



Interoffice Memorandum

DATE: October 3, 2022

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

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

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

SUBJECT: Adoption Public Hearing – October 25, 2022 Small-Scale Future Land Use Map Amendment and concurrent Rezoning
Applicant: Jonathan Martin, Kimley-Horn and Associates, Inc.
SS-22-01-103 and LUP-22-01-001

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment and concurrent Rezoning** scheduled for a Board adoption public hearing on October 25, 2022. The subject property is located at 11731 E. Colonial Drive, generally west of Alafaya Trail on the north side of E. Colonial Drive. The request is to change the Future Land Use from Commercial (C) to Planned Development – High Density Residential (Student Housing) (PD-HDR-Student Housing) and to change the zoning from C-1 (Retail Commercial District) to PD (Planned Development District) for a proposed 600-bed student housing development.

The Small-Scale Future Land Use Amendment was continued from the April 26, 2022, June 21, 2022, and September 27, 2022, Board hearings so that the Land Use Plan could be considered concurrently.

A community meeting was held for this request on March 1, 2022, with nine area residents in attendance expressing concerns for overflow parking, property values, and cut-thru traffic on Crescent Boulevard.

The adoption public hearing for Small-Scale Development Amendment SS-22-01-103 was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on March 17, 2022 where the request was recommended for adoption. The Land Use Plan rezoning request was conducted before the PZC on September 15, 2022, where it was recommended for approval.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

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

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested PD-HDR-Student Housing (Planned Development – High Density Residential – Student Housing) Future Land Use and recommend APPROVAL of the Fifty South Student Housing Planned Development / Land Use Plan (PD/LUP), dated “Received June 29, 2022”, subject to the 16 conditions of approval provided under the PZC Recommendation in the staff report. District 5**

Attachments
JVW/AAV/jhs

c: Christopher R. Testerman, AICP, 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

Small-Scale Amendment and Rezoning Staff Report
Orange County Planning Division
BCC Hearing Date: October 25, 2022

CASE # SS-22-01-103
LUP-22-01-001

Commission District: #5

GENERAL INFORMATION

APPLICANT	Jonathan A. Martin; Kimley-Horn & Associates, Inc.
OWNERS	East Colonial, LLC
HEARING TYPE	Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning
FLUM REQUEST	Commercial (C) to Planned Development-High Density Residential- Student Housing (PD-HDR-Student Housing)
ZONING REQUEST	C-1 (Retail Commercial District) to PD (Planned Development District)

A request to rezone one (1) parcel containing 3.64 gross acres from C-1 to PD, in order to construct a 600-bed student housing development. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 30-248(d)(3) to allow a minimum 50 foot driveway length in lieu of 70 feet.

Applicant Justification: *The proposed driveway length exceeds 70' from the travel lane of East Colonial Drive and is greater than the existing first point of conflict.*

2. A waiver from Section 38-1251(b) to allow a maximum building coverage of all buildings up to sixty percent (60%) of the project in lieu of thirty percent (30%) of the gross land area.

Applicant Justification: *This property is surrounded by commercial uses. The proposed student housing development is intended to provide a more urban environment, promote redevelopment, increase housing capacity and promote a diverse mix of uses and housing types as required by Orange County FLU Policy FLU 8.2.2 "a diverse mix of uses and housing types shall be promoted". This waiver would also allow the use of additional architectural features on the building to enhance visual interest.*

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

3. A waiver from Section 38-1251(d) to allow a maximum height of seventy-five (75) feet for residential development in lieu of a maximum height of thirty-five (35) feet.

Applicant Justification: This property is surrounded by commercial uses, including a six (6) story hotel. No harm or undesirable effects will occur to the neighboring properties or the general public because of this waiver.

4. A waiver from Section 38-1254(1) to allow a fifteen (15') foot PD setback along Orpington Street, ten (10') foot PD setback along Crescent Blvd., and twenty-five (25') foot PD setback along remaining boundaries and no increase due to structure height from all boundaries of the PD in lieu of a minimum twenty-five foot (25') setback from all boundaries of the PD and increases due to structure height.

Applicant Justification: This property is surrounded by commercial uses, one of which has a zero foot (0') building setback. No harm or undesirable effects will occur to the neighboring properties or the general public because of this waiver.

5. A waiver from Section 38-1254(2)(e) to allow a fifteen foot (15') building setback along the north boundary (Orpington Street) and ten feet (10') along the west boundary (Crescent Boulevard) in lieu of twenty feet (20') from all other rights-of-way.

Applicant Justification: This property is surrounded by commercial uses, one of which has a zero foot (0') building setback. No harm or undesirable effects will occur to the neighboring properties or the general public because of this waiver.

6. A waiver from Section 38-1258(a) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height and located a minimum of eighty-five (85) feet from single family zoned property in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to single story in height.

Applicant Justification: Due to the size and shape constraints of the site, the building needs the

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

increased height to allow for enough units to create more cost-effective options for students.

7. A waiver from Section 38-1258(b) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located between one hundred plus (100+) feet to one hundred and fifty (150) feet of a single-family zoned property in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty [40] feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

Applicant Justification: *Due to the size and shape constraints of the site, the building needs the increased height to allow for enough units to create more cost-effective options for students.*

8. A waiver from Section 38-1258(c) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located within one hundred and fifty (150) feet of single-family zoned property in lieu of three (3) stories (forty [40] feet) in height.

Applicant Justification: *Due to the size and shape constraints of the site, the building needs the increased height to allow for enough units to create more cost-effective options for students.*

9. A waiver from Section 38-1259(b) to allow a minimum distance separation of eighty-five (85) feet between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400').

Applicant Justification: *This property is bordered on all sides by commercial/office uses with the exception of the northwest corner.*

10. A waiver from Section 38-1259(d) to allow for a vegetative buffer in lieu of a six-foot high masonry, brick or block wall constructed whenever a student housing development is located adjacent to any right-of-way.

