

Orange County Board of County Commissioners

SE-22-11-118
APPLICANT/APPELLANT:
TEMPLE ON HEMPEL

January 23, 2024

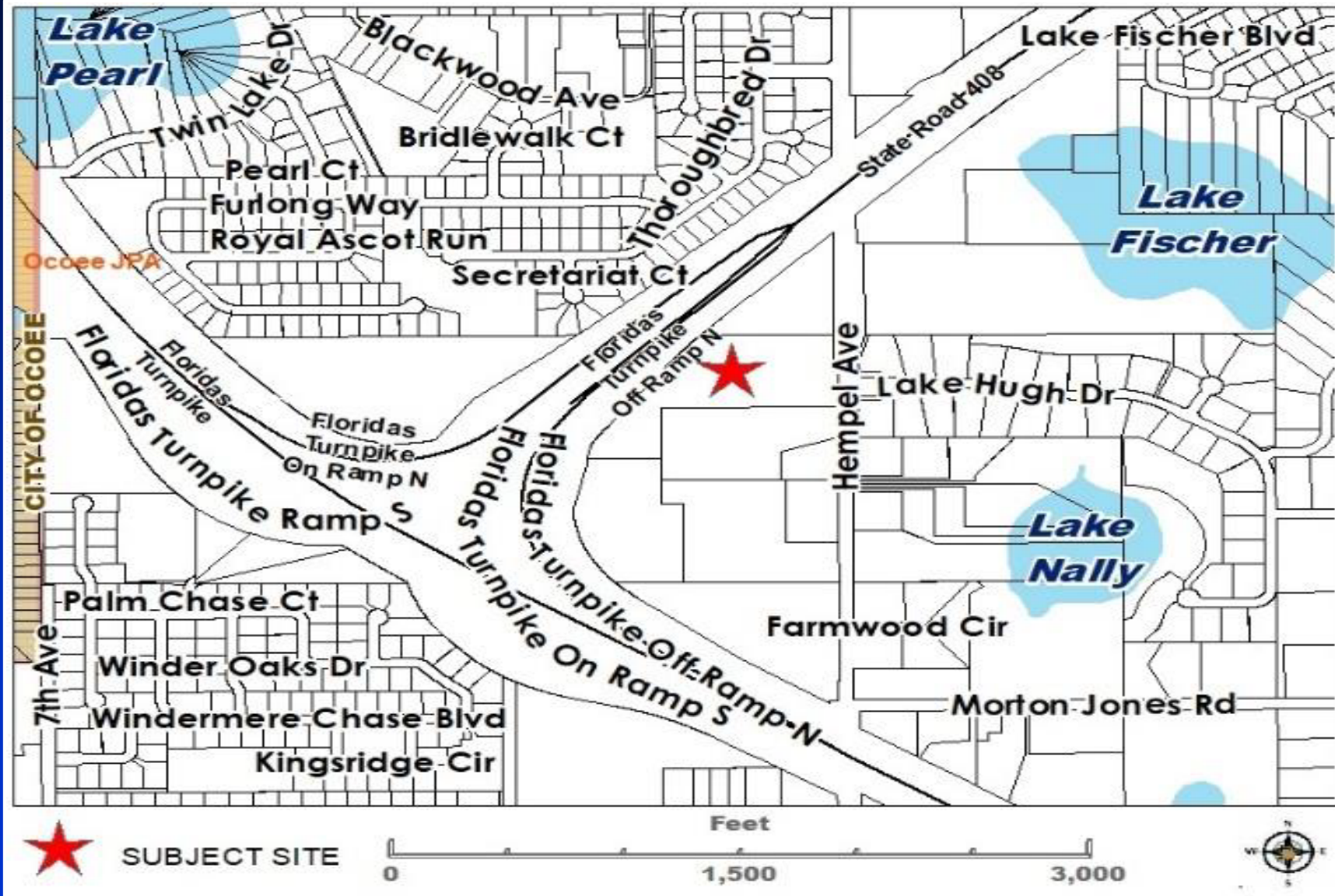


Background

APPLICANT:	TEMPLE ON HEMPEL
CASE:	SE-22-11-118
ZONING:	A-1 (Citrus Rural) district
FUTURE LAND USE:	RS 1/1; Gotha Rural Settlement
ADDRESS:	2198 Hempel Avenue, Gotha, FL 34734
LOCATION:	West side of Hempel Ave., east side of S.R. 408, north of Florida's Turnpike
TRACT SIZE:	+/- 8.37 acres
DISTRICT:	1
REQUEST:	SE in the A-1 zoning district to allow for the construction of an 800 seat 45,000<u>33,419</u> sq. ft. religious institution

