




Interoffice Memorandum

DATE: June 8, 2023

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

THROUGH: Tim Boldig, Interim Director
Planning, Environmental, and Development Services Department

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

SUBJECT: Adoption Public Hearing – June 20, 2023, Small-Scale Future Land Use Map Amendment and Concurrent Planned Development Rezoning Request
Applicant: Jeffrey Smith, RS&H, Inc
SS-23-01-125; SS-23-01-FLUE-1 and LUP-22-10-321 (William Just Campus PD)

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment, Staff-Initiated Text Amendment, and Concurrent Rezoning Request scheduled for a Board adoption public hearing on June 20, 2023.

The subject property is located at Recovery Way; generally bounded by 26th Street to the north, S. Rio Grande to the west, W. Michigan Street to the south, and S. Nashville Avenue to the east. The request is to change the Future Land Use Map designation from Neighborhood Activity Corridor (NAC) to Planned Development-Commercial (PD-C) and rezone the property from NAC (Neighborhood Activity Corridor District) to PD (Planned Development District) (William Just Campus Planned Development / Land Use Plan) and one associated staff-initiated text amendment. The applicant is proposing to construct up to forty-eight (48) multi-family units for homeless veterans and requesting six waivers from Orange County Code regarding setbacks, building height and parking.

A community meeting was not required for this request.

The adoption public hearing for Small-Scale Development Amendment SS-23-01-125 and Amendment SS-23-01-FLUE-1 and Rezoning LUP-22-10-321 was conducted before the Planning and Zoning Commission / Local Planning Agency on May 18, 2023, where the requests were recommended for approval.

If the Board 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 any of the amendments.

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, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Planned Development-Commercial (PD-C) Future Land Use Map designation, ADOPT the staff-initiated text amendment to Policy FLU8.1.4, APPROVE the associated ordinance, and APPROVE the PD (Planned Development District) zoning, subject to the conditions of approval listed in the staff report including six waivers from Orange County Code.
District 6**

TB/JHS/mm

c: Jon V. Weiss, P.E., Deputy 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
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

CASE # SS-23-01-125
SS-23-01-FLUE-1
LUP-22-10-321
Commission District: #6

GENERAL INFORMATION

APPLICANT	Jeffrey Smith, RS&H, Inc.
OWNER	TD Associates, Inc.
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning
PROJECT NAME	William Just Campus PD Land Use Plan
FLUM REQUEST	NAC (Neighborhood Activity Corridor) to PD-C (Planned Development- Commercial) with a text amendment to Policy FLU8.1.4 to establish the development program (SS-23-01-FLUE-1)
ZONING REQUEST	NAC (Neighborhood Activity Corridor District) to PD (Planned Development District)

A request To rezone approximately 3.65 acres from Neighborhood Activity Center (NAC) to Planned Development (PD) in order to construct 48 transitional housing units for homeless veterans.

In addition, six (6) waivers are requested from Orange County Code:

1. A waiver is requested from Section 38-1272(a)(3)b to allow a setback of 25'-0" from Rio Grande Blvd. in lieu of the required setback of 40 feet from arterial streets.
2. A waiver is requested from Section 38-1272(a)(3)b to allow a setback of 15'-0" from Michigan Street in lieu of the required setback of 40 feet from arterial streets.
3. A waiver is requested from Section 38-1272(a)(3)d to allow a setback of 25'-0" from Nashville Ave. in lieu of the required setback of 30 feet from all other rights-of-way.
4. A waiver is requested from Section 38-1272(a)(3)d to allow a setback of 20'-0" from 26th Street in lieu of the required setback of 30 feet from all other rights-of-way.

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Applicant Justification: *(Waivers 1-4) this planned development will function under the commercial designation due to the types of housing and treatment provided to clients on the site, but the intent is to portray a residential environment to help veterans reintegrate back into the greater community. Parking is planned to be within the core of the site. There are existing buildings along Michigan Street. that are 15'-0" from the existing property line.*

5. A waiver is requested from Section 38-1272(a)(5) to allow a maximum building height of forty-five (45) feet, in lieu of a maximum height thirty-five (35) feet within one hundred (100) feet of any residential.

Applicant Justification: *the purpose of this waiver is to provide temporary housing within a single facility for veterans by considering sustainable practices which minimizes the building footprint and provides additional green space/recreation areas for the residents.*

6. A waiver is requested from Section 38-1476 to allow a reduction of parking at a rate of 0.8 parking spaces in lieu of 2.0 parking spaces for each bedroom unit and one space per 1,000 square feet in lieu of 200 square feet for office.

