

LOCAL ROOTS. BROAD  
REACH.<sup>SM</sup>



BZA Appeal: SE-17-12-134  
1311 Hancock Lone Palm Rd



Lowndes  
Drosdick  
Doster &  
Kantor  
Reed, P.A.

A T T O R N E Y S  
A T L A W

Tara L. Tedrow

*Lowndes, Drosdick, Doster, Kantor & Reed, P.A.*

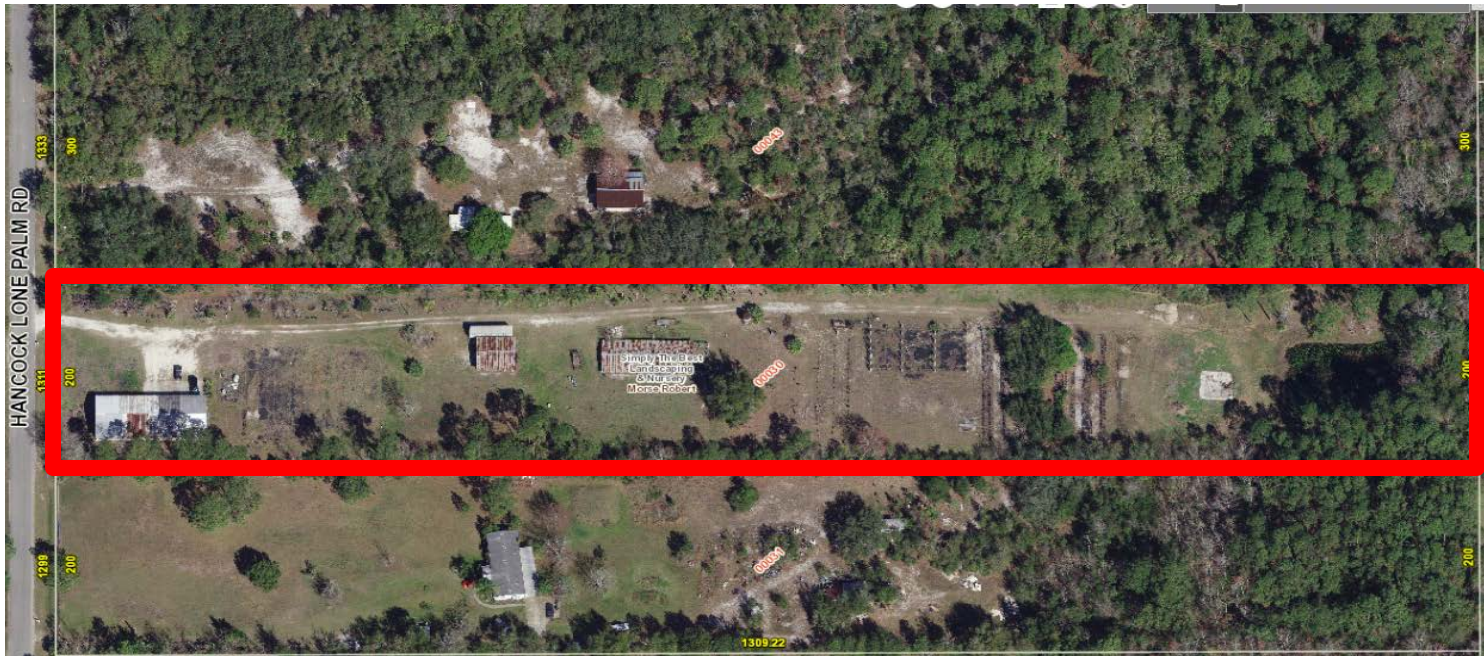
Orlando - Melbourne - Mount Dora

[www.lowndes-law.com](http://www.lowndes-law.com)

2018-04-10 Public Hearing D.6 Exhibit 1 - Tara Tedrow

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# Aerial



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# Aerial



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# Background

- 6 acre parcel with an existing ~4,000 sq ft building
- Zoned A-2
- FLU of Low-Medium Density Residential
- Seeking to redevelop the site with a new community facility

Sec. 38-77. - Use table.

