

CASE # LUP-24-08-198

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Clifford Alejos, Burkett Engineering
OWNER	McKinney Developments Group, LLC
PROJECT NAME	McKinney Road Land Use Plan / Planned Development (LUP / PD)
PARCEL ID NUMBER(S)	20-23-27-0000-00-001
TRACT SIZE	6.83 acres
LOCATION	North of New Independence Parkway / East of Avalon Road
REQUEST	To rezone 6.83 acres from A-1 (Citrus Rural District) to PD (Planned Development District) with a proposed development program of 34 single-family attached and detached residential dwelling units.
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. Three hundred and thirty (330) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The applicant is seeking to rezone the 6.83-acre subject property from A-1(Citrus Rural District) to PD (Planned Development District) with a proposed development program of 34 single-family attached and detached residential dwelling units. The plan indicates 27 detached units and 7 attached units.

The subject property is located north of New Independence Parkway and east of Avalon Road, is designated as Urban Residential District (UR-3b) on the Special Planning Area Land Use Map for Horizon West, within the Town Center Village. Planned Development zoning is required for all new development within Horizon West. The Urban Residential District requires a minimum of 4.0 units per net developable acre and allows a maximum of 5.5 du/acre. The proposed 34 dwelling units equates to 5.3 units per net developable acre. The proposed development program is consistent with the Urban Residential District.

Per Code Sec. 38-1390.16(5)c, this application requires 1.24 acres of Adequate Public Facilities (APF) land. An Adequate Public Facility and Road Network Mitigation

Agreement (RAG-25-02-010) has been submitted with this request to cover the APF deficit by either (i) acquiring 1.24 acres of APF acreage credits from an APF surplus owner in Town Center SAP or, at Owner's election and in accordance with the APF/TDR ordinance, (ii) paying to County an APF fee of \$55,647.15 per acre, for the 1.24 acre deficit, for a total of \$69,002.47. The agreement also provides for the owner to pay the County the Fair Share amount of \$187,316.00 to mitigate for impacts to deficient segments of Avalon Road / C.R. 545 based on the traffic study submitted. This agreement was recommended for approval by the Roadway Agreement Committee (RAC) on February 26, 2025. The agreement is pending approval by the Board of County Commissioners and will be heard concurrently with this application.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: PD (Planned Development District- Diocese Subdivision) E: PD (Planned Development District- New Independence) W: A-1 (Citrus Rural District) S: PD (Planned Development District- Hamilton Gardens)
Adjacent Land Uses	N: Undeveloped Land E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback: 25 feet
Minimum Open Space: Consistent with Section 38-1234

Single Family Detached Standards:

Minimum Lot Size: 2,800 square feet
Minimum Lot Width: 32 feet
Minimum Lot Depth: 100 feet/110 feet (w/alley)
Maximum Lot Coverage: 65%
Minimum Living Area: 1,000 square feet (under HVAC)
Maximum Building Height: 3 stories/45 feet
Minimum Building Setbacks:
Front Setback: 10 feet
Rear Setback: 20 feet
Side Setback: 5 feet
Side Street Setback: 10 feet

Single Family Attached Standards:

Minimum Lot Size: N/A

Minimum Lot Width: 16 feet
Minimum Lot Depth: 100 feet
Maximum Lot Coverage: 75%
Minimum Living Area: 1,000 square feet (under HVAC)
Minimum Building Separation: 14 feet
Maximum Building Height: 4 stories/ 55 feet
Minimum Building Setbacks:
Front Setback: 10 feet
Rear Setback: 14 feet
Side Setback: 0 feet / 5 feet*
Side Street Setback: 10 feet
**0 feet for internal lots. 5 feet for end units*

Land Use Compatibility

The applicant is seeking to rezone 6.83 acres from A-1 (Citrus Rural District) to PD (Planned Development District) to construct up to construct 27 single-family lots and 7 townhome lots, for a total of 34 dwelling units. No waivers are requested as part of this application.

