

CASE # CDR-18-06-206

Commission District: # 5

GENERAL INFORMATION

APPLICANT	William E. Burkett, Burkett Engineering, Inc.
OWNER	DAT Mortgage One, LLC; Collegiate Square, LLC; Collegiate Square Realty, LLC; Collegiate Square Tech Center, LLC; Collegiate Square Hotel, LLC; Collegiate Village Commercial Property Owners Assn, Inc.; CVI-Orlando, LLC; 11700 University Boulevard, LLC; 11750 University Boulevard, LLC; 11764 University Boulevard, LLC; 12001 Collegiate Way, LLC; Demetree Mary L TR
PROJECT NAME	Collegiate Village Planned Development
PARCEL ID NUMBER(S)	09-22-31-0000-00-048; 09-22-31-0000-00-049 09-22-31-0000-00-059; 09-22-31-1494-00-002 09-22-31-1494-00-010; 09-22-31-1494-00-020 09-22-31-1494-00-021; 09-22-31-1494-00-030 09-22-31-1494-00-040; 09-22-31-1494-00-050 09-22-31-1494-00-060; 09-22-31-1494-00-070 09-22-31-1494-00-080; 09-22-31-1494-00-100 09-22-31-1494-00-110; 09-22-31-1495-01-000 09-22-31-1495-02-000; 10-22-31-0000-00-027 10-22-31-9652-10-010; 10-22-31-9652-10-020 10-22-31-9652-10-040; 10-22-31-9652-10-060 10-22-31-9652-10-070; 10-22-31-9652-10-080 10-22-31-9652-10-090; 10-22-31-9652-10-100 10-22-31-9653-00-010
TRACT SIZE	53.48 gross acres (<i>overall PD</i>)
LOCATION	South of University Boulevard / West of Alafaya Trail
REQUEST	A PD substantial change to amend approved uses, decrease Commercial square footage from 166,000 to 153,600, increase student housing from 1,400 beds to 1,800 beds, eliminate the elderly housing, and add on-street parking on Lots 6-9. In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 38-1259(c) to allow a total of 1,800 beds of student housing, in lieu of 750 bedrooms for Parcel 1, Lots 6 and 6A, and Collegiate Village Inn.
2. A waiver from Section 38-1258(d) and 38-1259(h) to allow a maximum building height up to 100' for student housing, in lieu of a maximum building height of 40' (3-stories) for Parcel 1, Lots 6 and 6A, and Collegiate Village Inn.
3. A waiver from Section 38-1476(a) to allow for a reduction in parking requirements for commercial / retail development to 3.6 spaces, in lieu of 5 spaces per 1,000 square feet of gross floor area for Lots 7, 8, & 9 and commercial development that may be a part of Lot 6 and / or Collegiate Village Inn.
4. A waiver from Section 38-1501 to allow container stores to be a minimum of 160 square feet, in lieu of 500 square feet for Lots 7, 8, & 9.
5. A waiver from Section 38-79(87) to allow multiple food vendors to operate as described in the paseo programming on Sheet 4.

PUBLIC NOTIFICATION A notification area extending beyond five hundred hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty five (185) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

IMPACT ANALYSIS

Special Information

The Collegiate Village PD was originally approved in 1972 and currently allows for 166,000 square feet of commercial uses, 1,400 student housing beds, and 688 age restricted multi-family dwelling units.

Through this PD substantial change, the applicant is seeking to amend approved uses, decrease Commercial square footage from 166,000 to 153,600, increase student housing from 1,400 beds to 1,800 beds, eliminate the age-restricted multi-family units, add on-street parking on Lots 6-9, and request waivers from Orange County Code to increase the allowance for student housing beds, increase the maximum building height, decrease the parking requirement, allow reduced store size below the 500 square foot minimum, and to allow multiple food vendors to operate within the proposed paseo.

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C), Office (O), and Medium Density Residential (MDR). The proposed PD substantial change is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division (EPD) staff has reviewed the proposed request, but did not identify any issues or concerns.