USE TABLE

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R
Churches, mosques, synagogues, temples and other religious institutions with or without attendant schools, educational buildings and/or recreational facilities	8661	Religious institutions	32 S P	32 S P	S

Religious facilities are permitted in A-2 zone because the FLU is not consistent with the zone. A special exception is required.

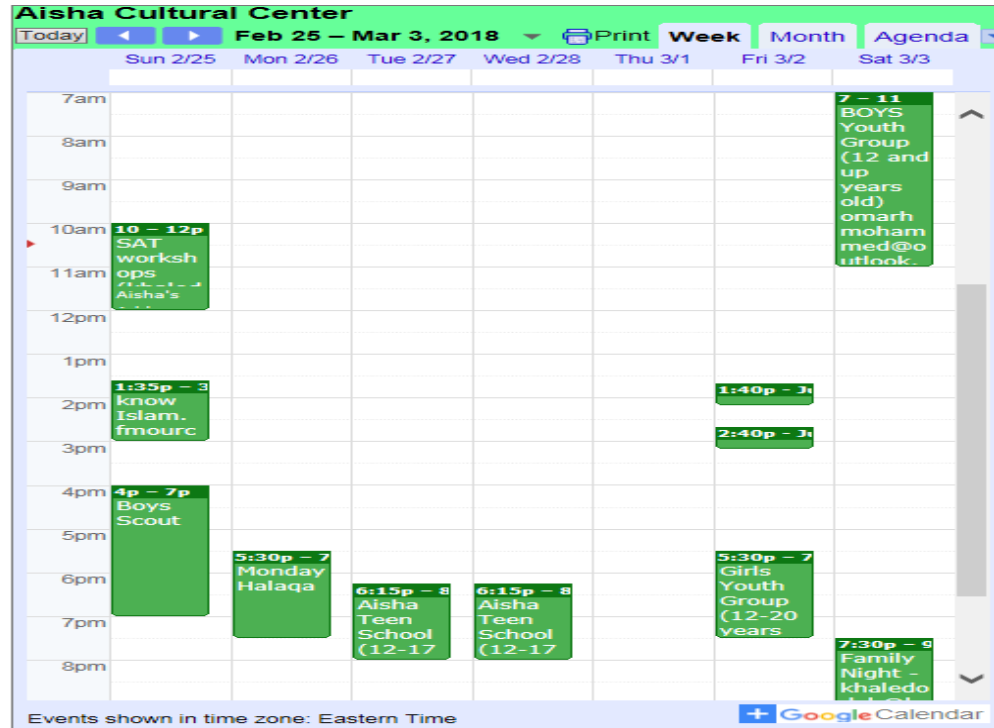
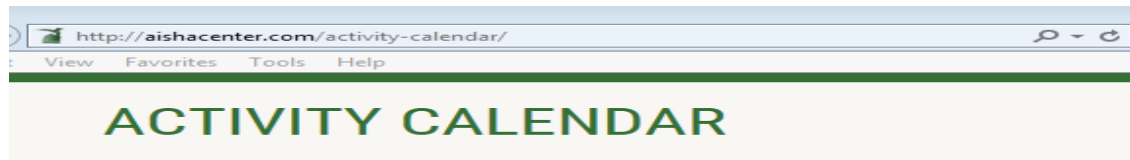
# Background

- Orange County Transportation Planning has indicated the use would produce de minimis traffic impacts
- Community meeting on 1/10/18- no attendees

# Background

- Proposed upgrades:
  - New 6 ft. high wall/fencing and landscaping
  - Additional 750 SF entranceway
  - Upgrades to building exterior and roof
  - Paved parking area
- Proposed activities:
  - Social services for families
  - Girls youth group
  - Monday night dinner gatherings
  - Sunday workshops
  - SAT tutoring programs
  - Saturday night family gatherings

# Affiliated Center: Aisha Cultural Center



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# Request

- Approval of a special exception for a religious facility.



