Interoffice Memorandum



DATE

May 17, 2019

TO:

Mayor Jerry L. Demings

-AND-

Board of County Commissioners

FROM:

Jon V. Weiss, P.E., Directo

Planning, Environmental, and/Development Services Department

CONTACT PERSON:

Sean Bailey, Chief Planner, Zoning Division

407-836-5806

SUBJECT:

June 4, 2019 - Board Called Public Hearing

Applicant: Iglesia De Dios en Bithlo

BZA Case #SE-18-12-159, April 4, 2019; District 5

Board of Zoning Adjustment (BZA) Case # SE-18-12-159, located at 18606 Hollister Rd. and 2049 Sth St. in District 5, is a Board called public hearing to be heard on June 4, 2019. The applicant is requesting special exceptions to allow the existing religious institution to remain and to allow the construction of a new sanctuary; and, variances to allow unpaved parking in lieu of paved and a church spire with a height of 55 ft. in lieu of 35 ft.

The subject properties are located on the southeast corner of Hollister Rd. and 8th St.

At the April 4, 2019 BZA hearing, the applicant withdrew the variance request for the church spire with a height of 55 ft. in lieu of 35 ft. Staff recommended approval of the special exception for the existing sanctuary and variance for the grass parking, and denial of the new sanctuary. The BZA stated that allowing the existing sanctuary to remain with the grass parking is acceptable, as the sanctuary is at a scale appropriate to the neighborhood and the use has existed in the area for many years. The BZA also stated that the new sanctuary is too large for the residential area. The BZA approved the first special exception request and the variance for unpaved parking, and denied the second special exception request with a 5-0 vote.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Sean Bailey at 6-5806.

ACTION REQUESTED:

Approve the applicant's request; or approve the applicant's request with modifications and/or conditions; or deny the applicant's request. District 5.

PLANNING, ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT ZONING DIVISION PUBLIC HEARING REPORT June 4, 2019

The following is a public hearing before the Board of County Commissioners on June 4, 2019 at 2:00 p.m.

APPLICANT: IGLESIA DE DIOS EN BITHLO

REQUEST: Special Exceptions and Variances in the A-2 and R-T-

2 zoning districts as follows:

1) Special Exception to allow an existing religious institution to remain. (APPROVED w/CONDITIONS)

2) Special Exception to allow the construction of a new 500 seat sanctuary building with attendant

ancillary uses. (DENIED)

3) Variance to allow the continued use of unpaved

parking. (APPROVED w/CONDITIONS)

4) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.

(WITHDRAWN)

LOCATION: 18606 Hollister Rd. and 2049 8th St., Orlando, Fl

32820, southeast corner of Hollister Rd. and 8th St.

TRACT SIZE: 3.7 acres

ZONING: A-2 & R-T-2

DISTRICT: #5

PROPERTIES NOTIFIED: 108

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff explained the history of the application including the facts that a community meeting was held on 11/12/18, and the application was before the BZA on 12/6/18. At that meeting, there was considerable discussion regarding the major food drop-off, which resulted in significant disruption to the neighborhood. The BZA concluded that the Church should first demonstrate that it could deal with the traffic it was currently generating with a 3,500+ sq. ft. sanctuary before the BZA would consider any expansion. Staff recommended approval of the current sanctuary, along with the variance for the associated grassed parking. Staff recommended denial of the new sanctuary, as it was out of character with the neighborhood due to its size. It was established that the church was not seeking a variance for the height of the steeple, and that variance was withdrawn.

BZA - #SE-18-12-159 - April 4, 2019 - Iglesia De Dios En Bithlo

The applicant provided a presentation that showed: its mission to the community; its future and the future growth of the area; and how it has dealt with the traffic issue and streamlined the food distribution process.

Four (4) residents spoke in opposition to the approval of the request noting that the church activities still bring a significant number of people into the area who do not live in the neighborhood. In addition, there are issues with speeding on Hollister Rd. and they cited issues with noise from the church.

