

CASE # CDR-25-03-060

Commission District: # 4

GENERAL INFORMATION

APPLICANT Christopher Leppert, Kimley-Horn & Associates, Inc.

OWNER Nona Church Inc.

PROJECT NAME Moss Park Planned Development (PD)

PARCEL ID NUMBER(S) 09-24-31-0000-00-016, 09-24-31-0000-00-006 (affected parcels)

TRACT SIZE 1,572.30 gross acres (overall PD) / 38.97 (affected area)

LOCATION Generally on the west and east sides of Wewahoottee Rd, south and west of Moss Park Road

REQUEST To add Public/Institutional uses as a subset of the existing permitted Office use within Parcel C. In addition, the following waiver is being requested from Orange County Code:

1. A waiver from Orange County Code Sec. 38-1477 is requested to allow parking areas to be located a maximum of 1,000 ft. from the uses they serve, in lieu of 300 ft.

Applicant Justification: The developable area of the parcel is linear in nature and requires parking areas to be located more than 300 feet from the use they serve. Sidewalks and pedestrian crosswalks will be provided for users.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 1,200 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. Four hundred and sixty-eight (468) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Moss Park Planned Development (PD) contains 1,572.3 acres and was originally approved in 1995 with the Development Order (DO) for Campus Crusade for Christ World Center, which later became part of the Moss Park Development of Regional Impact (DRI). The existing development program per the Moss Park DRI Annual Report 2016 & 2017: 2,174 single-family residential units, 350 multi-family units, 131,000 sq. ft. of retail uses, 1,245,000 sq. ft. office uses (includes 10,000 sq. ft. civic center), 600 room lodging facility, 78 site RV/campground.

Through this PD CDR request, the applicant is requesting to add Public/Institutional uses as a subset of the existing permitted Office use within Parcel C (C1 & C2), such that any Public/Institutional development will count toward, and be limited by, the maximum 180,000 square feet of office entitlements allocated to Parcel C. The subject property, PD Parcel C-2, is currently undeveloped.

The applicant is also requesting a waiver from Sec. 38-1477 to allow parking areas to be located a maximum of 1,000 feet from the uses they serve, in lieu of 300 feet.

There is an associated amendment to the Moss Park DRI Development Order (Case DO-25-07-175.)

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 subject property has a Future Land Use (FLUM) designation Planned Development-Industrial / Institutional / Office / Commercial / Low Density Residential / Low Medium Density Residential / Medium Density Residential / Conservation (PD-IND / INST / O / C / LDR / LMDR / MDR / CON) is currently zoned Planned Development (PD) which is consistent with the FLUM designation. The request is consistent with the comprehensive plan.

Overlay Ordinance

The subject property is located within the Innovation Way 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 Planning

Any vesting information is unknown at this time due to issues with DRI requirements for annual/biannual report.

Based on the recently approved Standard Procedures Manual for Specific Transportation Analysis Methodology Plan (STAMP), published February 27, 2024 (Sec.30-562-2 of the Code of Ordinances), an operational traffic analysis study (intersection analysis) will be required at DP level for proposed developments projected to generate 50 or more net PM peak hour vehicle trips (not including pass-by and internal capture). The operational traffic study will be based on the most updated STAMP.

Based on the Concurrency Management database (CMS) dated 3/26/2025, there is a failing roadway segment within the project's impact area along Narcoossee Rd, from Tyson Rd to Central Florida Greenway. This information is dated and subject to change.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools (OCPS) staff has reviewed the proposed request 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 – (August 13, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Moss Park PD dated "Received August 25, 2025 subject to the following conditions:

1. Development shall conform to the Moss Park Planned Development (PD) dated "Received August 25, 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 August 25, 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. 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 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.
8. 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.
9. Outdoor sales, storage, and display shall be prohibited.
10. 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.
11. Developer/Applicant shall coordinate with the Traffic Engineer to ensure that appropriate safe and adequate access improvements, including but not limited to pedestrian improvements and traffic calming enhancements, are designed as an integral part of the development, and that such improvements are fully identified at DP.
12. 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.
13. A waiver from Orange County Code Section 38-1477 for PD Parcel C2 is granted to allow parking areas to be located a maximum of 1,000 feet from the uses they serve, in lieu of 300 feet.
14. Except as amended, modified, and / or superseded, the following Conditions of Approval, shall apply:

- a. Simultaneously with the recording of the subdivision plat, the developer shall record in the public records of Orange County, Florida, a declaration of covenants, conditions, and restrictions governing Parcel N, the terms of which shall include a conspicuous requirement that each purchaser of a residential lot in the subdivision for the personal or family uses of the purchaser(s) must be given a copy of the declaration at or prior to the time the sales contract is executed by the purchaser(s), together with a disclosure statement to be executed by the initial purchaser(s) stating as follows: "I/We acknowledge, understand, and accept that I/we am/are purchasing a lot or home in a subdivision that, on the date of its approval by the Board of County Commissioners on June 3, 2014, is located west of a fuse and explosive element manufacturing and testing facility located at 13336 Wewahootee Road, the Orange County Shooting Range located at 14500 Wewahootee Road, and the Central Florida Rifle Pistol Club located at 14646 Wewahootee Road. I/We also acknowledge, understand, and accept that noises, odors, vibrations, and aesthetic objections may be associated with those uses."

In addition to the declaration requirement described above, the developer shall incorporate the following statement into each deed initially conveying title to a lot: "The property being conveyed is part of the Moss Park PD /Parcel N, which is located adjacent to a fuse and explosive manufacturing and testing facility, a shooting range, and a rifle/pistol club."

The proximity of the subdivision to the fuse and explosive element manufacturing and testing facility, shooting range, and rifle/pistol club shall also be conspicuously notated on the plats of Parcel N.

- b. 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 and Wildlife Conservation Commission (FWC).
- c. Prior to any construction on Parcels A, C-1, M, & N-2 in the Moss Park PD / Land Use Plan, the following requirements shall be met to the satisfaction of the Orange County Environmental Protection Division (EPD):
- i. The Moss Park Development of Regional Impact Development Order (DO) approved by the Board of County Commissioners (BCC) on November 14, 2000, as amended from time to time, must be amended to reflect the proposed changes associated with any mitigation modification, the conservation easement language, and the protected species habitat;
 - ii. In Parcel O, a conservation easement must be recorded over the upland preservation areas being preserved as part of a future Conservation Area Impact (CAI) permit modification and the conservation easement shall be in favor of Orange County;

- iii. The existing CAI permit must be modified to reflect the impacts that have already occurred in the Moss Park PD, update the mitigation already completed, and address any proposed changes. The CAI modification application must be submitted to EPD within ninety (90) days of the release of the South Florida Water Management District conservation easement associated with the construction of Segment 3 of Innovation Way South;
 - iv. Pursuant to Section IV, Condition 4(b) of the Development Order, the developer shall provide habitat conservation plans for the onsite populations of Sherman's fox squirrel, sandhill cranes, and gopher tortoises, based on surveys approved by the FFWCC. The resulting plans shall be reviewed by the FFWCC and Orange County. The plans shall be approved prior to approval of development plans / preliminary subdivision plans for Parcels N-2, M, or O, and such approved habitat conservation plans shall address habitat management, restoration / enhancement, monitoring, and financial resources sufficient to meet the objectives of the plans;
 - v. Consistent with section IV Condition 4(c) of the Development Order, individuals of any plant species listed as endangered or threatened in the FDA and Consumer Services list, which is now known or later determined to exist on the site, shall be protected in place or relocated to a protected location. Any mitigation or protection areas established pursuant to this condition shall be incorporated in this development by reference at the time of its approval by the County and shall be depicted on a revised Master Plan; and
 - vi. The CAI modification and Development Order amendment must be approved by the BCC.
- d. The following waivers from Orange County Code, and applicable to PD Parcels C-1, N-1 and N-2 only, are granted:
- i. A waiver from Section 38-1501 to allow a minimum side yard setback of four (4) feet [and building separation of eight (8) feet] for 32' wide lots only, in lieu of a required minimum side yard setback of five (5) feet [and building separation of ten (10) feet]; and
 - ii. A waiver from Sections 38-1501 and 38-79(20)(p) to allow a front porch setback of seven (7) feet and a primary home setback of fourteen (14) feet, provided that the front porch setback of seven (7) feet and a primary home setback of fourteen (14) feet, provided that the front porch is a minimum of seven (7) feet deep; in lieu of a required front setback of fifteen (15) feet and twenty (20) feet, respectively.