Applicant Justification: *This zoning requirement of 2 parking spaces per bedroom under hospitals, sanitariums, foster group homes and similar institutions and 1 parking space per 200 sq. ft. of floor area used for office purposes equals a total requirement of 120 total new parking spaces, which is not needed on this site. The proposed plan provides for the addition of (16) sixteen parking spaces for residents, and for staff associated with the provision of the proposed housing services. Currently, there are (16) sixteen existing parking spaces associated with the VA dorms.*

- *While veterans are allowed to have personal vehicles while residing in the transitional housing, on average less than 15% have personal vehicles.*
- *There are a total of seven (7) FTE staff positions associated with the veteran's housing program. of*

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these, no more than five (5) are scheduled to be on campus at any given time.

Upon conducting a trip generation table study from the 11th edition of the ITE, congregate care facility (253) is closely aligned with the intent of the site, which includes transitional housing, recovery housing and residential treatment. The description of a congregate care facility is provided as well as expected pm peak rate and number of pm peak trips in Trip Generation Table 2. Currently, Orange County does not provide a land use similar or equal to congregate care facility defined by the ITE, 11th edition.

LOCATION	Recovery Way; generally bounded by 26th Street to the north, S. Rio Grande to the west, W. Michigan Street to the south, and S. Nashville Avenue to the east
PARCEL ID NUMBER	03-23-29-0180-49-010
TRACT SIZE	3.65 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred forty-seven (447) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A community meeting was not required for this application.
PROPOSED USE	Forty-Eight (48) Multi-Family Units for Homeless Veterans

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and ADOPT the requested Planned Development - Commercial (PD-C) Future Land Use.

Staff-Initiated Text Amendment SS-23-01-FLUE-1

Make a finding of consistency with the Comprehensive Plan and ADOPT Amendment SS-23-01-FLUE-1.

Rezoning

Development Review Committee – (April 12, 2023)

Make a finding of consistency with the Comprehensive Plan and APPROVE the William Just Campus Planned Development / Land Use Plan (PD/LUP), dated “Received March 17, 2023”, subject to the following conditions:

1. Development shall conform to the William Just Campus Planned Development Land Use Plan Amendment dated “Received March 17, 2023” 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 March 17, 2023” 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.

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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, 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. Unless otherwise allowed by County Code, the property shall be platted/replatted prior to the issuance of any vertical building permits.
8. 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.
9. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who

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exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

10. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
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. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
13. 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 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.
14. The following waivers are granted from Orange County Code:
 - a. A waiver from Orange County Code 38-1272(a)(3)b to allow a setback of 25'-0" from Rio Grande Blvd. in lieu of the required setback of 40 feet from arterial streets.
 - b. A waiver from Orange County Code 38-1272(a)(3)b to allow a setback of 15'-0" from Michigan Street in lieu of the required setback of 40 feet from arterial streets.
 - c. A waiver from Orange County Code 38-1272(a)(3)d to allow a setback of 25'-0" from Nashville Ave. in lieu of the required setback of 30 feet from all other rights-of-way.
 - d. A waiver from Orange County Code 38-1272(a)(3)d to allow a setback of 20'-0" from 26th Street in lieu of the required setback of 30 feet from all other rights-of-way.
 - e. A waiver from Orange County Code Sec. Sec. 38-1272(a)(5) to allow a maximum building height of forty-five (45) feet, in lieu of a maximum height thirty-five (35) feet within one hundred (100) feet of any residential.

- f. A waiver from Section 38-1476 to allow a reduction of parking at a rate of 0.8 parking spaces in lieu of 2.0 parking spaces for the two-bedroom units and one space per 1,000 square feet in lieu of 200 square feet for office.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use Map (FLUM) designation of the 3.65-acre subject property from Neighborhood Activity Corridor (NAC) to Planned Development-Commercial (PD-C), and to rezone from NAC (Neighborhood Activity Corridor District) to PD (Planned Development District), in order to construct 48 transitional housing units for homeless veterans.

The subject property comprises an entire block that is bounded by 26th Street to the north, W. Michigan Street to the south, S. Nashville Avenue to the east, and S. Rio Grande Avenue to the west. Surrounding parcels are improved with single-family residences, retail commercial, a church and private school.

The subject property is developed with multiple existing structures and operates as the William Just Campus by Aspire Health Partners, providing residential housing and residential services for over 100 individuals coping with mental health, substance use and co-occurring disorders, as well as homelessness. The campus provides transitional housing for homeless veterans, recovery housings for individuals stepping down from Inpatient substance abuse treatment, and residential treatment for individuals with substance use disorders. The campus includes administrative offices, on-site residences consisting of cottages and dormitories, a kitchen, dining hall, laundry facility and outdoor gym. The residential component of the campus includes a veteran specific rehabilitation program, with on-site housing provided by a two-story apartment building comprised of twelve units. Presently, four veterans reside in each apartment that includes two (2) bedrooms and one (1) shared bathroom.

