



Interoffice Memorandum

February 17, 2023

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

FROM: Timothy L. Boldig., Interim Director
Planning, Environmental and Development
Services Department

A handwritten signature in black ink, appearing to be "TB", written over the name Timothy L. Boldig.

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

SUBJECT: March 7, 2023 – Public Hearing
Diocese of Orlando
Diocese Subdivision Land Use Plan - Unified Neighborhood
Plan. Case # LUP-22-02-059. District 1

The Diocese Subdivision Land Use Plan - Unified Neighborhood Plan is located north of New Independence Parkway and east of Avalon Road. The applicant is seeking to rezone 59.71 acres from A-1 (Citrus Rural District) to Planned Development District (PD) in order to construct 184 single-family residential dwelling units.

On January 19, 2023, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held on May 5, 2022. Approximately 30 area residents were in attendance and expressed concerns of traffic issues in the area.

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 Diocese Subdivision Land Use Plan - Unified Neighborhood Plan dated "Received December 6, 2022," subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

TLB:nt/js

Attachments

GENERAL INFORMATION

APPLICANT	Diocese of Orlando
OWNER	Diocese of Orlando
PROJECT NAME	Diocese Subdivision Land Use Plan - Unified Neighborhood Plan
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District) <i>A request to rezone 59.71 acres from A-1 (Citrus Rural District) to Planned Development District (PD) in order to construct 184 single family residential dwelling units.</i>
LOCATION	Generally located North of New Independence Parkway / East of Avalon Road
PARCEL ID NUMBERS	17-23-27-0000-00-004 and 17-23-27-0000-00-015
TRACT SIZE	59.71 gross acres 53.75 net acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,100 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred thirty-eight (338) notices were mailed to those property owners in the surrounding area. A community meeting was held on May 5, 2022.
PROPOSED USE	To construct 184 single-family homes

STAFF RECOMMENDATION

Development Review Committee – (December 21, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Diocese Subdivision - Unified Neighborhood Plan Planned Development / Land Use Plan (PD/LUP), dated “Received December 6, 2022”, subject to the following conditions:

1. Development shall conform to the Diocese of Orlando Land Use Plan - Unified Neighborhood Plan (LUP - UNP) dated "Received December 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 December 6, 2022," 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. 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.
 7. 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.
 8. 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).
 9. The project shall comply with the terms and conditions of the approved Horizon West – Town Center Diocese Subdivision PD/UNP Adequate Public Facilities and Road Network Mitigation Agreement.
 10. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan

submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.

11. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
12. 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) for the PD and the Horizon West Town Center. 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.
13. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5-194 in the Horizon West Town Center of the Orange County Code.
15. 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.
16. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate 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 capacity encumbrance letter or a capacity reservation certificate.

IMPACT ANALYSIS

Overview

The applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 184 single-family residential dwelling units. The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) and it is located within the Town Center Village Horizon West Special Planning Area.

The property is located within the Urban Residential District of the Town Center Village which allows for between 4.0 and 5.5 units per net acre. Additionally, there is a portion of the subject property that falls within the Urban Residential Overlay area which has a maximum density of 2.0 units per acre. This overlay area has a lower density due to the proximity to the Lake Avalon Rural Settlement which is located to the west and north. The total proposed development program of 184 units includes the use of ten (10) Transfer of

Development Rights (TDR) credits internally within the proposed PD. The total available TDR credits for the Upland Greenbelt is 33 and the remaining TDR credits will be 23 credits. There are 9.82 acres of Adequate Public Facilities (APF) lands required with this application, with 0.76 acres being dedicated for rights-of-way, which creates an APF deficit of 9.06 acres. An APF agreement (RAG-22-10-049) is associated with this PD request.

Land Use Compatibility

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 Village (V) and is located within the Town Center Village of the Horizon West Special Planning Area. The proposed PD zoning district and development program is consistent with the Village FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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.

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

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.

Community Meeting Summary

A community meeting was held on May 5, 2022 at Bridgewater Middle School. Approximately thirty (30) residents attended the meeting and the comments provided were pertaining to increase in traffic on Avalon Road and ingress and egress concerns into the property.