Applicant Justification: *This waiver is for materials to consist of opaque vegetative plantings to provide*

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

screening and will promote a more "eco-friendly" environment. This buffer will conform to the requirements found in Orange County LDC chapter 24-4(a)(1).

11. A waiver from Section 38-1259(k) to allow five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height in lieu of a maximum building height of three (3) stories (forty [40] feet).

Applicant Justification: *Due to the size and shape constraints of the site, the building needs the increased height to allow for enough units to create more cost-effective options for students.*

12. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent impervious coverage in lieu of a maximum impervious coverage of seventy (70) percent of the net land area.

Applicant Justification: *This property contains unique hardscape areas, carefully designed to engage residents, that would otherwise be grass. Pervious pavers are also being used in lieu of traditional pavement in multiple locations throughout the development.*

13. A waiver from Section 38-1476(a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom.

Applicant Justification: *Based on the parking study conducted for this site by James M. Taylor, P.E. on January 5, 2022, a ten percent (10%) reduction from code required parking is adequate to serve the site's anticipated parking demand.*

LOCATION

11731 E. Colonial Drive; generally located north of E. Colonial Drive, approximately 250 feet west of N. Alafaya Drive.

PARCEL ID NUMBER

22-22-31-5749-00-010

TRACT SIZE

3.63 gross acre

PUBLIC NOTIFICATION

The notification area for this public hearing was 1,100 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred forty-seven (147) notices were mailed to those property owners in the mailing area.

COMMUNITY MEETING

A community meeting was held on March 1, 2022, and is summarized further in this report.

PROPOSED USE

Six Hundred (600) Bed Student Housing Development

STAFF RECOMMENDATION

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Planned Development-High Density Residential-Student Housing Future Land Use.

Rezoning

Development Review Committee – (August 24, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Fifty South Student Housing Planned Development / Land Use Plan (PD/LUP), dated "Received June 29, 2022", subject to the following conditions:

1. Development shall conform to the Fifty South Student Housing Land Use Plan (LUP) dated "Received June 29, 2022," 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, 2022," 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

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

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, 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.

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

7. 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.
8. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
9. 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.
10. 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.
11. 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; length of stay shall be 180 consecutive days or greater.
12. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
13. 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.
14. Prior to construction plan approval, hydraulic calculations, including hydraulically dependent development, shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
15. In connection with the development of the Fifty South Student Housing Planned Development (the "Project"), the Developer will, at Developer's expense, construct and/or install within existing Orange County right-of-way, to Orange County standards for design and construction, one of the following improvement options (the "Options"); such Option to be determined by Orange County no later than six (6) months from the final approval of the Development Plan for the Project:

OPTION 1. Either a "cul-de-sac" or a "hammer-head" at the intersection of Crescent Blvd. and Cochin St. to prevent cut-through traffic from Alafaya Trail to Colonial Drive. Additionally, the improvements may include (i) a "crash gate" at Cochin St to allow emergency vehicles the ability to access Crescent Blvd. from Cochin St. with pedestrian accessibility, and/or (ii) removal of a portion of asphalt at the western end of Cochin St. with a provision of a stabilized surface to allow emergency vehicles the ability to access Crescent Blvd. as well as to allow for a pedestrian connection;

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

OPTION 2. Developer shall install the following "traffic calming" improvements in or along Crescent Blvd., provided, however, any stop signs shall be warranted and approved by the BCC prior to installation in accordance with Section 21-231(h), Orange County Code: (i) Stop signs going both directions at the intersection of Crescent Blvd. and Cochin St.; (ii) Stop signs going all three directions at the intersection of Crescent Blvd. and Minorca St.; (iii) Stop signs going all four directions at the intersection of Crescent Blvd. and Orpington St.; (iv) Speed table(s) on Crescent Blvd. approximately half-way between Cochin St. and Minorca St. or at a location determined by the County traffic Engineer; and (v) Speed table(s) on Crescent Blvd. approximately half-way between Minorca St. and Orpington St. or at a location determined by the County traffic Engineer.

If the County has not yet selected one of the Options by the time Developer submits for Development Plan approval, Developer may submit alternative plans for Option 1 and Option 2 at the Development Plan phase so that the County can evaluate both Options in connection with the Development Plan review. If the County has not selected an Option within six (6) months following the approval of the Development Plan for the Project, the Developer may proceed with Option 2 to satisfy this condition. The Developer will be required to complete the applicable Option prior to the issuance of a final Certificate of Occupancy for the Project. Nothing herein is intended to delay or supersede the standard development process for the Project.

16. The following waivers from Orange County Code are granted:

- a. A waiver from Section 30-248(d)(3) to allow a minimum 50-foot driveway length in lieu of 70-feet.
- b. A waiver from Section 38-1251(b) to allow a maximum building coverage of all buildings up to sixty percent (60%) of the project in lieu of thirty percent (30%) of the gross land area.
- c. A waiver from Section 38-1251(d) to allow a maximum height of seventy-five (75) feet for residential development in lieu of a maximum height of thirty-five (35) feet.
- d. A waiver from Section 38-1254(1) to allow a fifteen (15') foot PD setback along Orpington Street, ten (10') foot PD setback along Crescent Blvd., and twenty-five (25') foot PD setback along remaining boundaries and no increase due to structure height from all boundaries of the PD in lieu of a minimum twenty-five foot (25') setback from all boundaries of the PD and increases due to structure height.
- e. A waiver from Section 38-1254(2)(e) to allow a fifteen foot (15') building setback along the north boundary (Orpington Street) and ten feet (10') along the west boundary (Crescent Boulevard) in lieu of twenty feet (20') from all other rights-of-way.
- f. A waiver from Section 38-1258(a) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height and located a minimum of eighty-five (85) feet from single

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

family zoned property in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to single story in height.

