

Interoffice Memorandum

DATE: April 25, 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 the Grace Fellowship Planned Development / Land Use Plan (PD / LUP) received February 21, 2025, subject to the conditions listed under the Planning & Zoning Commission (PZC) Recommendation in the Staff Report. District 2.

PROJECT: Grace Fellowship Planned Development (PD) (LUPA-24-12-298)

PURPOSE: The subject property is located at 2200 & 2300 Pembroke Drive; Generally east of Forest City Road, and south of Pembroke Drive, and consists of 15.4 acres. The site is designated as Medium Density Residential on the Future Land Use Map is split-zoned A-1 (Citrus Rural District) and R-3 (Multi-Family Dwelling District). The property is currently developed with a 52,788 square foot Church building with 585 seats, several accessory structures, and a 22,790 square foot counselling center.

Through this request the applicant is seeking to rezone 15.4 acres from A-1 (Citrus Rural District) and R-3 (Multi-Family Dwelling District) to PD (Planned Development District) with a proposed development program of 178,344 square feet of religious institution with 1,800 seats with accessory uses, and a 22,790 square foot counselling center. In addition, the applicant is requesting one (1) waiver from Orange County Code 38-1272(a)(3)(e) to allow an existing metal building 12.2 ft., as identified on sheet S-1, from the west property line in lieu of the PD boundary setback of 25 feet.

This proposal received a recommendation of approval from the DRC on April 2, 2025 and a recommendation of approval from the PZC on April 24, 2025.

BUDGET: N/A

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CASE # LUP-24-12-298

Commission District: # 2

GENERAL INFORMATION

APPLICANT Kathryn Johnston, Lowndes Drosdick Doster Kantor & Reed, P.A.

OWNER Grace Fellowship, Inc.

PROJECT NAME Grace Fellowship Planned Development (PD)

PARCEL ID NUMBER(S) 27-21-29-0000-00-002, 27-21-29-0000-00-001

TRACT SIZE 15.39 gross acres

LOCATION 2200 & 2300 Pembroke Drive; East of Forest City Road / South of Pembroke Drive

REQUEST To rezone 15.4 acres from A-1 (Citrus Rural District) and R-3 (Multi-Family Dwelling District) to PD (Planned Development District) with a proposed development program of 203,822 square feet of religious institution with 1,800 seats and accessory uses, and a 22,790 square foot counselling center.

In addition, the applicant is requesting one (1) waiver from Orange County Code:

1. A waiver from Orange County code 38-1272(a)(3)(e) to allow an existing metal building 12.2 ft., as identified on sheet S-1, from the west property line in lieu of the PD boundary setback of 25 ft.

Applicant Justification: *The metal building is a single-story structure existing on the property and was properly permitted for use as a storage building under the existing A-1 zoning. It is adjacent to another church use which has a medium density future land use.*

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 800 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. Seven hundred and eighty-one (781) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The subject property is located east of Forest City Road, on the south side of Pembroke Drive. The property is designated Medium Density Residential (MDR) on the County's Future Land Use Map (FLUM), and is split-zoned A-1 (Citrus Rural District) and R-3 (Multiple-Family Dwelling District). The existing Church use is permitted in these zoning districts. The subject property is bordered by multi-family developments to the east and west, and single-family subdivisions to the north and south.

The site is currently developed as a church with a 585-seat sanctuary in an approximately 52,788 square foot building along with several ancillary structures, and a 22,790 square foot counseling center.

Through this request, the applicant is seeking to rezone the 15.4 acres from A-1 (Citrus Rural District) and R-3 (Multi-Family Dwelling District) to PD (Planned Development District) with a development program that will include a church expansion of an additional 1,215 proposed seats (total new sanctuary size 1,800 seats) for a proposed overall building area of 203,822 square feet, including accessory structures, and the existing 22,790 square foot counselling center. In addition, one (1) waiver is being requested to allow for an existing accessory structure to remain 12.2 feet from the property line, which will be within the 25 feet PD boundary.

SITE DATA

Existing Use	Religious Institution and Counselling Center
Adjacent Zoning	N: A-1 (Citrus Rural District) E: City of Maitland W: R-1 (Single-Family Dwelling District) S: R-1A (Single-Family Dwelling District)
Adjacent Land Uses	N: Single-Family Subdivision E: Apartments W: Apartments S: Single-Family Subdivision

APPLICABLE PD DEVELOPMENT STANDARDS

PD Boundary Setback:	25 feet
Maximum Building Height:	50 feet
Minimum Building Setbacks	
Front Setback:	30 feet
East Setback:	25 feet

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West Setback:	12.2 feet
Rear Setback:	25 feet
Side Yard:	25 min.; where adjacent to residential use
Minimum Open Space:	20%

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from A-1 (Citrus Rural District) and R-3 (Multiple-Family Dwelling District) to PD (Planned Development District) with a proposed development program of 178,344 square feet of religious institution with 1,800 seats and accessory uses, and a 22,790 square foot counselling center. In addition, one waiver is requested from Orange County Code Sec. 38-1271(a)(3)(e) to allow for an existing metal accessory structure to be located 12.2' from the west property line in lieu of 25'.