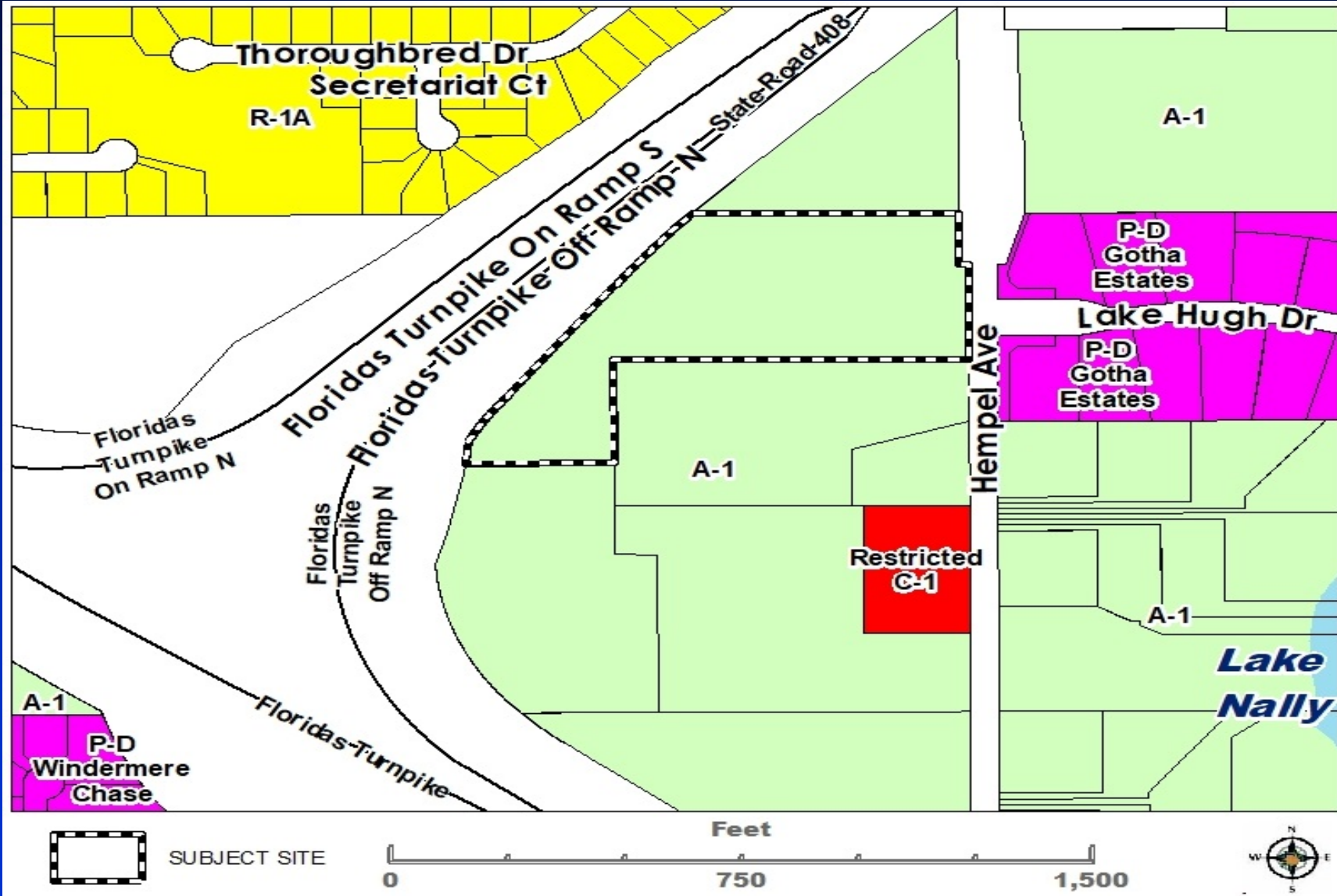


Location Map



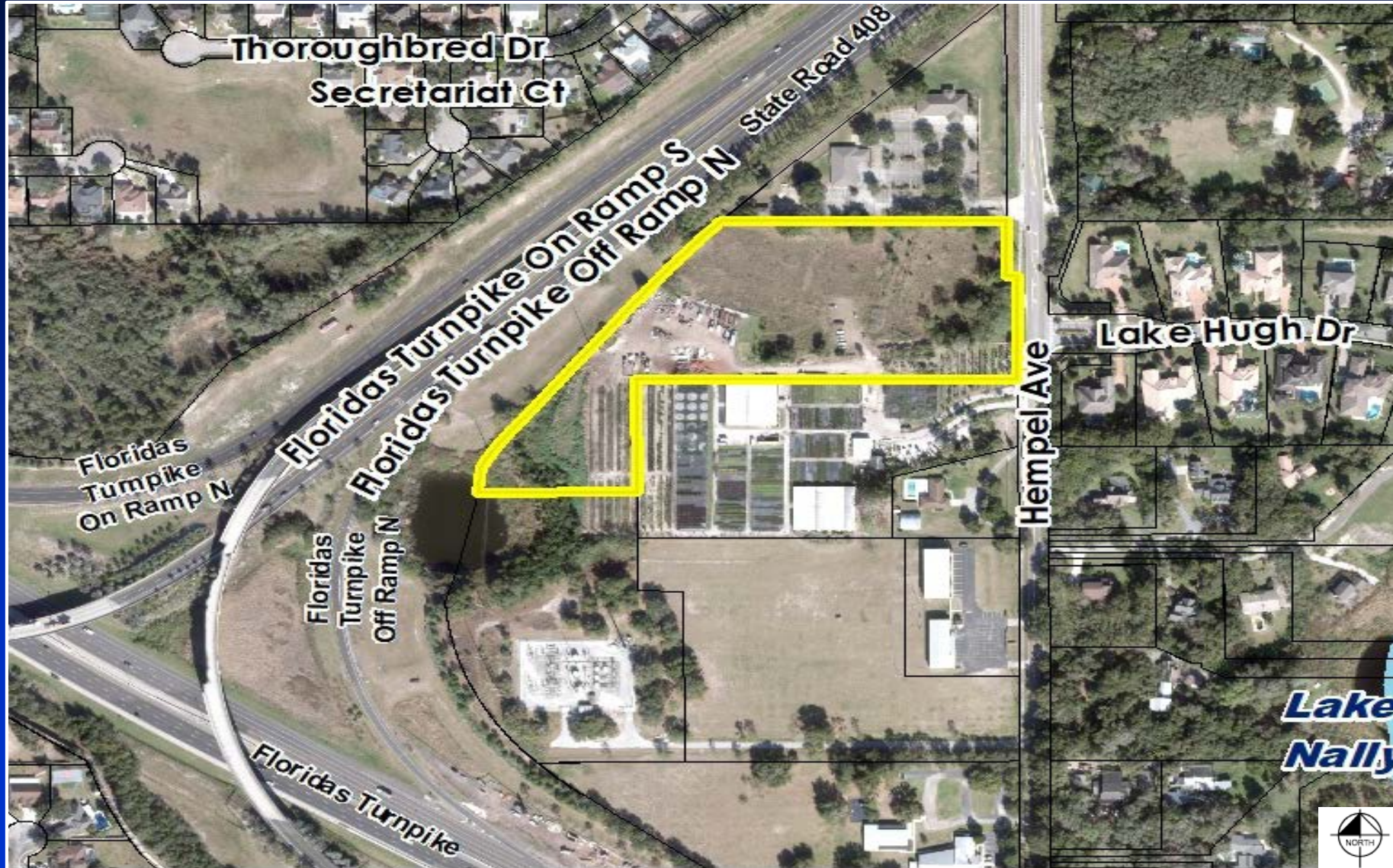


Zoning Map



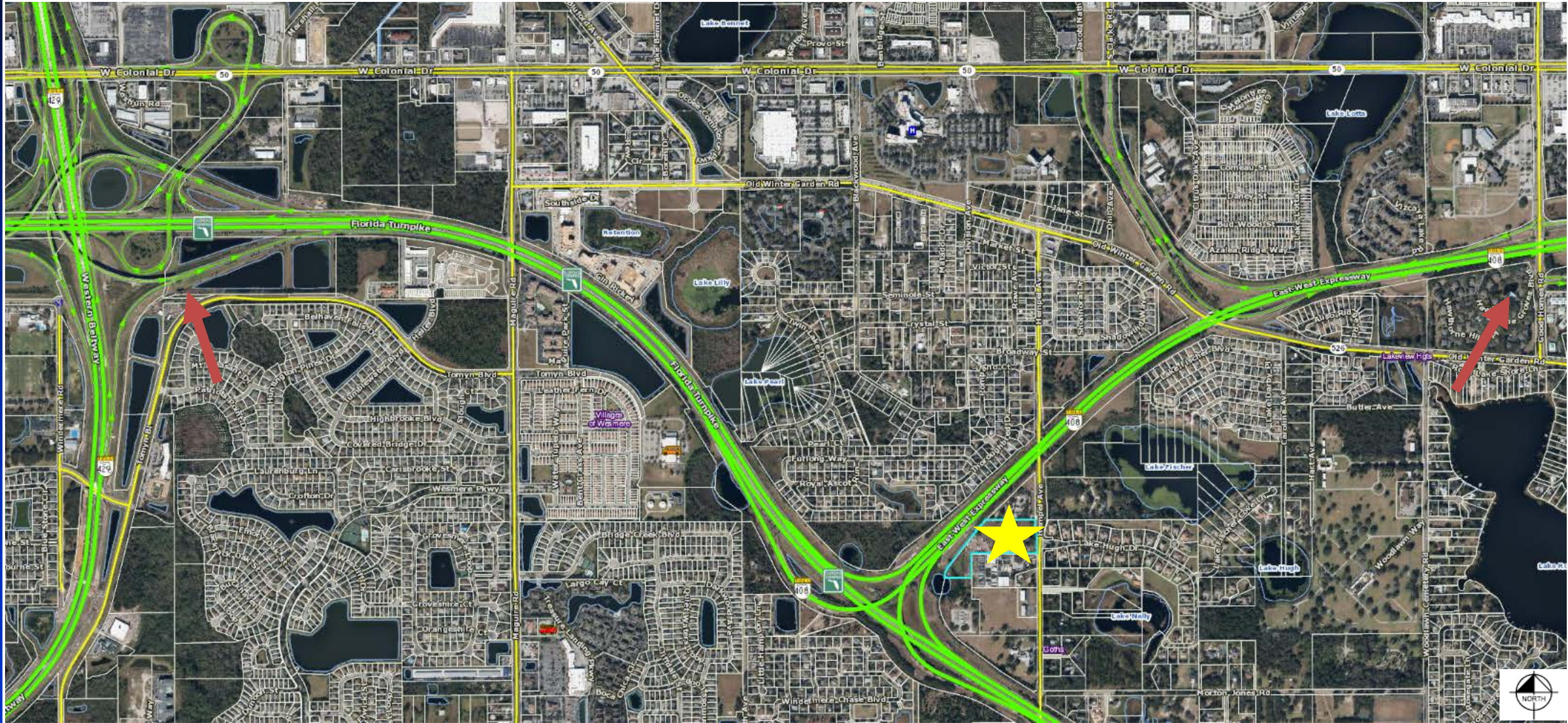


Aerial Map





Aerial Map



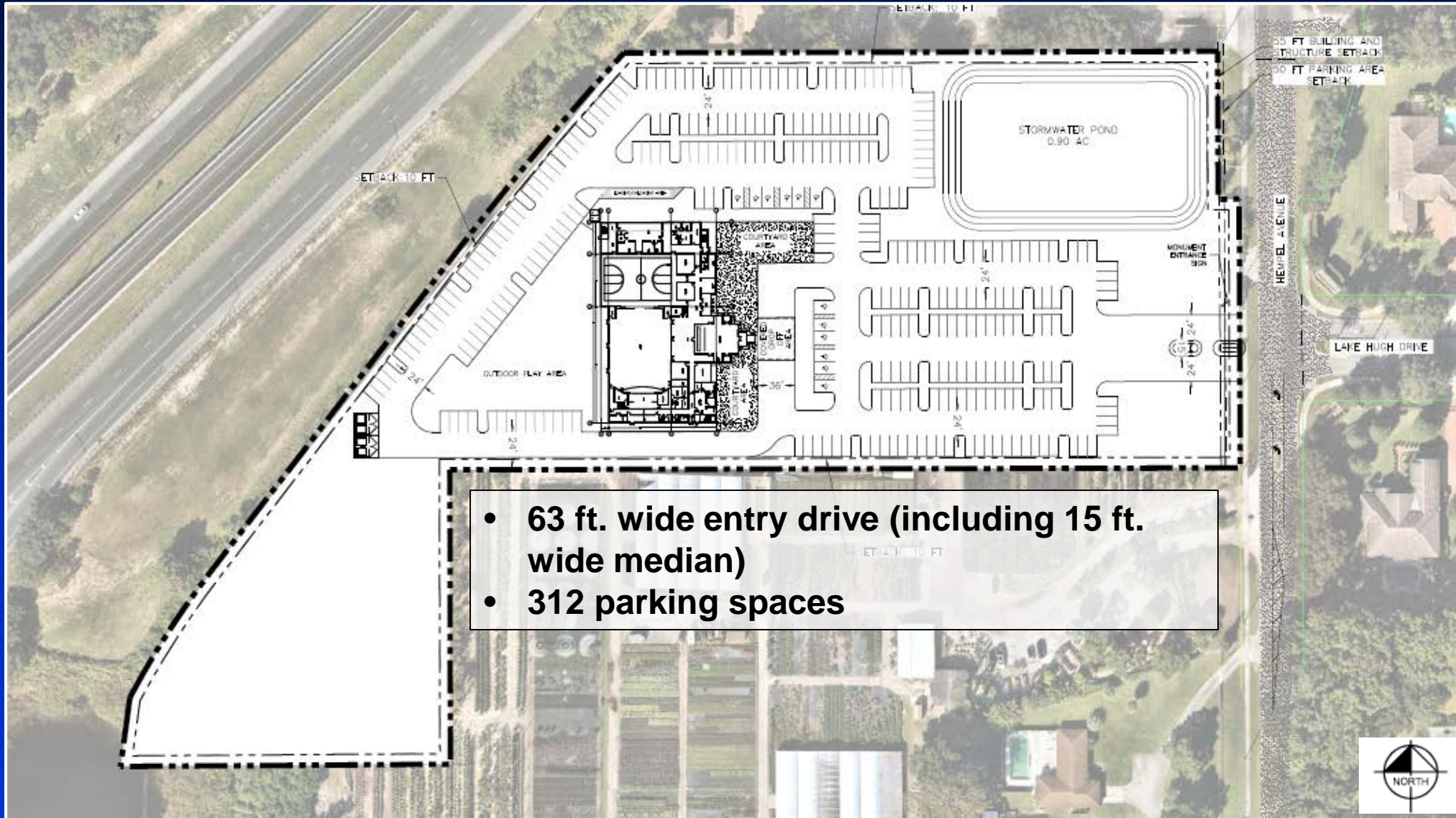


History

- **Community Meeting: June 12, 2023 – 55 attendees**
- **Board of Zoning Adjustment Public Hearing: July 6, 2023**
- **Appeal BCC Public Hearing: September 26, 2023**
 - Continued to January 23, 2024 to hold a community stakeholders meeting for re-engagement
- **Revised Site Plan submitted: October 12, 2023**