- e. The lot grading plan for the 32-foot wide single family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include:
 - i. A/C units on same side of homes so that A/C units are not located adjacent to each other;
 - ii. A/C units on same side placed at the high elevation point of side yard so that drainage flows away from the A/C units to the front roadway and rear alley;
 - iii. A/C units located behind the home when the garage is detached from the home with courtyard; and/or
 - iv. Other lot grading plan features approved by the County Engineer.
 - f. Within 150 days of approval of the Moss Park Parcel N PSP and prior to the platting and recordation of the plat of Phase 2 of the Moss Park Parcel N PSP ("Phase 2"), developer shall cause the modification of the conservation easement granted to the South Florida Water Management District recorded in Orange County Official Records Book 09875, Pages 850-864 to allow for passive recreation within the conservation easement area. Within 60 days of the recording of the above described modification to the conservation easement ("amended conservation easement") and prior to platting of Phase 2, developer shall convey to the county by special warranty deed the northerly 4 acres (the "4 acres") of that area described as wetland 20 in the above-described conservation easement, which wetland is contiguous to county-owned property. The 4 acres shall be conveyed in accordance with county requirements, including but not limited to an acceptable signed and sealed legal description and sketch, title insurance commitment evidencing the property is free and clear of all liens and encumbrances except the amended conservation easement and other matters of record that do not materially interfere with utilization of the property to be conveyed for passive recreation purposes. The developer shall be solely responsible for all costs associated with the conveyance. The property is to be used for purposes of being combined with adjacent county owned property of approximately 16 acres for a 20 acre county park.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 16, 2008, shall apply:
- a. The developer shall obtain water, reclaimed water, and wastewater service from Orange County subject to County rate resolutions and ordinances.

- b. Prior to construction plan approval, revised master stormwater management and utility plans shall be submitted to Orange County for review and approval.
- c. The rural character of Moss Park Road shall be maintained by the development of 1-acre lots on Parcel 'M.'
- d. Timeshare uses shall be prohibited. Parcel 'H1' shall be limited to residential uses only.
- e. Phase III residential uses on Parcels 'E' and 'N' shall not be developed until access is provided from an additional east-west roadway connection (Alafaya Trail Extension).
- f. Parcel 'A' shall be approved for office or commercial uses. Approval of a development plan for commercial uses on Parcel 'A' shall not occur until an additional east-west roadway connection (Alafaya Trail Extension) creates an acceptable intersection consistent with Future Land Use (FLU) Element Policies regarding locational criteria for commercial uses including, but not limited to, adequate frontage on an arterial roadway. Approval of a development plan for commercial uses on Parcel 'A' shall not occur until surrounding parcels are designated for urban uses on the FLU map.
- g. Development of industrial uses on Parcel 'O' is conditioned upon the development of an additional east-west roadway connection (Alafaya Trail Extension) from the boundary of the International Corporate Park to Narcoossee Road, and the provision of direct or indirect access to the roadway for the parcel.
- h. The rural character along Moss Park Road, and Lake Hart, shall be maintained through preservation of existing tree lines and vegetation, buffering and other methods specified in the adopted design guidelines.
- i. Prior to Phase III, the applicant shall submit a study to determine the need for signalization of intersection on Moss Park Road. Signalization, if required, shall be paid for by the applicant.
- j. The developer shall dedicate to the Orange County School Board a 15-acre elementary school site within Tract 'J'. Dedication of this site shall be submitted to the Orange County School Board agreeing to build an elementary school on the site within 5 years from the date of transfer without modular portables or transferable classrooms placed on the site. The developer, it successors, or assigns, shall pay applicable school impact fees in accordance with Orange County Ordinance 92-28 as amended, without credits for the school site conveyance. As an alternative, the developer may dedicate a 15-acre site to an appropriate entity for