- g. A waiver from Section 38-1258(b) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located between one hundred plus (100+) feet to one hundred and fifty (150) feet of a single-family zoned property in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty [40] feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- h. A waiver from Section 38-1258(c) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located within one hundred and fifty (150) feet of single-family zoned property in lieu of three (3) stories (forty [40] feet) in height.
- i. A waiver from Section 38-1259(b) to allow a minimum distance separation of eighty-five (85') feet between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400').
- j. A waiver from Section 38-1259(d) to allow for a vegetative buffer in lieu of a six-foot high masonry, brick or block wall constructed whenever a student housing development is located adjacent to any right-of-way.
- k. A waiver from Section 38-1259(k) to allow five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height in lieu of a maximum building height of three (3) stories (forty [40] feet).
- l. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent impervious coverage in lieu of a maximum impervious coverage of seventy (70) percent of the net land area.
- m. A waiver from Section 38-1476(a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 3.63 gross acre subject property from C (Commercial) to PD-HDR-Student Housing (Planned Development-High Density Residential-Student Housing) and to rezone the subject parcel from C-1 (Retail Commercial District) to PD (Planned Development District) in order to construct a 600-bed student housing development.

The site is currently constructed with a vacant restaurant and is surrounded by commercial and office uses to the north, east, south, and west, and a single-family

neighborhood to the northwest. To limit impacts to adjacent properties, the applicant has agreed to prohibit balconies on the multi-family buildings (see note on Land Use Plan). The site is located approximately 2.1 miles to the south of the University of Central Florida and in proximity to the major intersection of Alafaya Trail and E. Colonial Drive.

At the community meeting on March 1, 2022, residents shared concerns for parking overflow onto nearby streets, cut-thru traffic on Crescent Boulevard, and a perceived decrease of property values. The main concern was cut-through traffic on Crescent Boulevard. Therefore, staff and the applicant formulated a plan to sever the connection of Crescent Boulevard on the north end to Cochin Street which would prevent cut-through traffic traveling from Alafaya Trail to E. Colonial Drive. Condition number 15 is proposed to either require the developer to install a cul-de-sac or hammer-head ending at the north end of Crescent Boulevard, or install traffic calming improvements.

Existing FLUM Development Program

The existing development program would allow for office and commercial uses permitted under the C-1 zoning district, consistent with the C (Commercial) land use designation. This is consistent with what exists on the property now.

Proposed FLUM Development Program

The existing C-1 zoning is inconsistent with the proposed Future Land Use Map designation of PD-HDR-Student Housing. In order for the site to develop with the proposed 600-bed student housing development, the site is required to be rezoned to the PD (Planned Development) zoning classification, pursuant to Future Land Use Element policy FLU1.1.2E(1).

Land Use Compatibility

The PD-HDR-Student Housing Future Land Use would allow for development that is compatible with the character of the surrounding area, and would not adversely impact 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

As mentioned previously, the underlying Future Land Use Map (FLUM) designation of the subject property is C (Commercial), which is consistent with the C-1 (Retail Commercial District) zoning. The proposed PD-HDR-Student Housing FLUM

designation is inconsistent with the proposed PD zoning. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.1.2.E(2) states Student housing may be permitted only on property with a future land use designation of Medium Density Residential (MDR), Medium-High Density Residential (MHDR), High Density Residential (HDR), or Planned Development (PD) (in which medium or high density student housing is included as a single use or part of a mix of uses).

FLU1.1.2(F) states that a planned development zoning classification shall be required for all student housing projects.

FLU1.1.2(F)(1) states that Student housing density shall be calculated based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family unit. An alternative density calculation may be permitted upon the approval of the Board of County Commissioners, provided the developer has committed to a mobility plan to be implemented with the development of the student housing project, has demonstrated a need for the additional units, and/or has proposed a redevelopment project located within the area extending one (1) mile east and one (1) mile west of the Alafaya Trail corridor, between McCulloch Road and State Road 408.

FLU1.1.5 states that the County shall encourage mixed-use development, infill development and transit oriented development to promote compact urban form and efficiently use land and infrastructure in 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.

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

FLU8.1.5 states that the location of Planned Development (PDs) within the Urban Service Area that have been approved as of the date of adoption of the 1991 CPP shall be considered consistent with the Comprehensive Plan and included as part of the adopted Orange County Future Land Use Map (FLUM).

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.

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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.

SITE DATA

Existing Use Restaurant (Golden Corral)

Adjacent	FLUM	Zoning
North	O (Office) (1991)	P-O (Professional Office District) (2004)
South	C (Commercial) (1991)	C-1 (Retail Commercial District) (1958)
East	C (Commercial) (1991)	C-1 (Retail Commercial District) (1968)
West	C (Commercial) (1991)	C-1 (Retail Commercial District) (1969)

Adjacent Land Uses N: Office
 E: Hotel
 W: Hotel
 S: Restaurant

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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 Comments:**

The property is located within the geographic limits of the Econlockhatchee River Protection Ordinance area. Basin-wide regulations apply. Reference Orange County

Code Chapter 15 Article XI. Basin regulations of Section 15-442 include, but are not limited to, wetland buffers, habitat preservation and wildlife management, stormwater management, and landscaping with native plant species.

***Transportation Comments:**

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed use will result in a decrease in the number of pm peak trips and therefore will not impact the area roadways.

The subject property is not located within the County's Alternative Mobility Area.

The subject property is not located along a backlogged/constrained facility or multimodal corridor. However, the property is located proximate to Alafaya Trail Multi-modal corridor- Alafaya Trail, from the Seminole County line to Innovation Way, is designated as a multi-modal corridor per Orange County Transportation Element Policy T2.2.9. The policy supports the development of multimodal 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.