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 Medium Density Residential (MDR) which allows for a maximum residential density of twenty (20) dwelling units per one (1) net developable acre. The proposed PD zoning district and development program is consistent with the MDR 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.

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.

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 Joint Planning Area.

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Environmental

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

Transportation Planning

Existing/Valid transportation capacity entitlements not found. This development will be required to meet transportation concurrency requirements. Contact Transportation Planning at 407-836-7893 to discuss project details and to determine what application (de-minimis/CEL) is needed to meet this requirement. NOTE: Should this project be located near failing roadways then a Traffic Impact Analysis (TIA) may be requested by Staff.

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 and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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.

Based on the Concurrency Management database (CMS) dated 1/16/2025, there are multiple failing roadway segments within the project's impact area along Maitland Blvd, from Orange Blossom Tr to Wymore Rd (4 segment(s)). This information is dated and subject to change.

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'. The operational traffic study will be based in the most updated STAMP.

Community Meeting Summary

A community meeting was held for this case on February 19, 2025 at Riverside Elementary School. The meeting began by county staff reviewing the presentation to an audience of approximately 15 people. The site is currently developed as a church. Discussions were held regarding the hours of operations, traffic, and pedestrian safety. The overall tone was positive and in support of the project.

Schools

Orange County Public Schools (OCPS) staff have reviewed the proposed request and did not identify any issues or concerns.

Parks and Recreation

Parks and Recreation staff have reviewed the request and did not identify any issues or concerns.

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State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (April 2, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Grace Fellowship Planned Development / Land Use Plan (PD/LUP) "Received February 21, 2025", subject to the following conditions:

1. Development shall conform to the Grace Fellowship Land Use Plan (LUP) dated "Received February 1, 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 1, 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

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

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8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
9. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of Pembroke Drive. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208.
10. 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.
11. 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.
12. 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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.
13. In compliance with Section 19 of the Orange County Code, the property owner/engineer must provide a series of FEMA Letter of Map Changes (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without an established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer must perform a study to establish the BFE and obtain a FEMA LOMR (Letter of Map Revision) prior to site construction plan submittal. For modifications to a determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval must be obtained by the owner/engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy and/or Certificate of Completion. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107(1).

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14. 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.
15. 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.
16. A waiver from Orange County Code Section 38-1272(a)(3)(e) is granted to allow an existing metal building, (as identified on Sheet S-1), 12.2-feet from the west property line in lieu of the PD perimeter setback of 25-feet.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak during public comment.

Staff indicated that three hundred forty-six (346) notices were sent to property owners and residents extending beyond 1,500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

A motion was made by Commissioner Spears and seconded by Commissioner Fernandez to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to twenty-five (25) conditions listed in the staff report including five (5) from Orange County Code. The motion carried 4 to 1.

Motion / Second *Gordon Spears / Eddie Fernandez*

Voting in Favor *Gordon Spears, Eddie Fernandez, George Wiggins and Evelyn Cardenas*

Voting in Opposition *David Boers*

Absent *Walter Pavon, Camille Evans, Nelson Pena, and Michael Arrington*

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (April 24, 2025)

Commented [NT1]: This section is a placeholder and will be filled in after the PZC hearing.

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Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Grace Fellowship Planned Development / Land Use Plan (PD/LUP), dated "Received February 21, 2025", subject to the following conditions:

1. Development shall conform to the Grace Fellowship Land Use Plan (LUP) dated "Received February 21, 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 21, 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.

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7. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
9. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of Pembroke Drive. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208.

