

**COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES
ZONING DIVISION PUBLIC HEARING REPORT
TUESDAY March 21, 2017**

This packet contains the following public hearing to be heard before the Board of County Commissioners on Tuesday, March 21, 2017 at 2:00 p.m.

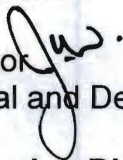
<u>Applicant</u>	<u>Number</u>	<u>Type</u>
Our Lady of Fatima Catholic Church District 2	SE-17-01-179	Board-Called




Interoffice Memorandum

DATE February 24, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

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

CONTACT PERSON: **Carol Knox, Manager, Zoning Division** 
407-836-5585

SUBJECT: March 21, 2017 – BCC Called Public Hearing
Applicant: Our Lady of Fatima Catholic Church
BZA Case #SE-17-01-179, January 5, 2017; District #2

Case #SE-17-01-179, located at 7401 Mott Avenue, in District #2, is a BCC called public hearing to be heard on March 21, 2017. The applicant is requesting special exceptions and a variance to construct a new 6,000 sq. ft. sanctuary, to convert the existing residence into office/administrative use and to partially pave the parking lot. All driving aisles will be paved.

The subject property is located on the east side of Mott Avenue, ¼ mile north of Edgewater Drive.

On January 24, 2017, the BCC called a hearing on this request for the purpose of conducting a proper community meeting. It was discovered that notices were not sent out for the community meeting held on December 6, 2016.

During the January 5, 2017 BZA public hearing, 2 neighbors spoke in opposition to this request. They had concerns about non-notification of the community meeting and outdoor events and noise impacts. The BZA amended the conditions of approval and added new conditions to address the neighbors' concerns to the greatest extent possible. The BZA recommended approval with conditions as amended. The vote was unanimous (5-0; 2 vacancies).

The application for this request is subject to the requirements of Ordinance 2008-14, 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 Carol Hossfield at 6-5585 or Rocco Relvini at 6-5386.

ACTION REQUESTED: Uphold the BZA's recommendation of approval of January 5, 2017. District #2.

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES
DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
March 21, 2016**

The following is a board called public hearing before the Board of County Commissioners on March 21, 2017 at 2:00 p.m.

APPELLANT/APPLICANT: OUR LADY OF FATIMA CATHOLIC CHURCH

REQUEST: Special Exceptions and Variance in the R-1 zoning district for religious use as follows:
1) Special Exception: To construct new 6,000 sq. ft. church use building;
2) Special Exception: To convert existing residence into church office use; and
3) Variance: To allow grassed parking spaces and driving aisles in lieu of paved.

LOCATION: East side of Mott Avenue, 1/4 mile north of Edgewater Drive

TRACT SIZE: 5.73 acres

ZONING: R-1

DISTRICT: #2

PROPERTIES NOTIFIED: 127

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

The applicant is proposing a 6000 sq. ft. sanctuary at the center of the site. The eastern half of the site will be preserved in its natural state.

The applicant indicated that this building will allow for many events to occur indoors. Previously, many events were held outdoors. With the construction of this new building, many events would occur inside this building.

Two (2) adjacent neighbors spoke in opposition. They had concerns about outdoor events and noise.

Staff advised the BZA that this church is located directly across from One Accord Ministries Church. So staff's intent is to grant this religious facility similar land use rights. Also, staff incorporated many of the citizens concerns which were noise, limitation on outdoor events, fencing and social service use restrictions. Specifically, the use of amplified sound is prohibited.

The applicant agreed to the additional conditions of approval. However, with regard to outdoor events, the applicant wanted the same treatment that other religious use approvals received. Staff agreed.