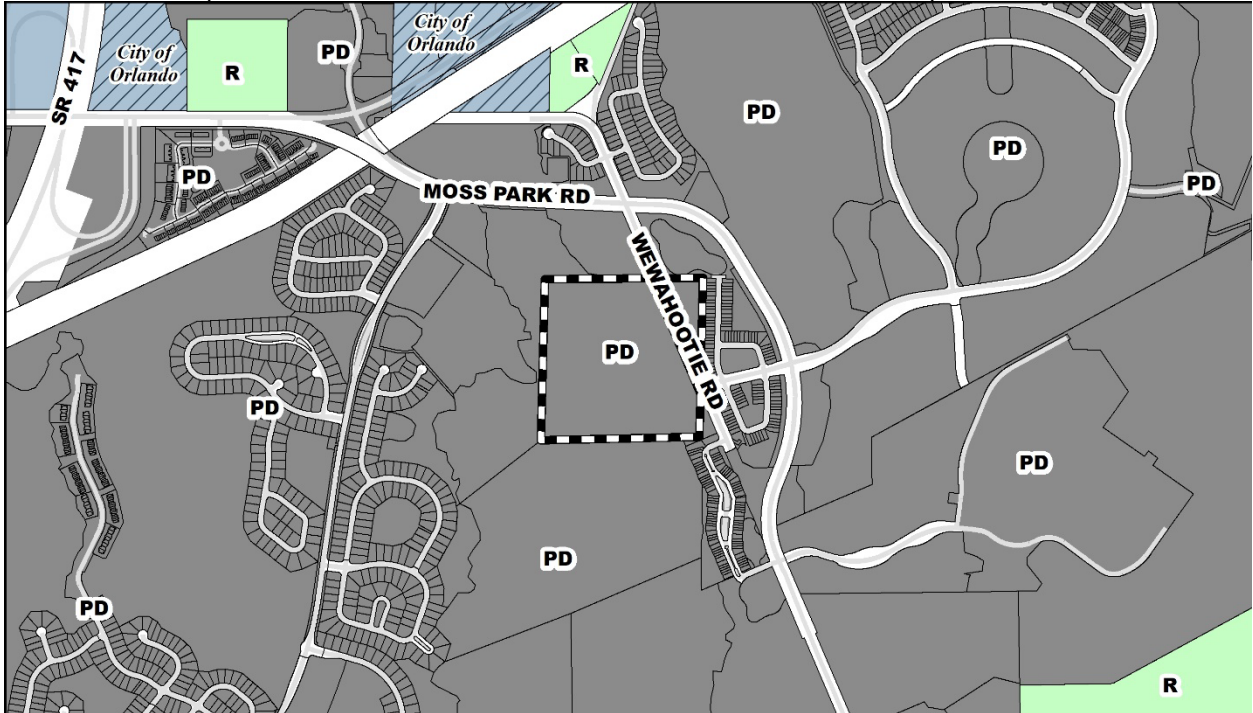
the construction and operation of a charter or public elementary school.

- k. The following Education Condition of Approval shall apply:
 - i. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of January 15, 2002.
 - ii. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor(s) and/or assign(s) under the Public Education Agreement shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - iii. Developer, or its successor(s) and/or assign(s) under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iv. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Public Education Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.
- l. A 5-acre park site located adjacent to the elementary school shall be donated to Orange County. Prior to development on any residential in Phase III, the park agreement shall be executed and the park site shall be dedicated to Orange County.
- m. No motorized watercraft shall be permitted on the lake from Parcel 'K'.
- n. Approval and authorize execution of the Development Order.
- o. The conversion of any land use or density on a parcel to another land use or density shall be a substantial change to the PD/LUP subject to BCC approval.

