



Interoffice Memorandum

DATE: October 9, 2020

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department

CONTACT PERSON: **Eric Raasch, DRC Chairman**
Development Review Committee
Planning Division
(407) 836-5523

Eric P. Raasch, Jr., AICP

SUBJECT: October 27, 2020 – Public Hearing
Jennifer Stickler, Kimley-Horn & Associates, Inc.
First Baptist Church of Windermere Planned Development
Case # CDR-19-09-318 / District 1

Digitally signed by Eric P. Raasch, Jr., AICP
Date: 2020.10.09 15:40:00 -04'00'

The First Baptist Church of Windermere Planned Development (PD) is located at 8464 Winter Garden Vineland Road; or generally located on the south side of Winter Garden Vineland Road, approximately 720 feet west of Benoit Avenue. The existing PD development program allows for a church with a day care facility and recreational uses.

Through this PD substantial change, the applicant is seeking to create a 14.70 acre Garden Home District and convert 123,233 square feet of church with day care and recreation uses to 60 single-family residential dwelling units and one transfer development right unit. The location of the southwestern most access point is also proposed to be amended. A TDR agreement has been recorded under Document # 20200508052.

On September 9, 2020, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was required for this request as summarized on page two of the staff report.

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 substantial change to the First Baptist Church of Windermere Planned Development / Land Use Plan (PD/LUP) dated “Received September 15, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/nsw

CASE # CDR-19-09-318

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Jennifer Stickler, Kimley-Horn & Associates, Inc.
OWNER	Windermere Ministries, Inc.
PROJECT NAME	First Baptist Church of Windermere Planned Development
PARCEL ID NUMBER(S)	31-23-28-0000-00-021
TRACT SIZE	51.41 gross acres (overall PD) 14.70 gross acres (affected area only)
LOCATION	8464 Winter Garden Vineland Road; or generally located on the south side of Winter Garden Vineland Road, approximately 720 feet west of Benoit Avenue.
REQUEST	A PD substantial change to create a 14.70 acre Garden Home District and convert 123,233 square feet of church with day care and recreation uses to 60 single-family residential dwelling units and one transfer development right unit. The location of the southwestern most access point is also proposed to be amended.
PUBLIC NOTIFICATION	A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seven hundred seventy-eight (778) notices were mailed to those property owners in the notification buffer area. A community meeting was held on November 4, 2019 at Sunset Park Elementary School as summarized in this report below.

IMPACT ANALYSIS

Special Information

The First Baptist Church of Windermere PD was originally approved May 2, 2000 and currently includes church with a day care facility and recreational uses.

Through this PD substantial change, the applicant is seeking to create a 14.70 acre Garden Home District and convert 123,233 square feet of church with day care and recreation uses to 60 single-family residential dwelling units and one transfer development right unit. The location of the southwestern most access point is also proposed to be amended. A TDR agreement has been recorded under DOC# 20200508052.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V). The First Baptist Church of Windermere PD was approved in 2000 and includes uses such as church with day care facility and recreation. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, the request is consistent with the Comprehensive Plan.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Lake Mabel is included in the Windermere Water and Navigation Control District Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Mabel, this project shall be required to be a participant.

Gopher tortoises were located on site. Development of the subject property shall comply with all state and federal regulations regarding endangered, threatened, or species of special concern. The applicant is responsible to verify the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission.

Transportation / Concurrency

Based on the capacity database dated February 14, 2020, there are several failing roadway segments within the project's impact area. Reams Road from Floridian Place to Taborfield Avenue and Winter Garden Vineland Road from Perrihouse Acres Lane to Chase Road are failing.

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 the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter.

Community Meeting Summary

A community meeting was held on November 4, 2019 at Sunset Park Elementary School. Approximately fifty residents were in attendance and expressed concerns

related to traffic, school crowding, compatibility with surrounding developments, and environmental impacts.

Schools

Orange County Public Schools (OCPS) has issued School Capacity Determination OC-19-078 showing adequate school capacity.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (September 9, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the First Baptist Church of Windermere Planned Development / Land Use Plan (PD/LUP), dated “September 15, 2020”, subject to the following conditions:

1. Development shall conform to the First Baptist Church of Windermere Planned Development (PD) dated "Received September 15, 2020," 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 September 15, 2020," 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. Lake Mabel is included in the Windermere Water and Navigation Control District Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Mabel, this project shall be required to be a participant.

7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
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 & Wildlife Conservation Commission (FWC).
9. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
10. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
11. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County code.
13. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
14. 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.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 2, 2000 shall apply:
 - a. Proposed development shall participate in the development of a mandatory Village master property owners' association for Lakeside Village per Section 38-1382(c).

