

# Federal judge rules for Seminole in lawsuit over rejection of Dorworth's River Cross megadevelopment

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In a blow to developer Chris Dorworth's controversial River Cross project, a federal judge ruled Friday that Seminole's rural boundary is not segregative, and that county commissioners did not violate the Fair Housing Act in 2018 when they unanimously rejected the massive development.

U.S. District Judge Anne Conway's ruling closes the lawsuit that Dorworth filed in October 2018, two months after Seminole commissioners voted against River Cross, which would have added 1,370 homes, apartments and townhouses and 1.5 million square feet of commercial and office space on 669 acres of old pastureland just east of the Econlockhatchee River.

"It's a great day for Seminole County," Commission Chairman Lee Constantine said after the ruling.

Dorworth did not immediately return a request for comment. It's unclear whether he plans to appeal Conway's ruling.

A former state legislator, Dorworth first pitched plans for River Cross in early 2018. But it quickly drew fervent opposition from hundreds of residents who said allowing such a development would open the floodgates to more building in the protected area that covers nearly one-third of Seminole.

Seminole voters established the rural boundary in the county's charter in 2004, strictly limiting development in the eastern portion of the county. Voters have consistently elected commission candidates who promised to protect the rural boundary.

“We are thankful that Judge Conway saw this lawsuit for what it was,” said Dave Bear, an attorney and president of Save Rural Seminole, a citizens' group devoted to protecting the rural boundary. The federal lawsuit, he said, “was a spurious try to undermine the will of the voters who want to preserve this area as rural.”

Dorworth and his attorneys argued in their lawsuit that his development was mostly residential and included some affordable housing. They also said that it would provide much-needed housing for the area near the fast-growing University of Central Florida campus, just southwest of the River Cross land. Conway rejected those arguments and called River Cross “nothing more than a commercial venture,” noting that nearly all of the housing units would be sold at “market rates.”

“The 75 ‘affordable’ multi-family units (15% of 500 total) were proposed at the last minute ‘for information only,’ without any actual information regarding the qualifying income levels or racial make-up of the residents to be served, as the County staff noted,” Conway wrote in her order.

Conway also rejected the argument that the River Cross project would increase the number of minorities in the area because it offered some affordable housing.

“As the County points out, the evidence introduced by River Cross does not include any information about the demographics of the individuals who would

be expected to move into the River Cross Project,” Conway said. With no evidence that minorities would live there, she said, River Cross could not establish “that the removal of the Property from the Rural Area would increase the minority population in the area.”

Conway also blasted Dorworth for threatening to sue Seminole in August 2018 if it rejected his project.

“During the County Commission meeting, although River Cross represented that it intended to develop what it characterized as one of ‘the best premier communities’ in Seminole County, River Cross disingenuously used the threat of a lawsuit under the federal Fair Housing Act,” Conway wrote.

Attorney Todd Norman, a commercial litigator with Nelson Mullins law firm who was hired by Seminole to fight the lawsuit, said county commissioners protected the rural boundary under the threat of a lawsuit.

“It took a lot of political courage to stand up to something like that, and I’m very proud of the county commission and staff,” Norman said.

He added that Conway’s ruling would make “an appeal extremely unlikely to be successful.”

County Attorney Bryant Applegate also praised Conway’s ruling.

“My favorite word in the order is ‘disingenuous’ in describing River Cross’ efforts in using the Fair Housing Act in trying to get the county commission to rule in its favor,” he said.

Still, Seminole’s legal battles with Dorworth regarding his River Cross development do not end with Conway’s ruling.

In May 2020, Dorworth filed a lawsuit in state court arguing that Seminole’s rural boundary is “vague” and “arbitrary” because the county can simply refuse to hear or reject a development application or a request to move a property out of the boundary without any specific guidelines on “what is necessary.”

A hearing is scheduled for July 7 in Seminole County before Circuit Judge Randall Rowe to discuss a motion by the county to dismiss the state lawsuit.

In April, Seminole commissioners unanimously rejected a proposal from Dorworth to settle the federal and state lawsuits if the county agreed to carve out the River Cross land from the rural boundary.

He and his River Cross Land Co. could have then submitted new development plans for the property of a mixed-use development with an average density of no more than two homes per acre — or up to 1,338 residential units — and 200,000 square feet of commercial space.