- **Community Stakeholders Meeting: November 6, 2023**

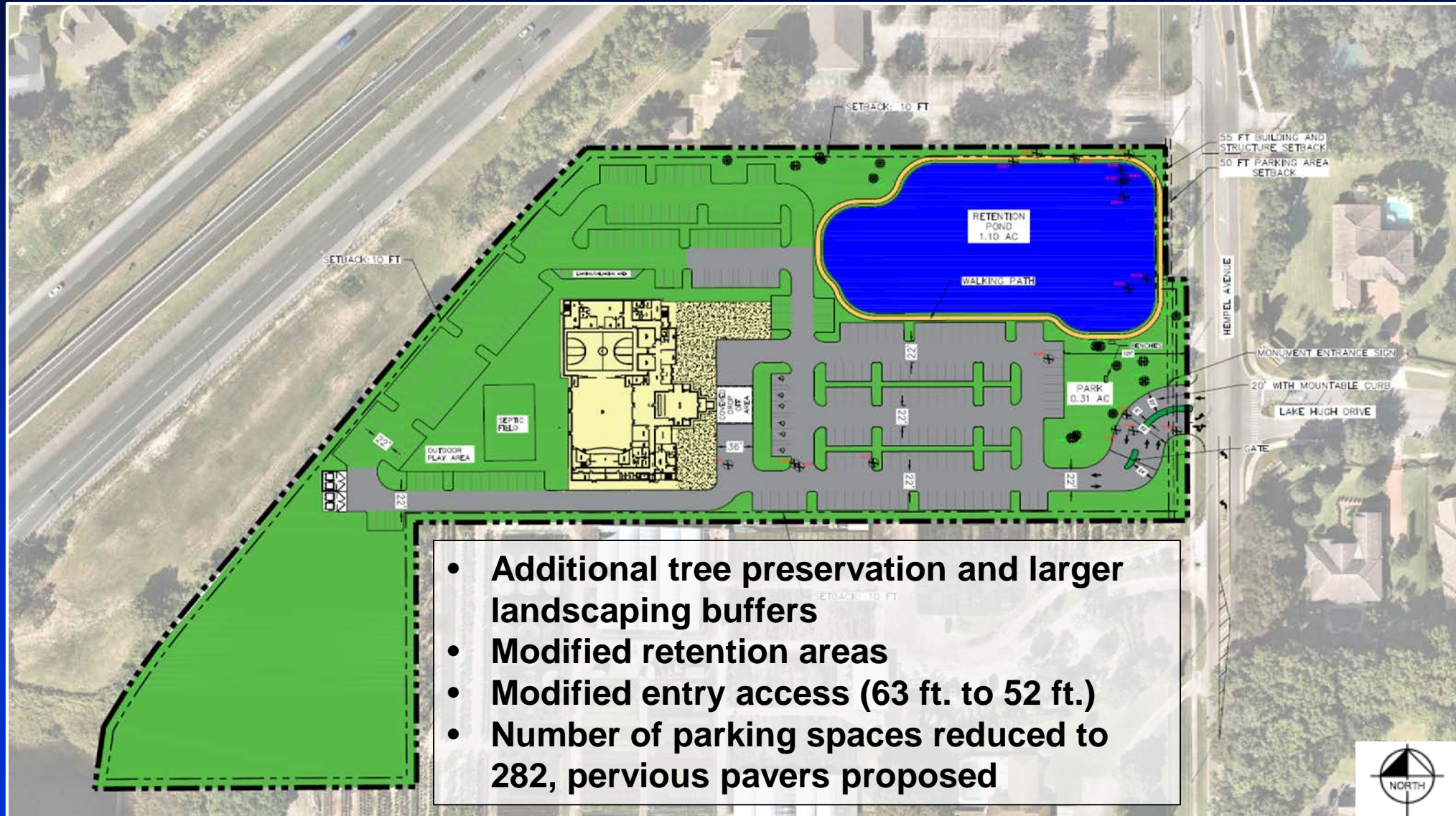


BZA Site Plan





Revised Site Plan – received October 12, 2023





Proposed Pervious Pavers



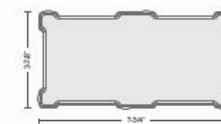
GREEN COLLECTION
ECO-FRIENDLY PERMEABLE PAVERS

TREMRON.COM



4X8 PERMEABLE

Dimensions:	4"x8"
Thickness:	3-1/8" (80mm)
SF per Cube:	96
Cube Weight:	3300 lbs
Permeability:	9.6%

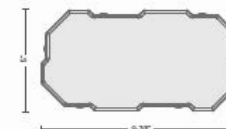


4X8 PERMEABLE



AQUA PAVER

Dimensions:	9-7/8"x5"
Thickness:	3-1/8" (80mm)
SF per Cube:	92
Cube Weight:	2925 lbs
Permeability:	8.8%