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION *(May 2, 2000)*

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried by all present members voting AYE by voice vote, the Board approved the request to rezone the subject property from A-1 (Citrus Rural District) to PD (Planned Development District).

CDR-19-09-318



 Subject Property
 PD Boundary



 Subject Property

Future Land Use Map

FLUM: Village (V)

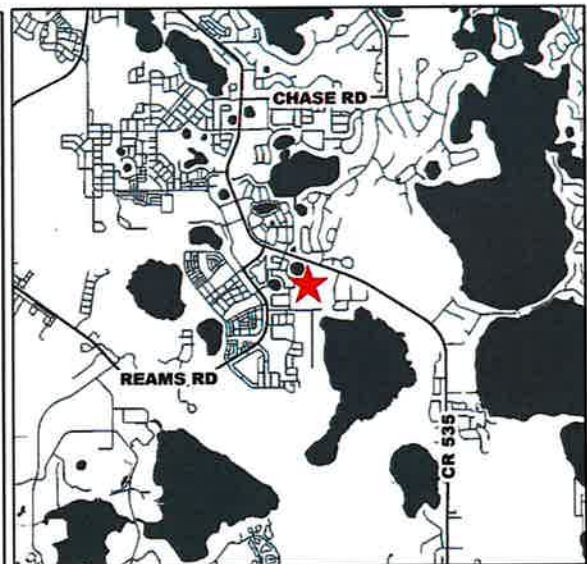
APPLICANT: Jennifer Stickler,
 Kimley-Horn & Associates, Inc.

LOCATION: 8464 Winter Garden Vineland Road;
 or generally located on the south side
 of Winter garden Vineland Road,
 approximately 720 feet west of Benoit
 Avenue.

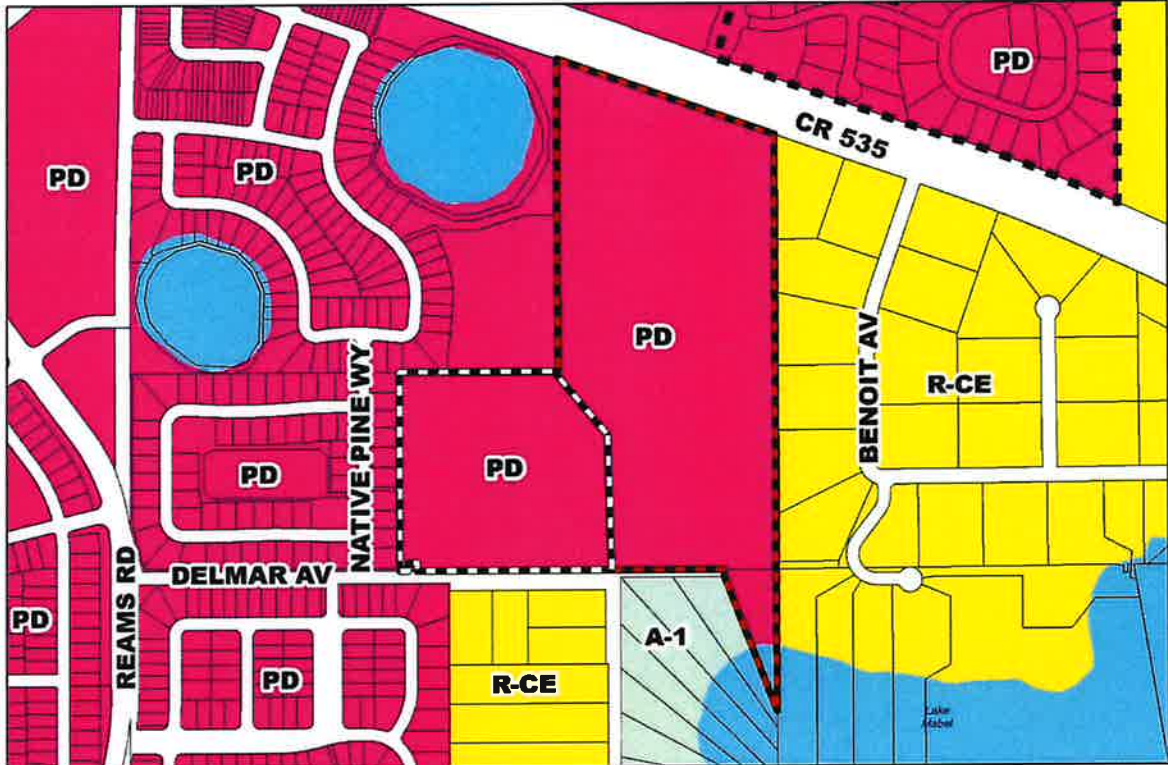
TRACT SIZE: 51.41 gross acres (overall PD)
 14.70 gross acres (affected area only)