The property is located within North East Orange County Areawide Transportation Study (NEOCATS). The study area is bounded by Colonial Drive (SR 50) to the south, Seminole County Line to the north, Alafaya Trail (SR 434) to - Colonial Drive (SR 50) to Alafaya Trail (SR 434) to West end of Chuluota Road. The main objective of this study is to identify and analyze potential transportation projects that would improve network connectivity and provide relief to constrained corridors. The study shall develop a prioritized list of regional roadway improvements as well as intersection improvements, transit, pedestrian, and bicycle enhancements. Current Phase: Roadway Conceptual Analysis estimated at 5% complete. This information is dated and subject to change.

As a student housing project, a Mobility Plan will be required at the Development Plan stage. Per Section 38-1259 (e) Student Housing (Pedestrian Safety ADA Ordinance) a Mobility Plan is required to be submitted with the DP. 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, bikesharing, 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.

A traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Colonial Drive. Based on existing conditions, there are several deficient roadway segments within the project's impact area. This information is dated and subject to change. The following segment is operating over capacity:

- Alafaya Trail, from University to Science Drive
- Colonial Drive, from Woodbury to Lake Pickett Road
- Woodbury Road, from Waterford Lakes Parkway to Colonial Drive. This information is dated and subject to change.

Based on the project trip distribution, the majority of traffic will be travelling along Colonial Drive and Alafaya Trail.

These segments are projected to operate at Level of Service "F" as a result of background traffic and committed trips. However, no deficiencies are identified due to the reduction in the number of potential trips.

The short term (Year 2025) as well as the long term (Year 2040) analysis under the proposed FLU designation showed that the following roadway segments are projected to operate at an adverse level of service due to background traffic:

The analysis indicated that all segments in the study area are operating within the short-term (2025) horizon PM peak hour volumes within their adopted maximum service volumes (MSV), with the exception of the existing deficient segments and the following background deficient segments:

- Alafaya Trail, from University Boulevard to Science Drive
- Alafaya Trail, from Science Drive to Colonial Drive
- Colonial Drive, from Dean Road to Rouse Road
- Colonial Drive, from Rouse Road to Alafaya Trail
- Colonial Drive, from Alafaya Trail to Woodbury Road

The deficiencies described above are based on existing and background traffic volumes and are not due to the addition of the proposed project's trips. No new deficiencies are identified due to project traffic impact.

The long-term analysis year 2040 revealed in addition to the six (6) segments mentioned above, the following four (4) segments will be operating above their capacity:

- Alafaya Trail, from Colonial Drive to Lake Underhill Road
- Challenger Parkway, from Colonial Drive to Woodbury Road

- Challenger Parkway, from Woodbury Road to Ingenuity Drive
- Rouse Road, from Colonial Drive to Lokanotosa Trail

Note that these deficient segments are based on background traffic volumes and are not due to the addition of the proposed project's trips. No deficiencies are identified due to project traffic impact.

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.

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.

Community Meeting Summary

A community meeting was held on Tuesday, March 1, 2022, with nine (9) area residents in attendance expressing concerns for overflow parking, property values, and cut-thru traffic on Crescent Boulevard.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

***Utilities Comments**

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37,

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

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.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – (March 17, 2022)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested PD-HDR-Student Housing (Planned Development – High Density Residential – Student Housing) Future Land Use.

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING
SYNOPSIS – March 17, 2022 (Future Land Use Map Amendment)**

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-HDR-Student Housing (Planned Development – High Density Residential – Student Housing) The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred forty seven (147) notices were mailed to those property owners in the mailing area extending beyond 1,100 feet surrounding the property, and that staff received two letters in opposition stating no comments for the reason for the opposition, and no letters in favor. During public comments two speakers were present speaking in opposition of the request stating concerns for compatibility, drainage, and traffic.

After a discussion regarding access and traffic on Crescent Boulevard, a motion was made on the Future Land Use Map Amendment by Commissioner Spears, and seconded by Commissioner Fernandez to recommend ADOPTION of the requested PD-HDR-Student Housing (Planned Development – High Density Residential – Student Housing) Future Land Use Map designation. The motion carried on a 8-0 vote.

Motion / Second

Gordon Spears / Eddie Fernandez

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

Voting in Favor	<i>George Wiggins, Trevor Sorbo, Jaja Wade, Mohammed Abdallah, Gordon Spears, Eddie Fernandez, Walter Pavon, and Evelyn Cardenas</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena</i>

Planning and Zoning Commission (PZC) Recommendation – (September 15, 2022)

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Fifty South Student Housing Planned Development / Land Use Plan (PD/LUP), dated "Received June 29, 2022", subject to the following conditions:

1. Development shall conform to the Fifty South Student Housing Land Use Plan (LUP) dated "Received June 29, 2022," 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, 2022," 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

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

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, 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. 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

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

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.

8. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
9. 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.
10. 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.
11. 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; length of stay shall be 180 consecutive days or greater.
12. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
13. 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.
14. Prior to construction plan approval, hydraulic calculations, including hydraulically dependent development, shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
15. In connection with the development of the Fifty South Student Housing Planned Development (the "Project"), the Developer will, at Developer's expense, construct and/or install within existing Orange County right-of-way, to Orange County standards for design and construction, one of the following improvement options (the "Options"); such Option to be determined by Orange County no later than six (6) months from the final approval of the Development Plan for the Project:

OPTION 1. Either a "cul-de-sac" or a "hammer-head" at the intersection of Crescent Blvd. and Cochin St. to prevent cut-through traffic from Alafaya Trail to Colonial Drive. Additionally, the improvements may include (i) a "crash gate" at Cochin St to allow emergency vehicles the ability to access Crescent Blvd. from Cochin St. with pedestrian accessibility, and/or (ii) removal of a portion of asphalt at the western end of Cochin St. with a provision of a stabilized surface to allow emergency vehicles the ability to access Crescent Blvd. as well as to allow for a pedestrian connection;