Existing and planned development on surrounding parcels includes single-family and townhomes developments in Planned Developments (Diocese, New Independence and Hamilton Gardens) at similar densities within the Urban Residential (UR-3b) special planning area. 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 a Future Land Use (FLUM) designation of Village (V) and is located in the Urban Residential District (UR-3b) on the Special Planning Area Land Use Map for Horizon West, within the Town Center Village. It is currently zoned A-1 (Citrus Rural District). PD zoning is required for all new development within Horizon West. The Urban Residential District requires a minimum of 4.0 units per net developable acre and allows a maximum of 5.5 du/acre. The proposed 34 dwelling units equates to 5.3 units per net developable acre. The proposed PD zoning district and development program is consistent with the Village FLUM designation and the Urban Residential District 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.

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.

OBJ FLU4.1 states that Orange County shall use a Village Land Use Classification to realize the long range planning vision for West Orange County created through the Horizon West planning process. The Village land use classification has been designed to address the need to overcome the problems associated with and provide a meaningful alternative to the leap-frog pattern of sprawl; create a better jobs/housing balance between the large concentration of employment in the tourism industry and the surrounding land uses; create a land use pattern that will reduce reliance on the automobile by allowing a greater variety of land uses closer to work and home; and, replace piecemeal planning that reacts to development on a project by project basis with a long range vision that uses the Village as the building block to allow the transition of this portion of Orange County from rural to urban use through a specific planning process that uses a creative design approach to address regional, environmental, transportation, and housing issues.

FLU4.1.1 states that each Village Special Planning Area (SPA) shall be designed based on an urban development pattern, which encourages the formation of a suburban village while ensuring the provision of adequate public facilities and services concurrent with development and protection of environmental quality.

FLU4.1.12.3 states that Town Center PD/RP shall be subject to the Adequate Public Facilities (APF) provisions outlined in Policy FLU4.2.2 including concurrent approval consideration by the Board of County Commissioners with the final PD/RP/.

FLU4.2.2 states that the Adequate Public Facilities (APF) Ordinance shall require each property owner to make provisions to set aside a portion of their land for public facility use in exchange for APF credits, based upon the total public land area needs for each adopted Village. For properties that do not include public facilities lands or for which public facilities. ands have been provided, a fee in lieu of donation shall be required. Such APF revenues shall be allocated first to re-payment to properties with excess approved APF credits, then for public facilities land acquisition, support, and maintenance within the subject Village or Town Center.

FLU4.2.7 states that the Town Center Code will require all property owners within each of the identified Town Center Neighborhoods to address, at a minimum, the planning and funding of public utilities and major transportation facilities consistent Town Center Neighborhood planning requirements and applicable Comprehensive Plan policies. All applicable property owners will be required to participate in Neighborhood-based Adequate Public Facilities/Developer Agreements to address the provision and funding of public infrastructure. Approval by the Board of County Commissioners of such agreements shall be required prior to, or in conjunction with, approval of a Planned Development (PD) application.

Overlay Ordinance

The subject property is not located within an Overlay Ordinance 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

This site has soil that is suitable for gopher tortoise habitat. There is an increased likeliness for the presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations regarding gopher tortoises and all other listed species found on site. Forward any related permits to the Orange County Environmental Protection Division.

The site is located within a potential EDB plume based on the FDEP delineated areas of contamination. Due to the areas prior use as agriculture, there is potential for contamination to be located within the property boundaries. EPD may request a Phase I Environmental Site Assessment (ESA) to be submitted prior to any plan or permit approvals.

No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions including but not limited to application of water, dust suppressants, planting of vegetation, point of activity controls (hoods, filters, etc.) and other measures.

This site could be adversely impacted by existing solid waste management activities from the Pine Ridge Recycling and Disposal (C/D) and Pine Ridge Landfill Class III located less than a mile to the northwest. West Orange Environmental Landfill and 545 Landfill are located less than 2 miles to the south. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity.

This site is located within the Okeechobee Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a). On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Transportation Planning

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.