- p. No development in Phase III shall occur until the east-west roadway connection for S.R 417 to S.R 528 (Alafaya Trail Extension) and the 2 internal north-south road connections are constructed between Moss Park Road and S.R 528 are completed.
- q. Prior to the issuance of a Certificate of Completion for the infrastructure for Parcel 'M', on a 12-foot-wide multi-purpose pedestrian/walkway separate from the road shall be constructed on the west side of Moss Park Road to the entrance of the County Park (Moss Park).
- r. If the County desires to acquire all or a portion of Parcel 'J') excluding the elementary school site and park site), the developer agrees to sell such real property to the County for public institutional uses that specifically include a fire station, a sheriff's substation, a library, and/or park/recreation facilities consistent with the Moss Park Master Plan LUP. The developer agrees that County's purchase price shall not exceed the developer's cost of acquiring the property, including land costs, pro-rata costs directly related to obtaining the Master Plan approval, and carrying costs equal to the prime rate from the date the development order is rendered to the time of closing.
- s. The applicant shall through Covenants, Conditions, and Restrictions require that the homeowners' associations of each subdivision on Lake Hart participate in the Orange County "Adopt-A-Lake Program.

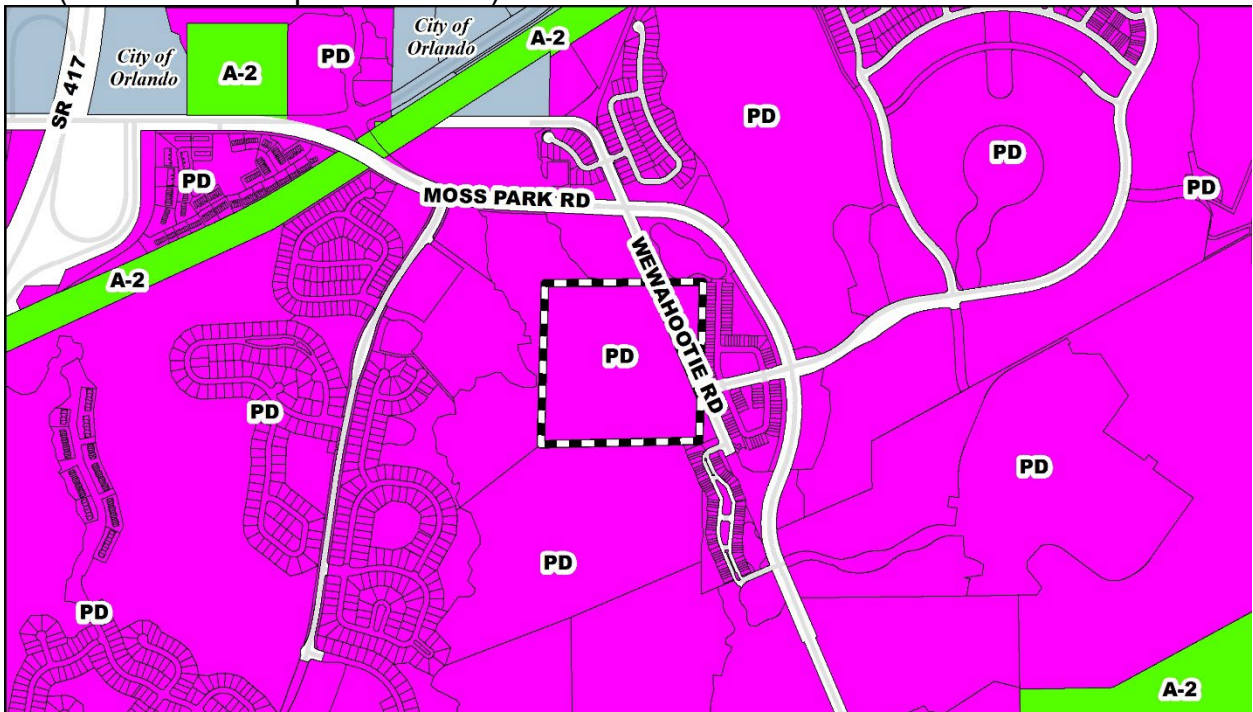
FUTURE LAND USE

Planned Development-Industrial / Institutional / Office / Commercial / Low Density Residential / Low Medium Density Residential / Medium Density Residential / Conservation (PD-IND / INST / O / C / LDR / LMDR / MDR / CON)