OPTION 2. Developer shall install the following "traffic calming" improvements in or along Crescent Blvd., provided, however, any stop signs shall be warranted and

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

approved by the BCC prior to installation in accordance with Section 21-231(h), Orange County Code: (i) Stop signs going both directions at the intersection of Crescent Blvd. and Cochin St.; (ii) Stop signs going all three directions at the intersection of Crescent Blvd. and Minorca St.; (iii) Stop signs going all four directions at the intersection of Crescent Blvd. and Orpington St.; (iv) Speed table(s) on Crescent Blvd. approximately half-way between Cochin St. and Minorca St. or at a location determined by the County traffic Engineer; and (v) Speed table(s) on Crescent Blvd. approximately half-way between Minorca St. and Orpington St. or at a location determined by the County traffic Engineer.

If the County has not yet selected one of the Options by the time Developer submits for Development Plan approval, Developer may submit alternative plans for Option 1 and Option 2 at the Development Plan phase so that the County can evaluate both Options in connection with the Development Plan review. If the County has not selected an Option within six (6) months following the approval of the Development Plan for the Project, the Developer may proceed with Option 2 to satisfy this condition. The Developer will be required to complete the applicable Option prior to the issuance of a final Certificate of Occupancy for the Project. Nothing herein is intended to delay or supersede the standard development process for the Project.

16. The following waivers from Orange County Code are granted:

- a. A waiver from Section 30-248(d)(3) to allow a minimum 50-foot driveway length in lieu of 70-feet.
- b. A waiver from Section 38-1251(b) to allow a maximum building coverage of all buildings up to sixty percent (60%) of the project in lieu of thirty percent (30%) of the gross land area.
- c. A waiver from Section 38-1251(d) to allow a maximum height of seventy-five (75) feet for residential development in lieu of a maximum height of thirty-five (35) feet.
- d. A waiver from Section 38-1254(1) to allow a fifteen (15') foot PD setback along Orpington Street, ten (10') foot PD setback along Crescent Blvd., and twenty-five (25') foot PD setback along remaining boundaries and no increase due to structure height from all boundaries of the PD in lieu of a minimum twenty-five foot (25') setback from all boundaries of the PD and increases due to structure height.
- e. A waiver from Section 38-1254(2)(e) to allow a fifteen foot (15') building setback along the north boundary (Orpington Street) and ten feet (10') along the west boundary (Crescent Boulevard) in lieu of twenty feet (20') from all other rights-of-way.
- f. A waiver from Section 38-1258(a) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height and located a minimum of eighty-five (85) feet from single family zoned property in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to single story in height.

- g. A waiver from Section 38-1258(b) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located between one hundred plus (100+) feet to one hundred and fifty (150) feet of a single-family zoned property in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty [40] feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- h. A waiver from Section 38-1258(c) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located within one hundred and fifty (150) feet of single-family zoned property in lieu of three (3) stories (forty [40] feet) in height.
- i. A waiver from Section 38-1259(b) to allow a minimum distance separation of eighty-five (85') feet between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400').
- j. A waiver from Section 38-1259(d) to allow for a vegetative buffer in lieu of a six-foot high masonry, brick or block wall constructed whenever a student housing development is located adjacent to any right-of-way.
- k. A waiver from Section 38-1259(k) to allow five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height in lieu of a maximum building height of three (3) stories (forty [40] feet).
- l. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent impervious coverage in lieu of a maximum impervious coverage of seventy (70) percent of the net land area.
- m. A waiver from Section 38-1476(a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING
SYNOPSIS – September 15, 2022 (Planned Development Rezoning)

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested Planned Development (PD) rezoning subject to sixteen conditions of approval which includes thirteen waivers from Orange County Code. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred forty seven (147) notices were mailed to those property owners in the mailing area extending beyond 1,100 feet surrounding the property, and that staff received no letters in favor and eleven letters in opposition stating concerns for parking, compatibility, traffic, and increased noise. During public comments four speakers were present speaking in opposition of the request stating concerns for

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

compatibility, noise, parking on Orpington Street, and cut-through traffic on Crescent Boulevard.

Discussion ensued regarding the closing of Crescent Boulevard to prevent cut-through traffic from Alafaya Trail, or in lieu of closing the roadway, providing traffic calming measures. Additionally, to address noise concerns, the applicant stated that balconies would be prohibited. The applicant also addressed concerns for buffering and described the landscaping that would be provided in order to create more of a residential look instead of a commercial look. The issue of parking along Orpington Street was discussed and the applicant agreed to work with staff and area businesses to explore options to prevent parking on the street at the time of development plan approval. Commissioner Spears expressed his desire to see an open roadway on Crescent Boulevard instead of closing it off to prevent cut-through traffic. Commissioner Spears expressed his desire to see traffic calming on Crescent Boulevard and an urban cross-section for Orpington Street. However, Commissioner Spears' motion included the existing proposed conditions of approval which allows for both options for Crescent Boulevard including closing it off to prevent cut-through traffic.

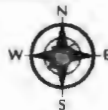
A motion was made on the rezoning request by Commissioner Spears, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested Planned Development (PD) zoning subject to the sixteen conditions in the staff report. The motion carried on a 6-0 vote.