In its rebuttal, the applicant noted that there was no way to say that the issues raised were the result of the church activities and not just the result of area residents. The applicant was asked if they would be willing to relocate the major food distribution to an area nearer to Colonial Dr. The applicant noted that they felt that they needed to stay where they were, as it was central to the Bithlo area. Some came to the distribution by foot and bicycle, and to move would further isolate those individuals. The square footage of the proposed sanctuary was discussed. When asked if the applicant would consider reducing the size of the building and the number of seats, the applicant explained that the size was needed due to the growing population of the area. The new sanctuary would also have more storage area and cooking facilities, further assisting the church with its mission.

There being no one else present to speak in favor or opposition to the application, the public hearing was closed. The BZA discussed the mass and scale of the proposed new sanctuary, noting that they felt that it was too intense for the area. There was consensus that the existing sanctuary was constructed by a valid building permit, and as such should stay. Discussion centered on whether the major food drop constituted a special event, and whether it would be possible to require that if the applicant ever sold the property, any new religious institution would be required to obtain a new Special Exception. After discussion with staff and the assistant county attorney, a new condition was added requiring any new religious institution, which purchased the property to obtain a new Special Exception. In addition, a modified condition which limited the number of outdoor special events, and which required that any major food drop which included tents, tables and on-site consumption of food would be deemed a special event. The motion for that recommendation was approved unanimously.

BZA HEARING DECISION:

A motion was made by Wes A. Hodge, seconded by Carolyn Karraker and unanimously carried to approve the Special Exception request #1, in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, to deny the Special Exception request #2, in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; further, approve the Variance request #3, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following

BZA - #SE-18-12-159 - April 4, 2019 - Iglesia De Dios En Bithlo

conditions as amended; and, withdraw the Variance request #4, as requested by the Applicant. (Unanimous; 5-0 and 2 absent):

- Development in accordance with the site plan dated October 10, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
- 2. 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.
- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
- 4. Any expansions of the use shall require BZA and BCC approval.
- 5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
- Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
- 7. The Special Exception and Variance shall expire upon the sale of the property. Any further use of the property as a religious institution after its sale shall require approval of another Special Exception and Variance.
- 8. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event. This shall exclude any major food distribution which does not involve the use of tents, tables, or on-site consumption of food.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

eeting Date: APR 04, 2019

Case Planner: David Nearing, AICP

Case #: SE-18-12-159

Commission District: #5

GENERAL INFORMATION

APPLICANT(s): IGLESIA DE DIOS EN BITHLO

OWNER(s): IGLESIA DE DIOS EN BITHLO INC

REQUEST: Special Exceptions and Variances in the A-2 and R-T-2 zoning districts as follows:

1) Special Exception to allow an existing religious institution to remain.

Special Exception to allow the construction of a new 500 seat sanctuary building with attendant ancillary uses.

3) Variance to allow the continued use of unpaved parking.

4) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.

DPERTY LOCATION: 2049 8th St and 18606 Hollister Rd., Orlando FL 32820, southeast corner of Hollister

Rd. and 8th St., in Bithlo

PARCEL ID: 15-22-32-2336-01-610 & 15-22-32-2336-01-600

LOT SIZE: 3.7 Acres

NOTICE AREA: 800 ft.

MBER OF NOTICES: 108

CISION: APPROVED the Special Exception request #1, in that the Board finds it met the requirement rerning Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the ecial Exception does not adversely affect general public interest; further, DENIED the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in inge County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general plic interest; further, APPROVED the Variance request #3, in that the Board made the finding that the uirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the owing conditions as amended; and, WITHDREW the Variance request #4, as requested by the Applicant. lanimous; 5-0 and 2 absent):

Development in accordance with the site plan dated October 10, 2018, and all other applicable regulations. / deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning nager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative proval or to determine if the applicant's changes require another BZA public hearing.

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does create any liability on the part of the County for issuance of the permit if the applicant fails to obtain uisite 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.

ny deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

- 4. Any expansions of the use shall require BZA and BCC approval.
- 5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
- 6. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
- 7. The Special Exception and Variance shall expire upon the sale of the property. Any further use of the property as a religious institution after its sale shall require approval of another Special Exception and Variance.
- 8. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event. This shall exclude any major food distribution which does not involve the use of tents, tables, or on-site consumption of food.

on November 12, 2018, and the application was before the BZA on December 6, 2018. At that meeting, there was considerable discussion regarding the major food drop-off, which resulted in significant disruption to the neighborhood. The BZA concluded that the Church should first demonstrate that it could deal with the traffic it was currently generating with a 3,500+ sq. ft. sanctuary before the BZA would consider any expansion. Staff was recommending that the Special exception for the current sanctuary be approved along with the Variance for the associated grassed parking. Staff was recommending denial of the new sanctuary as it was out of character with the neighborhood due to its size. It was established that the church was not seeking a variance for the height of the steeple, and that Variance was withdrawn.

