



Interoffice Memorandum

DATE: March 13, 2018

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 L. Knox, Manager, Zoning Division
407-836-5585

SUBJECT: April 10, 2018 – Appeal Public Hearing
Applicant/Appellant: Jamal Hassounah
BZA Case #SE-17-12-134, February 1, 2018; District #4

Board of Zoning Adjustment (BZA) Case #SE-17-12-134, located at 1311 Hancock Lone Palm Road, in District 4, is an appeal public hearing to be heard on April 10, 2018. The applicant is requesting a special exception to allow a religious use facility with ancillary uses in the A-2 zoning district. The applicant proposes to convert the existing 4,000 sq. ft. building to use for their religious facility.

The subject property is located on the east side of Hancock Lone Palm Rd., south of E. Colonial Drive.

At the February 1, 2018 BZA hearing, staff recommended approval of the request because there are other religious use facilities in close proximity and the project meets the development standards including building setbacks, off street parking and landscaping. Residents spoke in opposition to the request stating the proposed use is not compatible and is out of character with the neighborhood. The BZA recommended denial on a 5-0 vote.

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.

ACTION REQUESTED: Uphold the BZA's recommendation of denial of February 1, 2018. District 4.

JVW/CLK/pw
Attachments

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
April 10, 2018**

The following is a public hearing on an appeal before the Board of County Commissioners on April 10, 2018 at 2:00 p.m.

APPELLANT/APPLICANT: JAMAL A. HASSOUNEH

REQUEST: Special Exception: To allow a religious use facility with ancillary uses (worshipping, social services, girls youth group, Monday evening gatherings, Sunday workshop, SAT program and family night); and

LOCATION: East side of Hancock Lone Palm Rd., 1/2 mile south of East Colonial Dr.

TRACT SIZE: 6 acres

ZONING: A-2 (Farmland Rural District)

DISTRICT: #4

PROPERTIES NOTIFIED: 85

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

The applicant proposed a religious use facility with other associated uses in the A-2 zoning district. Staff gave an overview of the proposed project, discussed the parking variance, and the public feedback that was received. Staff recommended approval as the project will use the existing structure, two other religious facilities have been approved in the area, and Transportation Planning recommended approval of the project.

The applicant provided background on the project, explained the day to day operation, and how they felt the project met the special exception criteria.

