



## Interoffice Memorandum

DATE: November 16, 2021

TO: Mayor Jerry L. Demings  
-AND-  
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

SUBJECT: November 30, 2021 – Public Hearing  
Applicant: Larry Poliner, RCE Consultants, LLC  
Applicant: Doug Osborn, First Baptist Church of Oviedo, Inc.  
Corner Lake Planned Development  
Case # CDR-21-02-060 / District 5

The Corner Lake Planned Development (PD) is located on the west side of Chuluota Road (S.R. 419), south of the Lake Pickett Road intersection. The existing PD development program allows for 67 single-family dwelling units. Through this PD substantial change, the applicant is seeking to convert entitlements for 21 single-family dwelling units within Phase 2 into a 13,000 square foot (500 seat) religious institution.

On October 6, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting held for this request on April 6, 2021 with eleven residents in attendance expressing an overall neutral response to the request.

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 Corner Lake Planned Development / Land Use Plan (PD/LUP) dated "Received October 11, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

Attachments  
JVW/EPR/jhs

**CASE # CDR-21-02-060**

Commission District: # 5

**GENERAL INFORMATION**

<b>APPLICANT</b>	Doug Osborn, First Baptist Church of Oviedo, Inc.
<b>OWNER</b>	Diocese of Orlando
<b>PROJECT NAME</b>	Corner Lake Planned Development / Land Use Plan (PD/LUP)
<b>PARCEL ID NUMBER</b>	16-22-32-0000-00-005 (affected parcel only)
<b>TRACT SIZE</b>	126.89 gross acres ( <i>overall PD</i> ) 40.22 gross acres ( <i>affected portion</i> )
<b>LOCATION</b>	Generally located on the west side of State Road 419, south of the Lake Pickett Road intersection, and across the street from Colombia Elementary School.
<b>REQUEST</b>	A PD substantial change to convert entitlements for 21 single-family dwelling units into a 13,000 square foot (500 seat) religious institution.
<b>PUBLIC NOTIFICATION</b>	A notification area extending beyond one thousand five hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Nine hundred sixty-eight (968) notices were mailed to those property owners in the notification buffer area. A virtual community meeting was held on April 6, 2021 and is summarized further in this report.

**IMPACT ANALYSIS**

**Special Information**

The 126.89-acre Corner Lake Planned Development was originally approved on October 8, 1990, and included development entitlements for up to 67 single-family units. In 2002, a PD substantial change was approved to relocate the boat/dock area and connect the development to central water and wastewater service.

Through this PD substantial change, the applicant is seeking to convert entitlements for twenty-one (21) single-family dwelling units within Phase 2 into a 13,000 square foot (500 seat) religious institution.

**Land Use Compatibility**

The PD substantial change would not adversely impact adjacent properties.

**Comprehensive Plan (CP) Amendment**

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement 1/1 (RS1/1). The proposed PD substantial change is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

**Community Meeting Summary**

A virtual community meeting was held on April 6, 2021. The meeting was attended by eleven residents, and the response was neutral. Concerns raised were relating to possible expansion of SR 419, lake access, and development timeline. No lake access is proposed as part of this request.

**Rural Settlement**

The subject property is located within the Corner Lake Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Environmental**

An Orange County Conservation Area Determination CAD-21-06-115 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 9/16/2021.

**Transportation / Concurrency**

Prior to Development Plan approval, the required right-of-way for the widening of Chuluota Road shall either be dedicated by donation or shall have an approved Right-of-Way Agreement approved through the Board of County Commissioners.