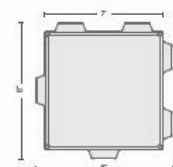


AQUA PAVER



SF RIMA

Dimensions:	8"x8"
Thickness:	3-1/8" (80mm)
SF per Cube:	90
Cube Weight:	2900 lbs
Permeability:	7.5% - 10%

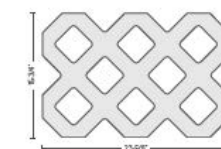


SF RIMA



TURF BLOCK

Dimensions:	23-5/8"x15-3/4"
Thickness:	3-1/8" (80mm)
SF per Cube:	94
Cube Weight:	2200 lbs
Permeability:	40%



TURF BLOCK

* Turfblock only available in Natural Grey

STANDARD COLORS



CHARCOAL



GRANITE



NATURAL GREY

SPECIAL ORDER COLORS



AUTUMN BLEND



CAPPUCCINO



HERITAGE



OLD CHICAGO



SAND DUNE



SIERRA



Proposed Pervious Pavers



SF RIMA

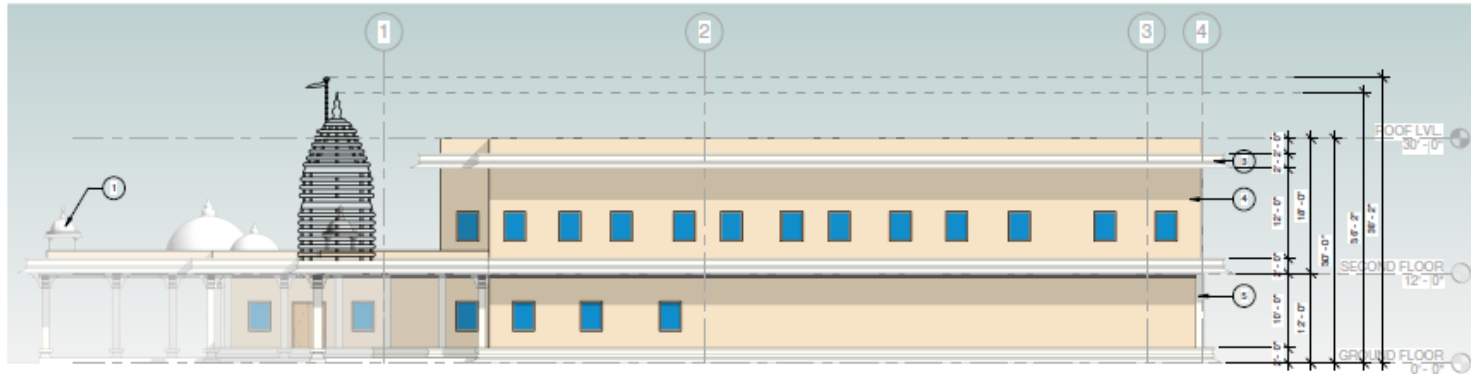


SF RIMA INSTALLATION OPTIONS

TURF BLOCK

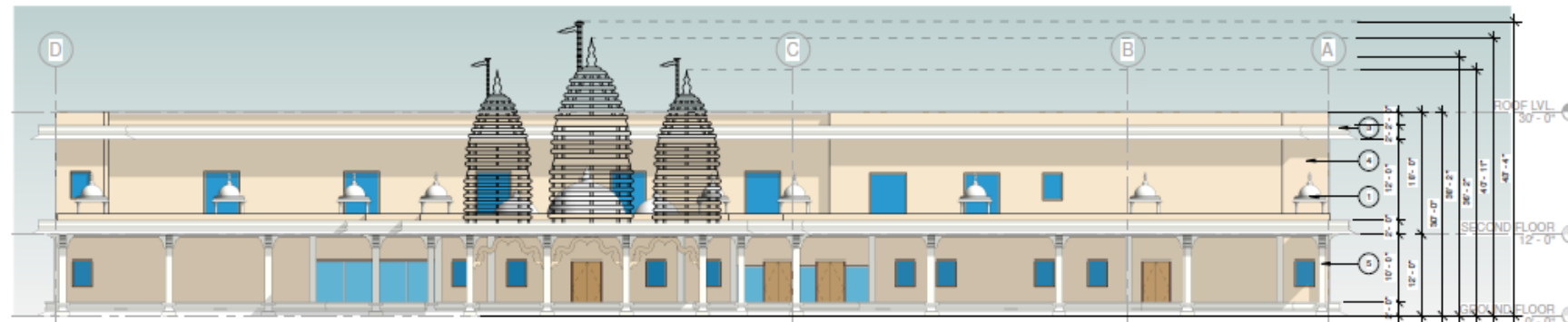


Elevations



③ NORTH ELEVATION
1" = 10'-0"

MATERIAL LEGEND	
KEY VALUE	DESCRIPTION
1	INDIAN DECORATIVE ELEMENT-SHRE. PREFAB ALUMINUM
2	INDIAN DECORATIVE ELEMENT-SHRE. WALL SAND. EPS
4	FACADE ALUMINUM CLADDING - KYNAR SANDSTONE
5	ALUMINUM STOREFRONT SYSTEM - KYNAR-BRUSHED ALUMINUM



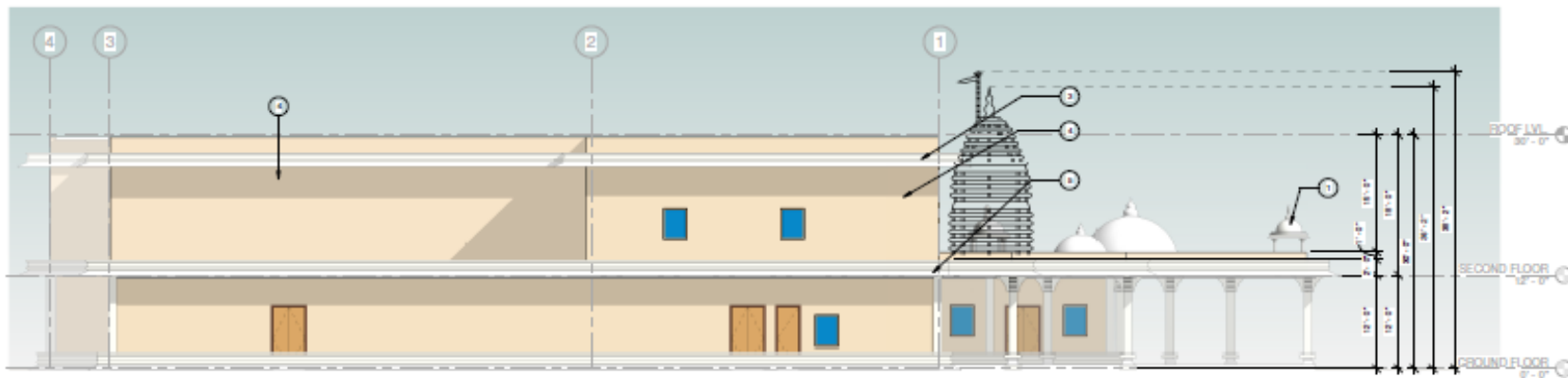
① EAST ELEVATION
1" = 10'-0"



Elevations



① WEST ELEVATION
1/8" = 1'-0"



② SOUTH ELEVATION
1/8" = 1'-0"



Site Photograph

Property from Hempel Ave. facing west





Site Photograph

East side of property facing south towards adjacent nursery





Site Photograph

North property line towards adjacent religious institution





Site Photograph

Facing east across Hempel Ave. from the subject property





Staff Findings and Analysis

- **Primarily vacant, south portion partially utilized for adjacent nursery**
- **Located in the Gotha Rural Settlement**
- **Religious institutions allowed within Rural Settlements in agricultural zoning districts, with Special Exception**
- **Proposed religious institution**
 - 800 seats
 - 33,419 sq. ft. building, as revised; 45,000 sq. ft., as advertised
 - Ingress/ egress to Hempel Ave. to the east
 - Hours of operation now proposed to be from 7:30 a.m. - 12:30 p.m. and 4:00 p.m. to 8:00 p.m. Monday-Friday and Saturday and Sunday from 7:30 a.m. - 8 p.m. (original request was for 4-8 p.m. daily).