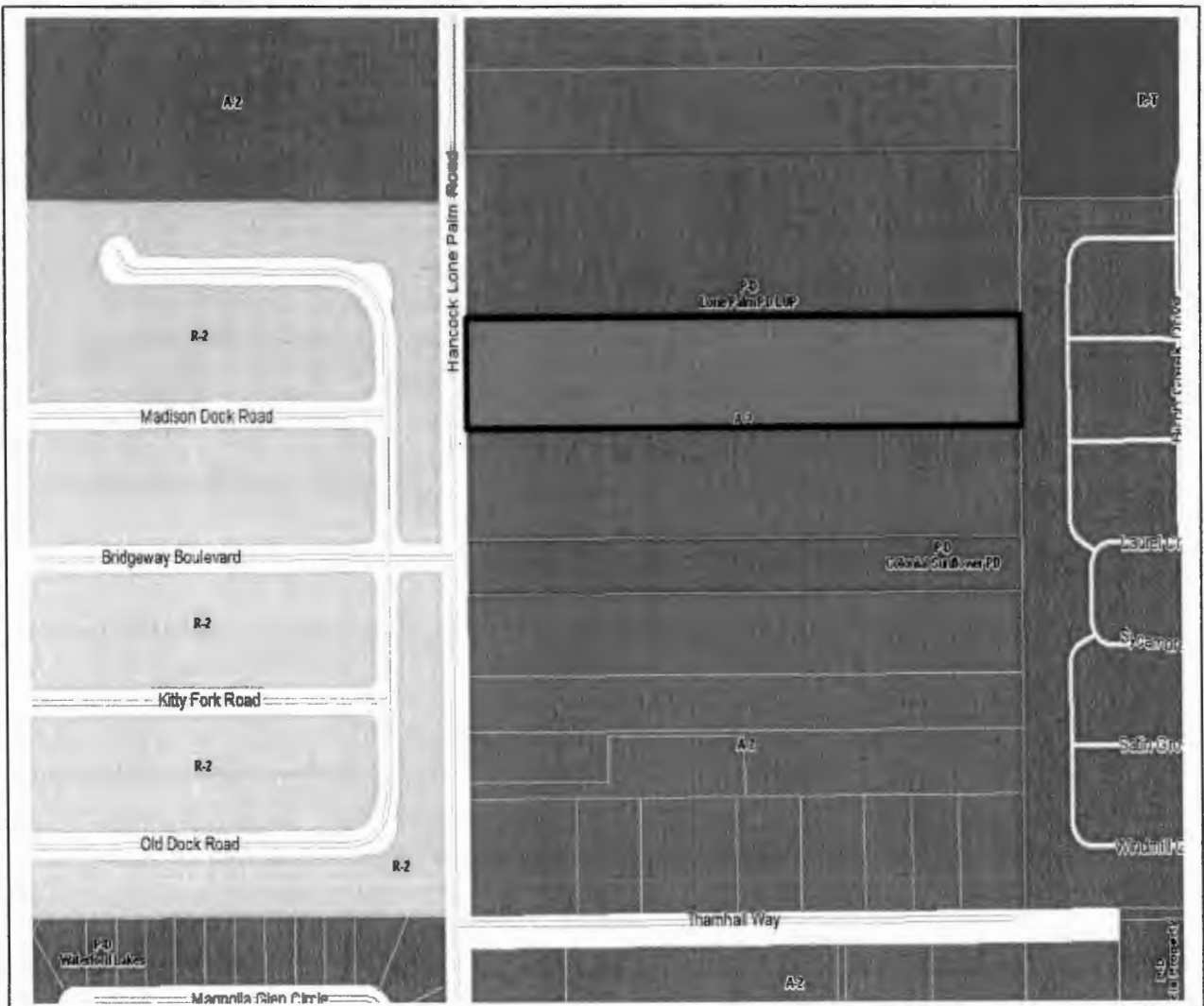
No one was present at the hearing to speak in favor of the application.

Three members of the community spoke in opposition of the application. They had concerns with traffic, compatibility with the rural area, outdoor events, lighting pollution, wetlands impacts, and safety for the community.

The BZA had discussions and were concerned with the amount of letters from neighbors in opposition. The BZA denied the request due to concerns with traffic, felt the use would be a detrimental intrusion to the area, and the responses from the surrounding community.

BZA HEARING DECISION:

A motion was made by Deborah Moskowitz, seconded by Jose A. Rivas, Jr. and unanimously carried to DENY the Special Exception request 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 (unanimous).



Applicant: Jamal A. Hassounch

BZA Number: SE-17-12-134

BZA Date: 02/01/2018

District: 4

Sec/Twn/Rge: 24-22-31-SW-C

Tract Size: 6 acres

Address: 1311 Hancock Lone Palm Road, Orlando FL 32828

Location: East side of Hancock Lone Palm Rd., 1/2 mile south of East Colonial Dr.



FLORIDA
ENGINEERING
GROUP

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SPECIAL EXCEPTION REQUEST JUSTIFICATION STATEMENT

EAST ORLANDO RELIGIOUS INSTITUTION 1311 HANCOCK LONE PALM ROAD ORANGE COUNTY, FLORIDA

OCTOBER 16, 2017

The subject project site is 6.01 acres and is located on the east side of Hancock Lone Palm Road approximately 2,500 feet south of its intersection with E. Colonial Drive (SR 50), in unincorporated Orange County, Florida. The site is zoned A-2 and has an existing future land use (FLU) designation of Low-Medium Density Residential. The proposed use for the project site is Religious Institution. A religious institution is permitted in the A-2 Zoning District. However, since the FLU designation is not consistent with the zoning a Special Exception is required for the proposed use.

The site has been used for a nursery and related warehousing operation since 1977 and currently contains an existing 4,000 Sq.Ft. building with related infrastructure. The proposed project will utilize the existing building and provide parking and other needed infrastructure consistent with the Orange County requirements.

