

## **Interoffice Memorandum**

**DATE:** February 26, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

**CONTACT:** Nicolas Thalmueller, AICP, DRC Chairman

**PHONE:** (407) 836-5523

**DIVISION:** Development Review Committee

### **ACTION REQUESTED:**

Make a finding of consistency with the Comprehensive Plan and approve an amendment to the Kensington Church – Village H Planned Development (PD) dated “Received February 7, 2025”, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 1.

**PROJECT:** Kensington Church – Village H PD (CDR-24-10-259)

**PURPOSE:** The Kensington Church - Village H PD is located in the Horizon West Special Planning Area, and has a Future Land Use Map designation of Village Horizon West which contains approximately 10 acres, was originally approved October 25, 2022, and is generally located south of Old YMCA Road and west of Lake Hickory Nut Drive. The PD is currently approved for a 17,296 square foot church, 9,970 square foot pre-school (with a maximum of 50 students), and a soccer field. An additional athletic field area and grass parking are also temporarily allowed, with those uses to cease once the church campus is developed.

Through this change determination request to the PD, the applicant is proposing to increase the number of students for the pre-school use from 50 students to 150 students.

This proposal received a recommendation of approval from the DRC on February 5, 2025.

**BUDGET:** N/A

**CASE # CDR-24-10-259**

Commission District: # 1

**GENERAL INFORMATION**

<b>APPLICANT</b>	Constance Silver, Tri3 Civil Engineering Design Studio, Inc.
<b>OWNER</b>	Kensington Church Orlando, Inc.
<b>PROJECT NAME</b>	Kensington Church – Village H Planned Development (PD)
<b>PARCEL ID NUMBER(S)</b>	06-24-27-0000-00-013
<b>TRACT SIZE</b>	10.00 acres
<b>LOCATION</b>	South of Old YMCA Road / West of Lake Hickory Nut Drive
<b>REQUEST</b>	A PD substantial change to increase the number of students for the pre-school use from 50 students to 150 students.
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 1,100 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Two hundred and eighty-two (282) notices were mailed to those property owners in the mailing area.

**IMPACT ANALYSIS**

**Project Overview**

The Kensington Church - Village H PD contains approximately 10 acres, was originally approved October 25, 2022, and is generally located south of Old YMCA Road and west of Lake Hickory Nut Drive. The PD is currently approved for a 17,296 square foot church, 9,970 square foot pre-school (with a maximum of 50 students), and a soccer field. An additional athletic field area and grass parking are also temporarily allowed, with those uses to cease once the church campus is developed.

Through this change determination request to the PD, the applicant is requesting to increase the number of students for the pre-school use from 50 students to 150 students.

**Land Use Compatibility**

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

**Comprehensive Plan (CP) Consistency**

The Kensington Church - Village H PD is located in the Horizon West Special Planning Area and has an underlying Future Land Use Map (FLUM) designation of Village-Horizon West (V) on the Future Land Use Map. It is located in Village H. All new development in Horizon West required PD zoning. The current development program

allows for a 17,296 square foot church, 9,970 square foot pre-school, and a soccer field. A 'Master Plan' exhibit included with the Land Use Plan established a maximum of 400 seats for the church sanctuary and 50 students for the pre-school. It needs to be established that the proposed changes are consistent with the Horizon West Estate Rural special planning district and the Comprehensive Plan.

**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**

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

**Transportation Planning**

Future developments will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. NOTE: Should this project be located near failing roadways then a traffic study will be required with the CEL application.

Based on the Concurrency Management database (CMS) dated 7/25/2023, there are multiple failing roadway segments within the project's impact area along Narcoossee Rd, from Osceola County Line to Central Florida Greenway (2 segment(s)). This information is dated and subject to change.

**Community Meeting Summary**

A community meeting was not required for this case.

**Schools**

Orange County Public Schools (OCPS) staff has reviewed the proposed request and 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 – (February 5, 2025)**

**Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Kensington Church – Village H PD dated "Received February 7, 2025", subject to the following conditions:**

1. Development shall conform to the Kensington Church - Village H Planned Development (PD) dated "Received February 7, 2025," 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 February 7, 2025," 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 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, as may be amended, 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, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
8. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.
9. An Operational Analysis submitted to Transportation Planning is required for schools and daycares at Development Plan.

10. The project shall comply with the terms and conditions of that certain Adequate Public Facilities Agreement for Kensington Church - Village H PD approved on October 25, 2022, by the Board of County Commissioners and recorded at Doc Number 20220664226 Public Records of Orange County, Florida, as may be amended.
11. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, 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.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 8, 2023, shall apply:
  - a. 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.
  - b. A Development Plan shall be submitted and approved for the athletic fields and grass parking area.
  - c. 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).
  - d. 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.
  - e. 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.