SITE DATA

Existing Use Undeveloped Land

Adjacent Zoning N: A-1 (Citrus Rural District)
 E: PD (Planned Development)
 W: A-1 (Citrus Rural District) / A-R (Agricultural-Residential District)
 S: A-1 (Citrus Rural District) / PD (Planned Development)

Adjacent Land Uses N: Single Family Residential / Undeveloped Land
 E: Single Family Residential
 W: Single Family Residential / Undeveloped Land
 S: Single Family Residential

APPLICABLE PD DEVELOPMENT STANDARDS

Maximum Building Height: 45 feet
Minimum Lot Size: 2,800 square feet
Minimum Lot Width: 32 feet
Minimum Living Area: 1,200 Square Feet

Minimum Building Setbacks
Front Setback: 10 feet
Rear Setback: 20 feet
Side Setback: 5 feet; 10 feet (side street)

SPECIAL INFORMATION

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone

Environmental

This site is located within a FDEP ground water contamination area for ethylene dibromide (EDB). During PSP/DP stage submit a completed Phase I Environmental Site Assessment (ESA) with the revised plan package. If this site is determined to have a prior use that would result in soil or groundwater contamination, then the applicant must provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. Depending upon the Phase I ESA results, sampling of soils and/or groundwater may also be required prior to approval of this plan.

Transportation Planning

Based on the concurrency management system dated March 8, 2022/2022, there are multiple failing roadways within the project's impact area along Avalon Road from Porter Road to Malcom Road (2 segments). This information is dated and subject to change.

Water / Wastewater / Reclaim

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

The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.

Schools

Orange County Public Schools (OCPS) 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.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

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 PD (Planned Development District) zoning, subject to sixteen (16) conditions.

Staff indicated that three hundred thirty-eight (338) notices were sent to an area extending beyond 1,100 feet from the subject property, with one (1) response in opposition received. One resident spoke requesting an update on additional buffer residents want between the proposed project and the existing rural settlement. The applicant was present and agreed with the staff recommendation.

During PZC discussion, Commissioner Boers and Commissioner Spears wanted clarification regarding the location of the rural settlement and the request for additional buffer between the project and the rural settlement area.

Following lengthy discussion, a motion was made by Commissioner Boers to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Diocese of Orlando Land Use Plan - Unified Neighborhood Plan (PD/UNP) dated "Received December 6, 2022", subject to the sixteen (16) conditions listed in the staff report. Commissioner Wiggins seconded the motion, which was then carried on a 7-0 vote, with no Commissioners voting in the negative.

Motion / Second	<i>David Boers / George Wiggins</i>
Voting in Favor	<i>David Boers, George Wiggins, Evelyn Cardenas, JaJa Wade, Eddie Fernandez, Gordon Spears, Walter Pavon</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena and Michael Arrington</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (January 19, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Diocese of Orlando Land Use Plan - Unified Neighborhood Plan (LUP - UNP), dated "Received December 6, 2022", subject to the following conditions:

1. Development shall conform to the Diocese of Orlando Land Use Plan - Unified Neighborhood Plan (LUP - UNP) dated "Received December 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 December 6, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.