The surrounding area includes an existing single-family residence on the south side, a single-family residential subdivision on the east side, a single-family residential subdivision across from Hancock Lone Palm Road on the west side, and an existing single-family residence on the north side. The land parcel on the north side is currently being reviewed by Orange County for a single-family PD re-zone. There is an existing church to the north of the property being rezoned.

Activities for the proposed Religious Institution as indicated by the applicant will include prayer services, community gatherings, study hours, and annual events such as holidays and special occasions. The activities will also include the following programs:

1-Social Services for helping needy families in the community and provide them with special assistance such as donated food, furniture, clothing and toys. The ultimate mission of the East Orlando Religious Institution is to provide relief to the less fortunate in the community.

2-Girls Youth Group, which will include weekly meetings of middle and high school girls in the community to empower young women by building sisterly support, community activism, and general life skills.

3-Monday Evening Gathering; this is a weekly-gathering where parents and children gather to share dinner with the goal of building a caring community.

4-Sunday Workshop; this is a two-hour weekly workshop to discuss everyday concerns including family matters, community service, education or matters raised by members.

5-SAT Program; this is a unique educational program, which focuses on providing tutoring in Math and Critical reading to middle and high school students to better prepare them for a college career.

The weekly program is administered by well-educated volunteers with a humble goal of securing better future for the children in the community. The program also provides career workshops, training to acquire multitasking, and problem solving skills.

6-Family Night; a popular weekly social gathering, which is held on Saturday evenings. The Social involves the entire family with a goal of having a great time to see friends and to meet new friends. The gathering includes dinner and just fun. Community members are recognized in this activity by celebrating their success. The activity also provides a community comfort to members who lost loved ones.

The normal hours of operation will be from 8 am to 8 pm; however, the facility will only be used sporadically during the day. It is anticipated that the facility will serve 120 community members. No new buildings are proposed as part of this project. As stated above, the existing building on the site will be renovated for the religious institution with improvements and small addition to the building entrance.

The following paragraphs provide justification for this special exception request, which is consistent with the specific standards for the approval of special exceptions as outlined in Section 38-78 of the Orange County Code of Ordinances.

1. The use shall be consistent with the comprehensive policy plan.

Response: The site is zoned A-2, and the Future Land Use Designation for the site is Low-Medium Density Residential. The proposed religious institution use is compatible with the existing A-2 site zoning. The special exception request is being submitted since the A-2 zoning district is not consistent with the existing FLU designation.

2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

Response: The proposed use is compatible with the surrounding uses, since it is a low intensity use on a large agricultural tract of land. There is also a similar religious institution use in close proximity to the site. Specifically, there is existing church use approximately 400 linear feet to the north of the subject site.

3. The use shall not act as a detrimental intrusion into a surrounding area.

Response: Currently, the site is used for a nursery and other related warehousing and other operations. The Religious Institution is an enhancement over the existing use as it will retrofit the existing building and would not impact the surrounding uses. A 6-foot-high wall is proposed to buffer the residential development to the west across from Hancock Lone Palm Road. In addition, over 1,000 linear feet of open space and existing vegetation will buffer the proposed use from the residential development to the east.

4. The use shall meet the performance standards of the district in which the use is permitted.

Response: The proposed use will be designed to meet the performance standards of the A-2 zoning district and other County development standards.

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.


Response: The site is currently used for nursey/landscape operation and warehouse. The requested Special Exception use of religious institution will in decrease the production of noise, vibration, dust, glare, and heat producing characteristics when compared to the existing use.

6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

Response: There are currently existing landscaping bufferyards on the north and south sides of the property between the site and the existing single-family residences. Screening of these existing buffer yards will be provided in accordance with the Orange County Landscape Code. Additional buffer yards in accordance with Sec. 24-5, will be provided at the front yard to screen the proposed uses from the right-of-way. As indicated above, a 6-foot- high wall is proposed to buffer the residential development to the west across from Hancock Lone Palm Road. In addition, over 1,000 linear feet of open space and existing vegetation will buffer the proposed use from the residential development to the east.

Please do not hesitate to contact me should you have any questions or need additional clarification regarding this request. I can be reached by phone at 407-895-0324 or by email at SSebaali@feg-inc.us.