Through these applications, the applicant is proposing the construction of a three-story building with forty-eight (48) dwelling units on the northwest corner of the subject property. The building will be funded through a Department of Veterans Affairs Grant and Per Diem Capital Grant. The apartment building will be comprised of individual studio apartments totaling 225 square feet each. The building will also include office space for campus staff. Presently, an existing one-story administration office building is located on this area of the campus. Despite the addition of the new apartment building, the total number of veterans served on campus will not be increased and current residents will be transferred from the existing apartment building to the new building. The existing apartment building will be converted for office and administration purposes.

Existing FLUM Development Program

The property's NAC (Neighborhood Activity Corridor District) zoning is consistent with the existing Neighborhood Activity Corridor (NAC) Future Land Use Map designation. The existing drug and substance abuse rehabilitation center was established prior to the adoption of the current FLUM designation. The development program for the current

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FLUM designation would allow for up to 158,994 sq. ft. of non-residential uses on this property.

Proposed FLUM Development Program

The proposed PD zoning with the Future Land Use Map designation of Planned Development-Commercial (PD-C) will allow the applicant to construct a three-story, forty-eight (48) unit building as part of the William Just Campus.

Land Use Compatibility

Planned Development-Commercial (PD-C) and PD zoning would allow for development that is compatible with the character of the surrounding area, while not adversely impacting 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 Neighborhood Activity Corridor (NAC). The proposed PD zoning district and development program is inconsistent with the Neighborhood Activity Corridor (NAC) designation. However, through concurrent FLUM amendment # SS-23-01-125, the applicant is seeking to change the FLUM designation to Planned Development-Commercial (PD-C). Additionally, the request is consistent with the following CP provisions:

FLU1.1.1 states urban uses shall be concentrated within 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.

FLU1.4.2 states Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

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

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is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

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.

FLU8.2.11 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.

Staff-Initiated Text Amendment SS-23-01-FLUE-1

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment SS-23-01-FLUE-1.

The maximum development program for Amendment SS-23-01-125, if adopted, would be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>SS-23-01-125</u> <u>William Just</u> <u>Campus</u>	<u>Planned</u> <u>Development-</u> <u>Commercial</u> <u>(PD-C)</u>	<u>103 Transitional Housing,</u> <u>Recovery Housing, and</u> <u>Residential Treatment</u> <u>residents plus associated</u> <u>office space.</u>	<u>2023-</u>

SITE DATA

Existing Use Substance abuse treatment center

Adjacent	FLUM	Zoning
North	Neighborhood Residential (NR)	R-1A (Single-Family Dwelling District); NR (Neighborhood Residential)
South	Neighborhood Activity Corridor (NAC)	Neighborhood Activity Corridor (NAC); P-O (Professional Office District); C-1 (Retail Commercial District); R-1A Single-Family Dwelling District; PD (Planned Development District)
East	Neighborhood Center (NC)	NC (Neighborhood Center)
West	Low-Medium Density Residential (LMDR)	NAC (Neighborhood Activity Corridor); R-1A (Single-Family Dwelling District)

Adjacent Land Uses N: Single-Family
 E: Commercial
 W: Commercial
 S: Church/school/single-family residences

APPLICABLE PD DEVELOPMENT STANDARDS

Maximum Building Height: 50 feet
 35 feet within 100 ft of residential districts

Minimum Building Setbacks

Front Setback: 25 feet
 Rear Setback: 20 feet
 Side Setback: 15 feet (side street)

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed use will not add school-aged population to the public system.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Environmental

Demolition: Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A (1)

Solid Waste Disposal: Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 159,000 sq. ft. of Adult Detention Facility (1.0 FAR)	76	89%	68
Proposed Use: 48 Multi-Family Residential Dwelling Units	19	100%	19
Totals	-57		-49

Net New Trips (Proposed Development less Allowable Development): -49

Future Roadway Network

Road Agreements: No

Planned and Programmed Roadway Improvements: Westmoreland at Kaley Avenue Signal: Reconstruction of signal from span wire to mast arms. At the time of this report, this project is 68% overall complete.

Right of Way Requirements: No

Roadway Capacity Analysis

A Traffic Study was not submitted with the case for review and comment. The subject property is located adjacent to Rio Grande Avenue. Based on existing conditions, there are multiple failing roadway segments within the project's impact area. Michigan Avenue from Interstate 4 to Orange Avenue (1 segment) and Orange Blossom Trail from Kaley

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Avenue to the East- West Expressway (1 segment) are failing. This information is dated and subject to change.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Utilities

Water:	Orlando Utilities Commission
Wastewater:	Orange County Utilities
Reclaimed Water:	City of Orlando

Detailed Utility Information:

This property is within Orange County Utilities Wastewater Service Areas. In accordance with Orange County Code Chapter 37:

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

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 – (May 18, 2023)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Planned Development - Commercial (PD-C) Future Land Use.