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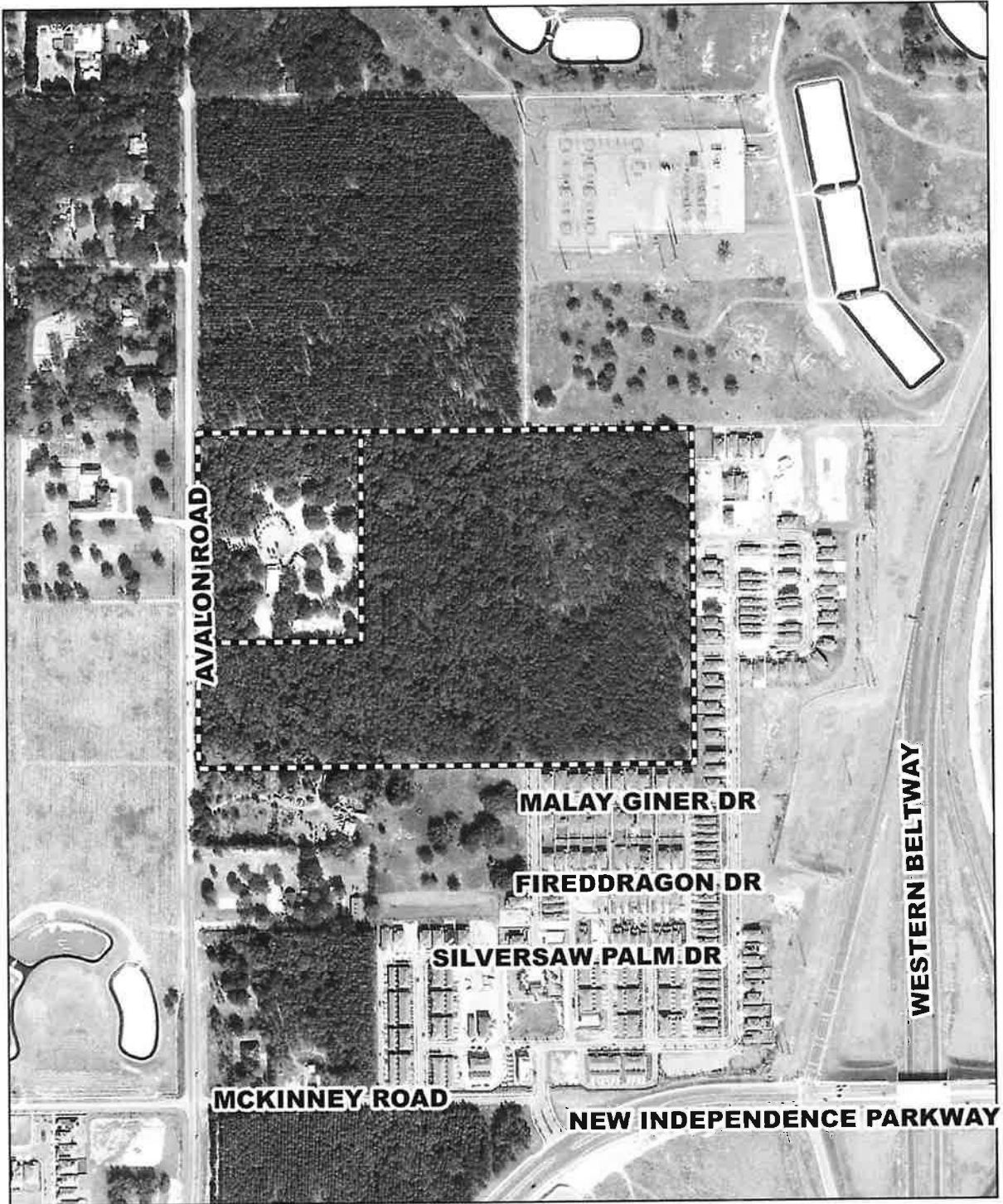
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8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
9. The project shall comply with the terms and conditions