# Letters of Support

- Nearly 60 letters of support received from the faith community

Mayor and County Commission  
Orange County  
201 S Rosalind Ave.,  
5th Floor, Orlando, FL 32801

10-3, 2017

**Re: Letter of No Objection to the Variance Request for the Development of a Religious Center (the "Project") located at 1311 Hancock Lone Palm Rd, Parcel 24-22-31-0000-00-030 (the "Subject Property")**

Dear Mayor and Commissioners,

The undersigned is the owner of the property located at 12505 Hymis Ct, Orlando. This letter shall confirm that we have been provided a copy of the Project plans and information for the development of the Subject Property. We believe this Project will be a beneficial amenity for the community and have no objection to the approvals requested by the applicant.

Best Regards,

By: Nabil Muhawir  
Name: Nabil Muhawir  
Title: owner

Mayor and County Commission  
Orange County  
201 S Rosalind Ave.,  
5th Floor, Orlando, FL 32801

10-3, 2017

**Re: Letter of No Objection to the Variance Request for the Development of a Religious Center (the "Project") located at 1311 Hancock Lone Palm Rd, Parcel 24-22-31-0000-00-030 (the "Subject Property")**

Dear Mayor and Commissioners,

The undersigned is the owner of the property located at 925 N. County Rd 73/Orlando. This letter shall confirm that we have been provided a copy of the Project plans and information for the development of the Subject Property. We believe this Project will be a beneficial amenity for the community and have no objection to the approvals requested by the applicant.

Best Regards,

By: Basel Almoseli  
Name: Basel Almoseli  
Title: owner

# Letters of Support

- 5 letters of support from neighbors of our Center located

Mayor and County Commission  
Orange County  
201 S Rosalind Ave.,  
5th Floor, Orlando, FL 32801

Feb 20<sup>th</sup>, 2018

Re: Letter of Support for the Special Exception Request for the Development of a Religious Center (the "Project") located at 1311 Hancock Lone Palm Rd, Parcel 24-22-31-0000-00-030 (the "Subject Property").

Dear Mayor and Commissioners,

The undersigned is the owner of the business located at 422 S Alafaya Tr, Ste 29, Orlando, FL. We have been neighbors of the Aisha Cultural Center (the "Center"), which has been located at 422 S Alafaya Trail, Suite 29, for the past five years. During the time we have been neighbors, we have experienced no problems, issues or disruptions caused by the Center. The Center has been a great neighbor in our shopping plaza.

We understand that Aisha Cultural Center is working on developing the Subject Property. We believe this Project will be a beneficial amenity for the community and support the requests made by the applicant. Based on our experience with the Center and knowing what great neighbors they will be, we fully support the applicant's special exception request and hope the Commission will approve it.

Best Regards,

By: [Signature]  
Name: Cheritha Chappas  
Title: Chiropractor/Owner

Mayor and County Commission  
Orange County  
201 S Rosalind Ave.,  
5th Floor, Orlando, FL 32801

Feb 20, 2018

Re: Letter of Support for the Special Exception Request for the Development of a Religious Center (the "Project") located at 1311 Hancock Lone Palm Rd, Parcel 24-22-31-0000-00-030 (the "Subject Property").

Dear Mayor and Commissioners,

The undersigned is the owner of the business located at 422 S Alafaya Tr, Ste 17, 32828. We have been neighbors of the Aisha Cultural Center (the "Center"), which has been located at 422 S Alafaya Trail, Suite 29, for the past five years. During the time we have been neighbors, we have experienced no problems, issues or disruptions caused by the Center. The Center has been a great neighbor in our shopping plaza.