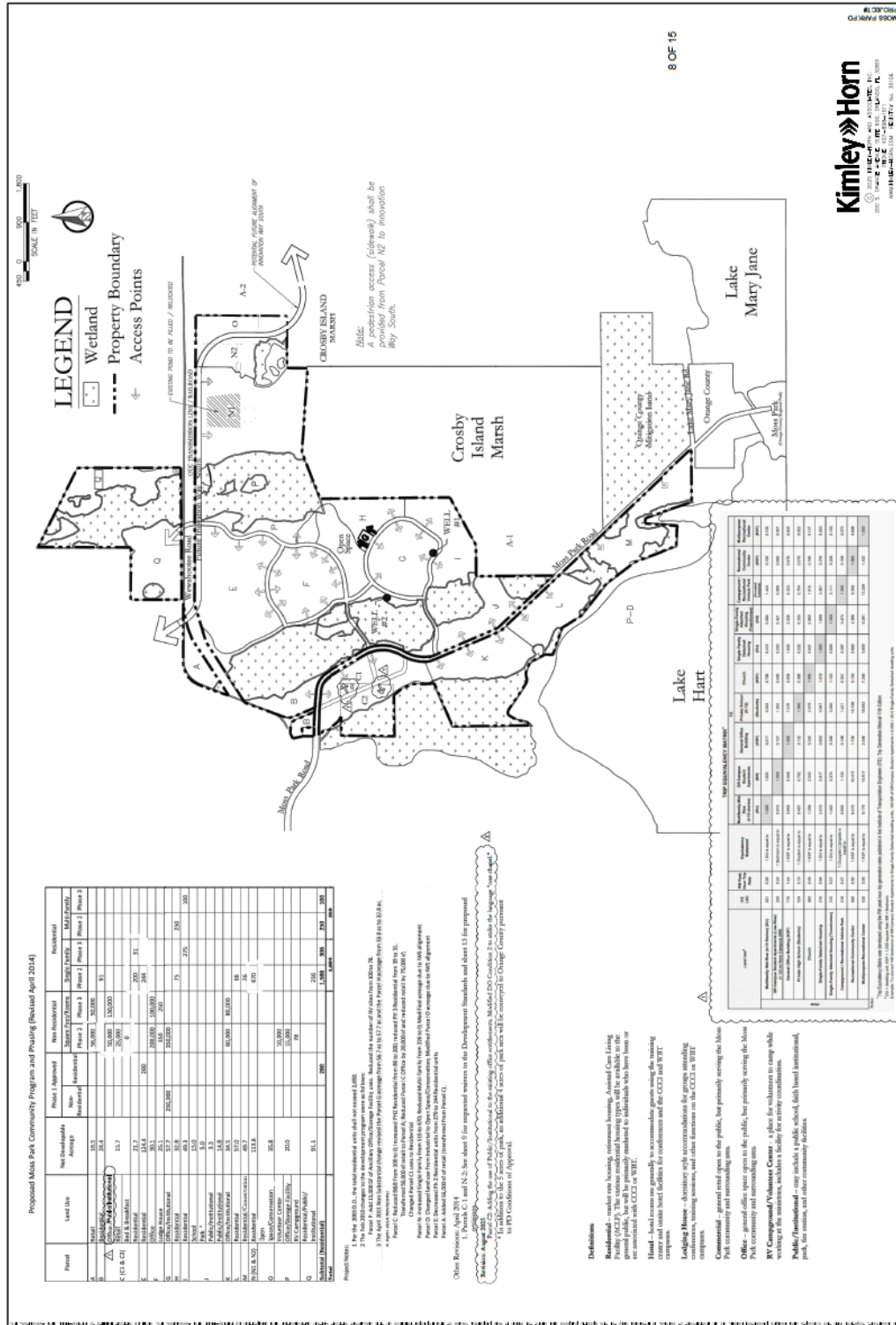
ZONING

PD (Planned Development District)



Moss Park PD (Cover Sheet)