DISTRICT: # 1

S/T/R: 31/23/28
 1 inch = 600 feet



CDR-19-09-318



 Subject Property
 PD Boundary



 Subject Property

Zoning Map

ZONING: PD (Planned Development District)

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DISTRICT: # 1


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First Baptist Church of Windermere PD / LUP (Cover Sheet)


FIRST BAPTIST CHURCH OF WINDERMERE LAND USE PLAN

CDR-19-09-318
 Orange County, Florida
 SEPTEMBER 15, 2020
 PARCEL ID: 31-23-28-0000-00-021 & 31-23-28-4580-00-010
 8464 WINTER GARDEN VINELAND ROAD
 ORLANDO, FL 32836



AERIAL MAP
1/8"

PROJECT LOCATION



VICINITY MAP
1/8"

PROJECT TEAM:
 DEVELOPER: FIRST BAPTIST CHURCH OF WINDERMERE, INC.
 PROJECT MANAGER: JAMES W. HORN, JR.
 CONTACT: JAMES W. HORN, JR.
 PHONE: 407-321-1111
 FAX: 407-321-1111
 EMAIL: james.horn@firstbaptistchurch.com

DEVELOPMENT NOTES:

1. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE CITY OF WINDERMERE AND THE COUNTY OF ORANGE.
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NOTES:

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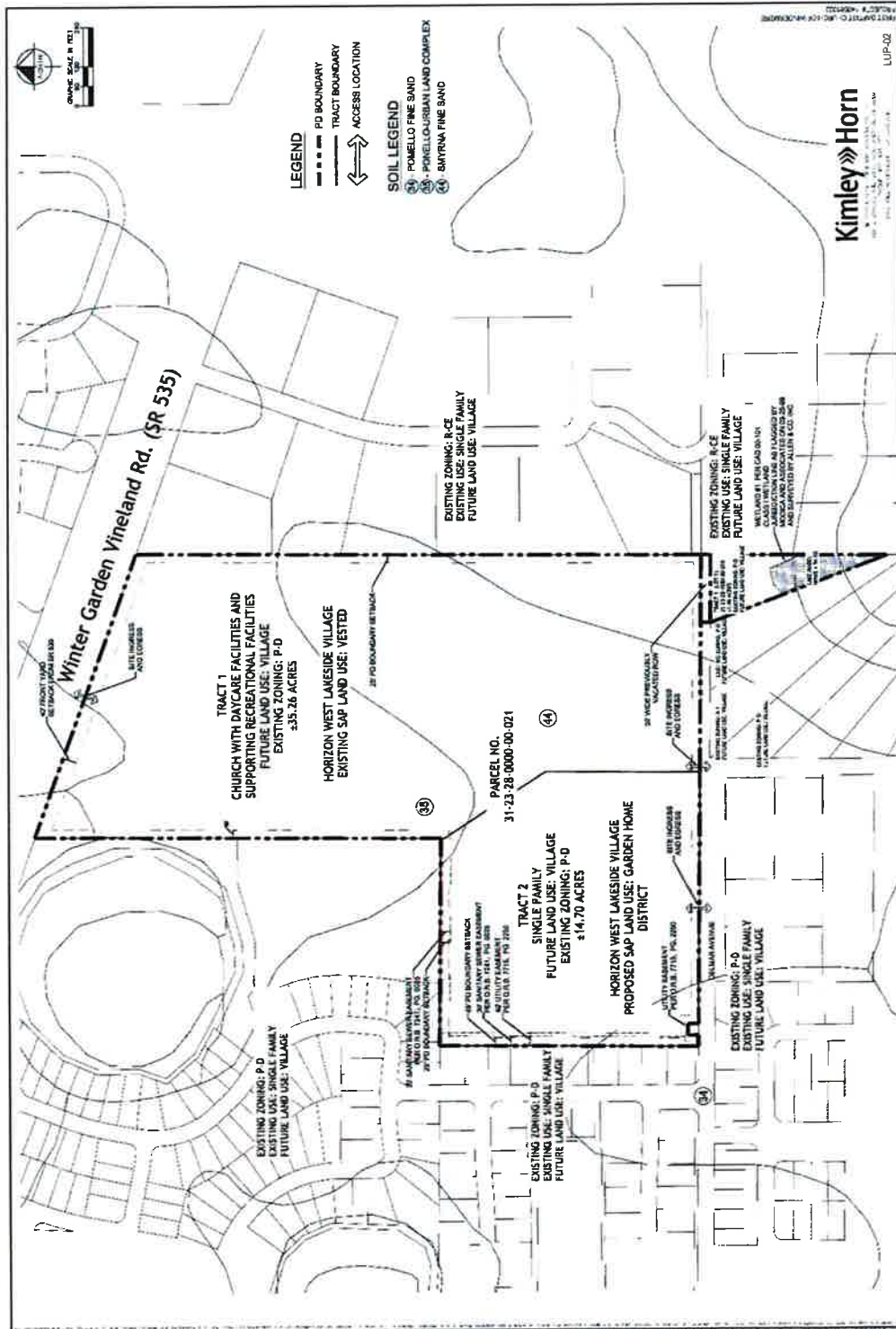
EXISTING CONDITIONS OF APPROVAL