Sincerely,
Florida Engineering Group, Inc.



Sam J. Sebaali, P.E., LEED® AP
President

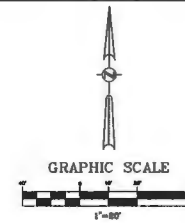
cc: Mr. Jamal A. Hassouneh, Applicant

◆ SITE STRIPING & SIGNAGE KEYNOTES

- S1. PROPERTY BOUNDARY.
- S2. HANDBICAP PARKING STALL, TYPICAL.
- S3. 24" THERMOPLASTIC STOP BAR WITH RT-1 HIGH INTENSITY REFLECTORIZED "STOP" SIGN.
- S4. RT-1 HIGH INTENSITY REFLECTORIZED "STOP" SIGN.
- S5. DIRECTIONAL ARROWS PER F.O.D.T. INDEX NO. 17346, TYPICAL.
- S6. HANDBICAP SIGN.

◎ SITE CONSTRUCTION KEYNOTES

- C1. 6" HEAD CURB, TYPICAL.
- C2. ASPHALT PAVEMENT LIGHT-DUTY IN PARKING SPACES.
- C3. ASPHALT PAVEMENT, HEAVY-DUTY IN DRIVE ISLES.
- C4. CONCRETE PAVEMENT.
- C5. CONCRETE SIDEWALK, TYPICAL.
- C6. MONOLITHIC CURB & SIDEWALK, TYPICAL.
- C7. HANDBICAP ACCESS RAMP WITH A MAXIMUM 1:1 SLOPE, TYPICAL.
- C8. DETECTABLE WARNING SURFACE PER FLORIDA BUILDING CODE 2004.
- C9. 12"x10" DUMPSTER R/ 6" CONCRETE PAD & 6" HIGH BLOCK WALL ENCLOSURE ON 3 SIDES.
- C10. WHEELSTOP PER F.O.D.T. INDEX NO. 300, TYPICAL.



SITE DATA

PROPERTY LOCATION: 1311 HANCOCK LONE PALM RD. ORLANDO, FL.
 PROPERTY FUTURE LAND USE DESIGNATION: LMOR
 PROPERTY ZONING: A-2 WITH A SPECIAL EXCEPTION
 EXISTING USE: NURSERY / WAREHOUSE
 PROJECT AREA: RELIGIOUS INSTITUTION
 6.01 AC.
 EXISTING GROSS FLOOR AREA: 4,000 S.F.
 PROPOSED BUILDING HEIGHT: < 25'
 BUILDING SETBACKS (REQUIRED):
 FRONT (WEST) 30'
 SIDE (NORTH) 10'
 SIDE (SOUTH) 10'
 REAR (EAST) 50'
 BUILDING SETBACKS (PROPOSED/EXISTING):
 FRONT (WEST) >37'
 SIDE (NORTH) >130'
 SIDE (SOUTH) >29'
 REAR (EAST) >1,000'

PARKING

PARKING REQUIRED: 130 VEHICLES
 PARKING SPACES REQUIRED: (1 SPACE PER 1 MEMBER) X 120 MEMBERS = 120 SPACES
 TOTAL SPACES REQUIRED: 130 SPACES
 SPACES REQUIRED TO BE RESERVED FOR HANDICAP: 2 SPACES
 PARKING PROVIDED: 44 SPACES
 STANDARD PARKING SPACES: 44 SPACES
 HANDICAP PARKING: 2 SPACES
 TOTAL PARKING PROVIDED: 46 SPACES

SITE AREA CALCULATIONS

	EXISTING	PROPOSED
EXISTING BUILDING	4,000 S.F.	
BUILDING ADDITION	700 S.F.	
PAVING	21,001 S.F.	
SEWER	1,000 S.F.	
HAZARDOUS AREA	27,833 S.F.	0.84 AC. 10.84 %
PROPOSED AREA	233,781 S.F.	6.76 AC. 100.00 %
TOTAL SITE AREA	281,684 S.F.	

FLOOD ZONE

FLOOD ZONE - PER FEMA F.L.R.M. PANEL 12085C0209P DATED: 9/25/2009.