of the approved Horizon West – Town Center Diocese Subdivision PD/UNP Adequate Public Facilities and Road Network Mitigation Agreement.
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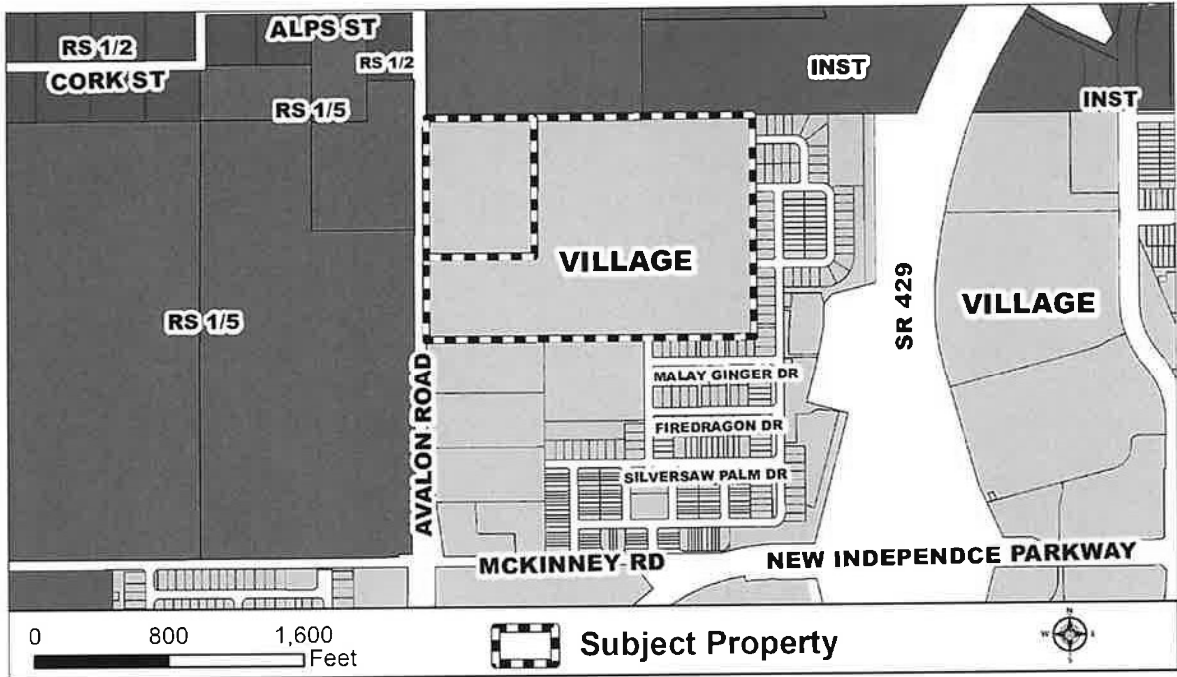
 Subject Property