We understand that Aisha Cultural Center is working on developing the Subject Property. We believe this Project will be a beneficial amenity for the community and support the requests made by the applicant. Based on our experience with the Center and knowing what great neighbors they will be, we fully support the applicant's special exception request and hope the Commission will approve it.

Best Regards,

By: [Signature]  
Name: Abdelrahman Zeini  
Title: Vice PRES, The Zeini Law Firm

The Zeini Law Firm  
422 S Alafaya Tr # 17  
Orlando, FL 32828  
(407) 381-2505

Mayor and County Commission  
Orange County  
201 S Rosalind Ave.,  
5th Floor, Orlando, FL 32801

02/20, 2018

Re: Letter of Support for the Special Exception Request for the Development of a Religious Center (the "Project") located at 1311 Hancock Lone Palm Rd, Parcel 24-22-31-0000-00-030 (the "Subject Property").

Dear Mayor and Commissioners,

The undersigned is the owner of the business located at 422 S Alafaya Trail, Suite 17. We have been neighbors of the Aisha Cultural Center (the "Center"), which has been located at 422 S Alafaya Trail, Suite 29, for the past five years. During the time we have been neighbors, we have experienced no problems, issues or disruptions caused by the Center. The Center has been a great neighbor in our shopping plaza.

We understand that Aisha Cultural Center is working on developing the Subject Property. We believe this Project will be a beneficial amenity for the community and support the requests made by the applicant. Based on our experience with the Center and knowing what great neighbors they will be, we fully support the applicant's special exception request and hope the Commission will approve it.

Best Regards,

By: [Signature]  
Name: Aysha Meloukha  
Title: Psychiatrist

Psychiatric Center of Orlando, P.A.  
422 S. Rosalind Trail, Suite 17  
Orlando, FL 32828

# 1311 Hancock Lone Palm Rd



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# Adjacent Property



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# Existing Vegetative Buffers



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# Existing Vegetative Buffers



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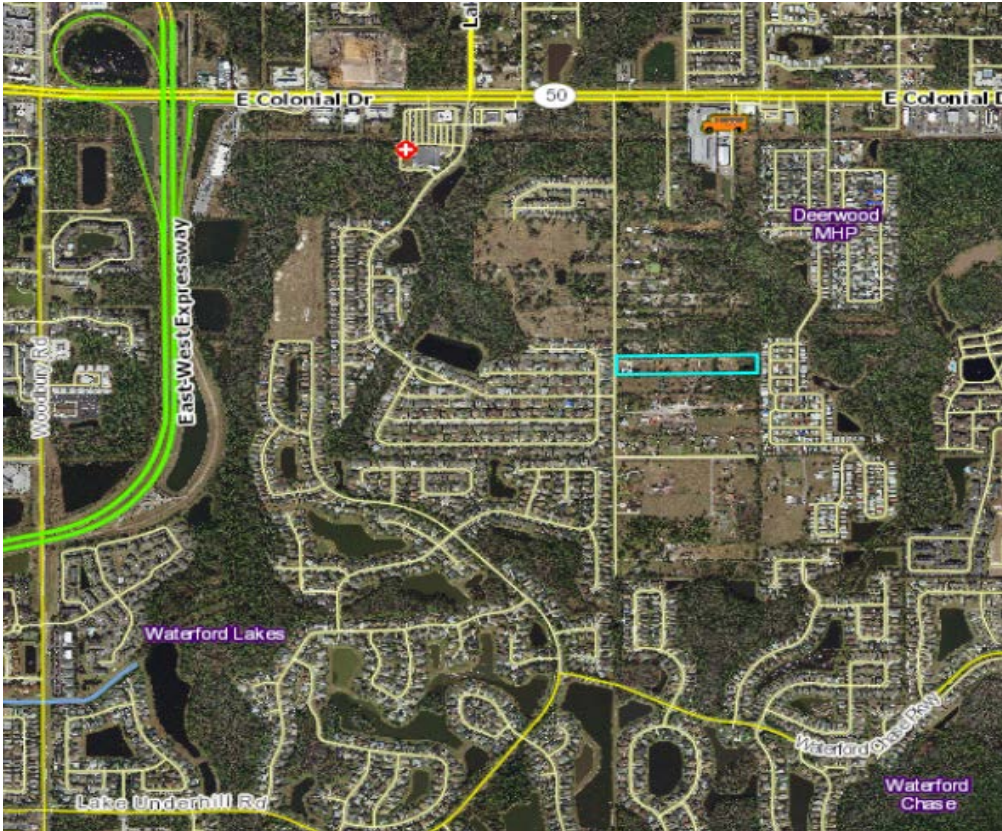
# Adjacent Bridgewater Subdivision