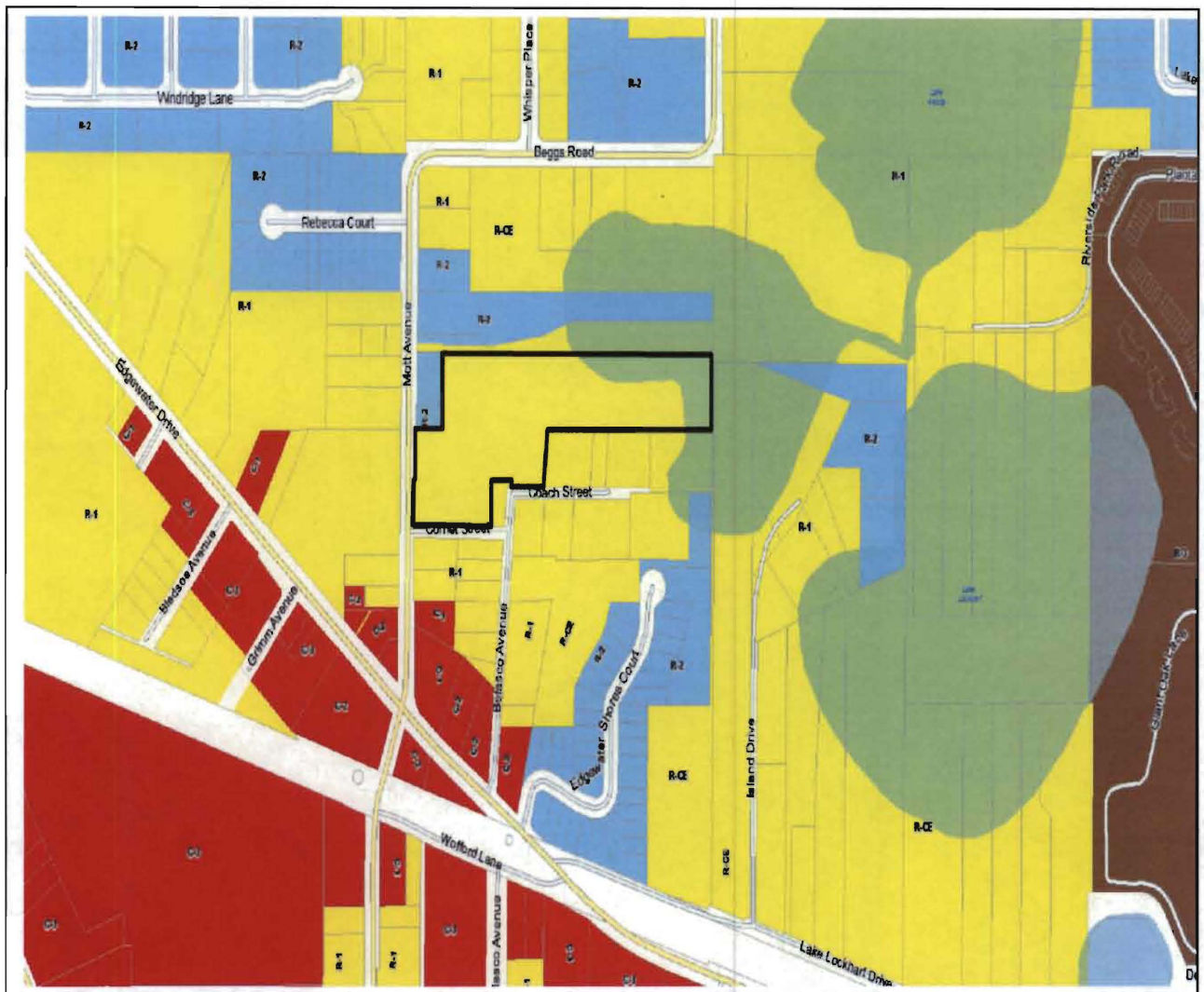
The BZA approved the request with additional conditions.

BZA HEARING DECISION:

A motion was made by Gregory A. Jackson, seconded by Jose A. Rivas, Jr. and unanimously carried to APPROVE the Special Exception request 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, said approval is subject to the following conditions (unanimous 5-0; 2 vacancies):

1. Development in accordance with site plan dated November 29, 2016 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. No more than four (4) outdoor special events per calendar year between the hours of 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 by the Orange County Fire Marshal's Office;
5. Parking shall be provided as shown on plan dated November 29, 2016. Handicapped parking shall be provided in accordance with all applicable regulations;

6. Landscaping shall be in accordance with Chapter 24, Orange County Code;
7. Construction plans shall be submitted within 2 years of Orange County approval or this approval is null and void;
8. The 2 trees adjacent to 7101 Cornet Street shall be removed prior to the issuance of any building permits in accordance with photos dated Received December 29, 2016;
9. A 6 ft. vinyl PVC fence shall be erected as shown on the site plan dated November 29, 2016. Said fence shall be constructed prior to the issuance of a certificate of occupancy for the new church building; and,
10. Soup kitchen, homeless shelter, private school, day care or substance abuse rehabilitation uses shall be prohibited.