The applicant provided a presentation which showed its mission to the community; future growth of the area; and how it has dealt with the traffic issue and streamlined the food distribution process.

Four (4) residents spoke in opposition to the approval of the request noting that the church activities still bring a significant number of people into the area who do not live in the neighborhood. Also, there are issues with speeding on Hollister Road. They also cited issues with noise from the church.

In its rebuttal, the applicant noted that there was no way to say that the issues raised were the result of the church activities and not just the result of area residents. The applicant was asked if they would be willing to relocate the major food distribution to an area nearer to Colonial Drive. The applicant noted that they felt that they needed to stay where they were as it was central to the Bithlo area. Some came to the distribution by foot bicycle, and to move would further isolate those individuals. The square footage of the proposed sanctuary

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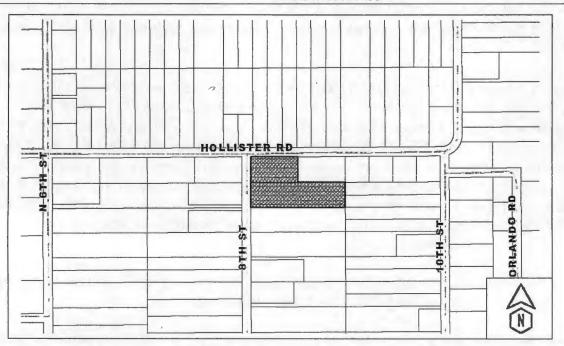
ere being no one else present to speak in favor to the application, the public hearing was closed.

BZA discussed the mass and scale of the proposed new sanctuary, noting that they felt it was too intense for area. There was a consensus that the existing sanctuary was constructed by a valid building permit, and as h, should stay. Discussion centered on whether the major food drop constituted a special event, and whether rould be possible to require that if the applicant ever sold the property, any new religious institution would be uired to obtain a new Special Exception. After discussion with staff and the assistant county attorney, a new idition was added requiring any new religious institution which purchased the property to obtain a new scial Exception, and a modified condition which limited the number of outdoor special events, and which uired that any major food drop which included tents, tables, and on-site consumption of food would be smed a special event. The motion for that recommendation was approved unanimously.

STAFF RECOMMENDATIONS

roval of Special Exception #1 and Variance #3, and denial of Special Exception #2 and Variance #4. The roval is subject to the conditions in this report

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	R-T-2	R-T-2	R-T-2	R-T-2
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Vacant	Existing Sanctuary	Vacant	Mobile Home	Vacan

BACKGROUND AND ANALYSIS

Description and Context

The property on which the new sanctuary is proposed is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Nonresidential uses such as religious institutions are permitted through the Special Exception process. The portion of the overall property containing the existing sanctuary is zoned R-T-2, Combination Mobile Home and Single Family Dwelling District. This district permits both single-family dwellings and mobile homes by right. It also permits non-residential uses through the Special Exception process.

According to the Property Appraiser's information, the current sanctuary consists of 3,558 sq. ft. of floor area. It was constructed under Building permit #B99902882, issued in 1999. While required, there is no record that pecial Exception was ever granted.

In January 2009, the Church acquired the 2.47 acre parcel on which the new sanctuary is proposed. The property was re-zoned in 2012, from R-T-2 to A-2 (RZ-12-10-033).

The Church operates a food pantry on a once-a-month schedule, which provides food for immediate needs. On a second day once a month, they have a major food distribution to the needy. A semi-trailer loaded with food is delivered and unloaded, and the food is packaged for distribution. This day attracts a large number of participants to the site.