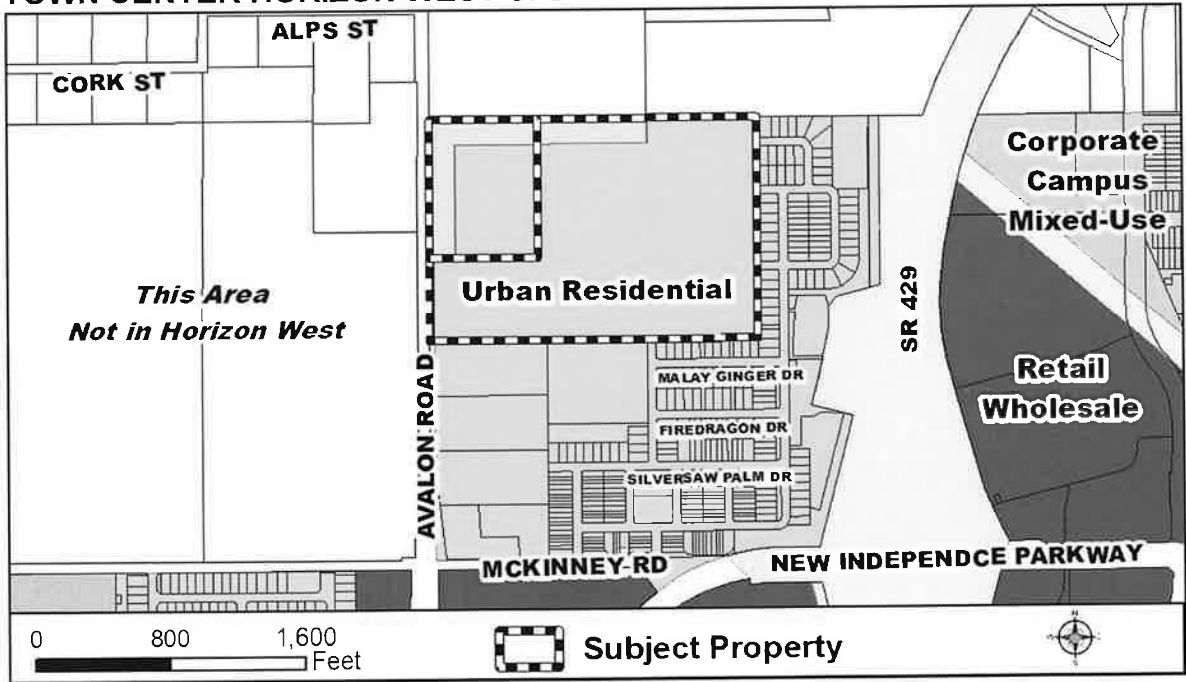
1 inch = 500 feet

FUTURE LAND USE - CURRENT

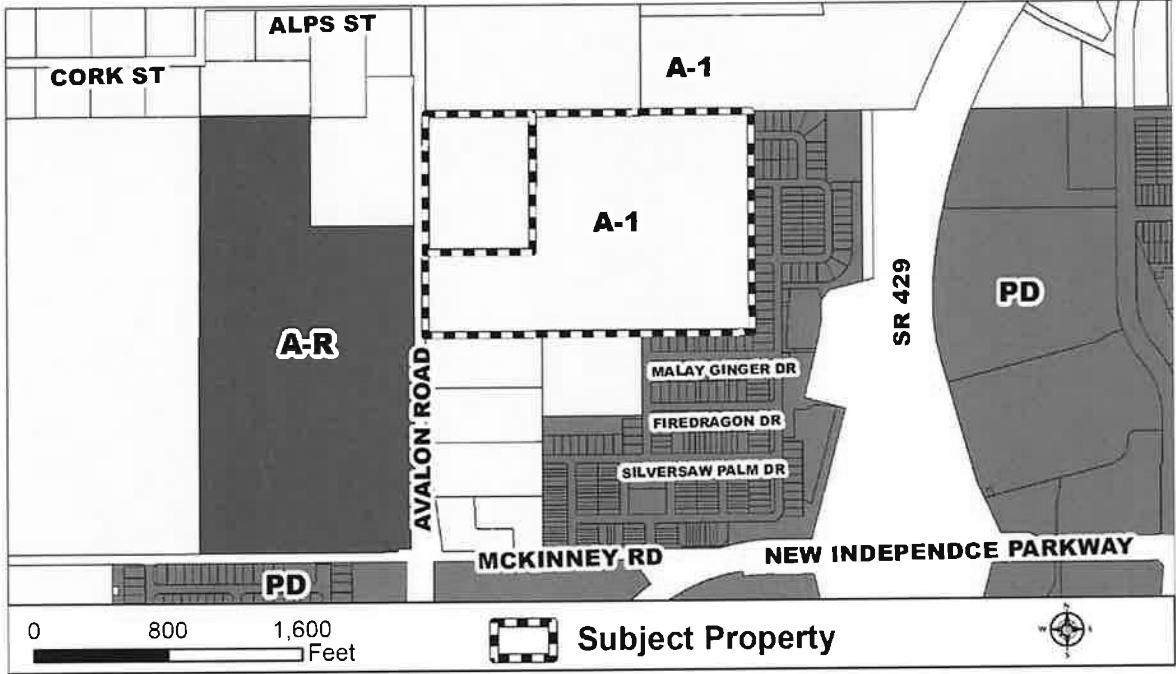
Village (V)