Applicant: Our Lady of Fatima Catholic Church

BZA Number: SE-17-01-179

BZA Date: 01/05/2017

District: 2

Sec/Twn/Rge: 32-21-29-NW-B

Tract Size: 5.73 acres

Address: 7401 Mott Avenue, Orlando FL 32810

Location: East side of Mott Avenue, 1/4 mile north of Edgewater Drive



Mr. Rocco Relvini
Orange County Zoning Division
201 S. Rosalind Ave
Post Office Box 2687
Orlando, Florida 32802-2687

Subject: Special Exception Submittal for Our Lady of Fatima Catholic Mission

Dear Rocco,

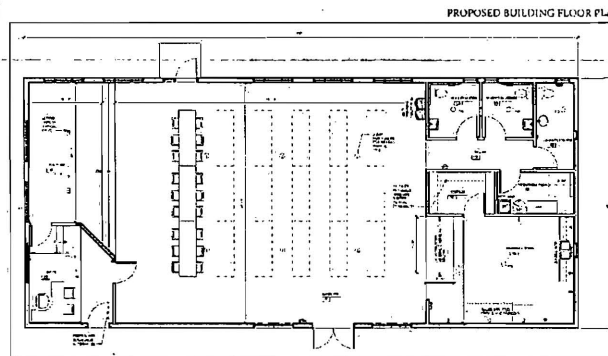
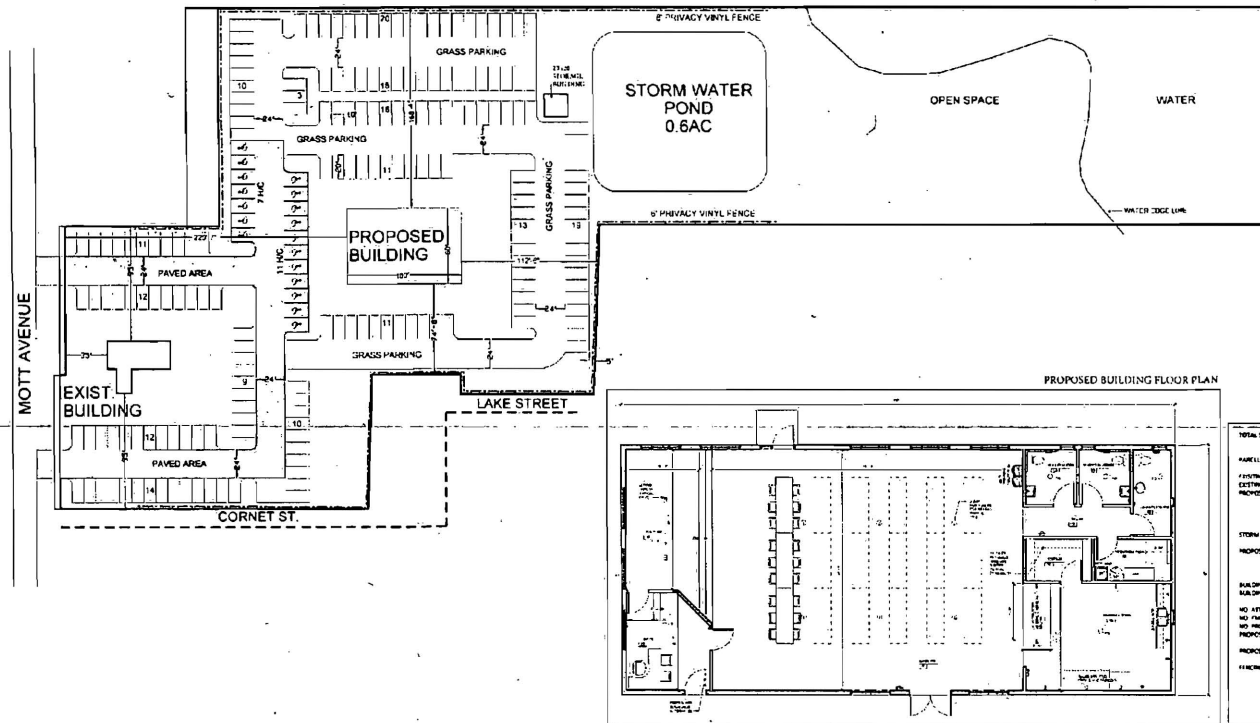
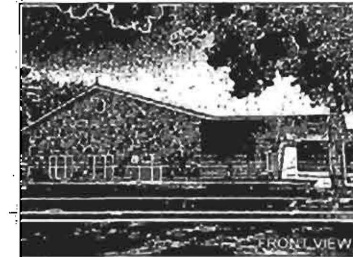
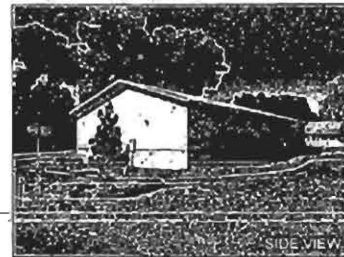
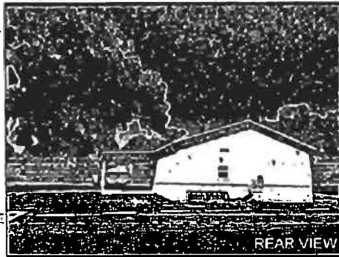
Please find attached the Application to Board of Zoning Adjustment, Site Plan and submittal check for Our Lady of Fatima Catholic Mission on Mott. Ave. I have contacted the One Accord Ministries Church across the street and they are confirming some days in early December to provide a meeting space for the Community meeting. I will let you know as soon as they give me the dates.