They wish to expand not only their seating but also their storage space as well as having kitchen facilities. They are proposing floor area to over 8,700 + sq. ft., with seating for up to 500 persons in the new facility. If the Special Exception for the new sanctuary is approved (Special Exception #2), the existing sanctuary would be converted to offices and classrooms for Sunday School.

On Monday, November 12, 2018, a Community Meeting was held to allow the Church to discuss their plans with the residents of the area, and to attempt to address any concerns that may be raised. The meeting was attended by the Head Pastor, two (2) members of the Church Board, staff, a representative from Commissioner Bonilla's office, and approximately 12 neighbors. Issues raised included:

- -The proposed size of the new sanctuary
- -Traffic issues on the day of the major food distribution
- -Crime, particularly illegal drug abuse and sales

ick of law enforcement presence

its December 6, 2018 hearing on this matter, the BZA expressed concern regarding the impacts of the major od distribution event on public safety. The BZA requested that the applicant attempt to modify the normal erations to attempt to reduce the backup and congestion on Hollister Road. A continuance was approved to but the applicant to work toward a solution.

cording to the applicant, a solution was found by opening a gate off 8th Street to allow those waiting for the tribution to queue on the currently vacant portion of the site where the new sanctuary is proposed. If proved, the new sanctuary's parking lot will serve as the new queueing area for the participants in the major od distribution.

r the Orange County Environmental Protection Division (EPD), there is a high probability of the presence of tlands and/or surface water at the east end of the portion of the site where the new sanctuary is proposed. the Special Exception for the new sanctuary is approved, staff is recommending a condition that the plicant be required to conduct a Conservation Area Determination (CAD), which must be approved by EPD or to the issuance of any permits, especially clearing or alteration of land.

trict Development Standards

	Code Requirement	Proposed	
Max Height:	35 ft.	55 ft.	
in. Lot Width:	100 ft.	335 ft.	
Min. Lot Size:	6,000 sq., ft. R-T-2 & 1/2 Ac., A-2	3.7 Acres	

Iding Setbacks (that apply to structure in question) (Measurements in feet)

	-		
	Code Requirement	Proposed	
Front:	25	210	
Rear: 25		307	
Side:	6	32	
Sidestreet:	15	80	
NHWE: N/A		N/A	

STAFF FINDINGS

ECIAL EXCEPTION CRITERIA

nsistent with the Comprehensive Plan.

e Comprehensive Plan specifically identifies religious institutions as a use permitted in a Rural Settlement. The ecial Exception process ensures compatibility.

Use is similar and compatible with the surrounding area and development patterns

The existing sanctuary is at a size and scale which is considered in line with the neighborhood character. However, new sanctuary will be much larger, and will not be compatible with the rural residential nature of the neighborhood.

Not a detrimental intrusion into a surrounding area

Based on input at the Community Meeting, some residents do feel that this will be a detrimental intrusion if expanded to the size and scale proposed.

Meets the performance standards of the district

If Variances #3 and #4 are approved, the proposed use will be able to comply with all performance standards for the two zoning districts in which it is located.

Similar in noise, vibration, dust, odor, glare, heat producing and other characteristics

The use will be intermittent with many days going by with little activity on the site. However, there will also be times on Sunday morning and the evening of services, as well as the day of the major food distribution where there will be significant periods of traffic.

Landscape in accordance with section 24-5

The proposed plan will comply with the Landscape Code

VARIANCE CRITERIA

ecial Conditions and Circumstances

With respect to the grassed parking, the site has operated with this arrangement for the last 18 years. With respect to the height of the spire, there are no special conditions or circumstances particular to this property.

Not Self-Created

The existing sanctuary was constructed under permit B99902882, with grassed parking. The applicant could shorten the spire to comply with the 10-foot additional height over the peak of the roof.

No Special Privilege Conferred

It is common for smaller religious institutions to use grassed parking. While other religious institutions have been granted variance for the height of the spire, none are located in this area.

Deprivation of Rights

Denial of the variance for the existing parking will require installation of paving where there has historically not been any. Not granting the variance for the height will not deprive the applicant of any rights; and, the size and height of the building will be sufficient to identify the structures use.