Motion / Second	<i>Gordon Spears / George Wiggins</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Eddie Fernandez, Walter Pavon, Nelson Pena, and Evelyn Cardenas</i>
Voting in Opposition	<i>None</i>
Absent	<i>Mohammed Abdallah, Jaja Wade, Trevor Sorbo</i>

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022



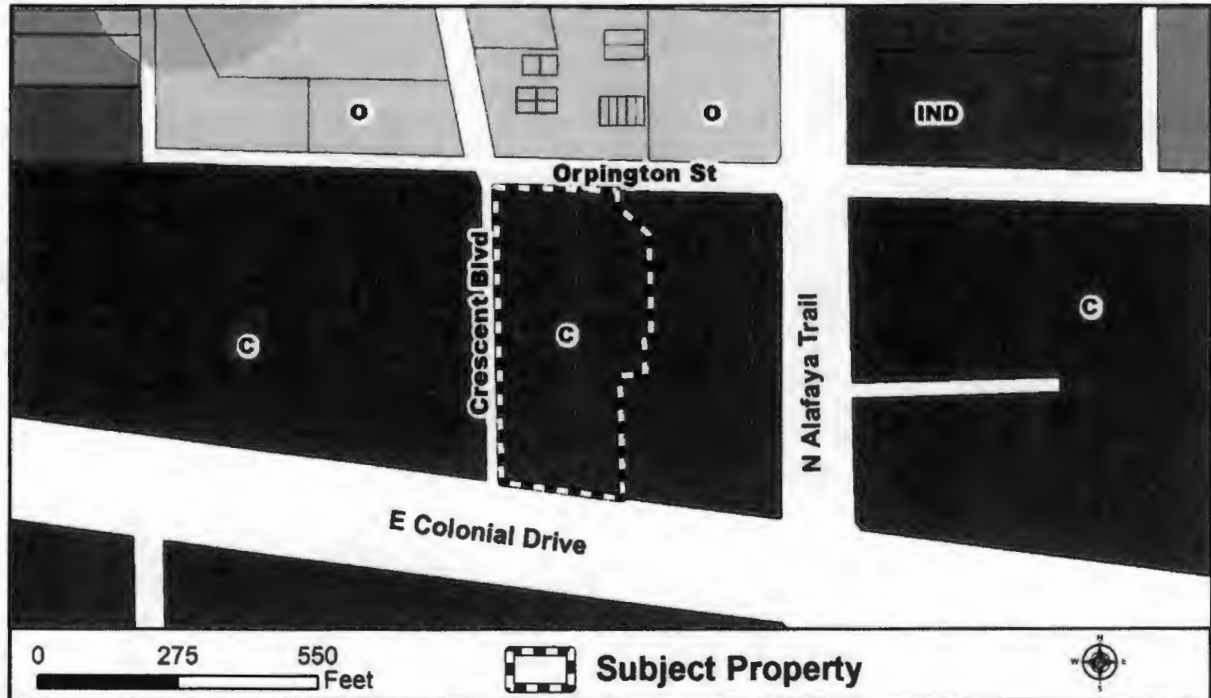
Subject Property



1 inch = 350 feet

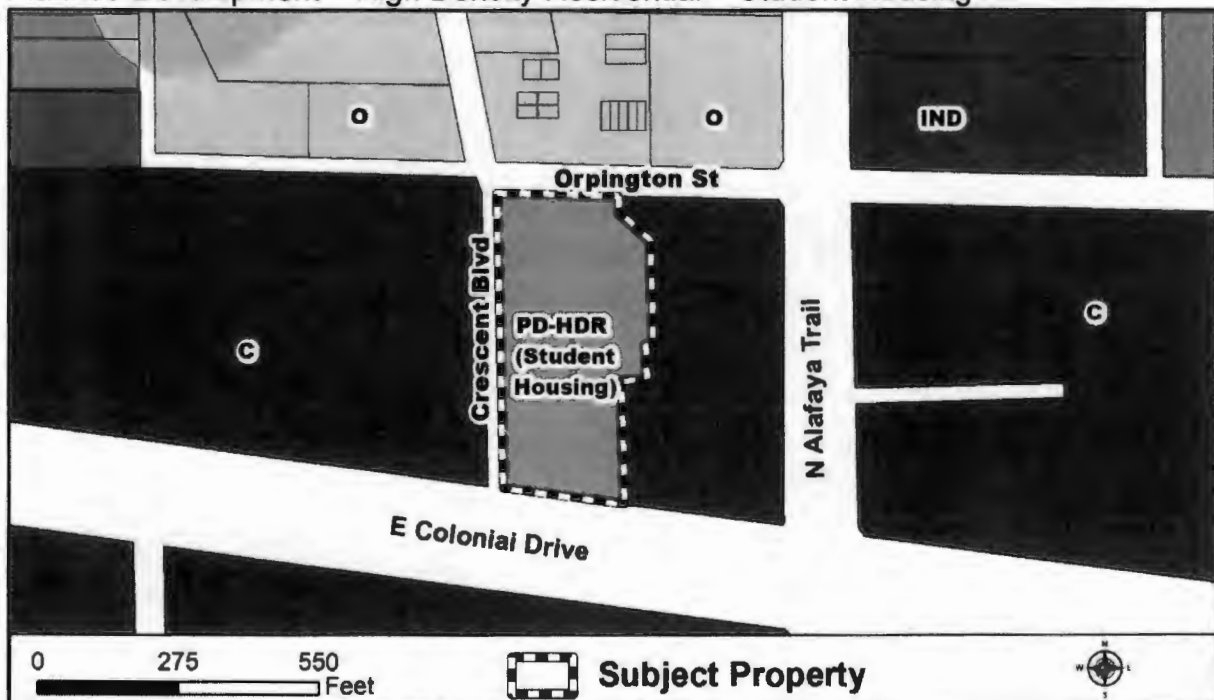
FUTURE LAND USE - CURRENT

Commercial



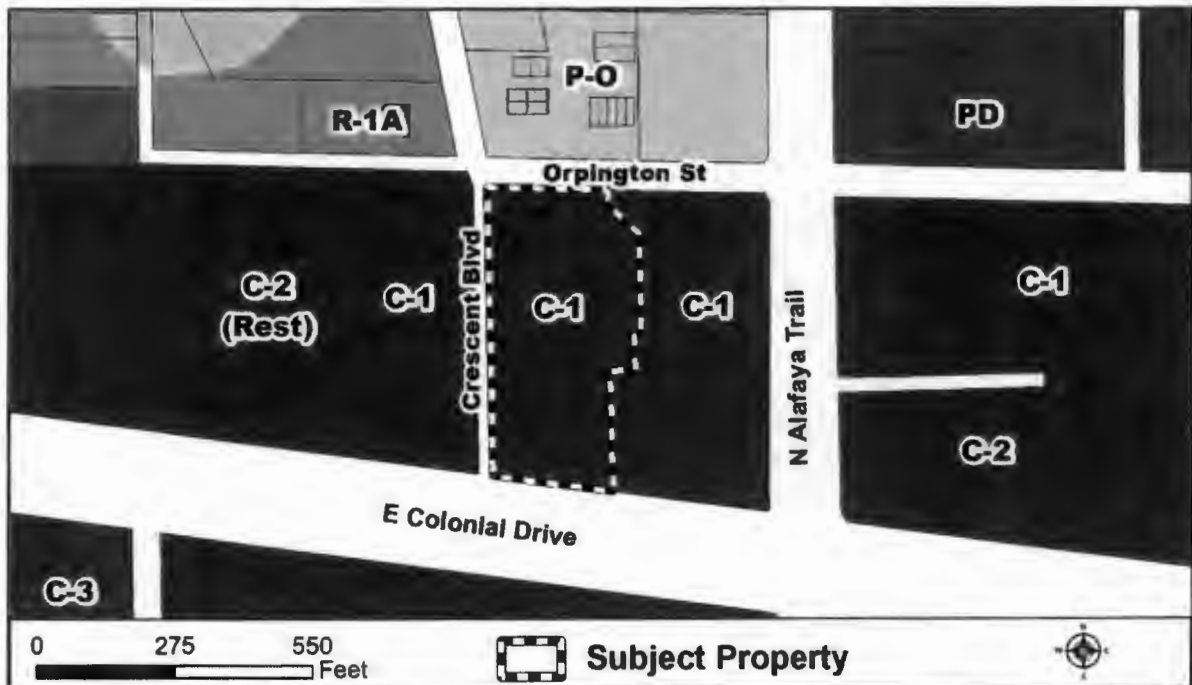
FUTURE LAND USE - PROPOSED

Planned Development – High Density Residential – Student Housing



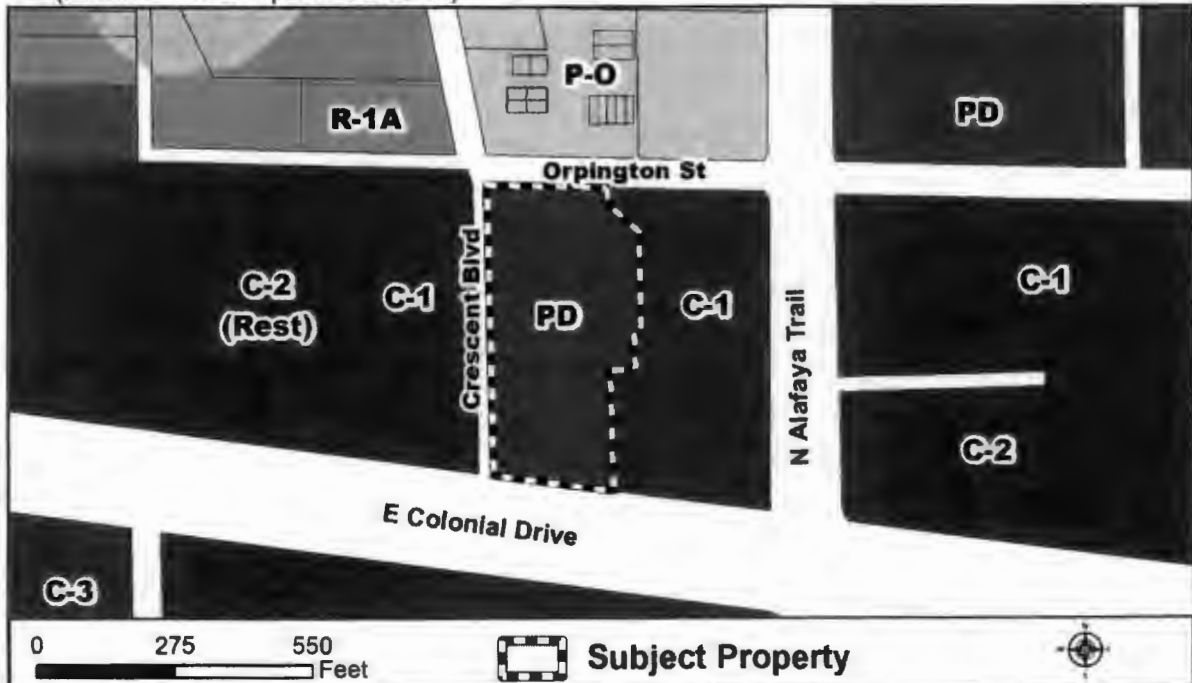
ZONING – CURRENT

C-1 (Retail Commercial District)

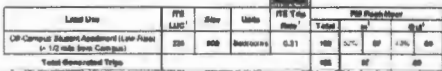


ZONING – PROPOSED

PD (Planned Development District)



Fifty South Student Housing PD / LUP



Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022



*Planning and Zoning
Commission /
Local Planning Agency
(PZC/LPA)*

*Chairman:
Nelson Pena
At-Large*

*Vice-Chairman:
Trevor Sorbo
District 1*

*Commissioners:
George Wiggins
District 2*

*Eddie Fernandez
District 3*

*Walter Pavon
District 4*

*J. Gordon Spears
District 5*

*JaJa Wade
District 6*

*Mohammed Abdallah
At-Large*

*Evelyn Cardenas
At-Large*

DATE: October 5, 2022

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

FROM: Nelson Pena, Chairman

SUBJECT: Case LUP-22-01-001 PZC/LPA Hearing Summary

At the September 15, 2022 Planning and Zoning Commission / Local Planning Agency (Commission) hearing, the applicant's request to change the zoning of the subject property for Case LUP-22-01-001 from C-1 to PD (Fifty South Student Housing Planned Development) was reviewed.