Transportation Concurrency

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 issuance of the initial Certificate of Occupancy.

Community Meeting Summary

A community meeting for this project was not required.

Schools

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the PD substantial change but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (April 10, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Collegiate Village Planned Development / Land Use Plan (PD/LUP), dated “April 23, 2019”, subject to the following conditions:

1. Development shall conform to the Collegiate Village PD dated "Received April 23, 2019," 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 April 23, 2019," 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. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1259(c) to allow a total of 1,800 beds of student housing, in lieu of 750 bedrooms for Parcel 1, Lots 6 and 6A, and Collegiate Village Inn.
 - b. A waiver from Section 38-1258(d) and 38-1259(h) to allow a maximum building height up to 100' for student housing, in lieu of a maximum building height of 40' (3-stories) for Parcel 1, Lots 6 and 6A, and Collegiate Village Inn.
 - c. A waiver from Section 38-1476(a) to allow for a reduction in parking requirements for commercial / retail development to 3.6 spaces, in lieu of 5 spaces per 1,000 square feet of gross floor area for Lots 7, 8, & 9 and commercial development that may be a part of Lot 6 and / or Collegiate Village Inn.
 - d. A waiver from Section 38-1501 to allow container stores to be a minimum of 160' square feet in lieu of 500 square feet for Lots 7, 8, & 9.
 - e. A waiver from Section 38-79(87) to allow multiple food vendors to operate as described in the paseo programming on Sheet 4.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 20, 2016 shall apply:
 - a. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater system has been designed to support all development within the PD.

8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 6, 2009, shall apply:
- a. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not permit any proposed conservation impacts.
 - b. Billboards and new pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
 - c. Outdoor storage and display shall be prohibited.
 - d. The Developer shall obtain water and wastewater service from Orange County Utilities.
 - e. The applicant must apply for and obtain a capacity encumbrance letter or vested rights certificate prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, 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.
 - f. The (Covenants, Conditions, and Restrictions) CC&Rs for senior housing shall include language that at least one owner/resident shall be at least 55 years of age or older, and in no case shall there be any residents 18 years or under. In the event this project becomes market rate housing, it shall be deemed a substantial change, and a Capacity Enhancement Agreement (CEA) and compliance with school concurrency may be required.
 - g. A waiver from Section 38-1272(5) is granted to allow a maximum building height of seventy-five (75) feet for the commercial and a maximum building height of one hundred fifty (150) feet for the office in lieu of fifty (50) feet.
 - h. A waiver from Section 38-1254(1) is granted to allow a reduction of the PD boundary setback to ten (10) feet in lieu of twenty-five (25) feet.
 - i. For Student Housing only, the following waivers are approved:
 - 1) A waiver from Section 38-1476 is granted to allow a reduction of parking spaces to one (1) space per bed in lieu of one and a quarter (1.25) spaces per bed.
 - 2) A waiver from Section 38-1259(d) is granted to allow for decorative fencing and/or landscaping with a two (2) to three (3) foot optional knee wall along the right-of-way in lieu of the required six (6) foot high masonry wall, brick wall, or block wall, along a right-of-way.

- 3) A waiver from Section 38-1259(b) is granted to allow for a twenty-five (25) foot single-family separation with buffer, fence, or landscaping in lieu of four hundred (400) feet.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (September 20, 2016)

Upon a motion by Commissioner Edwards, seconded by Commissioner Clarke, and carried by all present members, the Board made a finding of consistency with the Comprehensive Plan; further approved the substantial change request by William E. Burkett, Burkett Engineering, Inc., Collegiate Village Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-01-036, to convert 200,000 square feet of existing office entitlements into 30,000 square feet of commercial, while adding another 36,100 square feet, and thereby increasing commercial entitlements from 99,900 square feet to 166,000 square feet, and further, consistent with an existing Condition of Approval, amended the existing multi-family / student housing entitlements to "1,400 beds", in lieu of 350 units; subject to conditions.