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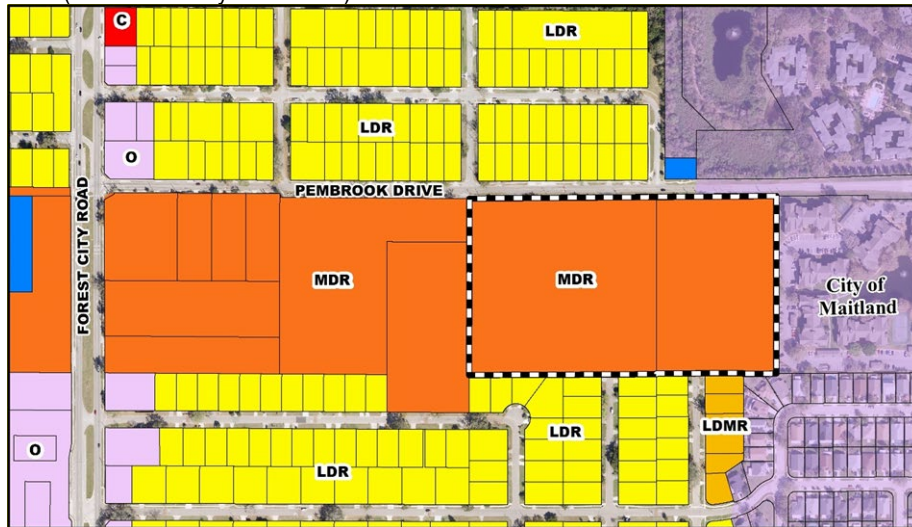
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14. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
15. 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.

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16. A waiver from Orange County Code Section 38-1272(a)(3)(e) is granted to allow an existing metal building, (as identified on Sheet S-1), 12.2-feet from the west property line in lieu of the PD perimeter setback of 25-feet.

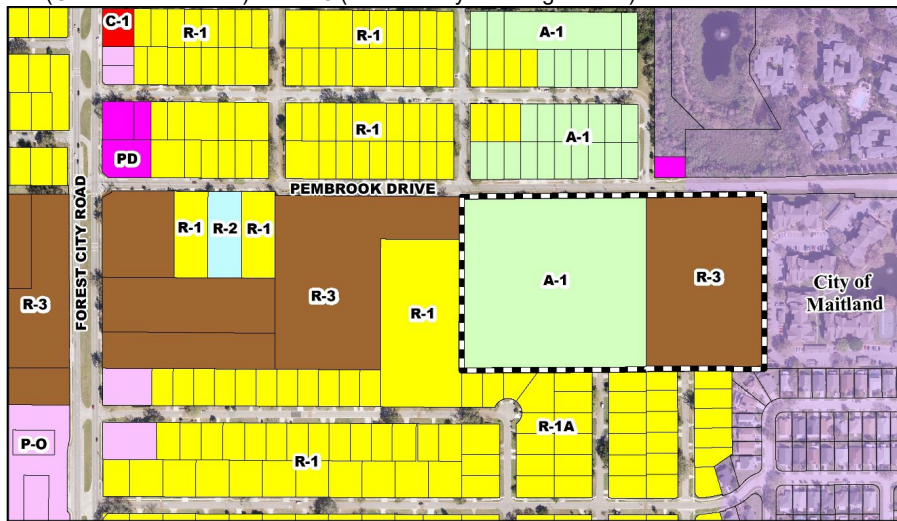
FUTURE LAND USE

MDR (Medium Density Residential)



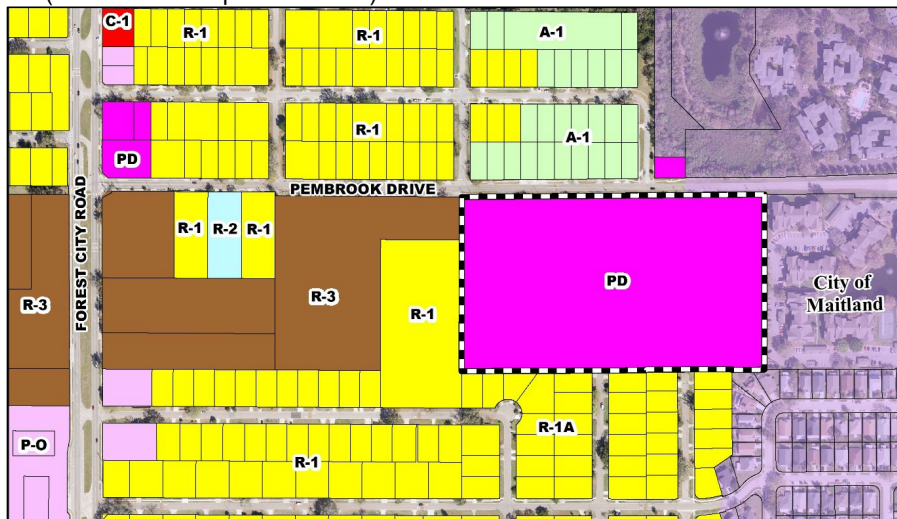
ZONING - CURRENT

A-1 (Citrus Rural District) and R-3 (Multi-Family Dwelling District)



ZONING - PROPOSED

PD (Planned Development District)





Grace Fellowship PD / LUP