Based on the Concurrency Management database (CMS) dated 8/29/2024, there are multiple failing roadway segments within the project's impact area. Avalon Rd, from Porter Rd to Tilden Rd (3 segment(s)), New Independence Pkwy, from Lake County Line to Avalon Rd (2 segment(s)), Valencia Pkwy, from New Independence Pkwy to Horizon Blvd (1 segment(s)). This information is dated and subject to change.

An Adequate Public Facility and Road Network Mitigation Agreement (RAG-25-02-010) has been submitted with this request to cover the APF deficit by either (i) acquiring 1.24 acres of APF acreage credits from an APF surplus owner in Town Center SAP or, at Owner's election and in accordance with the APF/TDR ordinance, (ii) paying to County an APF fee of \$55,647.15 per acre, for the 1.24 acre deficit, for a total of \$69,002.47. The agreement also provides for the owner to pay the County the Fair Share amount of \$187,316.00 to mitigate for impacts to deficient segments of Avalon Road / C.R. 545 based on the traffic study submitted. This agreement was recommended for approval by the Roadway Agreement Committee (RAC) on February 26, 2025.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Detailed Utility Information:

Connection to Orange County Utilities water and wastewater is required.

Schools

School Capacity Determination OC-25-012 notes that capacity is **NOT AVAILABLE** at the assigned elementary and high schools. The determination expires on August 18, 2025.



School Capacity Determination

User ID SV

February 19, 2025

13:30:27

Project ID:

CEA – OC – 25 – 012

Valid Until: August 18, 2025

Project Name:			MCKINNEY SUBDIVISION		
Unvested Units	Single Family Units:	26	Vested Units	Single Family Units:	1
	Multi Family Units:	0		Multi Family Units:	0
	Multi Family High Rise Units:	0		Multi Family High Rise Units:	0
	Town Homes Units:	7		Town Homes Units:	0
	Mobile Home Units:	0		Mobile Home Units:	0

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	GG		
	School:	HAMLIN ES	HAMLIN MS	HORIZON HS
	Analysis of Existing Conditions			
	School Capacity (2023-2024)	837	1,287	2,626
	Enrollment (2023-2024)	549	953	2,686
	Utilization (2023-2024)	0.0%	0.0%	68.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	372	334	0
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	381	211	444
	Reserved Capacity	0	0	0
	Adjusted Utilization	111.1%	90.4%	119.2%
	Adjusted Available Seats	0	123	0
	Analysis of Proposed Development			
	Students Generated	5.839	3.053	4.249
	Adjusted Utilization	111.8%	90.7%	119.4%
	AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	AVAILABLE	NOT AVAILABLE
	Number of Seats to Mitigate	5.839	0.000	4.249

Parks and Recreation

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

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.

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 – (May 14, 2025)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the McKinney Road Land Use Plan / Planned Development (LUP/PD), dated "Received May 15, 2025", subject to the following conditions:

1. Development shall conform to the McKinney Road Planned Development Unified Neighborhood Plan (PD-UNP) dated "Received May 15, 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 May 15, 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 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) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.

8. A Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded and any necessary Home Owners Association (HOA) be established simultaneously with the recording of the first plat, providing for, but not limited to, drainage easements, utility easements, cross access easements as well as any other shared facilities located within the Planned Development.
9. 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).
10. 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., as may be amended.
11. This project shall comply with the terms and conditions of that certain Horizon West Town Center (McKinney Road PD/UNP) Adequate Public Facilities and Road Network Mitigation Agreement.
12. 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.
13. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
14. A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, 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 PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP 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 MUPs and updates must be approved prior to Construction Plan approval.

15. 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.
16. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5-194, where applicable and as may be amended.
18. 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.
19. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Horizon West Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
20. Prior to construction plan approval, all property owners within Horizon West Town Center Village (SAP), excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.

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 thirty (330) notices were sent to property owners and residents extending beyond 800 feet surrounding the property, and that staff had received zero (0) responses in favor, and one (1) response(s) in opposition of the request.

A motion was made by Commissioner Gray and seconded by Commissioner Wiggins to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to twenty (20) conditions listed in the staff report. The motion carried 7 to 0.