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# Adjacent Bridgewater Subdivision



Bridgewater is accessible by:

1. Colonial Dr.
2. Hancock Lone Palm Rd.
3. Woodbury Rd.

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# Hancock Lone Palm Road



- 2-Lane local roadway
- 24-foot typical section w/ swales
- Current volume = **1,580 ADT**
- Operates at less than **15% of capacity**
- Project will use

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# Community Center Trip Characteristics

- The proposed use is a relatively low traffic intensity use
- Generates less than 140 trips on typical weekday
- Most activity is in off-peak hours and on weekend
- Impact on SR 50 intersection is minimal during peak hours
- Intersection at SR 50 functions well during off-peak hours

# Trip Generation Comparison

<b>Trips</b>	<b>Daily</b>	<b>Morning Peak</b>	<b>Evening Peak</b>
<b>Proposed Use</b>	<b>137</b>	<b>8</b>	<b>11</b>
Previous Use	156	10	21
40 Houses	262	20	26
60 Houses	413	29	37

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# Lone Palm vs Bridgewater



Distance - 0.7 miles  
Travel Time – 2 mins & 20 sec

Distance – 1.1 miles  
Travel Time – 3 mins & 40 sec  
(traffic calming devices)

Based on travel time and  
travel distance Bridgewater  
NOT attractive cut-through  
for Lone Palm traffic