Staff-Initiated Text Amendment SS-23-01-FLUE-1

Make a finding of consistency with the Comprehensive Plan and ADOPT Amendment SS-23-01-FLUE-1.

Rezoning

Development Review Committee – (April 12, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the William Just Campus Planned Development / Land Use Plan (PD/LUP), dated “Received March 17, 2023”, subject to the following conditions:

1. Development shall conform to the William Just Campus Planned Development Land Use Plan Amendment dated “Received March 17, 2023” 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 March 17, 2023" 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

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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. 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. Unless otherwise allowed by County Code, the property shall be platted/replatted prior to the issuance of any vertical building permits.

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8. 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.
9. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
10. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
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. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
13. 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 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.
14. The following waivers are granted from Orange County Code:
 - a. A waiver from Orange County Code 38-1272(a)(3)b to allow a setback of 25'-0" from Rio Grande Blvd. in lieu of the required setback of 40 feet from arterial streets.
 - b. A waiver from Orange County Code 38-1272(a)(3)b to allow a setback of 15'-0" from Michigan Street in lieu of the required setback of 40 feet from arterial streets.

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- c. A waiver from Orange County Code 38-1272(a)(3)d to allow a setback of 25'-0" from Nashville Ave. in lieu of the required setback of 30 feet from all other rights-of-way.
- d. A waiver from Orange County Code 38-1272(a)(3)d to allow a setback of 20'-0" from 26th Street in lieu of the required setback of 30 feet from all other rights-of-way.
- e. A waiver from Orange County Code Sec. Sec. 38-1272(a)(5) to allow a maximum building height of forty-five (45) feet, in lieu of a maximum height thirty-five (35) feet within one hundred (100) feet of any residential.
- f. A waiver from Section 38-1476 to allow a reduction of parking at a rate of 0.8 parking spaces in lieu of 2.0 parking spaces for the two-bedroom units and one space per 1,000 square feet in lieu of 200 square feet for office.

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 PD-C (Planned Development- Commercial) Future Land Use Designation, and APPROVAL of the PD (Planned Development District) zoning subject to fourteen (14) conditions of approval including six (6) waivers from Orange County Code. The applicant was present and concurred with staff's recommendations. No residents were present to speak in favor or in opposition of the requests.

After a brief discussion regarding the residential housing programs offered on the campus, a motion was made by Commissioner Evans and seconded by Commissioner Wiggins to recommend ADOPTION the requested PD-C (Planned Development- Commercial) Future Land Use Map designation and APPROVAL the requested PD (Planned Development District) zoning, subject to fourteen (14) conditions of approval. The motion carried on an 8-0 vote.

Motion / Second

Camille Evans / George Wiggins

Voting in Favor

*David Boers, George Wiggins, Eduardo Fernandez,
Walter Pavon, Gordon Spears, Camille Evans, Evelyn
Cardenas, Nelson Pena*