Motion / Second	<i>Eric Gray / George Wiggins</i>
Voting in Favor	<i>Eric Gray, George Wiggins, Nelson Pena, Evelyn Cardenas, Marjorie Holt, Camille Evans and Michael Arrington</i>
Voting in Opposition	<i>N/A</i>
Absent	<i>Eddie Fernandez and David Boers</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (June 19, 2025)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of McKinney Road Land Use Plan / Planned Development (LUP/PD), dated "Received May 15, 2025", subject to the 20 conditions listed in the staff report, subject to the following conditions:

1. Development shall conform to the McKinney Road Planned Development Unified Neighborhood Plan (PD-UNP) dated "Received May 15, 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 May 15, 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

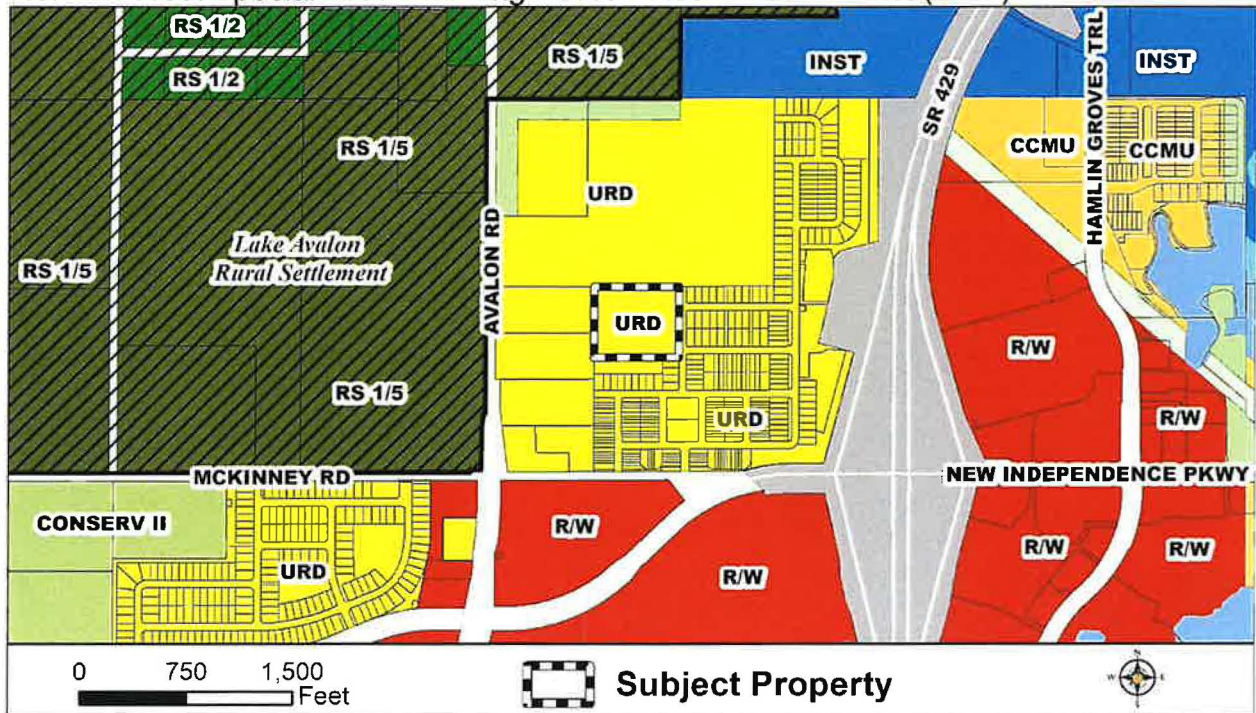
Acknowledgment shall be submitted with all future permit applications for this project.