# SR 50 & Bridgewater/Lake Pickett Signal

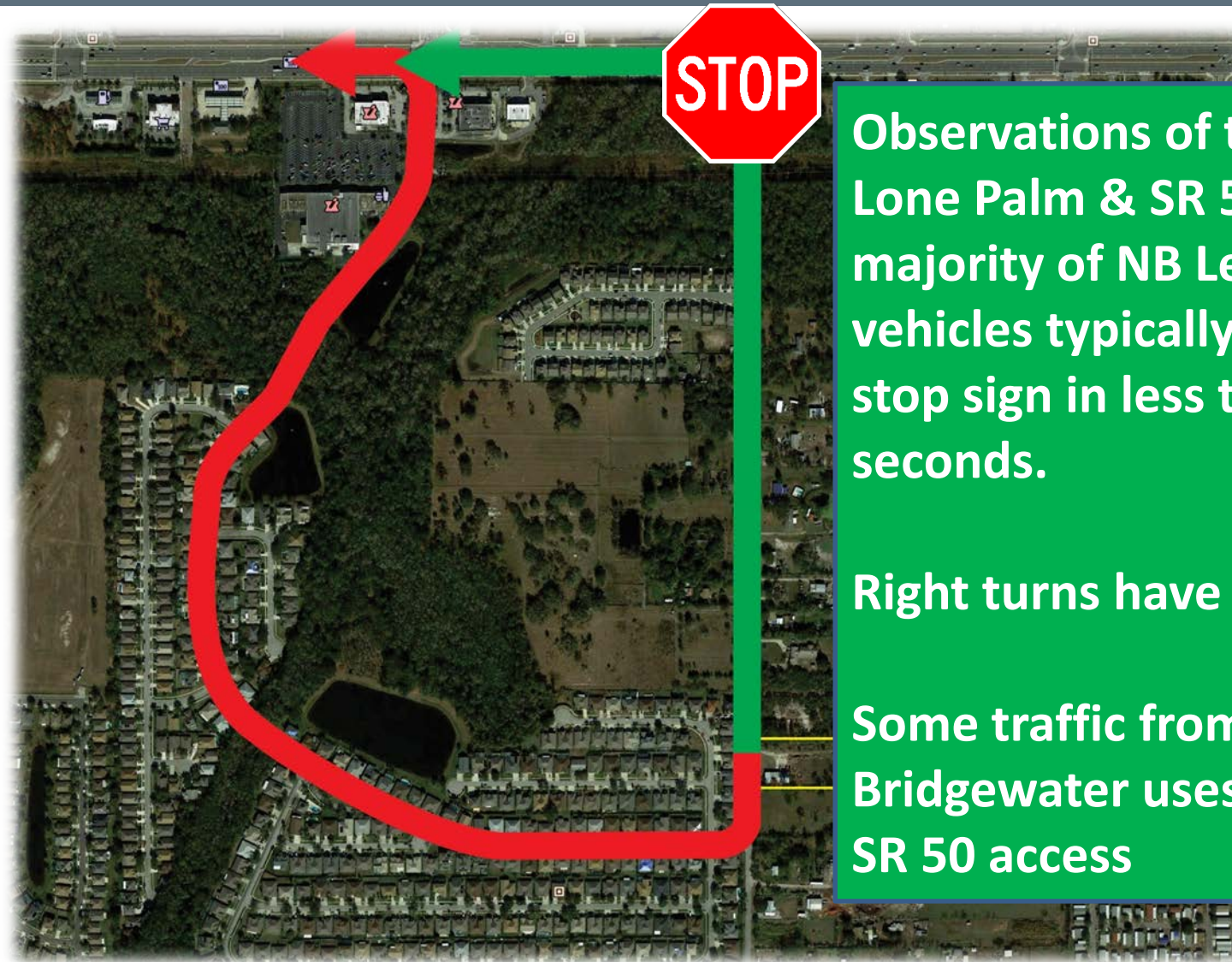


**Observations of the signal at  
Bridgewater & SR 50 show  
that most green time given to  
SR 50 and to Lake Pickett.**

