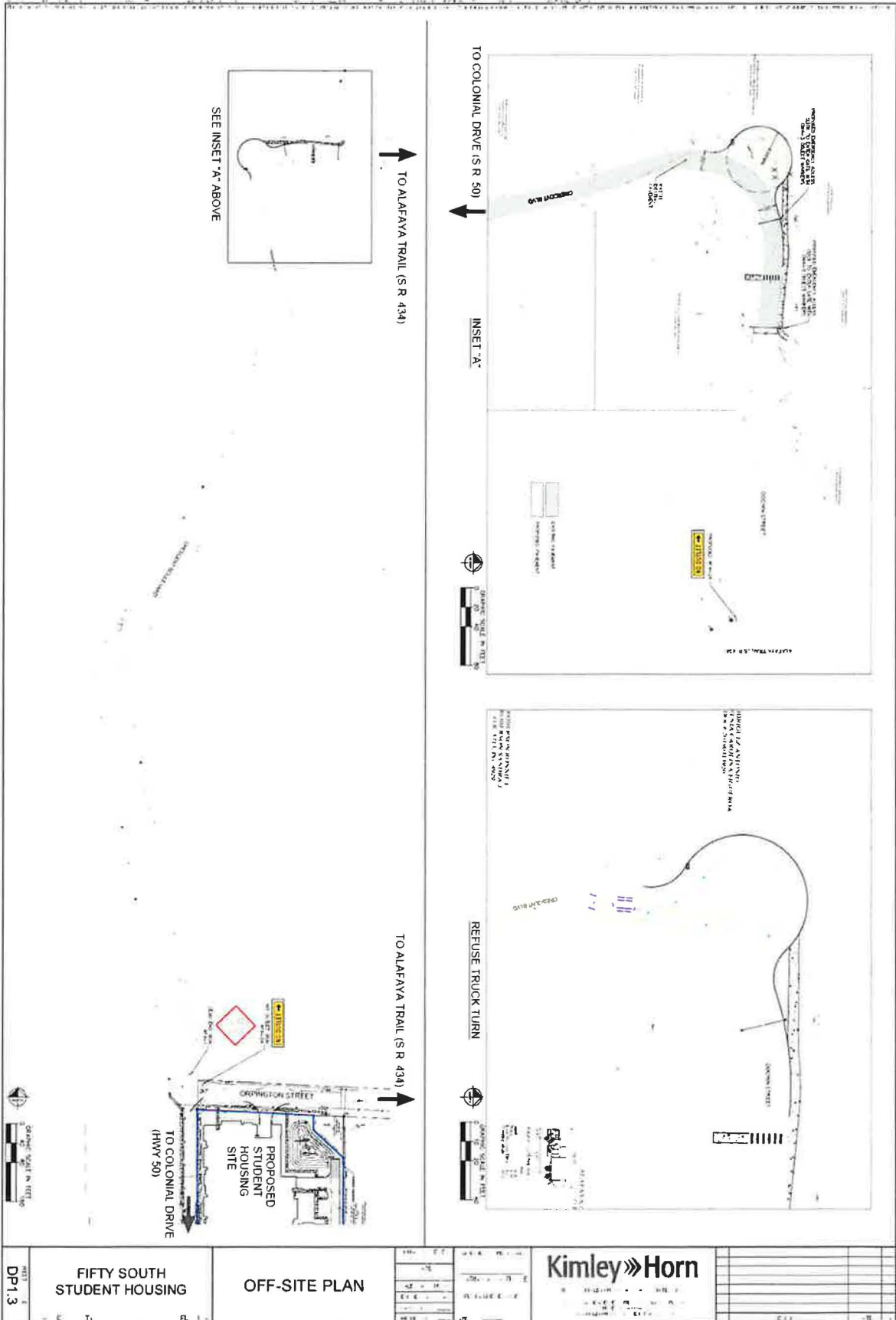
DISTRICT: # 5

S/T/R: 22/22/31

1 inch = 500 feet



Off-Site Plan Sheet





Public Notification Map

Fifty South Student Housing PD_DP-23-01-003



SUBJECT_SITE



MAP LEGEND

	SUBJECT_SITE		HYDROLOGY
	1100 FT BUFFER		PARCELS
	1 MILE BUFFER		NOTIFIED_PARCELS
			COURTESY_PARCELS

BUFFER DISTANCE: 1100 FT
OF NOTICES: 147



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Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: July 11, 2023