We appreciate your assistance in guiding us through the process. If you need any further information please give me a call.

Regards,

A handwritten signature in cursive script, appearing to read "Raymond Bradick", is written over a light-colored background.

Raymond Bradick



SITE DATA	
TOTAL SITE:	5.75 AC
PARCELS:	13-11-21-0000-001-002
EXISTING USE:	Religious (Catholic Church)
PROPOSED USE:	Convert Existing Building
STORM WATER RETENTION:	0.6 AC
PROPOSED PARKING:	Handicapped: 12 Unhandicapped: 120 Total Spaces: 132
BUILDING HEIGHT:	Maximum 15' 0"
BUILDING SETBACKS:	Front: 10' (Min) Side: 5' (Min) Rear: 10' (Min)
NO. ATTACHED UNITS:	120
NO. RENT UNITS:	120
PROPOSED HOUSING TYPE:	Medium to Low Density Single-Family
PROPOSED OUTDOOR CREATION:	1.5% (Minimum) of Total Site Area
FINANCIAL AND LANDSCAPE PLAN:	1.5% (Minimum) of Total Site Area

OUR LADY OF FATIMA MISSION ORANGE COUNTY, FLORIDA *SITE PLAN*

OWNER
Diocese of Orlando
50 E. Robinson Street
P.O. Box 1800 Orlando, FL 32801
Contact: Darryl Podunavac
Office: 407-246-4871
dpodunavac@orlandodiocese.org

APPLICANT
PKA Orlando, Inc.
528 Versailles Dr., Suite 210
Maitland, FL 32751 Contact: Ray
Bradick Office: 407-844-1906
Cell: 407-719-8368
rbradick@pkaorlando.com

APPLICANT REP: PLANNING
Hahn and Hahn Team, Inc.
Bob Hahn
Cell 407.719.5543
BOB@HahnandHahnTeam.com

REVISIONS

DATE
NOVEMBER 14, 2016

SCALE
1"=40'



STAFF REPORT
CASE #SE-17-01-179
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
January 5, 2017
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Our Lady of Fatima Catholic Church

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exceptions and Variance in the R-1 zoning district for religious use as follows:

- 1) Special Exception: To construct new 6,000 sq. ft. church use building;
- 2) Special Exception: To convert existing residence into church office use; and,
- 3) Variance: To allow grassed parking spaces and driving aisles in lieu of paved.

LOCATION: East side of Mott Avenue, 1/4 mile north of Edgewater Drive

PROPERTY ADDRESS: 7401 Mott Avenue

PARCEL ID: 32-21-29-0000-00-082

PUBLIC NOTIFICATION: 127

TRACT SIZE: 5.73 acres

DISTRICT #: 2

ZONING: R-1

EXISTING USE(S): Single family residence

PROPOSED USE(S): 6,000 sq. ft. sanctuary church office

SURROUNDING USES: The site is surrounded by single family homes. There is a church use to the west.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing a 6,000 sq. ft. sanctuary and multipurpose building at the center of the site. It will be located 229 feet from Mott Avenue.
2. The existing residence will remain and be used for office purposes related to the religious use.
3. The site complies with the required number of parking spaces. Twenty-two (22) spaces will be paved and 178 spaces will be grassed. It is not anticipated that this sanctuary will reach capacity. Staff does not object to the unpaved spaces because numerous other non-residential land uses in the area also have unpaved parking. The unpaved parking spaces blend in the area and retains the area's rural appearance.
4. The applicant is proposing a six (6) foot high vinyl fence around the parking lot along the north and south property lines.
5. Applicant is advised that landscaping is required around the entire site including along Mott Avenue. This may cause a minor shift in the parking aisles and spaces.
6. Staff supports this request as the proposed church will blend in the area.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated November 29, 2016, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. No more than four (4) special outdoor events per calendar year between the hours of 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited;
5. Parking shall be provided as shown on plan dated November 29, 2016;
6. Landscaping shall be in accordance with Chapter 24, Orange County Code; and,
7. Construction plans shall be submitted within two (2) years of Orange County approval or this approval is null and void.

cc: Raymond R. Bradick, Applicant's Representative
529 Versailles Drive, Suite 210
Maitland, Florida 32751