**Schools**

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

**Parks**

Orange County Parks and Recreation staff reviewed the 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 – (October 6, 2021)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Corner Lake Planned Development / Land Use Plan (PD/LUP), dated "October 11, 2021", subject to the following conditions:**

1. Development shall conform to the Corner Lake Planned Development (PD) dated "Received October 11, 2021," 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 October 11, 2021," 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 at the public hearing where this development was approved, 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. 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 or 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 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. 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.
7. 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).
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. Prior to Development Plan approval, the required right-of-way for the widening of Chuluota Road shall either be dedicated by donation or shall have an approved Right-of-Way Agreement approved through the Board of County Commissioners.
10. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

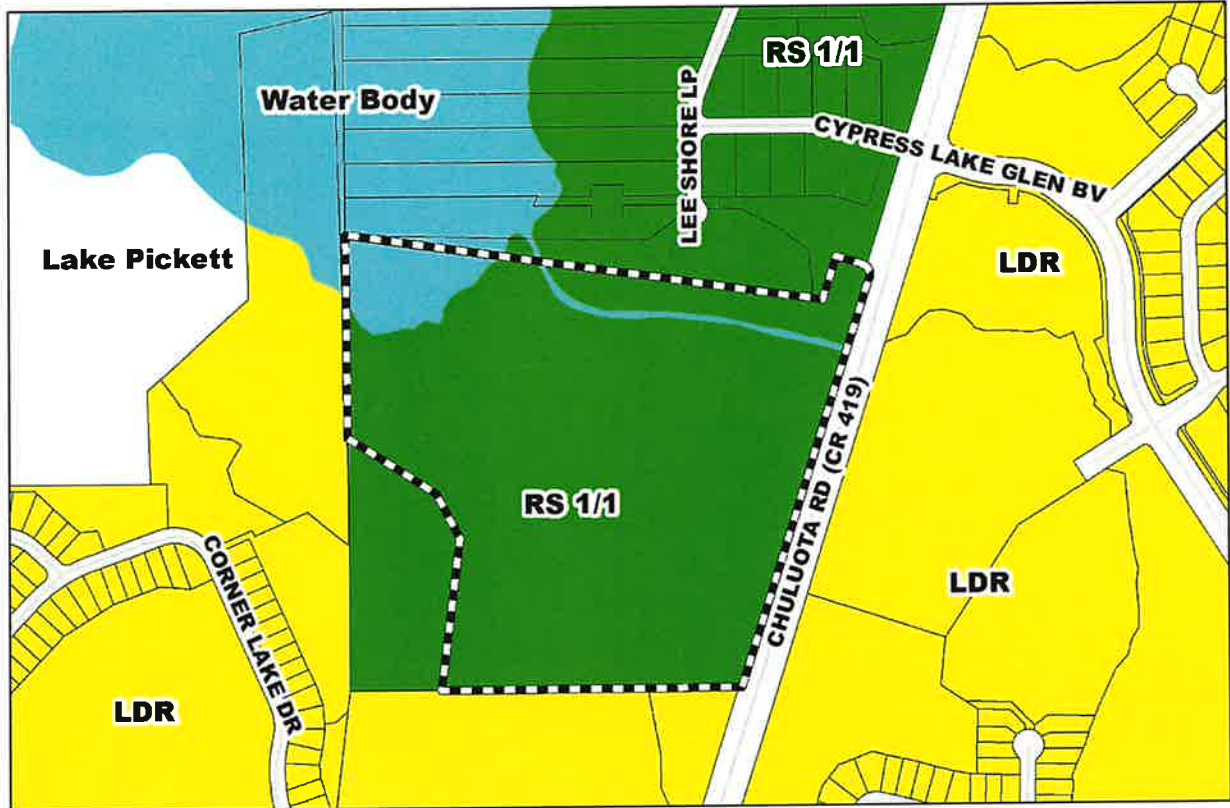
11. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
12. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 4, 2002, shall apply:
  - a. Prior to construction plan approval, a master stormwater management plan for the PD shall be submitted to the County engineer for review and approval for this subdivision.
  - b. The proposed boat ramp is not approved with this plan and will require additional permitting under Article XV, Boat Ramps.
  - c. If any part of the project is proposed to be gated, it shall comply with Article VII, Chapter 34, of the Orange County Code for gated communities as well as any amendments to that Article that may be enacted on or before January 31, 2003, regarding the enforcement of the requirements contained therein.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 1990, shall apply:
  - a. The net density of the project shall not exceed 0.89 DU/Acre. The number of lots shall be reduced accordingly. One tier of one (1) acre lots shall be provided along the north.
  - b. The road and lot layout are not approved with this Land Use Plan.
  - c. The development shall comply with any regulations adopted by Orange County to protect the Econlockhatchee River that are adopted prior to approval of construction plans.
  - d. Prior to foundation inspection for individual building permits a certification shall be submitted from the project geotechnical engineer that the house pad has been graded properly.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 4, 2002)**