**NB traffic regularly waits  
more than 1 cycle because of  
short green time.**

**Not an attractive alternative  
for cut-through traffic**

# SR 50 & Lone Palm



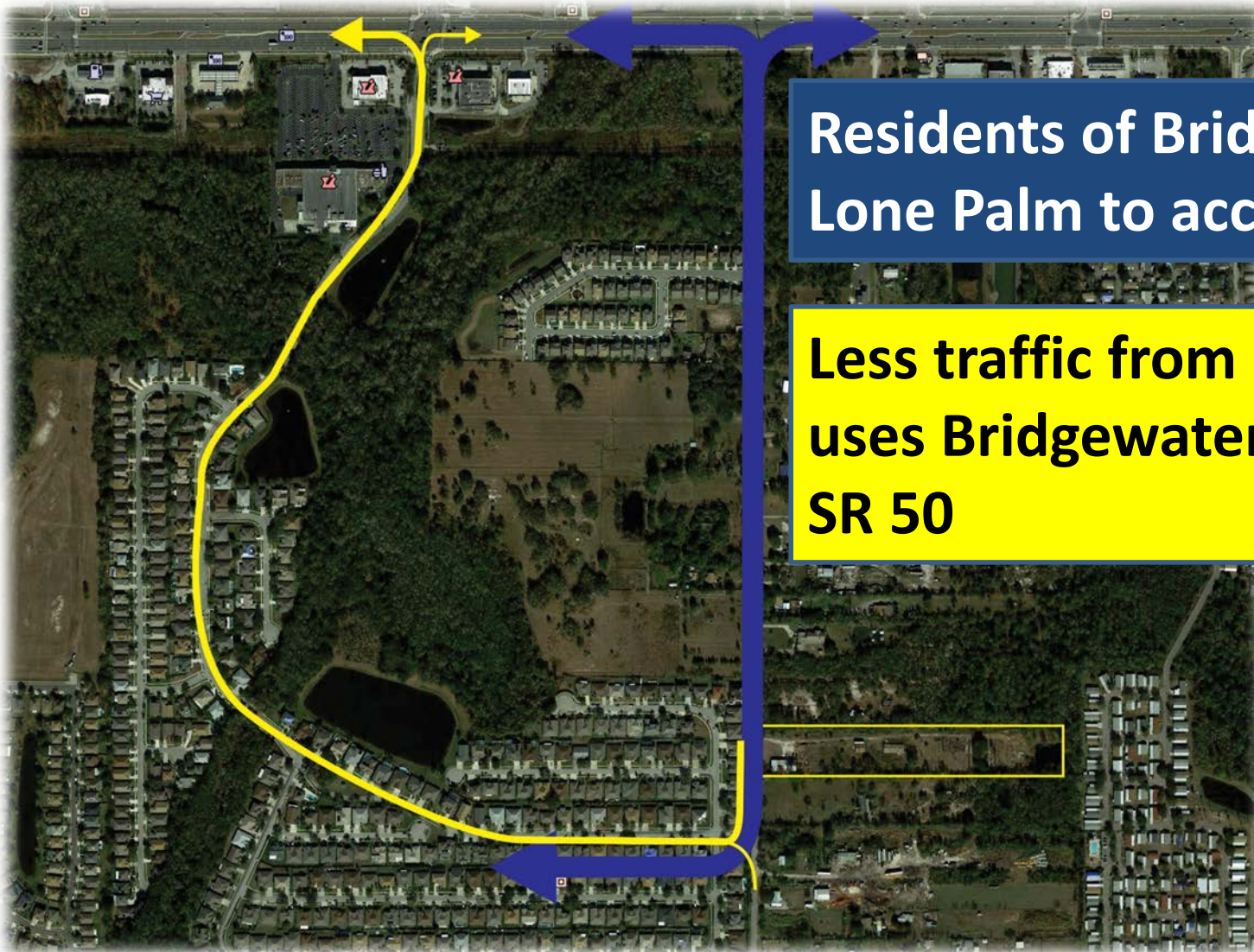
Observations of the stop sign at Lone Palm & SR 50 show that majority of NB Left Turning vehicles typically move from the stop sign in less than 30 – 60 seconds.

Right turns have minimal wait.

