

GENERAL INFORMATION

APPLICANT	Ian McCook, Nvision Development Management Services
OWNER	Savi Investments, LLC
PROJECT NAME	River Run at Valencia Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	R-CE (Country Estate District) to PD (Planned Development District)

A request to rezone 12.3 gross acres from R-CE to PD, in order to construct a 456 bed / 114 unit student housing project. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1259(b) Student Housing to allow for reduced distance from single-family residential along the northern border of 150 feet in lieu of 400 feet for the 4-story student housing buildings and 25 feet in lieu of 400 feet for the single-story clubhouse; along the southern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings; and along the eastern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings.
2. A waiver from Section 38-1259(h)(b) to allow a maximum building height of four (4) stories and sixty (60) feet in lieu of three (3) stories and forty (40) feet.
3. A waiver from Section 38-1258(f) to eliminate the 6' high masonry, brick or block wall where the conservation area is located along the northernmost border. Location of the conservation area will be shown on the development plan.
4. A waiver from Section 38-1259 Student Housing, Subsection (G) to align with density calculation in the Comprehensive Plan, Policy FLU1.1.2, Subsection (F) whereas student housing density is calculated as four bedrooms equal one multi-family unit, in lieu of one bedroom counting as one-half dwelling unit.

LOCATION	113 S. Econlockhatchee Trail; or generally north of State Road 417 and east of N. Econlockhatchee Trail
PARCEL ID NUMBER	30-22-31-0000-00-022
TRACT SIZE	12.3 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,300 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Two hundred forty-six (246) notices were mailed to those property owners in the mailing area.
PROPOSED USE	456 bed / 114 unit student housing project

STAFF RECOMMENDATION

Development Review Committee – (December 20, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the River Run at Valencia Planned Development / Land Use Plan (PD/LUP), dated "Received September 26, 2017", subject to approval of a Purchase agreement or Order regarding acquisition of the right-of-way prior to or concurrently with approval of this PD, subject to the following conditions:

1. Development shall conform to the River Run at Valencia Planned Development / Land Use Plan (PD / LUP) dated "Received September 26, 2017," 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 September 26, 2017," 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 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 (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee

that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

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. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
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. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
11. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. The covenants, conditions, and restrictions (CC&Rs), or as appropriate, a recorded restrictive covenant on the property and a note on the plat shall contain notification to potential purchasers, builders or tenants of this development that a regional water treatment plant is located adjacent to the southern boundary of this PD.
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. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
15. A student housing development plan shall require approval through a public hearing before the Board of County Commissioners. Prior to the public hearing, a community meeting shall be held.
16. The development shall not (i) generate attendance by school-aged children in grades K-12 within the Orange County Public School System or (ii) utilize any public

school facilities. Any proposed change to this condition shall require a substantial change to the PD.

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

- a. A waiver from Section 38-1259(b) Student Housing to allow for reduced distance from single-family residential along the northern border of 150 feet in lieu of 400 feet for the 4-story student housing buildings and 25 feet in lieu of 400 feet for the single-story clubhouse; along the southern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings; and along the eastern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings.
- b. A waiver from Section 38-1259(h)(b) to allow a maximum building height of four (4) stories and sixty (60) feet in lieu of three (3) stories and forty (40) feet.
- c. A waiver from Section 38-1258(f) to eliminate the 6' high masonry, brick or block wall where the conservation area is located along the northernmost border. Location of the conservation area will be shown on the development plan.
- d. A waiver from Section 38-1259 Student Housing, Subsection (G) to align with density calculation in the Comprehensive Plan, Policy FLU1.1.2, Subsection (F) whereas student housing density is calculated as four bedrooms equal one multi-family unit, in lieu of one bedroom counting as one-half dwelling unit.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from R-CE (Country Estate District) to PD (Planned Development District) in order to construct a 456 bed / 114 unit student housing project. The proposal includes 178 physical units, but that number is reduced to 114 units when applying the County's Comprehensive Plan density calculation of 4 beds per dwelling unit. The applicant is also seeking approval of waivers to reduce the student housing setbacks from single-family residential, increase the height to four stories and sixty feet, eliminate the requirement for a 6-foot wall along a portion of the northern border, and use the Comprehensive Plan density calculations for student housing.

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) which allows for a maximum residential density of twenty (20) dwelling units per acre. The proposed PD zoning district and development program is consistent with MDR FLUM designation and the following CP provisions:

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

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.

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.

FLU1.1.5 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.

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.

FLU8.2.1 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.

FLU1.1.2(F) states that student housing may be permitted only on property with a future land use designation of Medium Density Residential, High Density Residential, or Planned Development. 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.

Community Meeting Summary

A community meeting was held for this request on Wednesday, July 26, 2017, at Deerwood Elementary School with approximately four (4) residents in attendance. The primary concerns of the residents related to safety and conduct restrictions on the

student housing and security within the proposed complex. Otherwise, no major issues were presented and the adjacent property owner was in support of the project.