Upon a motion by Commissioner Edwards, seconded by Commissioner Sindler, and carried by all present members, the Board approved the request by Hugh Harling, Harling Locklin & Associates; Country Lake PD (a.k.a. Corner Lake PD), to relocate the boat dock/recreation area within the PD, put the development onto central water and sewer, and remove the perimeter recreation area that included a bike path, subject to conditions.



CDR-21-02-060



**Subject Property**



**Subject Property**

### Future Land Use Map

**FLUM:** Rural Settlement 1/1 (RS 1/1)

**APPLICANT:** Doug Osborn

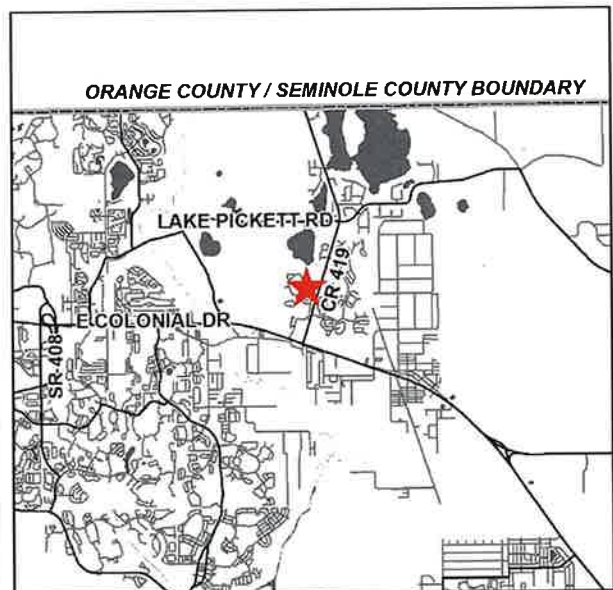
**LOCATION:** West of County Road 419, south of the Lake Pickett Road intersection, and across the street from Columbia Elementary School.