The applicant was present for the hearing and agreed with staff's recommendation for approval. Four members of the public appeared in opposition during public comment of the request.

Discussion ensued regarding the closing of Crescent Boulevard to prevent cut-through traffic from Alafaya Trail, or in lieu of closing the roadway, providing traffic calming measures. To address noise concerns, the applicant stated that balconies would be prohibited. To address concerns for buffering, the applicant stated that landscaping would be provided to create more of a residential look instead of a commercial look. As to parking along Orpington Street, the applicant agreed to work with staff and area businesses to explore options to prevent parking on the street at the time of development plan approval. Commissioner Spears expressed his desire to see an open roadway on Crescent Boulevard instead of closing it off to prevent cut-through traffic, and to provide traffic calming on Crescent Boulevard in addition an urban cross-section for Orpington Street. However, Commissioner Spears' motion included the existing proposed conditions of approval which allows for both options for Crescent Boulevard including closing it off to prevent cut-through traffic.

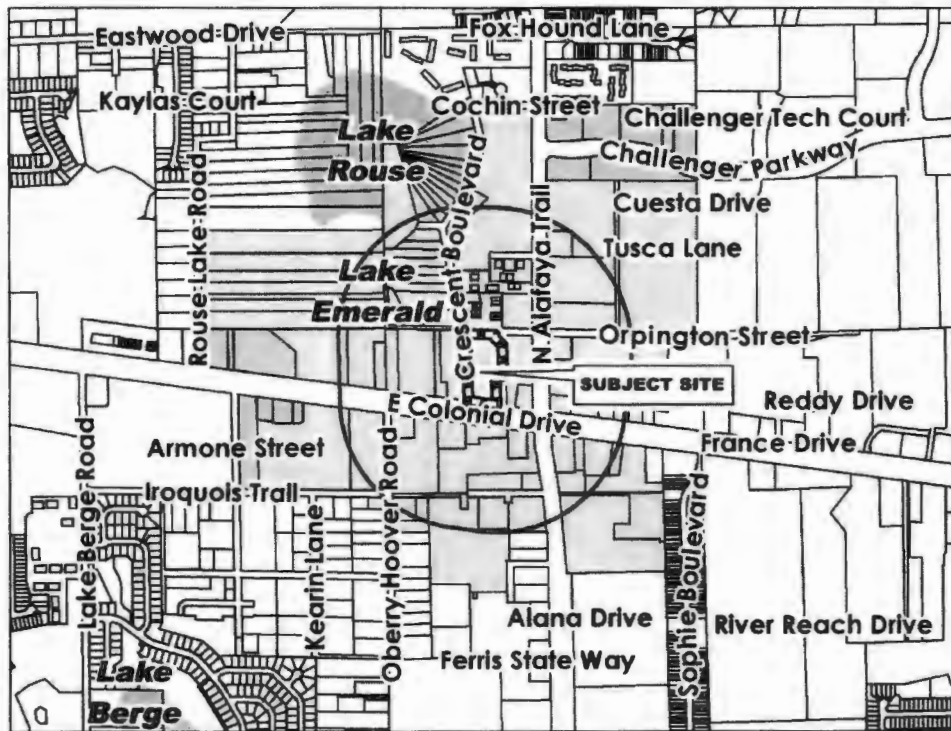
A motion was made on the rezoning request by Commissioner Spears, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested Planned Development (PD) zoning subject to the sixteen conditions in the staff report. The motion carried on a 6-0 vote.

NP/JHS



Public Notification Map

SS-22-01-103



SUBJECT SITE



MAP LEGEND



SUBJECT SITE



1100 FT BUFFER



1 MILE BUFFER



PARCELS



NOTIFIED_PARCELS



COURTESY_PARCELS



HYDROLOGY

BUFFER DISTANCE: 1100 FT
OF NOTICES: 147



\\s:\data\GIS\SS-22-01-103\Map\SS-22-01-103_Planetree\Map\SS-22-01-103_Planetree.mxd

Notification Map

Small Scale Amendment # SS-22-01-103
Rezoning Case # LUP-22-01-001
Orange County Planning Division
BCC Hearing Date: October 25, 2022

ORDINANCE NO. 2022-_____

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
A SMALL SCALE DEVELOPMENT AMENDMENT
PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;
AND PROVIDING EFFECTIVE DATES.

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; and

c. On October 25, 2022, the Board held a public hearing on the adoption of the
proposed amendment, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to
Part II of Chapter 163, Florida Statutes.

Section 3. Amendments to Future Land Use Map. The Comprehensive Plan is
hereby amended by amending the Future Land Use Map designation as described at **Appendix**
"A," attached hereto and incorporated herein.

* * *

Section 4. Effective Dates for Ordinance and Amendments.

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

(b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small-scale development amendment adopted in this ordinance may not become effective until 31 days after adoption. However, if the amendment is challenged within 30 days after adoption, the amendment that is challenged may not become effective until the Department of Economic Opportunity or the Administration Commission issues a final order determining that the adopted amendment is in compliance.

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

ADOPTED THIS 25th DAY OF OCTOBER, 2022.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk

APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-22-01-103	Commercial (C)	Planned Development – High Density Residential (Student Housing) (PD-HDR-Student Housing)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		