Voting Opposition

None

Absent

Michael Arrington

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SS-23-01-125/LUP-22-10-321



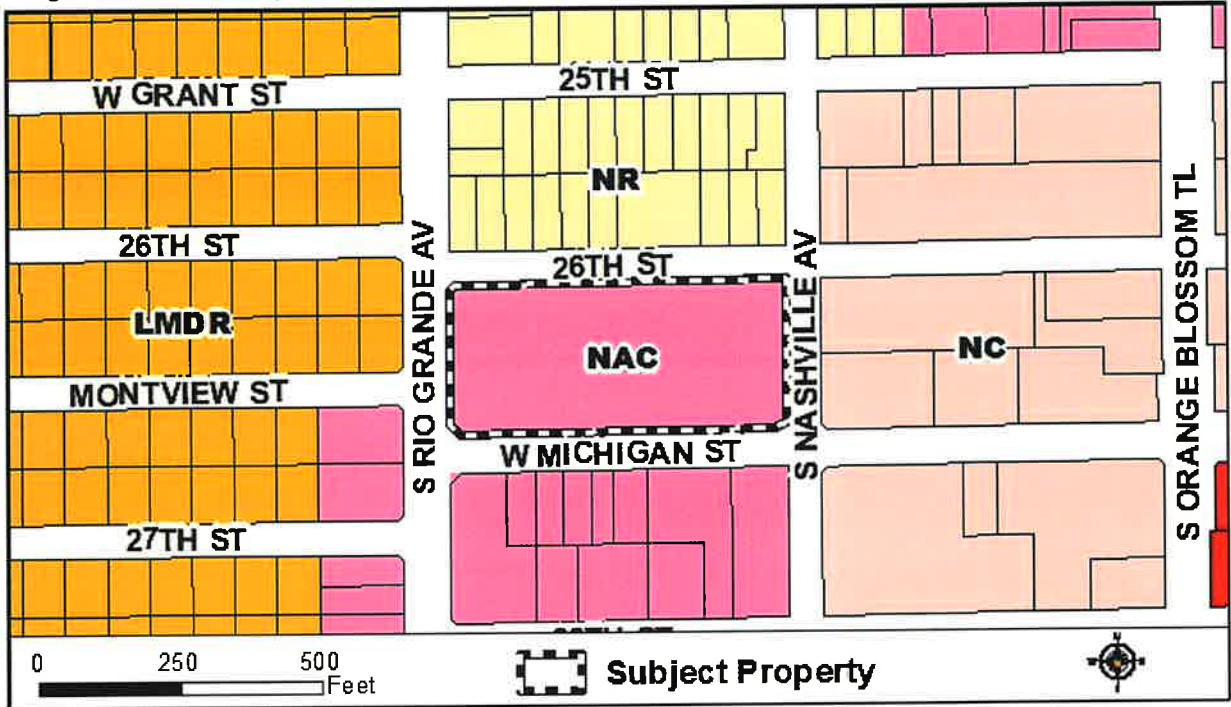
 Subject Property



0 250 500 Feet

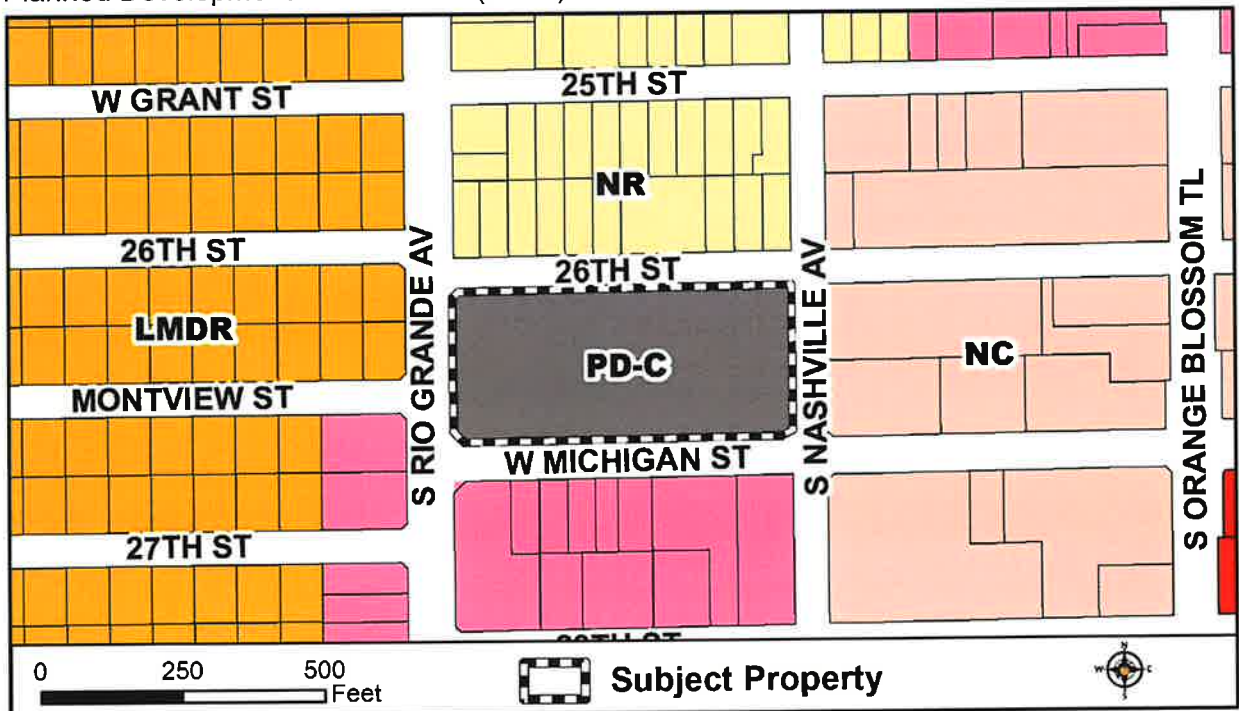
FUTURE LAND USE - CURRENT

Neighborhood Activity Corridor (NAC)