7. A 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) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
8. A Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded and any necessary Home Owners Association (HOA) be established simultaneously with the recording of the first plat, providing for, but not limited to, drainage easements, utility easements, cross access easements as well as any other shared facilities located within the Planned Development.
9. 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).
10. 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., as may be amended.
11. This project shall comply with the terms and conditions of that certain Horizon West Town Center (McKinney Road PD/UNP) Adequate Public Facilities and Road Network Mitigation Agreement.
12. 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.

13. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
14. A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, 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 PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP 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 MUPs and updates must be approved prior to Construction Plan approval.
15. 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.
16. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5-194, where applicable and as may be amended.
18. 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.
19. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Horizon West Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
20. Prior to construction plan approval, all property owners within Horizon West Town Center Village (SAP), excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.

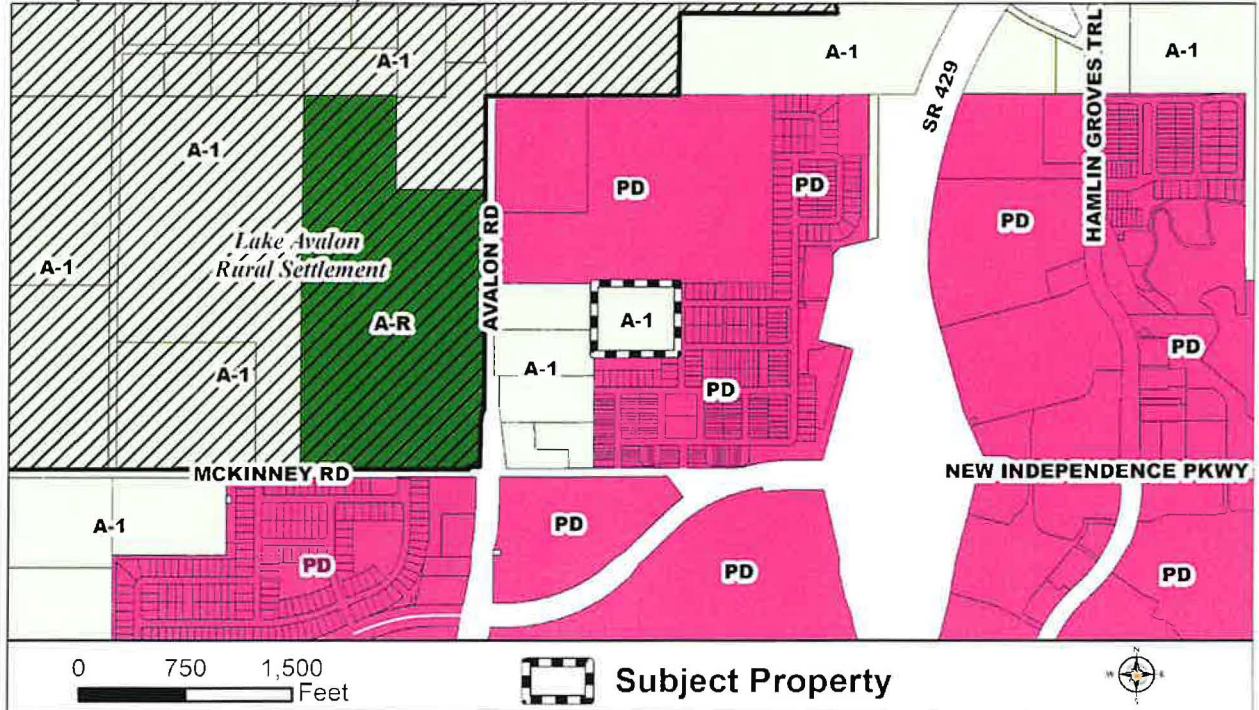
FUTURE LAND USE

Horizon West Special Area Planning / Urban Residential District (URD)



