




## Interoffice Memorandum

DATE: July 21, 2023

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

FROM: Andres Salcedo, P.E., Acting Director   
Planning, Environmental, and Development Services  
Department

**CONTACT PERSON: Joe Kunkel, P.E., DRC Chairman  
Development Review Committee  
Public Works Department  
(407) 836-7971**

SUBJECT: August 8, 2023 – Public Hearing  
Lance Bennett, Poulos & Bennett, LLC  
Kensington Church - Village H Planned Development  
Case # CDR-23-03-082 / District 1

The Kensington Church - Village H Planned Development (PD) is located South of Old YMCA Road, and west of Lake Hickory Nut Drive. The existing PD development program allows for a church community campus with a 17,296 square foot church, 9,970 square foot pre-school, and a soccer field.

Through this PD substantial change, the applicant is seeking to add the uses of temporary athletic fields on 2 acres of the property and request a waiver to allow temporary grass parking on 1 acre of the property prior to construction of the church community campus.

On June 28, 2023, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

**ACTION REQUESTED:** Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Kensington Church - Village H Planned Development / Land Use Plan (PD/LUP) dated “Received June 6, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

**CASE # CDR-23-03-082**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** Lance Bennett, Poulos & Bennett, LLC  
**OWNER** Kensington Church Orlando Inc  
**PROJECT NAME** Kensington Church - Village H Planned Development (PD)  
**PARCEL ID NUMBER(S)** 06-24-27-0000-00-013; 06-24-27-0000-00-011  
**TRACT SIZE** 10 gross acres (overall PD)  
**LOCATION** South of Old YMCA Road / West of Lake Hickory Nut Drive  
**REQUEST** A Change Determination Request (CDR) to add the uses of athletic fields on 2 acres of the property and grass parking on 1 acre of the property prior to construction of the church community campus.

In addition, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 38-1230 to allow parking facilities to be of a grassed surface for use of temporary parking for a sports field only prior to the construction of the church campus facility.

***Applicant Justification:*** Orange County Code Section 38-1230 states alternative parking surfaces may be permitted where frequency of use is appropriate for the proposed surface but shall meet accessibility requirements.

**PUBLIC NOTIFICATION** A notification area extending to eleven hundred (1,100) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred eighty-five (285) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this project.

**IMPACT ANALYSIS**

**Special Information**

The Kensington Church - Village H PD was originally approved October 25, 2022. The PD was approved to construct a church community campus with a 17,296 square foot church, 9,970 square foot pre-school, and a soccer field.

Through this PD Change Determination Request (CDR), the applicant is seeking to add the uses of temporary athletic fields on 2 acres of the property, and to request one waiver to allow temporary grass parking on 1 acre of the property prior to construction of the church community campus.

**Land Use Compatibility**

The PD Change Determination Request would not adversely impact any adjacent properties.

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) and is designated Estate Rural District (ERD) on the Special Planning Area Map, which allows for a maximum residential density of one (1) dwelling unit per net developable acre. The PD zoning district and development program is consistent with the Village (V) FLUM designation; 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 and did not identify any issues or concerns.

**Transportation Planning**

Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and nonresidential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

**Community Meeting Summary**

A community meeting was not required for this project.

**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 request and determined that it will not impact public school capacity.

**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 – (June 28, 2023)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Kensington Church - Village H Planned Development / Land Use Plan (PD/LUP), dated “June 6, 2023”, subject to the following conditions:**

1. Development shall conform to the Kensington Church - Village H Planned Development dated “Received June 6, 2023,” and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated “Received June 6, 2023,” the condition of approval shall control to the extent of such conflict or inconsistency.
  
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners (“Board”) at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the



- recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
  4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
  5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
  6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
  7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a

different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

8. Use of the athletic fields along the west side of the property and the grass parking area along the north side of the property (as shown on Sheet C3.00) shall be limited to three days per week from 2:00 P.M. to 7:00 PM, and Saturdays from 8:00 AM to 3:00 PM. No outdoor lighting or amplified sound shall be allowed.
9. A Development Plan shall be submitted and approved for the athletic fields and grass parking area.
10. The use of the athletic fields and the grass parking area shall cease upon the development of the church campus (as shown on the Master Plan sheet).
11. The hours of operation for the outdoor playground and sport field along the east side of the property (as shown on the Master Plan sheet) and any other outdoor activities shall be from 8:00 AM to 8:00 PM. No outdoor lighting or amplified sound shall be allowed for outdoor playfields.
12. Prior to approval of any plans that require filling within the 100-year flood zone, such as Site Construction Plans or Mass Grading Excavation/Fill permit or the like, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code.
13. A waiver from Orange County Code Section 38-1230 to allow the area along the north property line to temporarily serve as a grass parking area for the proposed athletic fields along the west property line, in lieu of providing a code-compliant paved parking facility, such temporary use shall cease upon construction of the church campus facility.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 25, 2022 shall apply:
  - a. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
  - b. 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.