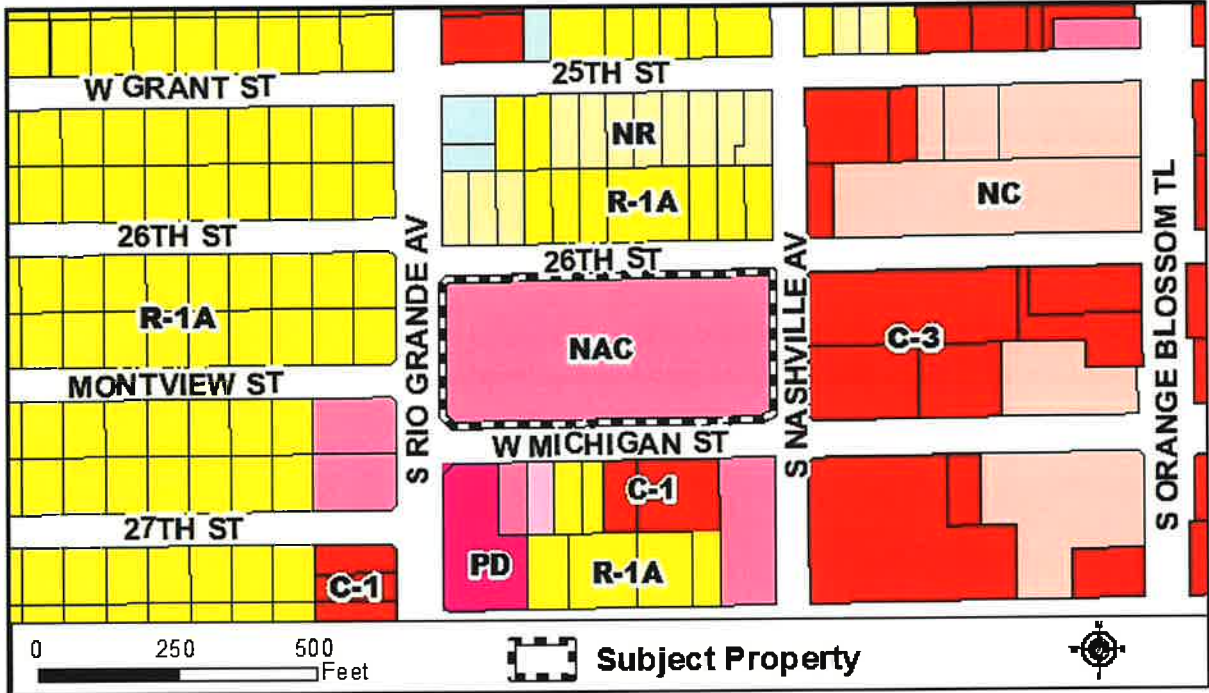
FUTURE LAND USE - PROPOSED

Planned Development- Commercial (PD-C)



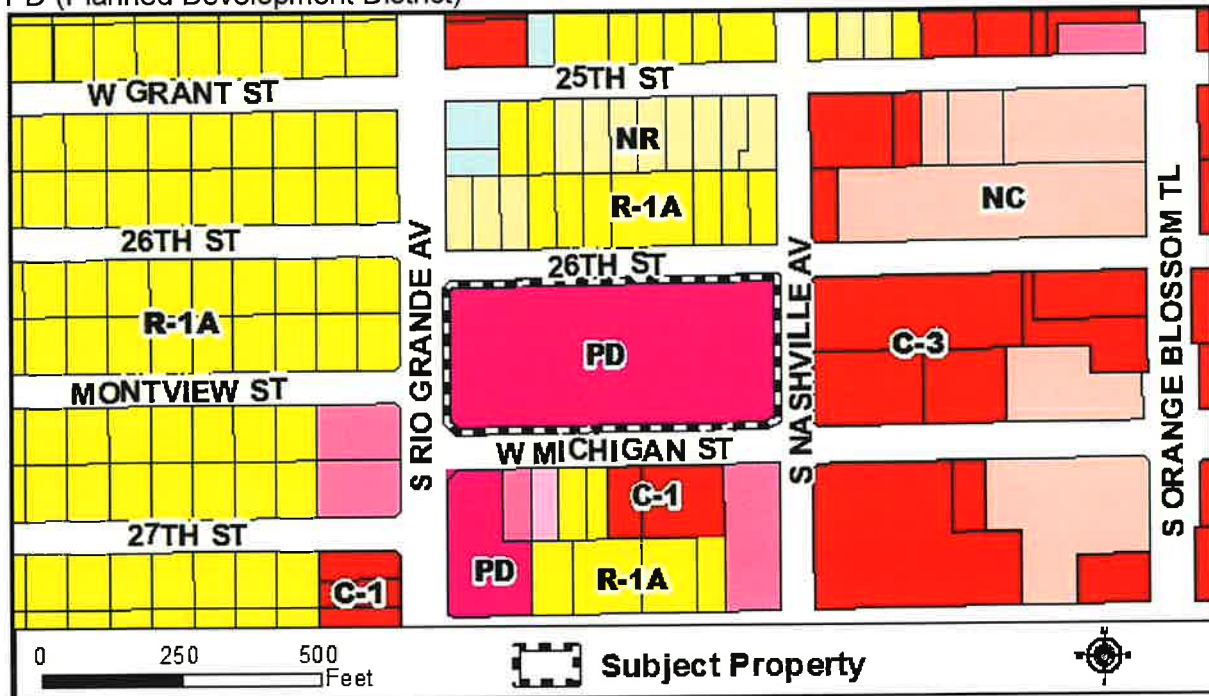
ZONING – CURRENT

NAC (Neighborhood Activity Corridor District)