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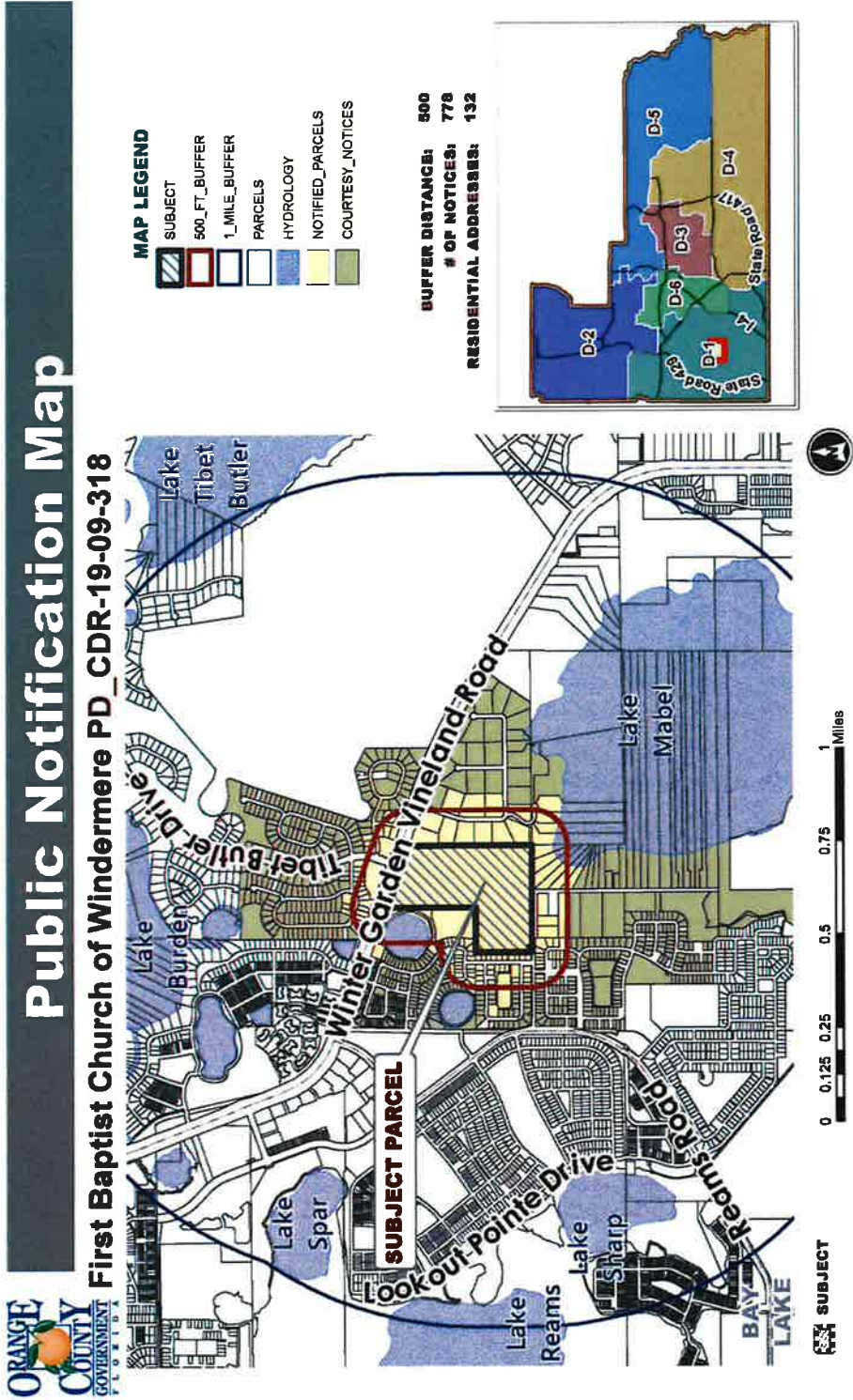
RECEIVED
 October 27, 2020
 Orange County Planning Division

Kimley»Horn
 INC. 1000 N. WINDERMERE BLVD., SUITE 100
 WINDERMERE, FL 32786
 TEL: 407-321-1111
 FAX: 407-321-1111
 WWW.KIMLEYHORN.COM

First Baptist Church of Windermere PD / LUP



Notification Map



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