SOILS

26 SAND, SILTY FINE SAND, HS2: A/D
 34 POMELO FINE SAND, HS2: A/D
 3 SANDIER FINE SAND, HS2: A/D

HAZARDOUS MATERIALS STATEMENT

DURING CONSTRUCTION, WHEN COMBUSTIBLES ARE BROUGHT ONTO THE SITE BY SUCH QUANTITIES AS DEMAND HAZARDOUS BY THE FIRE OFFICE, ACCESS ROADS & A SUITABLE TEMPORARY SUPPLY OF WATER ACCEPTABLE TO THE FIRE DEPARTMENT SHALL BE PROVIDED & MAINTAINED.

LIGHTING NOTE

LIGHTING SHALL COMPLY WITH ARTICLE XVI OF CHAPTER 8.

DUMPSTER NOTE

THE DUMPSTER SHALL HAVE OPaque GATING AND THE WALL SHALL HAVE A DECORATIVE CONCRETE CAP. WALL SHALL BE ARCHITECTURALLY COMPATIBLE MATERIAL TO THE PRINCIPLE BUILDING.

SIGNAGE NOTE

BUILDINGS & POLE SIGNS SHALL BE PROHIBITED. GROUND & FASCO SIGNS SHALL BE PER CHAPTER 31.6.

SITE NOTES

1. ALL CURB BARS ARE TO BE 6" TYPICAL, UNLESS NOTED OTHERWISE. EXCEPTION: RAMP ISLANDS ARE TO FIT ISLAND BROTHER, UNLESS NOTED OTHERWISE.
2. LANDSCAPE ISLANDS ARE NOT TO EXCEED THE PARKING STALL DEPTH &/OR PROTRUDE INTO DRIVE ISLES, TYPICAL.
3. ALL DIMENSIONS ARE PARALLEL & PERPENDICULAR TO A BEARING OF N89°46'55"E, UNLESS OTHERWISE INDICATED WITH A "X" OR BEARING.
4. LOWER CASE TEXT DENOTES SURVEY &/OR EXISTING CONDITION INFORMATION.

SITE NOTE:

ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING THE APPROVAL OF FINAL CONSTRUCTION PLANS.

EP - HANCOCK LONE PALM ROAD (30' R/W)

INV = 62.17 (18" CMP)

PROPOSED 6" HIGH BLOCK WALL

DITCH

PROPOSED 6" HIGH BLOCK WALL

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200.00' DESC
199.96' MEAS

NOTES:

1. SEWER SERVICE TO BE PROVIDED BY AN ON-SITE SEPTIC SYSTEM.
2. POTABLE WATER SERVICE TO CONNECT TO ORANGE COUNTY UTILITIES PUBLIC SYSTEM.
3. STORMWATER MANAGEMENT SHALL BE PROVIDED ON-SITE CONSISTENT WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND ORANGE COUNTY REQUIREMENTS.

SPECIAL EXCEPTION SITE PLAN
 EAST ORLANDO RELIGIOUS INSTITUTION
 1311 HANCOCK LONE PALM ROAD
 ORLANDO, FLORIDA



6127 S. Orange Avenue, Suite 200
 Orlando, FL 32809
 Phone 407-895-0324
 Fax 407-895-0325
 www.feg-inc.us

ENLARGED SITE PLAN

DESIGNED BY: SJS
 DRAWN BY: JT
 CHECKED BY: SJS
 APPROVED BY: SJS

PROJECT NO: 17-080
 SCALE: 1"=20'
 DATE: OCTOBER 16, 2017
 SHEET NO: C-5
 OF 7



THIS PLAN HAS BEEN
 ELECTRONICALLY SIGNED AND
 SEALED BY ENGINEER J.T. GIL
 DATE: 10/16/2017
 PRINTED COPIES OF THIS
 DOCUMENT ARE NOT CONSIDERED
 VALID UNLESS THEY ARE VERIFIED ON
 ANY ELECTRONIC DEVICE.