Staff Findings and Analysis

■ Parking

- Required parking: 282 spaces
- Previously Proposed 312 spaces (as presented to BZA and 1st BCC public hearing)
- Proposed parking: 282 spaces (as modified with October 12, 2023 site plan)
 - 140 spaces proposed to be pervious pavers

■ Transportation Planning Division - trip generation analysis conducted

- Few visitors during the weekday
- Saturdays - most visitors arriving in the evening

■ Intersection operational analysis

- Intersection of Hempel Avenue & Lake Hugh Drive/Project Driveway
- Sufficient capacity in all scenarios evaluated

■ Microsimulation analysis performed for buildout scenarios

- No deficiencies were identified as a result of the project traffic impact

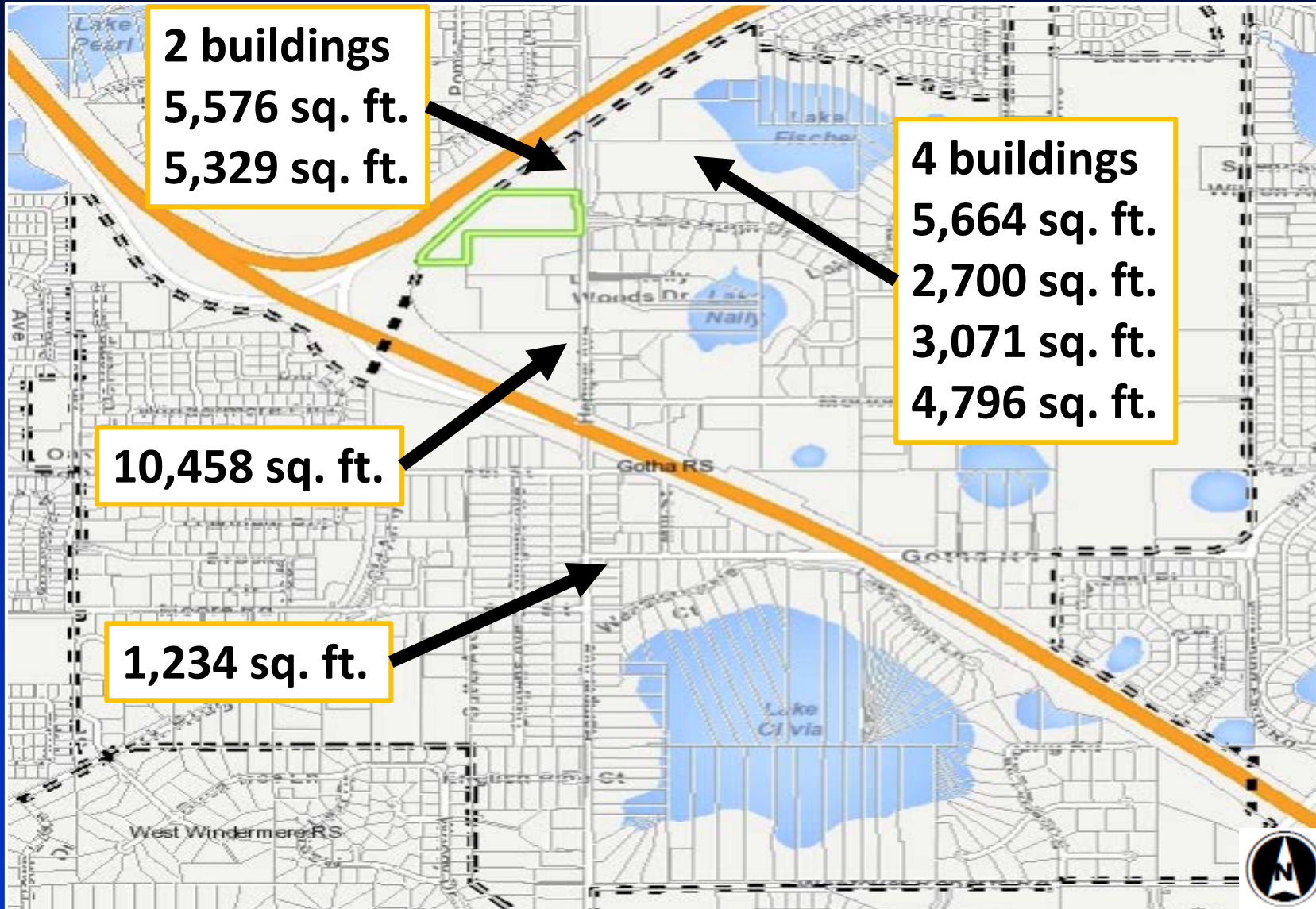


Staff Findings and Analysis

- **Gotha Rural Settlement**
 - Designation created in the Comprehensive Plan in 1991
 - To recognize and protect the character of existing communities and subdivisions located in the Rural Service Area
 - To reflect and maintain an existing rural lifestyle and recognize the County’s heritage of “historic” rural communities
 - Not intended to be merely areas waiting to be urbanized, but to have character maintained long term
 - Rural settlements generally limit commercial and office uses to those that support existing residential uses and serve the residents of the community
- **Size and scale of the building far exceeds any others in the rural settlement. The building could be reduced in size to potentially be more compatible with surrounding area and the rural settlement**



Religious facilities in the Gotha Rural Settlement





Community Meeting

- Held on June 12, 2023, prior to BZA
- 55 attendees, including the applicant, County staff and public
- The majority of the attendees spoke against
- Comments:
 - Inconsistency with Rural Settlement
 - Traffic
 - Concern about size and scale
 - Concerns about drainage, flooding, run off, environmental issues



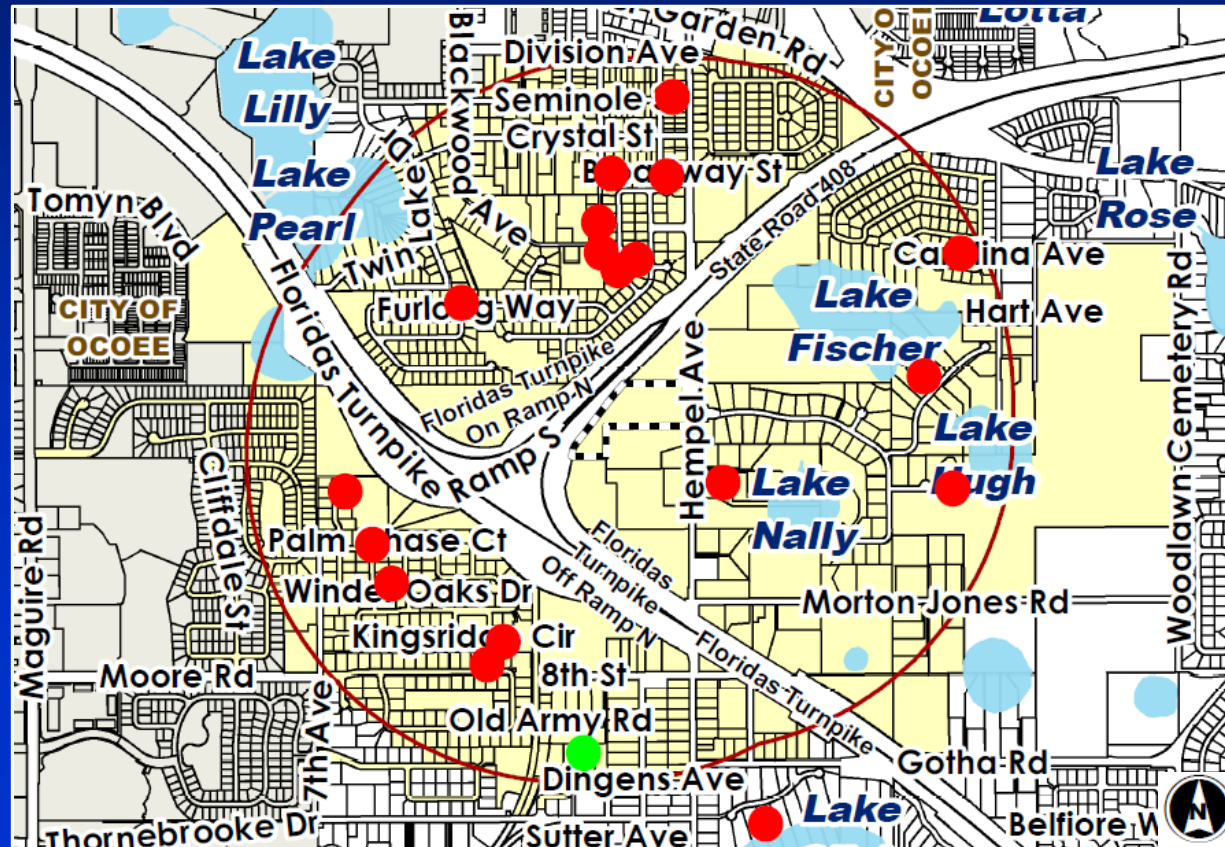
Staff Recommendation

- Staff recommended denial of the special exception as the use is not compatible with the Rural Settlement nor the surrounding area and the size, scale and intensity of the proposed improvements, compared with the size, scale and intensity of other buildings in the area, would be a detrimental intrusion.