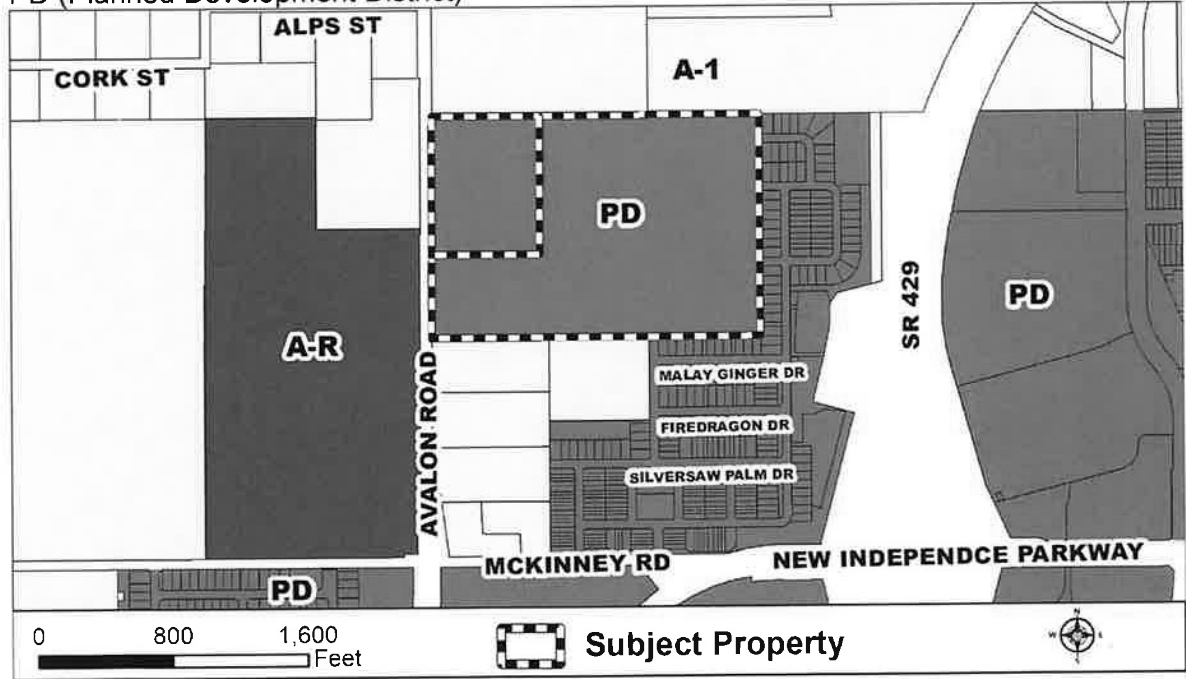
TOWN CENTER HORIZON WEST SPECIAL PLANNING AREA MAP



ZONING – CURRENT
A-1 (Citrus Rural District)



ZONING – PROPOSED
PD (Planned Development District)



Diocese Subdivision – UNP PD / LUP (Cover Sheet)

Rezoning Staff Report
Case # LUP-22-02-059
BC Hearing Date: March 7, 2023



**DIOCESE SUBDIVISION
 PD/UNP**

**DIOCESE OF ORLANDO LAND USE PLAN /
 UNIFIED NEIGHBORHOOD PLAN**

PARCEL ID #:
 17-23-27-0000-00-015,
 17-23-27-0000-00-004

**EAST OF AVALON ROAD, NORTH OF NEW
 INDEPENDENCE PARKWAY**

ORANGE COUNTY, FL

PREPARED FOR:
DREAM FINDERS HOMES
 4529 SOUTH PARK CIRCLE, SUITE 130
 ORLANDO, FLORIDA 32819

PREPARED BY:
 **KELLY,
 COLLINS &
 GENTRY, INC.**
 ENGINEERS • PLANNERS

**1700 NORTH ORANGE AVENUE
 SUITE 400
 ORLANDO, FLORIDA 32804
 PHONE (407) 898-7058
 FAX (407) 896-1488**

CASE #:
LUP-22-02-059

RECEIVED
 City of Orlando Planning Department
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SHEET INDEX

SHEET TITLE	SHEET NO.
COVER SHEET	P-1.0
BOUNDARY & TOPOGRAPHIC SURVEY	J-01.1
TREE SURVEY	J-01.2
EXISTING CONDITION PLAN	P-2.0
LAND USE PLAN, TABLES & NOTES	P-3.0
TDR PLAN	P-4.0
ROW DEDICATION AREA TABLE	J

LEGAL DESCRIPTIONS
 PARCEL 17-23-27-0000-00-015
 PARCEL 17-23-27-0000-00-004



DEVELOPMENT TEAM

OWNER & DEVELOPER
 DREAM FINDERS HOMES
 4529 SOUTH PARK CIRCLE, SUITE 130
 ORLANDO, FLORIDA 32819
 PHONE (407) 898-7058

ENGINEER/ARCHITECT
 KELLY, COLLINS & GENTRY, INC.
 1700 NORTH ORANGE AVENUE, SUITE 400
 ORLANDO, FLORIDA 32804
 PHONE (407) 898-7058

LANDSCAPE ARCHITECT
 JAMES R. GENTRY, INC.
 1700 NORTH ORANGE AVENUE, SUITE 400
 ORLANDO, FLORIDA 32804
 PHONE (407) 898-7058