**TRACT SIZE:** 40.22-gross acres

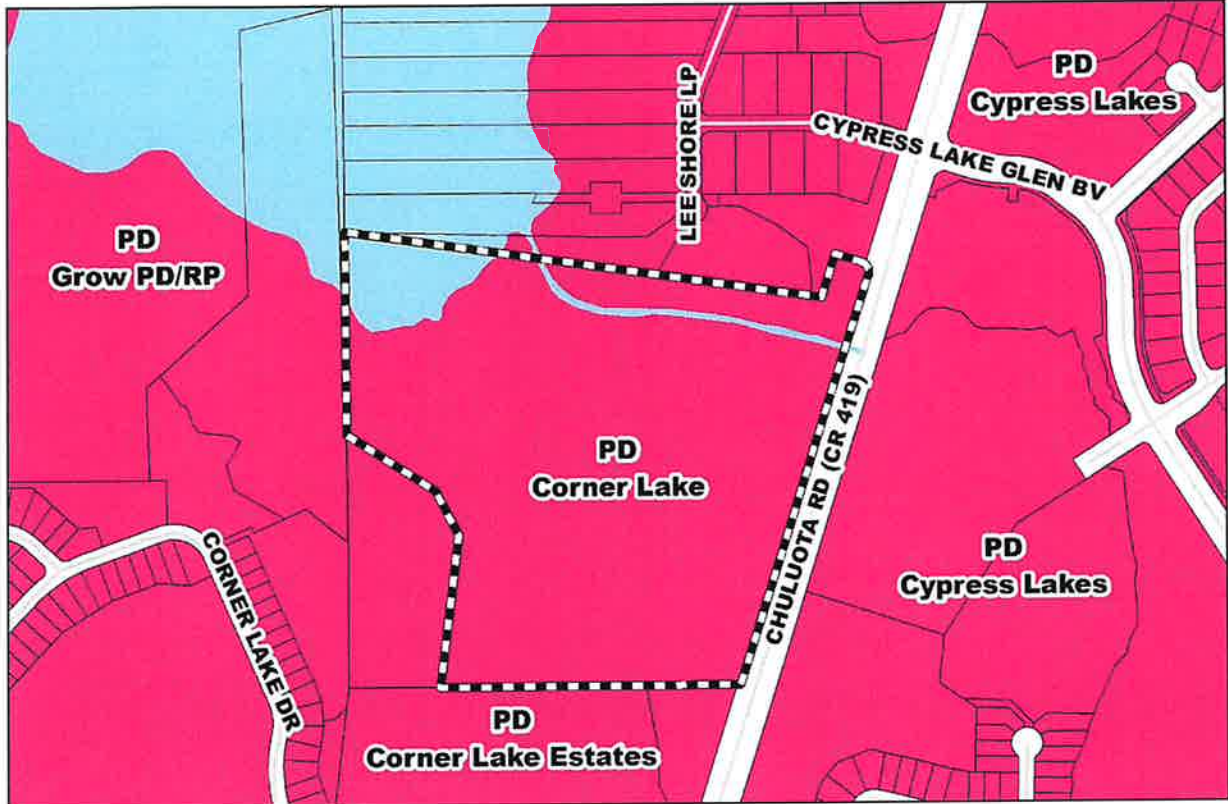
**DISTRICT:** # 5

**S/T/R:** 16/22/32

1 inch = 500 feet



CDR-21-02-060



 Subject Property



 Subject Property

### Zoning Map

**Zoning:** Corner Lake PD (Planned Development)

**APPLICANT:** Doug Osborn

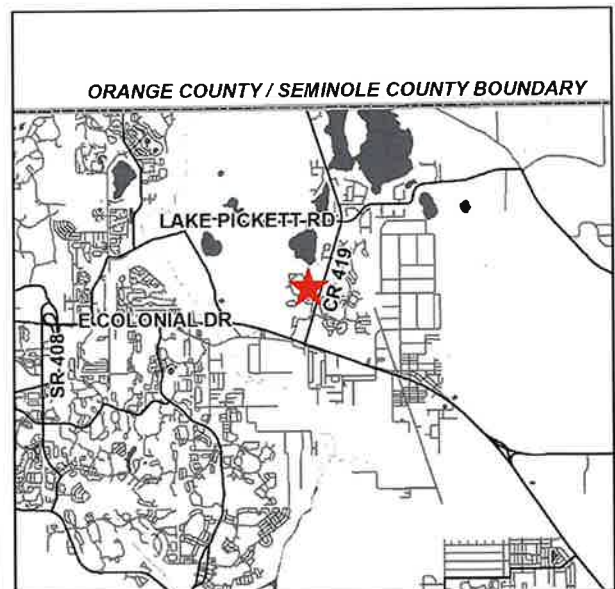
**LOCATION:** West of County Road 419, south of the Lake Pickett Road intersection, and across the street from Columbia Elementary School.