Public Feedback

- Staff mailed a total of 1,236 notices to adjacent property owners in a 3,000 ft. radius
 - Staff received 12 correspondences in favor of this request, 11 unmapped
 - Staff received 32 correspondences in opposition to this request, 15 unmapped





Special Exception Criteria

Section 38-78, Orange County Code

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

- 1. The use shall be consistent with the Comprehensive Plan**
- 2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development**
- 3. The use shall not act as a detrimental intrusion into a surrounding area**
- 4. The use shall meet the performance standards of the district in which the use is permitted**
- 5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district**
- 6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted**



BZA Findings

- The BZA concluded that the size and scale of the use was not consistent with the Comprehensive Plan, not similar and compatible with the development pattern of the surrounding area, noted that the proposal would be the largest building in the Gotha Rural Settlement, noted concerns about traffic in the area, and that it would be a detrimental intrusion and recommended denial of the Special Exception.



Post BZA History

- **Appeal BCC Public Hearing: September 26, 2023**
 - Continued to January 23, 2024:
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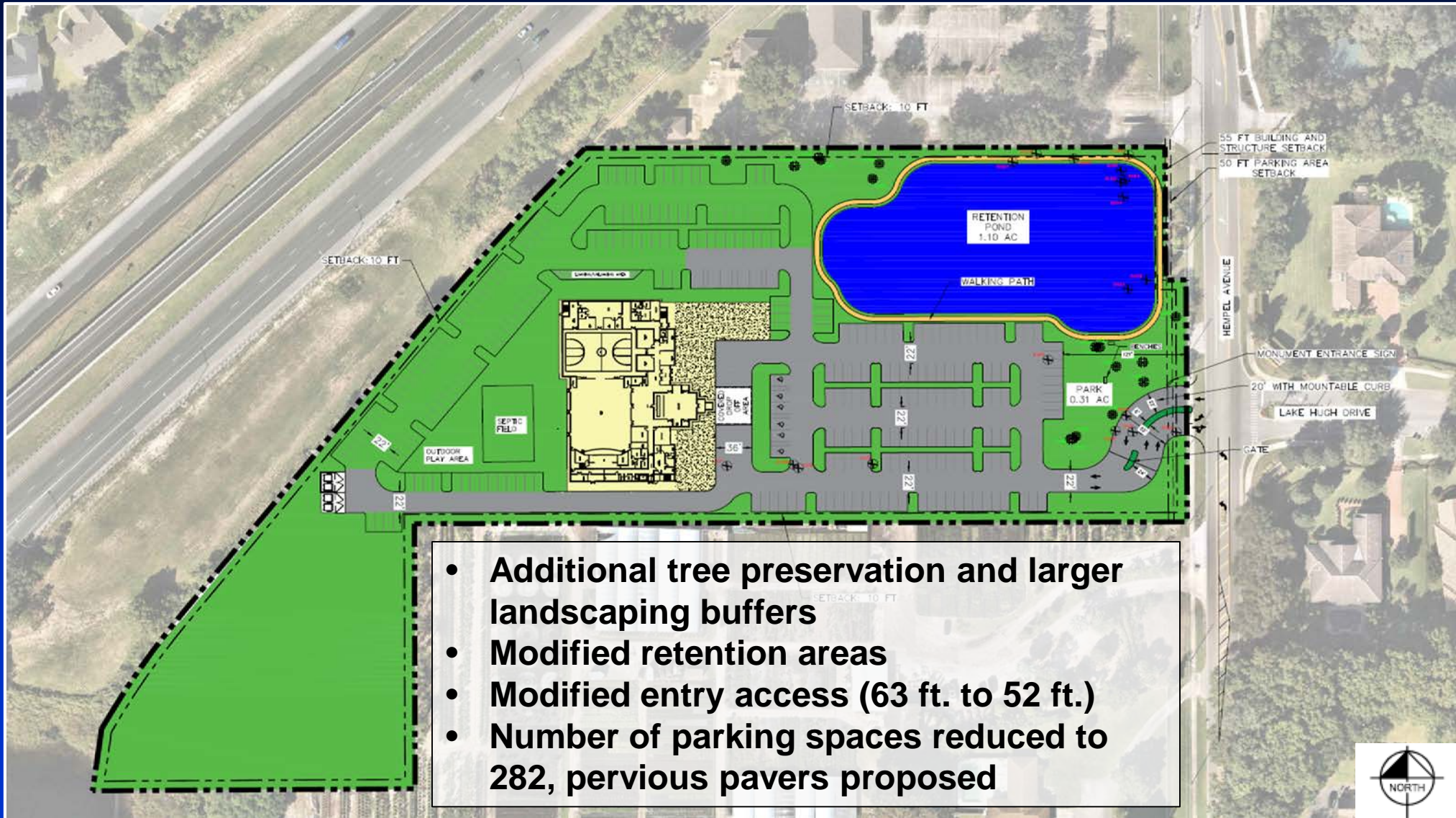


Community Stakeholder Meeting

- **Attended by County representatives, applicant, community stakeholders**
- **Community comments:**
 - Requested reduction of building footprint
 - Flooding and drainage issues
 - Traffic on the rural road segment in Gotha
 - Historic rural settlement area incompatibility
- **Applicant comments:**
 - Deferred to the revised site plan
 - Confirmed they were not willing to make any changes to the size and scale of the building



Revised Site Plan – received October 12, 2023





Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions



Recommended Conditions of Approval

1. Development shall be in accordance with the site plan ~~and elevations~~ received ~~May 30, 2023~~ October 12, 2023 and elevations received May 30, 2023, as modified by these conditions of approval, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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.



Recommended Conditions of Approval

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. A permit shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. ~~Hours of operation shall be from 4:00 p.m. to 8:00 p.m., daily.~~ Hours of operation shall be from 7:30 a.m. - 12:30 p.m. and 4:00 p.m. to 8:00 p.m. Monday-Friday and Saturday and Sunday from 7:30 a.m.- 8 p.m.



Recommended Conditions of Approval

6. No more than ~~four (4)~~ five (5) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 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.
7. On the days of the five (5) annual major festivals, applicant shall, at its expense, retain an off-duty law enforcement officer to assist with traffic control on Hempel Avenue.
8. ~~7.~~ An exterior lighting photometric plan compliant with the county's exterior lighting ordinance, and with fixture color temperature of 3,500 K maximum shall be submitted and approved by Orange County staff prior to the issuance of a Building Permit. In addition, glare visors shall be installed, and field-adjusted to prohibit off-site light spill.



Recommended Conditions of Approval

- ~~8. The number of parking spaces shall be reduced to the minimum 282 parking spaces required by code, and the drive aisle widths reduced from 24 ft. to 22 ft., with the layout modified to preserve recommended, replacement, and specimen trees as per Orange County Code Section 15-283(a), greater than 3 inches diameter at breast height (DBH) within and adjacent to areas indicated as perimeter buffers, landscape areas, and the retention area.~~
9. The access drive aisle from Hempel Avenue shall be reduced to 24 ft. in total width with no center median.
10. The facility shall be limited to 800 seats.
11. Recommended, replacement, and specimen trees as per Orange County Code Section 15-283(a), greater than 3 inches diameter at breast height (DBH) shall be preserved within areas indicated as perimeter buffers and landscape areas, and the entire site shall be sodded, including the southwest area.