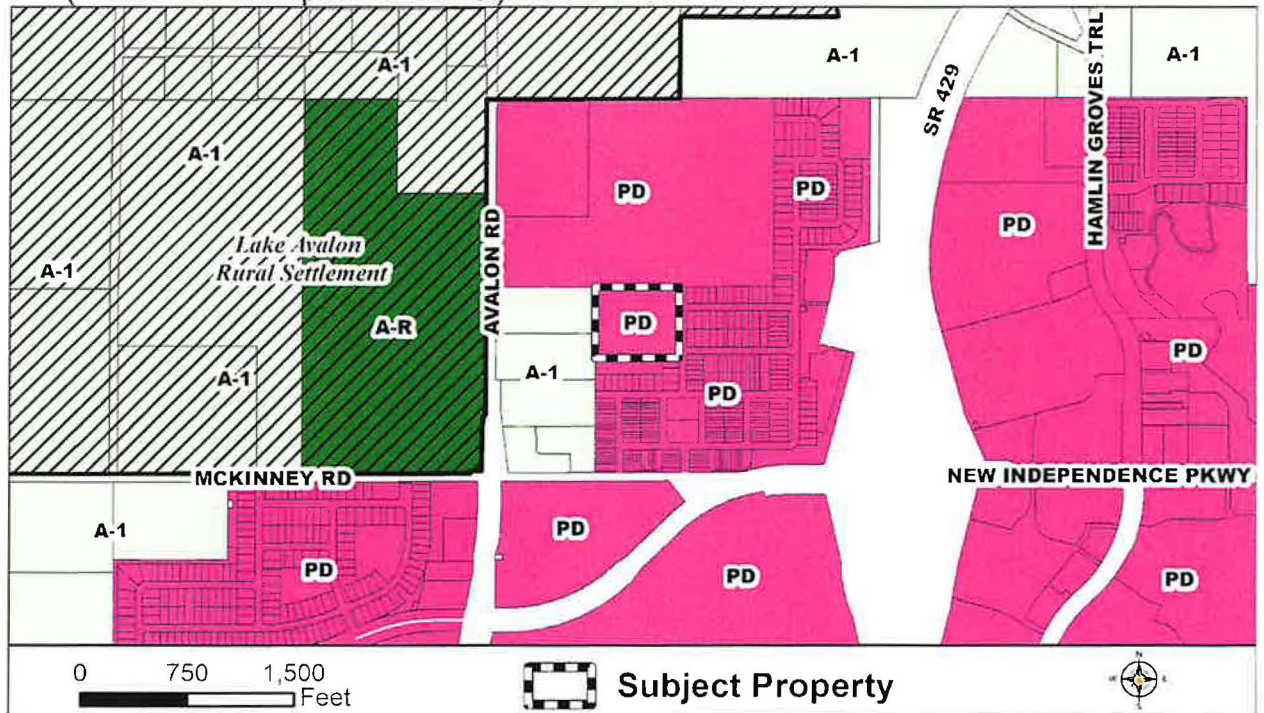
ZONING - CURRENT

A-1 (Citrus Rural District)



ZONING - PROPOSED

PD (Planned Development District)



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UNIVERSAL ENGINEERING
SCIENCES 3552 MAGGIE
EQUILVAFD
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UES REPORT NO. 2075144

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BTO FILE # 072-07



McKINNEY ROAD

LAND USE PLAN / UNIFIED NEIGHBORHOOD PLAN

FOR

McKINNEY DEVELOPMENTS GROUP LLC

RECEIVED

By DRC at 9:14 am, May 15, 2025

SHEET INDEX

- C-01 COVER
- C-02 NOTES
- C-03 EXISTING CONDITIONS
- C-04 LAND USE PLAN

REFERENCE PLANS

- SURVEY
- TOPOGRAPHIC SURVEY
- TREE SURVEY

NO.	DESCRIPTION	DATE	BY
1	LAND USE PLAN	08/19/24	ENR
2	TOPOGRAPHIC SURVEY	08/19/24	ENR
3	TREE SURVEY	08/19/24	ENR
4	EXISTING CONDITIONS	08/19/24	ENR

TAX PARCEL ID NUMBER:
20-23-27-0000-00-001

Burkett
engineering

CIVIL ENGINEERING
CONSULTANTS

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CASE NUMBER:
LUP-24-08-198

ORANGE COUNTY, FLORIDA
(AUGUST 2024)