STAFF REPORT
CASE #SE-17-12-134
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
February 1, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Jamal A. Hassouneh

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variance in the A-2 zoning district as follows:

1) Special Exception: To allow a religious use facility with ancillary uses (worshipping, social services, girls youth group, Monday evening gatherings, Sunday workshop, SAT program and family night); and

2) Variance: To allow unpaved parking spaces in lieu of paved.

LOCATION: East side of Hancock Lone Palm Rd., 1/2 mile south of East Colonial Dr.

PROPERTY ADDRESS: 1311 Hancock Lone Palm Rd.

PARCEL ID: 24-22-31-0000-00-030

PUBLIC NOTIFICATION: 85

TRACT SIZE: 6 acres

DISTRICT #: 4

ZONING: A-2 (Farmland Rural District)

EXISTING USE(S): Landscape Nursery

PROPOSED USE(S): Religious Use Facility

SURROUNDING USES:

N – SFR on larger agriculturally zoned parcels
S – SFR on larger agriculturally zoned parcels
E – Platted SFR's
W - Platted SFR's

STAFF FINDINGS AND ANALYSIS:

1. The site has been used as a landscape nursery and related warehousing. The site currently contains an existing 4,000 sq. ft. building. The proposed project will utilize the existing building and will provide the required parking and other infrastructure consistent with Orange County requirements.
2. The property directly to the north was re-zoned to Planned Development in 2017 and is proposing up to forty (40) single family homes.
3. A religious facility was approved in 2016 on a property to the north of the subject property.
4. The applicant is proposing a six (6) foot high masonry wall along with right-of-way to create a buffer from the existing single family homes located across the street.
5. A Community Meeting was held on January 10, 2017. Staff, the BZA Commissioner, the District #4 Aide, and the applicant's team were in attendance. No neighbors attended the Community Meeting.
6. The center is currently located off of Alafaya Trail. This project would be an expansion to their existing operation.
7. The required parking spaces and drive aisles will be paved. The requested unpaved parking is for overflow parking.
8. The applicant has submitted fifty-seven (57) letters in support of the application. Most of these letters were from citizens who do not live in the immediate area.
9. Staff has received approximately forty (40) letters in opposition from the immediate neighbors. Staff also received twenty-eight (28) letters from persons who do not live near the subject property.
10. Staff is in support as it meets the Special exception criteria as follows:
 - a) Two other religious facilities have been approved in the area which would make this consistent with the pattern of surrounding development.
 - b) The proposed project will be using the existing building and all proposed activity will be indoors. The conditions regarding buffering will mitigate the noise, glare, dust and other characteristics associated with this use.

- c) The use is meeting all the performance standards outlined in the A-1 zoning district and the commercial standards for parking, height, open space, etc.
- d) Orange County Transportation Planning has indicated that this use based on ITE standards is de minimis and would not require a traffic study. The traffic will be sporadic throughout the day and shall not be a detrimental intrusion to the community.
- e) The use is consistent with the Comprehensive Plan Policy. The Future Land Use and Zoning on this property are inconsistent. The Zoning is A-2 and the FLU is LMDR. In this case, Comprehensive Plan policy FLU8.2.5.1, allows a special exception in the zoning districts that are consistent with the FLU.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated October 16, 2017, 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. All driving aisles and required handicapped spaces shall be paved.
5. Construction plans shall be submitted within two (2) years of final approval or this approval becomes null and void.

6. There shall be 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 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.
7. No impacts to any approved Conservation Areas without Orange County approval.
8. A 6 ft. high block wall shall be constructed along the front (west) property line.
9. Prior to operating the site, all required permits shall be obtained.
10. Access, drainage, roadway improvements and concurrency management shall be determined by the Public Works Department.
11. A Type D landscape buffer shall be provided along the north property line and a Type C landscape buffer shall be provided along the south property line.
12. The applicant shall install a six (6) foot high vinyl fence along the north and south property lines abutting the parking areas and proposed development.
13. The hours of operation for this facility shall be limited to 8:00 a.m. to 8:00 p.m.

cc: Jamal A. Hassounah, Applicant
1569 Carrington Avenue
Winter Springs, FL 32708

Sam Sebaali, P.E.- Agent For Applicant
5127 South Orange Avenue, Suite 200
Orlando, FL 32809