Recommended Conditions of Approval

12. The site plan shall be modified to move the building east with all of the parking to be to the side of or behind the building.
13. At the time of permitting for the proposed facility, the existing curb cut on Hempel Avenue shall be removed and restored to a grass strip.
14. An exclusive northbound left-turn lane shall be designed to the satisfaction of the County traffic division for effective traffic operations at the project driveway, submitted as an E-Project to the county (along with the required surety per Chapter 21-202 and 21-208), installed by the applicant, and issued a Certificate of Completion prior to the issuance of a Certificate of Occupancy on the vertical permit.
15. The total building area shall not exceed 33,419 sq. ft.
16. There shall be no renting of the building for commercial use.
17. With the exception of onsite cultural and religious training for Temple patrons and family members, there shall be no onsite public education conducted including primary, secondary or preschool.



Recommended Conditions of Approval

18. A minimum of 140 parking spaces shall utilize pervious pavers.

19. Permeable pavers shall be allowed as an improved surface for the parking area. However, prior to obtaining a building permit for site work that includes the parking area with permeable pavers, the specific material/permeable paver material being proposed, along with the operations and maintenance manual for such permeable paver material, shall be submitted for approval to the Development Engineering Division, with a copy to the Zoning Division. After approval and installation, the permeable pavers shall be operated and maintained pursuant to the manual. As may be needed from time to time, the County may inspect the parking area to determine if it is being operated and maintained pursuant to the manual.



Requested Action

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Recommended Conditions of Approval –

Modifications needed if site plan as proposed is approved

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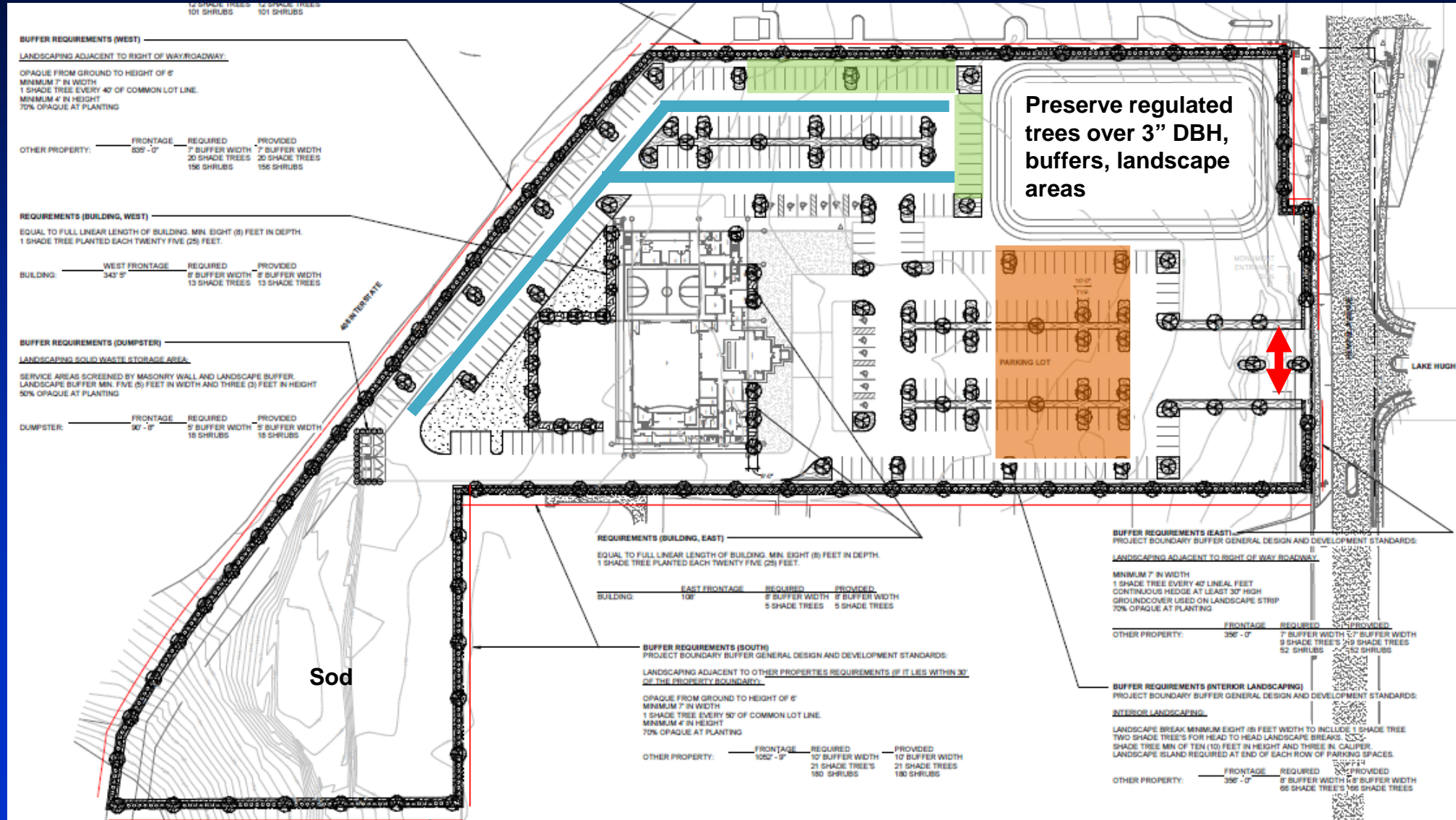
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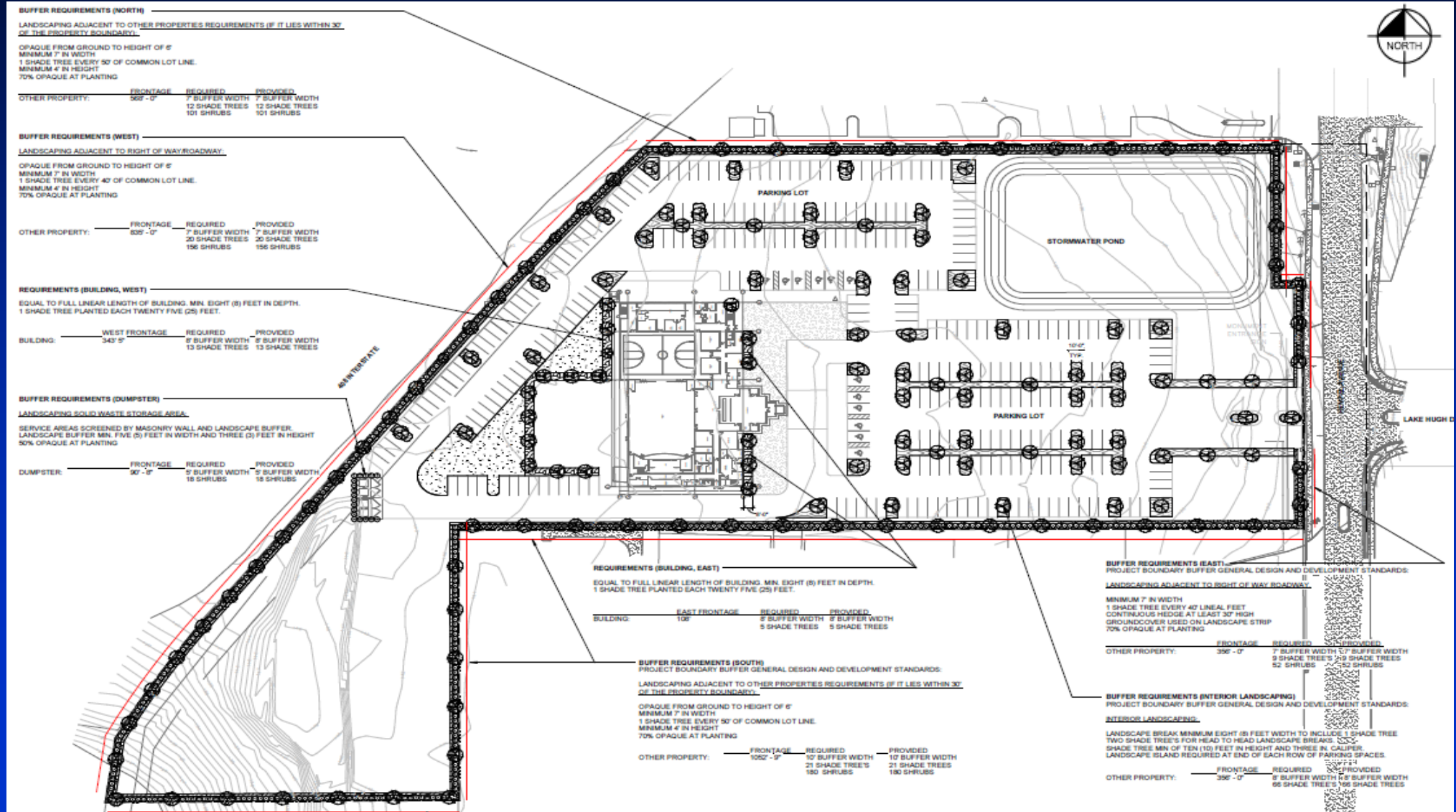