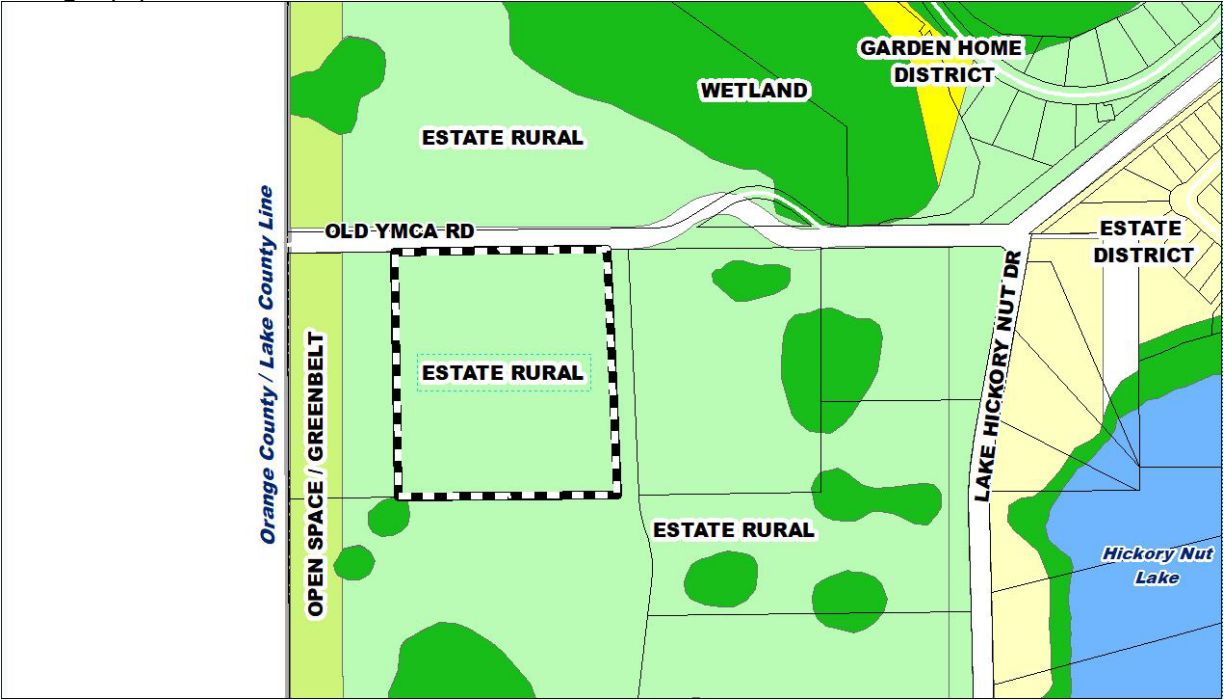
- f. A waiver from Orange County Code Section 38-1230 to allow the area along the north property line to temporarily serve as a grass parking area for the proposed athletic fields along the west property line, in lieu of providing a code-compliant paved parking facility, such temporary use shall cease upon construction of the church campus facility.
- 13. 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. 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.
  - c. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
  - d. 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.
  - e. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
  - f. 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.

- g. 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.
- h. 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.