**TRACT SIZE:** 40.22-gross acres

**DISTRICT:** # 5

**S/T/R:** 16/22/32

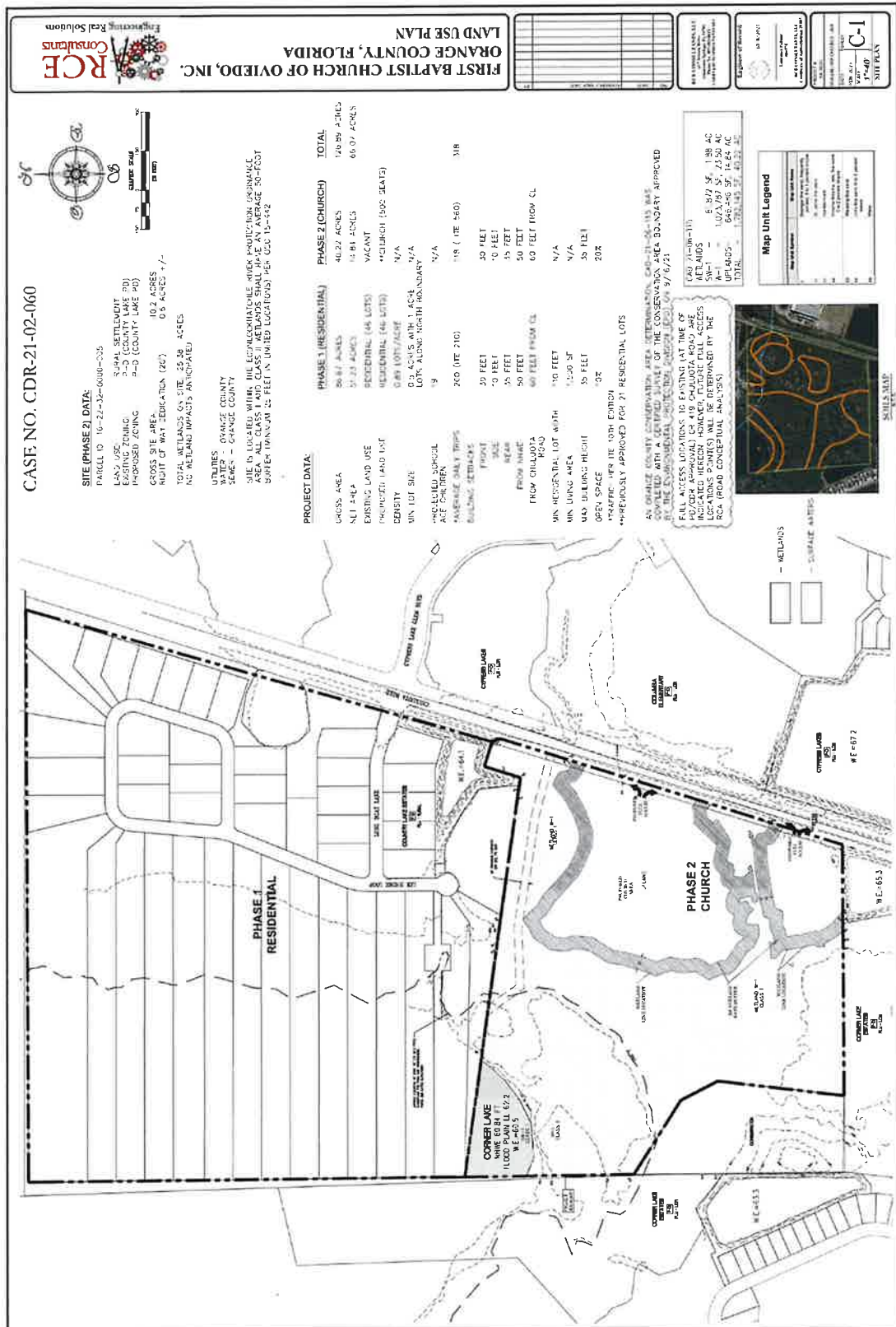
1 inch = 500 feet







# Corner Lake PD / LUP



## Notification Map