Minimum Possible Variance

With respect to the unpaved parking, since the applicant is not proposing to add any new unpaved spaces, this is the minimum variance necessary. A spire extending more than 10 feet above the rooftop would be excessive.

rpose and Intent

owing the grassed parking would be in harmony with the purpose and intent of the code. The extra tall spire would be compatible with the neighborhood, and as such would not be consistent with the purpose and intent of the de.

CONDITIONS OF APPROVAL

Development in accordance with the site plan dated October 10, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

Any expansions of the use shall require BZA and BCC approval.

The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.

Prior to the issuance of any permits or the clearing and/or alteration of any lands, a CAD shall be prepared and approved by EPD.

Construction plans shall be submitted within three (3) years or this approval becomes null and void.

No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications and/or plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.

Prior to issuance of a Certificate of Occupancy, the applicant shall consolidate the two parcels into one.

Brenda Rogers 2445 4th Street Orlando, FL 32820 October 10, 2018

Orange County Zoning Division 201 Rosalind Avenue 1st Floor Orlando, FL 32801

To Whom It May Concern:

The attached BZA Application for Special Exception is submitted to request the approval of a special exception for Orange County parcel #15-22-32-2336-01 (2049 N. 8th Street, Orlando, FL 32820). We are requesting that parcel #15-22-32-2336-01 becomes the extension of Orange County parcel #15-22-32-2663-610 (18606 Hollister Rd., Orlando, FL 32820) for the expansion of the Church of God in Bithlo (Iglesia de Dios en Bithlo). We are requesting to merge both parcels under parcel #15-22-32-2663-610 and address 18606 Hollister Rd., Orlando, FL 32820. Both parcels are owned by the church.

The current church structure, located on parcel #15-22-32-2663-610, is borderline with the property being applied for. The expansion will cross property lines with the construction of a new structure that will house the main worship temple, to include Sunday School classroom space, and parking spaces. The current worship temple will be converted to office space and Bible Study areas.

Currently located on parcel #15-22-32-2336-01 is a modular building which is utilized for Sunday School classes and for storage purposes as described on the BZA application. This modular building will be removed to allow for the allotment of additional parking spaces.

The Church of God in Bithlo was founded by Pastor Lizette Torres nearly 20 years ago, with the existing structure built approximately 18 years ago. The Church serves a very important role in the fast-growing community of Bithlo. Services include: Sunday English and Spanish services, Tuesday Bible Study sessions, and Friday ministry services. In addition to providing a place of worship and a place to seek counseling, the Church also hosts a weekly food pantry event that not only serves the immediate community, but surrounding communities as well. The food pantry is an event held to distribute food, clothing and other miscellaneous items for those in need.

The new church structure will include assembly seating for up to 500 persons. A complete description is provided in the attached proposed building program.

OCT 10 2018
ORANGE COUNTY
ZONING DIVISION

Orange County Zoning Division Letter October 10, 2018 Page 2

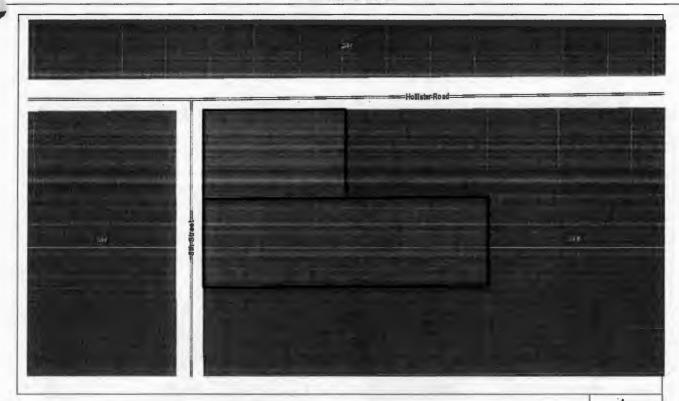
We respectfully request the approval of this application so that can continue to meet the individual and community needs of Bithlo.