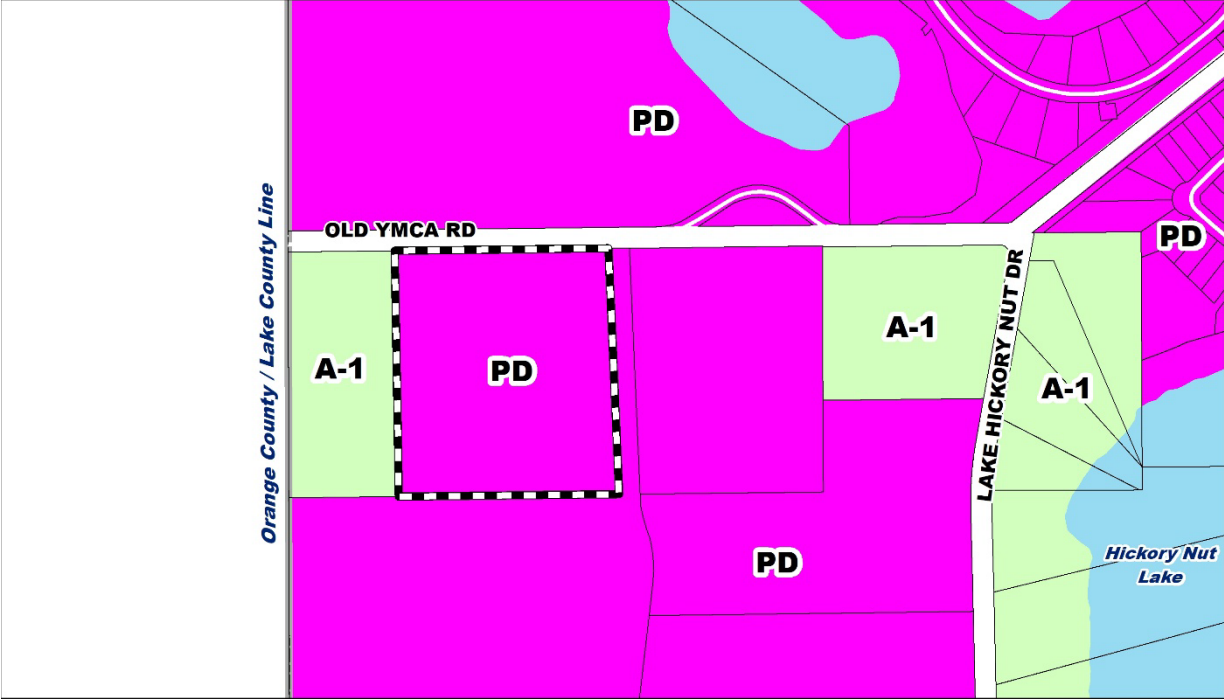
**FUTURE LAND USE**

Village (V) / Estate Rural

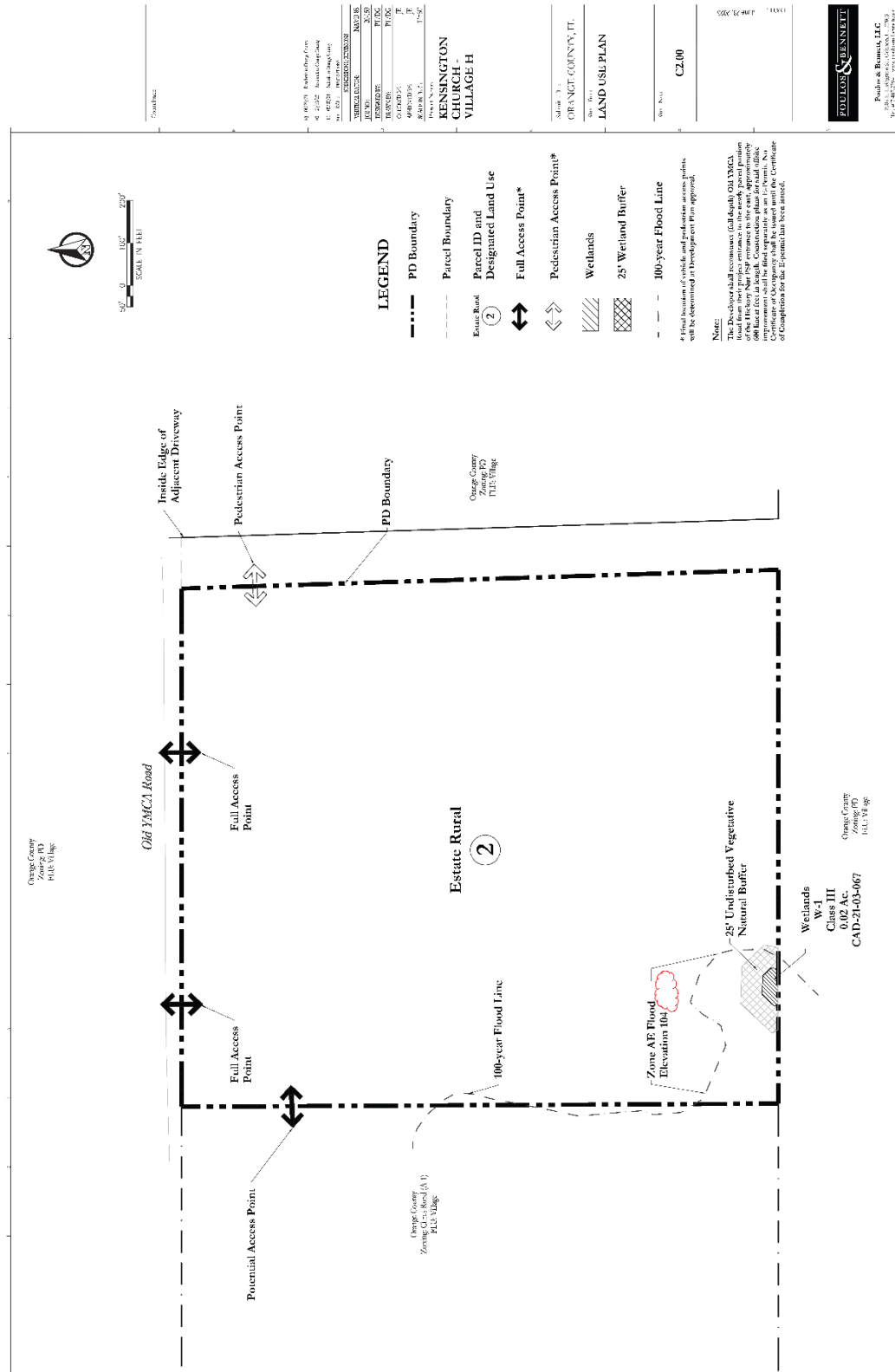


**ZONING**

PD (Planned Development District)



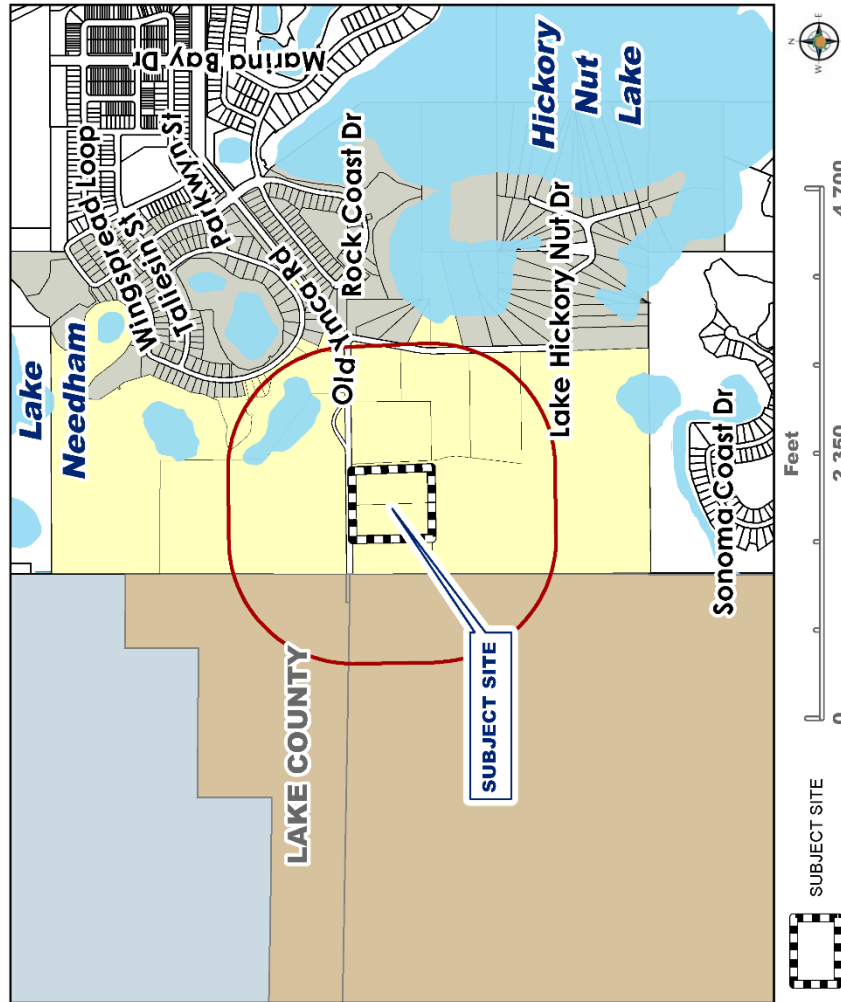
# Land Use Plan Sheet



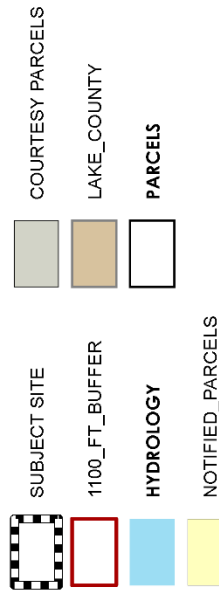


# Public Notification Map

Kensington Church - Village H PD\_CDR-24-10-259



## MAP LEGEND



**BUFFER DISTANCE:** 1100  
**# OF NOTICES:** 282