REVISED MAY, 2025

LEGAL DESCRIPTION

5.83 ACRES, THE NORTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 27 EAST,
ORANGE COUNTY, FLORIDA; LESS THE WEST 733 FEET
THEREOF AND LESS THE SOUTH 830 FEET THEREOF

LOCATION MAP

SCALE 1:1000



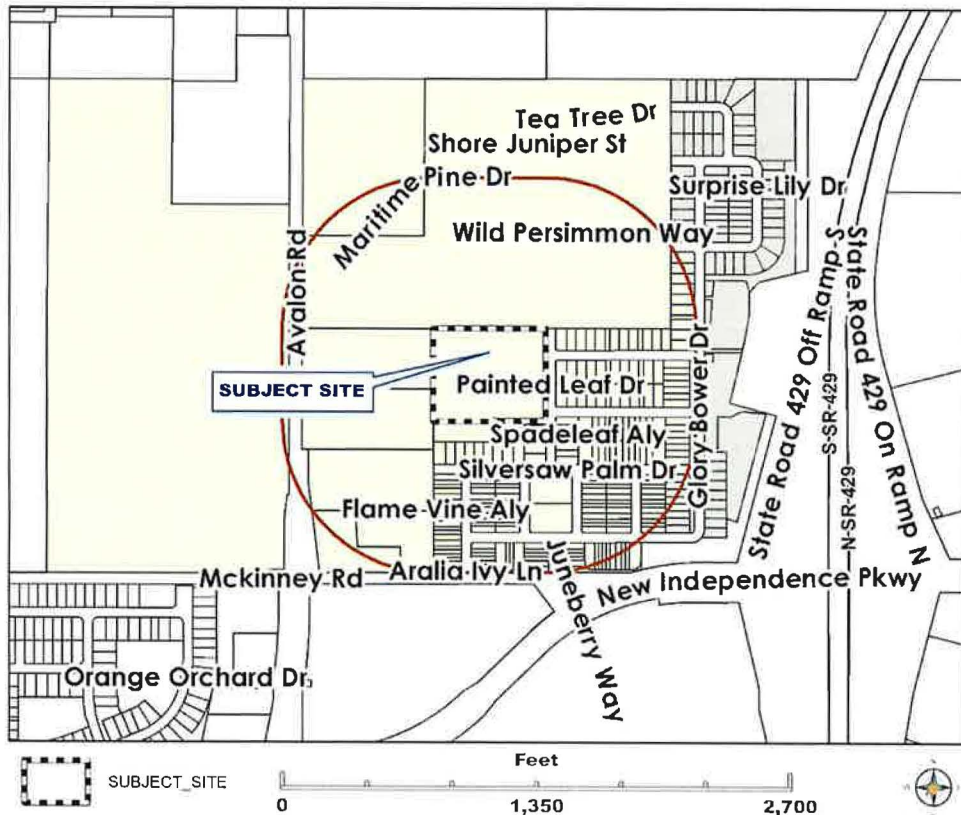
McKinney Road LUP (Cover Sheet)

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: August 5, 2025



Public Notification Map

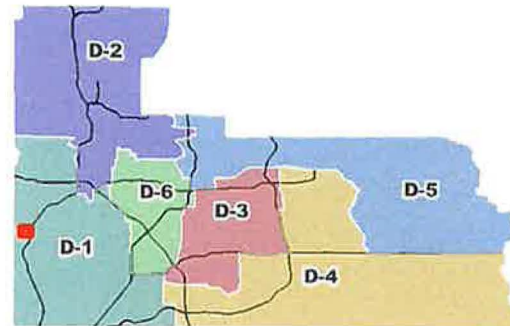
McKinney Road LUP_LUP-24-08-198



MAP LEGEND

- SUBJECT_SITE
- 800 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 800
OF NOTICES: 330



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: August 5, 2025

S:\Business Systems\Board Administration\2_PZC\2025\6 - June\McKinney Road LUP_LUP-24-08-198\McKinney Road LUP_LUP-24-08-198.mxd