CONSULTANTS

WATER SUPPLY & IRRIGATION
 JAMES R. GENTRY, INC.
 1700 NORTH ORANGE AVENUE, SUITE 400
 ORLANDO, FLORIDA 32804
 PHONE (407) 898-7058

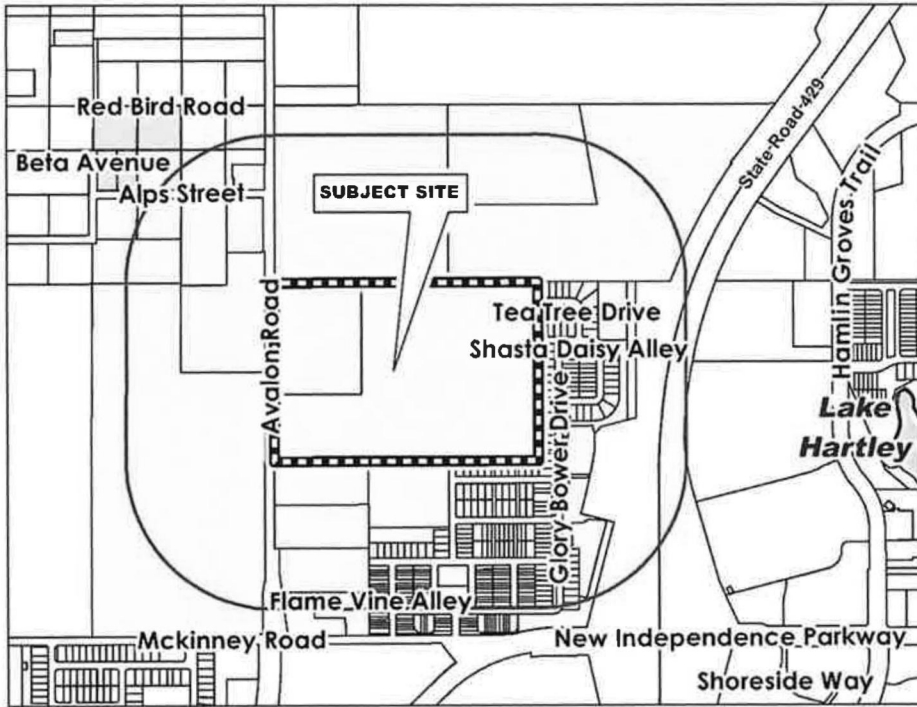
SOILS
 JAMES R. GENTRY, INC.
 1700 NORTH ORANGE AVENUE, SUITE 400
 ORLANDO, FLORIDA 32804
 PHONE (407) 898-7058

SECTION 17 TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA

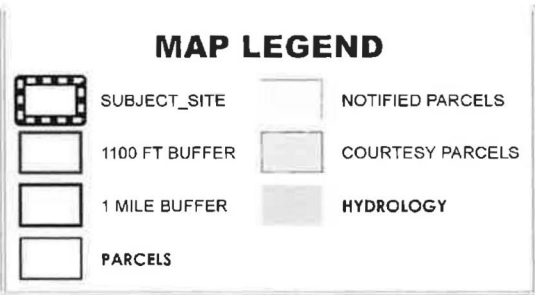


Public Notification Map

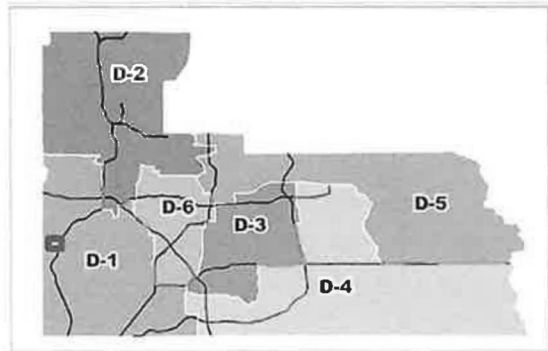
Diocese of Orlando_LUP-22-02-059



SUBJECT SITE



BUFFER DISTANCE: 1100
OF NOTICES: 338



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Notification Map

Rezoning Staff Report
Case # LUP-22-02-059
BCC Hearing Date: March 7, 2023