Graphic Representation of Conditions



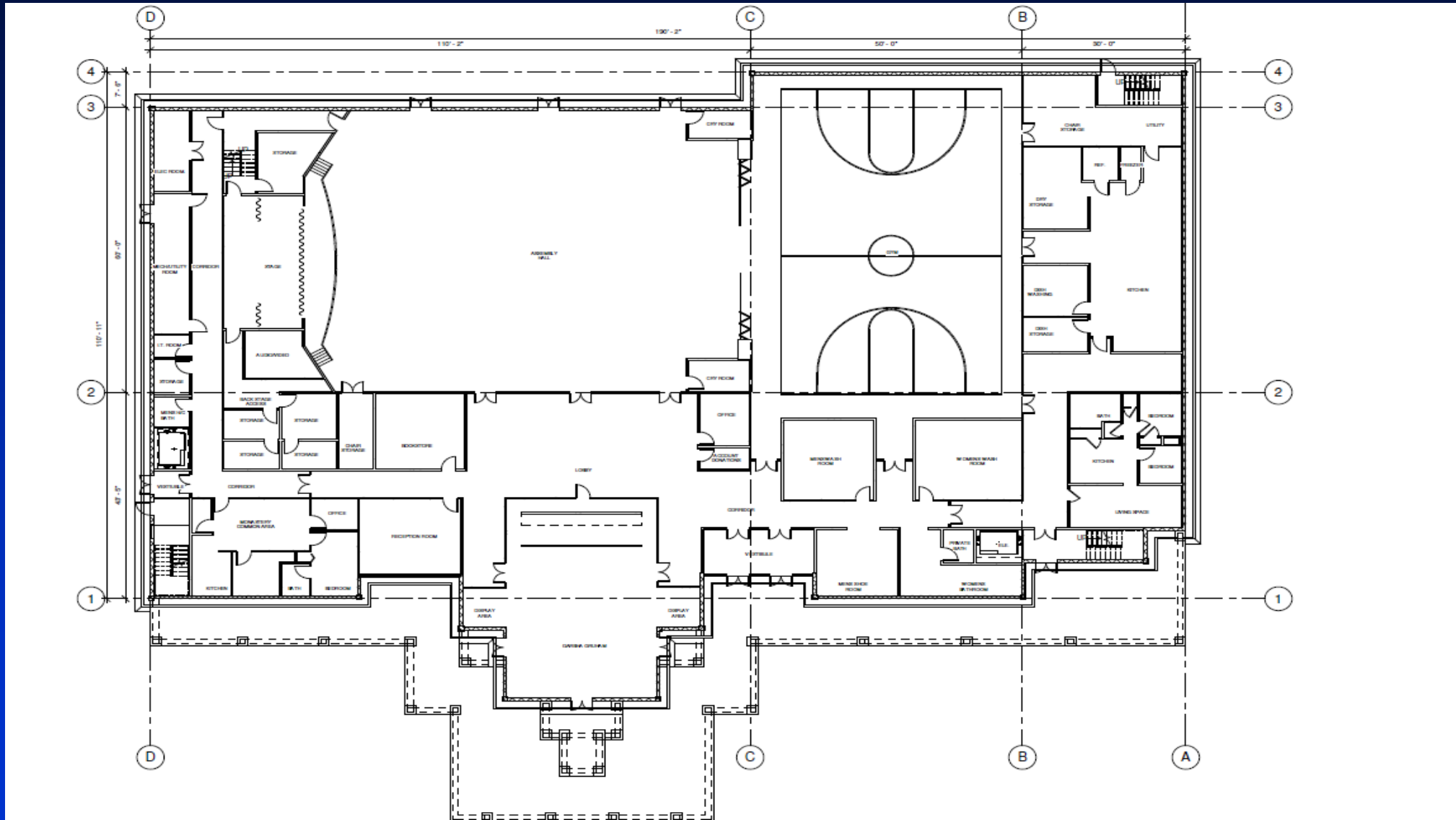


BZA Landscape Plan



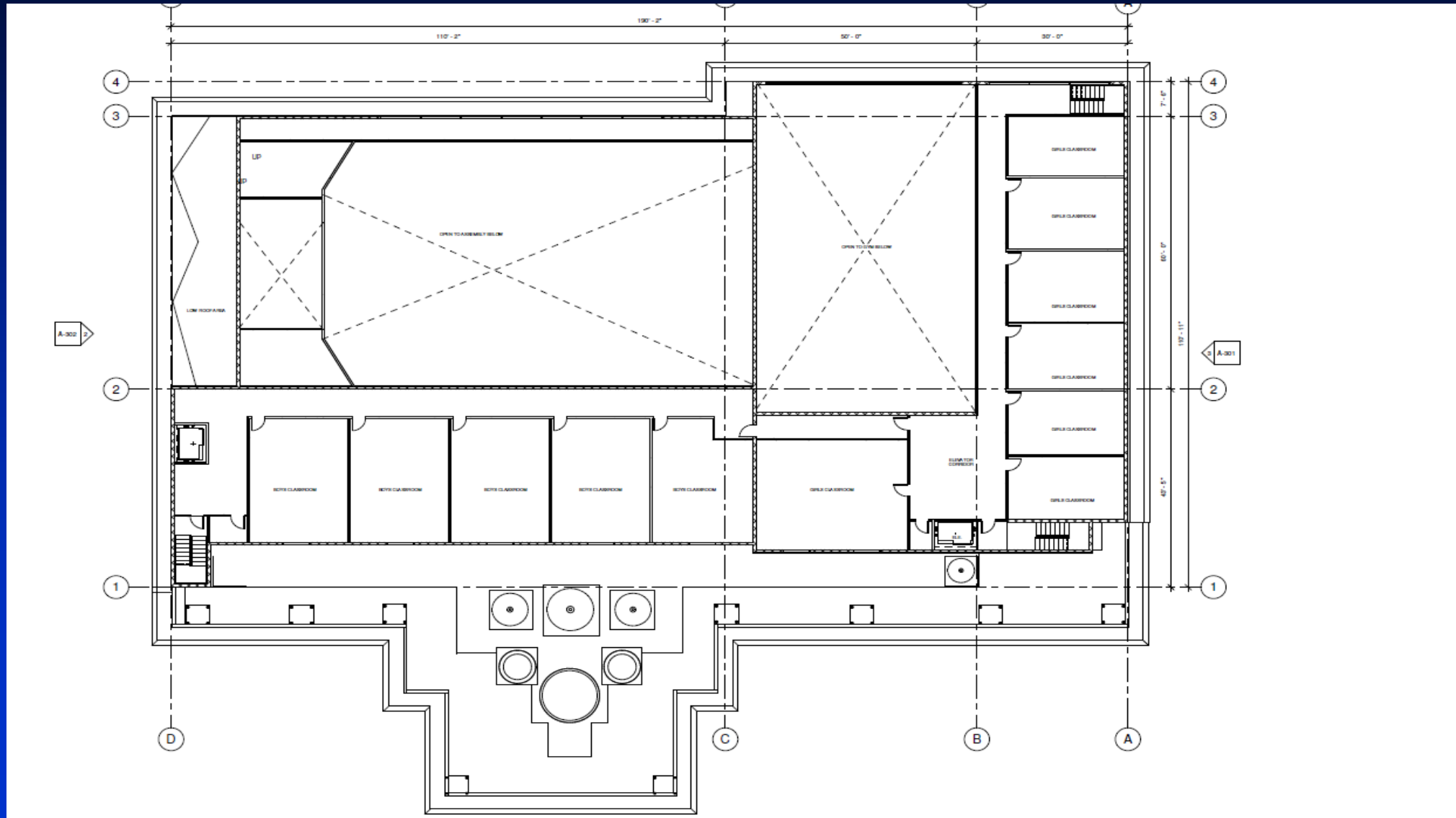


First floor Plan





Second floor Plan





Close-Up Aerial Map