Sincerely,

Pastor Lizette Torres Iglesia de Dios en Bithlo

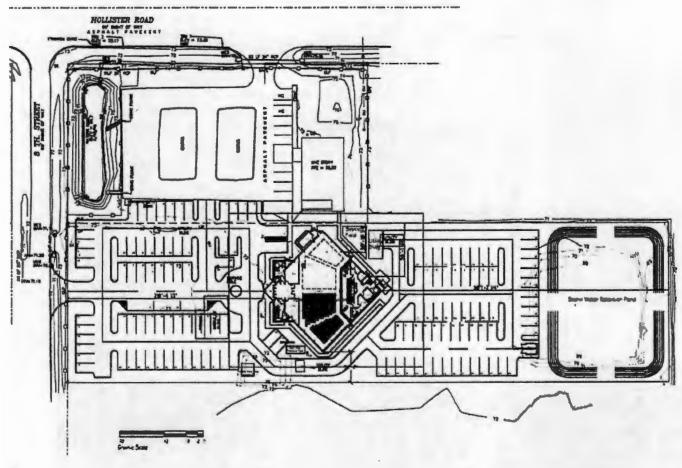
Attachments

ZONING MAP

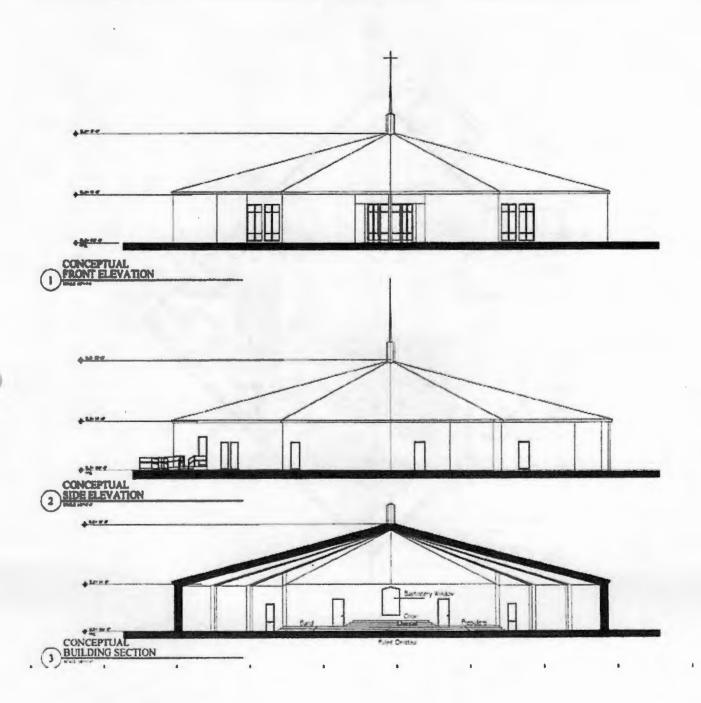


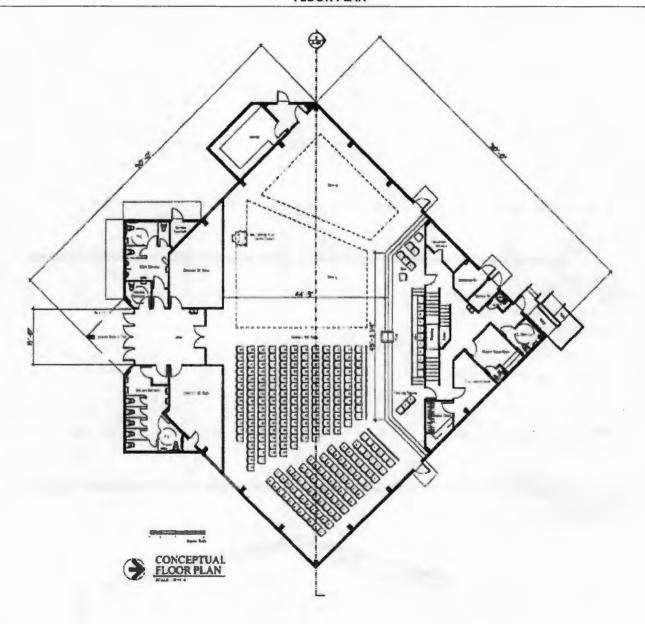
AERIAL MAP











SITE PHOTOS



Existing Sanctuary Looking East



Proposed New Sanctuary Location Looking Southeast



Proposed New Sanctuary Location Looking South