SITE DATA

Existing Use	Commercial / Undeveloped Land
Adjacent Zoning	N: R-CE (Country Estate District) (1968) PD (Econ Trails Planned Development) (2016) E: PD (Econ Place Planned Development) (2009) A-2 (Farmland Rural District) (1968) W: S.R. 417 (Central Florida Greeneway) S: R-CE (Country Estate District) (1968)
Adjacent Land Uses	N: Single Family Residential E: Office / Conservation Land W: S.R. 417 S: Water Treatment Facility

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	60 feet (<i>waiver requested</i>)
Minimum Living Area:	500 Square Feet (under HVAC)
<u>Minimum Building Setbacks</u>	
Front Setback:	75 feet
Rear Setback:	25 feet
South Setback:	25 feet (4-story apartment building) (<i>waiver requested</i>)
North Setback:	25 feet (1-story clubhouse) (<i>waiver requested</i>) 150 feet (4-story apartment building) (<i>waiver requested</i>)

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone 12.3 gross acres from R-CE to PD in order to construct a 456-bed student housing project. In addition, the applicant is seeking approval of waivers to reduce the student housing setbacks from single-family residential, increase the height to four stories and sixty feet, eliminate the requirement for a 6-foot wall along a portion of the northern border, and use the Comprehensive Plan density calculations for student housing.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

Environmental

Potential Contamination - This project site has a prior agricultural land use (including cattle operations) that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The Ecological Assessment dated May 23, 2017 reported no evidence of listed species on site. A 100% coverage survey will be required by the FWC within 90 days of the initiation of construction activities, as noted.

Transportation / Concurrency

Based on the Concurrency Management System database dated June 21, 2017, there are multiple failing roadways within a one mile radius of this project. Segments of Dean Road from Curry Ford Road to Lake Underhill Road, Econlockhatchee Trail from Curry Ford Road to Lake Underhill Road, and Lake Underhill Road from Goldenrod Road to Rouse Road are currently operating at level of service F and there is no available capacity. A traffic study will be required.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. 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 CEL or a CRC.

This parcel is within the Econlockhatchee Trail multimodal corridor (Comprehensive Plan Policy T2.2.9) and shall be subject Policy T2.2.4 with a goal of increasing the viability of walking, biking and transit along the corridor. Site design shall conform to the County's Land Development Code, transportation impact analysis requirements, and concurrency requirements.

The Public Works Engineering Division (PWED) requires road right-of-way for N. Econlockhatchee Trail from this project. The owner is in the process of finalizing a purchase agreement through Orange County Real Estate Management for this right-of-way. This purchase agreement will appear on the BCC consent agenda concurrent with the Planned Development / Land Use Plan request.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

Orange County Public Schools (OCPS) staff has reviewed the request but did not identify any issues or concerns. However, if the property converts to market-rate multi-family, a Capacity Enhancement Agreement (CEA) may be required.

Parks and Recreation

Parks and Recreation staff reviewed the request and had no comments or issues.

Code Enforcement

No code enforcement, special magistrate or lot clearing issues on the subject property have been identified.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (November 16, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the River Run at Valencia Development / Land Use Plan (PD/LUP), dated "Received September 26, 2017", subject to BCC approval of a Purchase Agreement or Order regarding acquisition of the right-of-way prior to or concurrently with approval of this PD, subject to the following conditions:

1. Development shall conform to the River Run at Valencia Planned Development / Land Use Plan (PD / LUP) dated "Received September 26, 2017," 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 September 26, 2017," 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 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 (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
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. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
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. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.

11. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. The covenants, conditions, and restrictions (CC&Rs), or as appropriate, a recorded restrictive covenant on the property and a note on the plat shall contain notification to potential purchasers, builders or tenants of this development that a regional water treatment plant is located adjacent to the southern boundary of this PD.
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. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
15. A student housing development plan shall require approval through a public hearing before the Board of County Commissioners. Prior to the public hearing, a community meeting shall be held.
16. The development shall not (i) generate attendance by school-aged children in grades K-12 within the Orange County Public School System or (ii) utilize any public school facilities. Any proposed change to this condition shall require a substantial change to the PD.
17. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1259(b) Student Housing to allow for reduced distance from single-family residential along the northern border of 150 feet in lieu of 400 feet for the 4-story student housing buildings and 25 feet in lieu of 400 feet for the single-story clubhouse; along the southern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings; and along the eastern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings.
 - b. A waiver from Section 38-1259(h)(b) to allow a maximum building height of four (4) stories and sixty (60) feet in lieu of three (3) stories and forty (40) feet.
 - c. A waiver from Section 38-1258(f) to eliminate the 6' high masonry, brick or block wall where the conservation area is located along the northernmost border. Location of the conservation area will be shown on the development plan.
 - d. A waiver from Section 38-1259 Student Housing, Subsection (G) to align with density calculation in the Comprehensive Plan, Policy FLU1.1.2, Subsection (F) whereas student housing density is calculated as four bedrooms equal one multi-family unit, in lieu of one bedroom counting as one-half dwelling unit.

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 approval of the requested River Run at Valencia Planned Development / Land Use Plan (PD / LUP), subject to BCC approval of a Purchase Agreement or Order regarding acquisition of the right-of-way prior to or concurrently with approval of this PD, subject to seventeen (17) conditions.

Staff indicated that two hundred forty-six (246) notices were mailed to surrounding property owners within a buffer extending beyond 1,300 feet from the subject property, with zero (0) commentaries received in favor of the request and three (3) in opposition. The applicant was present and agreed with the staff recommendation of approval. There were no members of the public present to speak about this request.

Following limited discussion regarding the requested waivers and the proximity to Valencia College, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the River Run at Valencia Planned Development / Land Use Plan (PD / LUP), subject to BCC approval of a Purchase Agreement or Order regarding acquisition of the right-of-way prior to or concurrently with approval of this PD, subject to the seventeen (17) conditions in the staff report. Commissioner DiVecchio seconded the motion, which was then carried on a 7-0 vote.

Motion / Second	<i>Tina Demostene / Pat DiVecchio</i>
Voting in Favor	<i>Tina Demostene, Pat DiVecchio, Paula Wean, Jose Cantero, JaJa Wade, William Gusler, and Gordon Spears</i>
Absent	<i>James Dunn and Yog Melwani</i>