Moss Park PD (Site Plan)

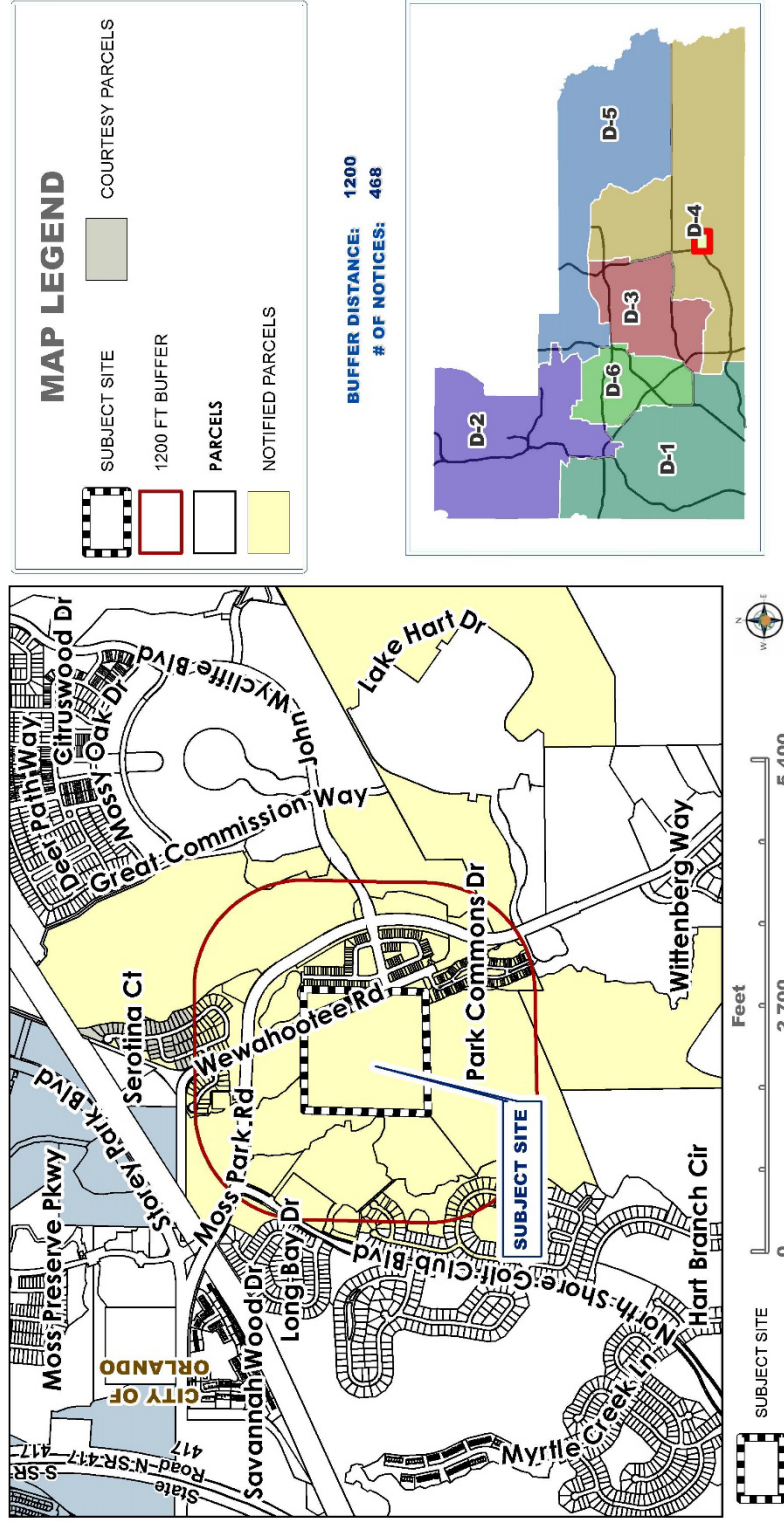


Notification Map

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Public Notification Map

Moss Park PD_CDR-25-03-060



BUFFER DISTANCE: 1200
OF NOTICES: 468