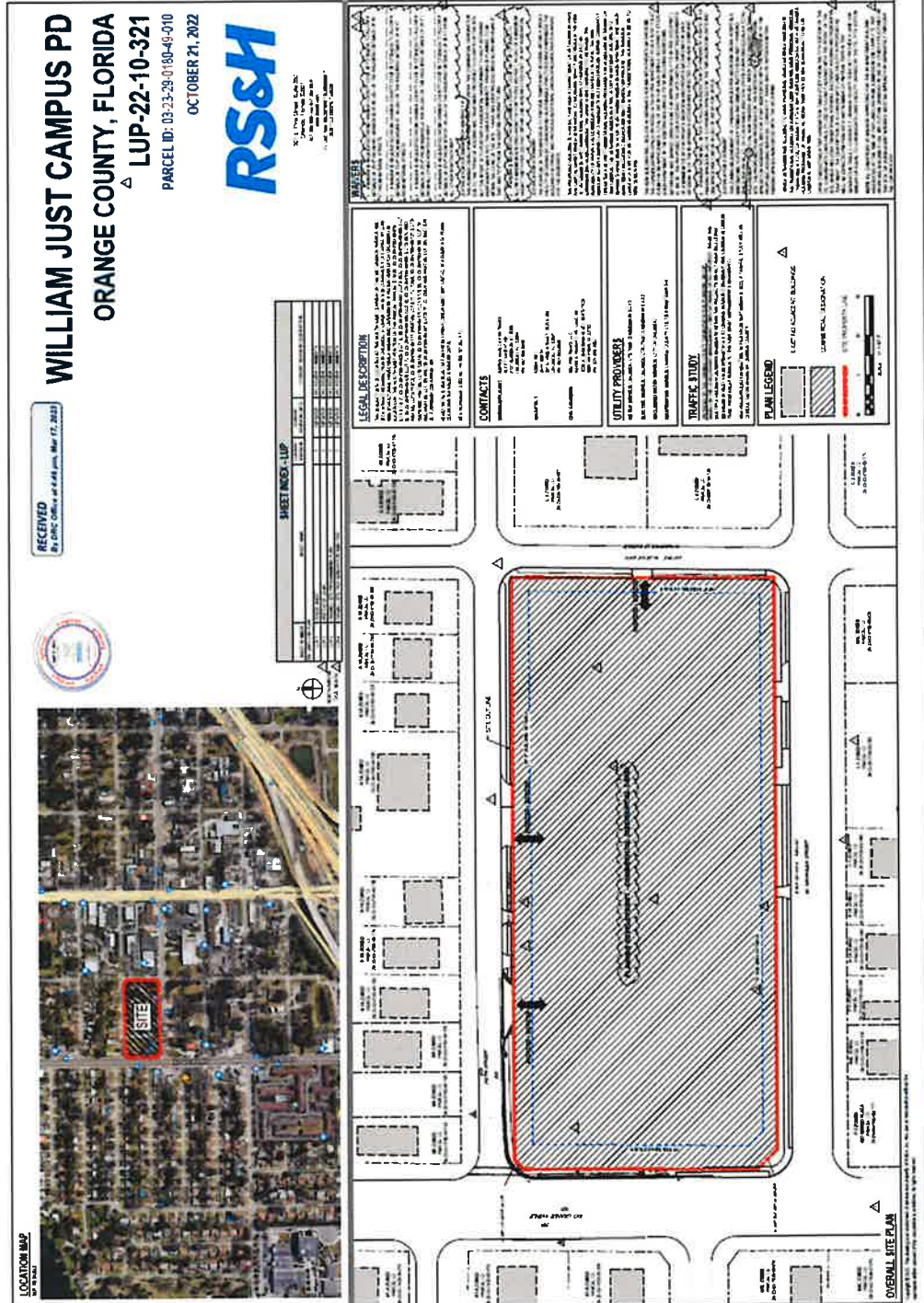


ZONING – PROPOSED

PD (Planned Development District)