- c. 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.
- d. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- e. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- f. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Village F & H Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
- g. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
- h. 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.
- i. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall not occur unless reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.



- j. Exterior lighting shall be compliant with the county's exterior lighting ordinance. In addition, all pole mounted fixtures shall be full cutoff and with fixture color temperature of 3,500 K maximum. The photometric plan shall be submitted and approved by Orange County staff prior to the issuance of a Building Permit. In addition, glare visors shall be installed, and field-adjusted to prohibit off-site light spill.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION** *(October 25, 2022)*

A motion was made by Commissioner Wilson, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; further, approve the request to rezone two (2) parcels totaling 10.00 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop a church community campus with a 17,296 square foot church, 9,970 square foot pre-school, and a soccer field with no lighting subject to the sixteen (16) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report dated October 3, 2022; further, approve modified condition of approval # 16; and further, approve and execute the Adequate Public Facilities Agreement for Kensington Church Village H PD by and between Kensington Church Orlando, Inc. and Orange County. The motion carried by 7- 0 vote.

Location Map



 Subject Property

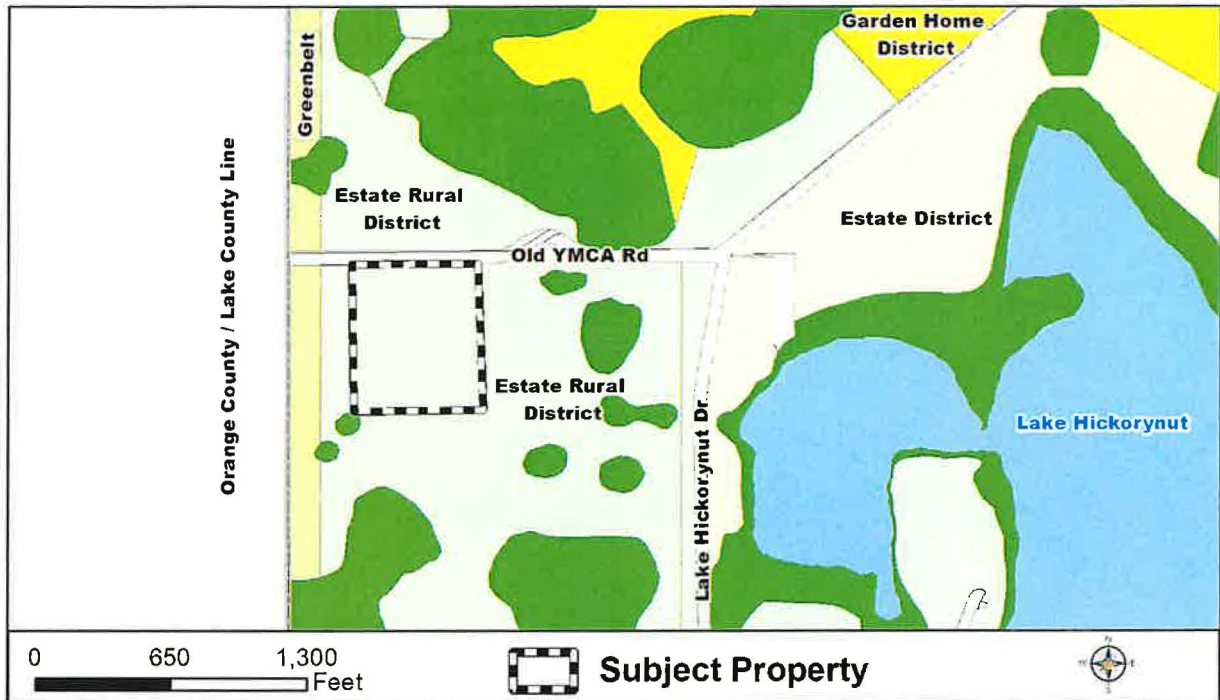


1 inch = 625 feet



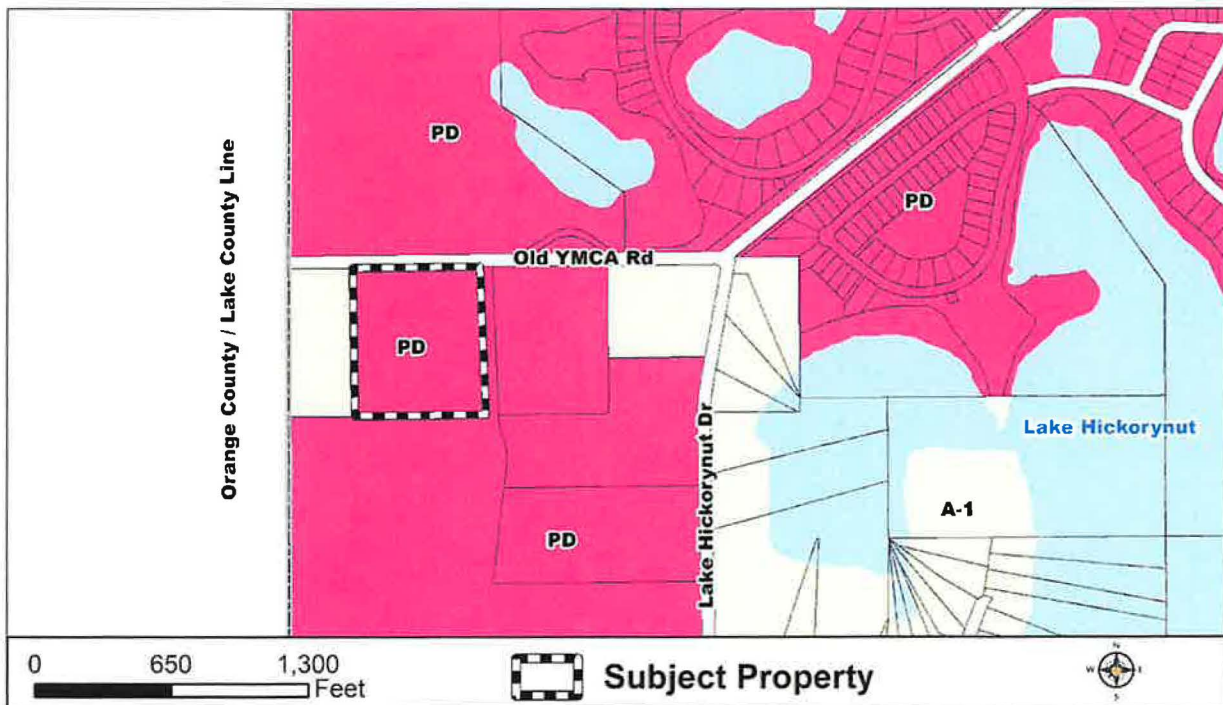
**FUTURE LAND USE - CURRENT**

Village (V) – Estate Rural District



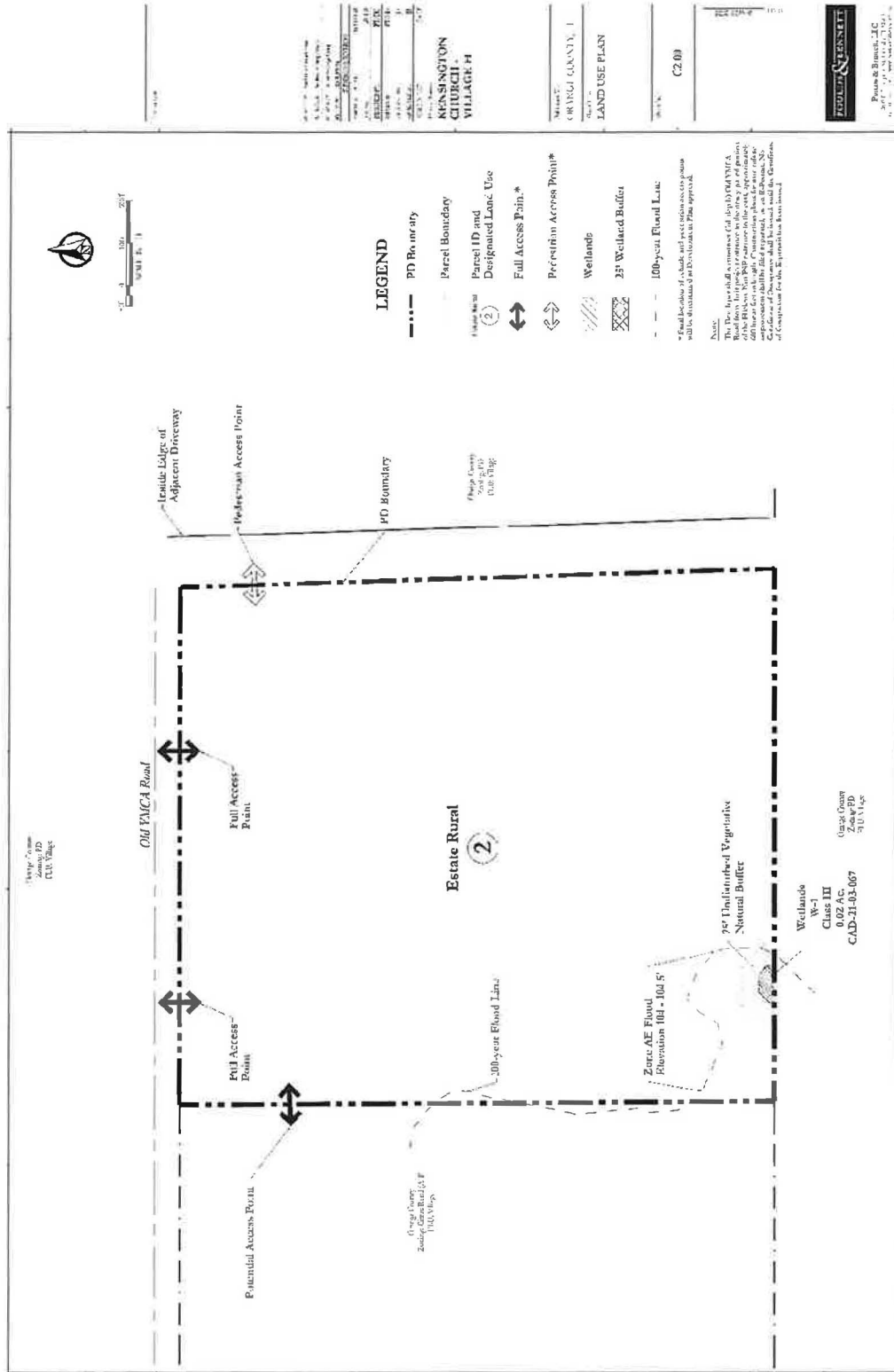
**ZONING – CURRENT**

P-D (Planned Development)





# Kensington Church - Village H PD / LUP





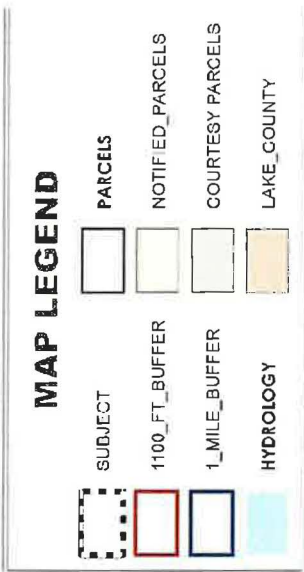
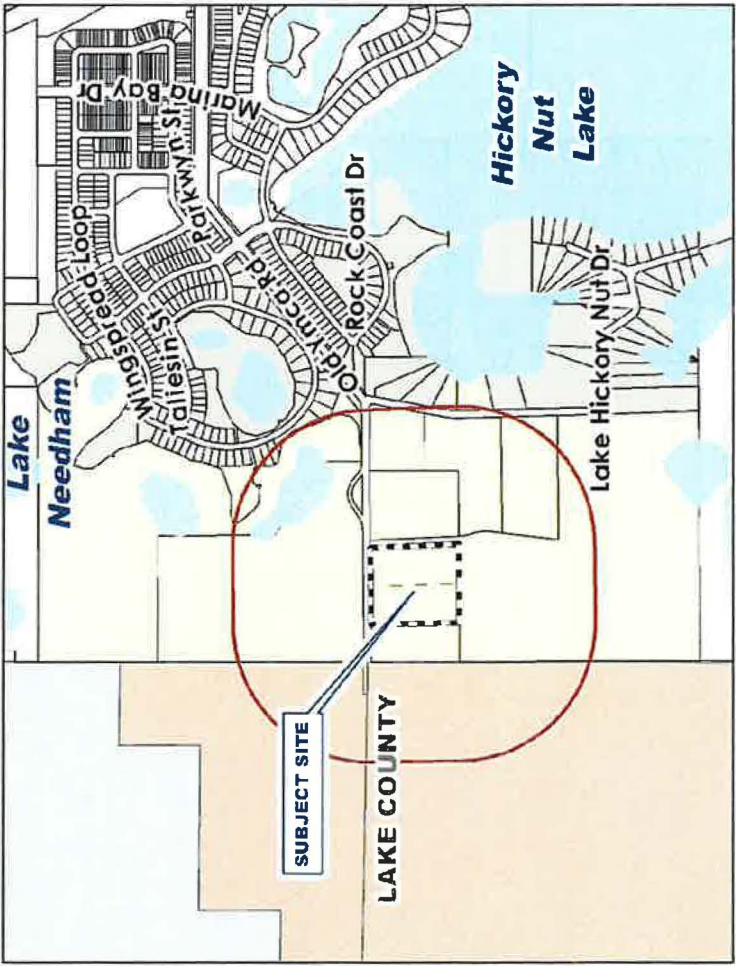
# Notification Map

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## Public Notification Map

Kensington Church\_Village H PD\_CDR-23-03-082



BUFFER DISTANCE: 1100  
 # OF NOTICES: 285