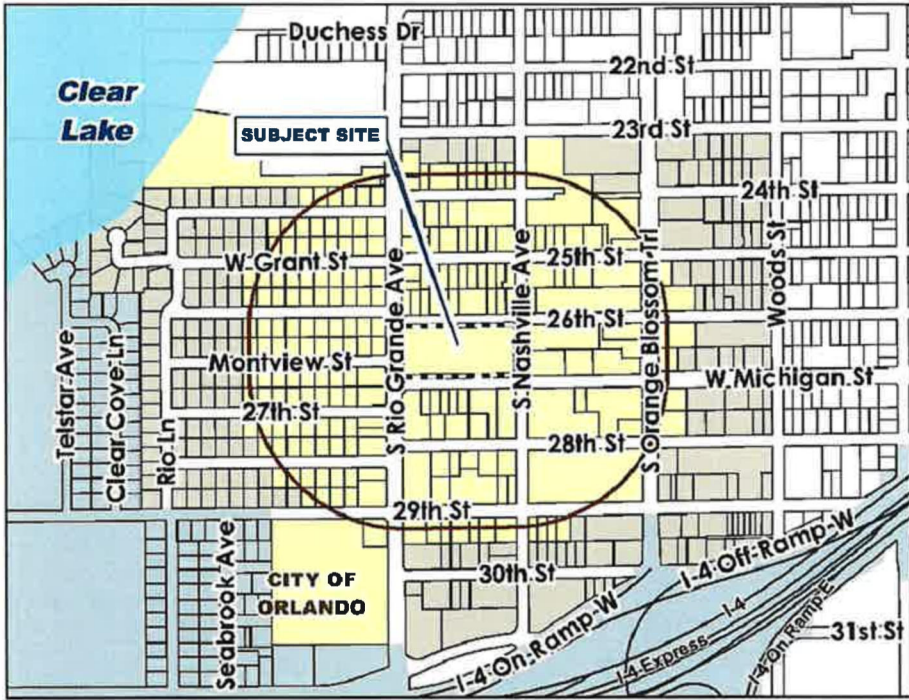
William Just Campus PD / LUP (Cover Sheet & LUP)



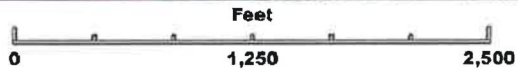


Public Notification Map

SS-23-01-125 & LUP-22-10-321



SUBJECT_SITE



MAP LEGEND

- SUBJECT_SITE
- 800 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED_PARCELS
- PARCELS selection

BUFFER DISTANCE: 800
OF NOTICES: 447



S:\Business\System\Board Administration\pzn\2023\SS-23-01-125 & LUP-22-10-321\SS-23-01-125 & LUP-22-10-321.mxd

Notification Map

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ORDINANCE NO. 2023-_____

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 AN EFFECTIVE DATE.

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;

c. On June 20, 2023, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, 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. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 **Section 4. Amendment to the Text of the Future Land Use Element.** The
33 Comprehensive Plan is hereby further amended by amending the text of the Future Land Use
34 Element to read as follows, with underlines showing new numbers and words, and strike-throughs
35 indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the
36 amendment number and editorial notes, and shall not be codified.)

37 * * *

38 **[Amendment SS-23-01-FLUE-1:]**

39 FLU8.1.4 The following table details the maximum densities and intensities for the
40 Planned Development (PD) and Lake Pickett (LP) Future Land Use
41 designations that have been adopted subsequent to January 1, 2007.

42

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
<u>SS-23-01-125</u> <u>William Just</u> <u>Campus</u>	<u>Planned Development-</u> <u>Commercial (PD-C)</u>	<u>103 Transitional Housing,</u> <u>Recovery Housing, and</u> <u>Residential Treatment</u> <u>residents plus associated</u> <u>office space.</u>	<u>2023-</u>

43 Such policy allows for a one-time cumulative density or intensity differential of 5% based on
44 ADT within said development program.

45

46

* * *

47 **Section 5. Effective Dates for Ordinance and Amendments.**

48 (a) This ordinance shall become effective as provided by general law.

49 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
50 amendments adopted in this ordinance may not become effective until 31 days after adoption.

51 However, if an amendment is challenged within 30 days after adoption, the amendment that is

52 challenged may not become effective until the Department of Economic Opportunity or the
53 Administration Commission issues a final order determining that the adopted amendment is in
54 compliance.

55 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
56 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
57 becoming effective. Aside from any such concurrent zoning changes, no development orders,
58 development permits, or land uses dependent on either of these amendments may be issued or
59 commence before the amendments have become effective.

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62 ADOPTED THIS 20TH DAY OF JUNE, 2023.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

73 ATTEST: Phil Diamond, CPA, County Comptroller
74 As Clerk to the Board of County Commissioners

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By: _____
Deputy Clerk

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-23-01-125	Neighborhood Activity Corridor (NAC)	Planned Development-Commercial (PD-C)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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