Some traffic from south part of Bridgewater uses Lone Palm for SR 50 access



# Traffic Patterns Observation



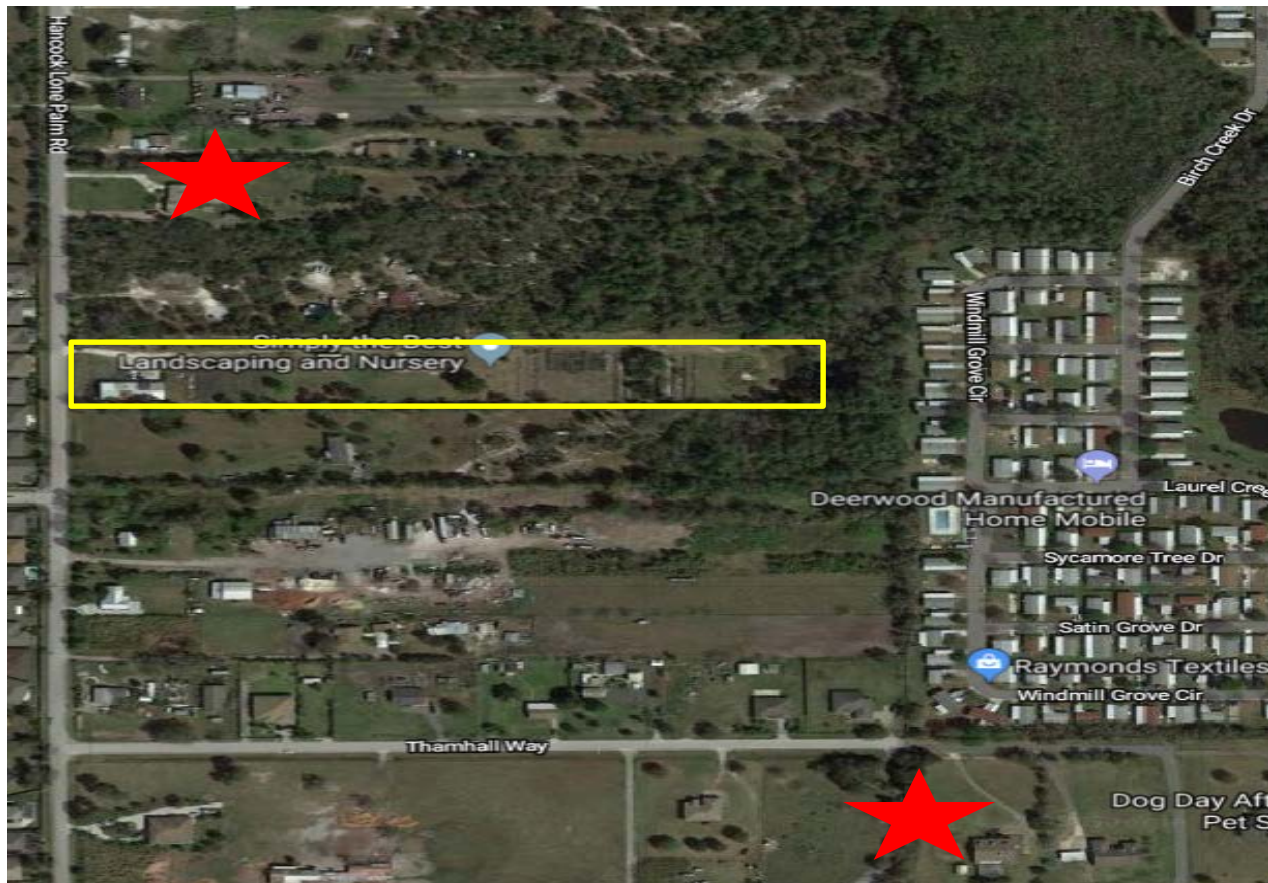
**Residents of Bridgewater use  
Lone Palm to access SR 50**

**Less traffic from Lone Palm  
uses Bridgewater to access  
SR 50**

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# Approved Religious Facilities



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2,462 S.F.  
3,000 S.F CHURCH  
FUTURE 3,000 S.F. EXPANSION

[illegible]

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# Nearby Religious Facility: 1371 Hancock Lone Palm Rd.

Soul Quest Ayahuasca Church of Mother Earth



*~400 linear feet from subject property*

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# Nearby Religious Facility: 1371 Hancock Lone Palm Rd.

Soul Quest Ayahuasca Church of Mother Earth



*~400 linear feet from subject property*

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# Soul Quest Ayahuasca Church of Mother Earth

- ❑ 12/1/16 case #SE-16-12-166/Soul Quest Church: special exception approved in A-2 zoning for religious use facility & variance for

unl	Soul Quest	Proposed Use
Acreage	4.5	6
Building SF	~6,000	~4,000
Outdoor Uses Requested	YES	NO
Overnight Uses Requested	YES	NO
Restrictions on hours of use	NO	YES
Restrictions on times for programs	NO	YES
Unpaved parking requested	YES	NO

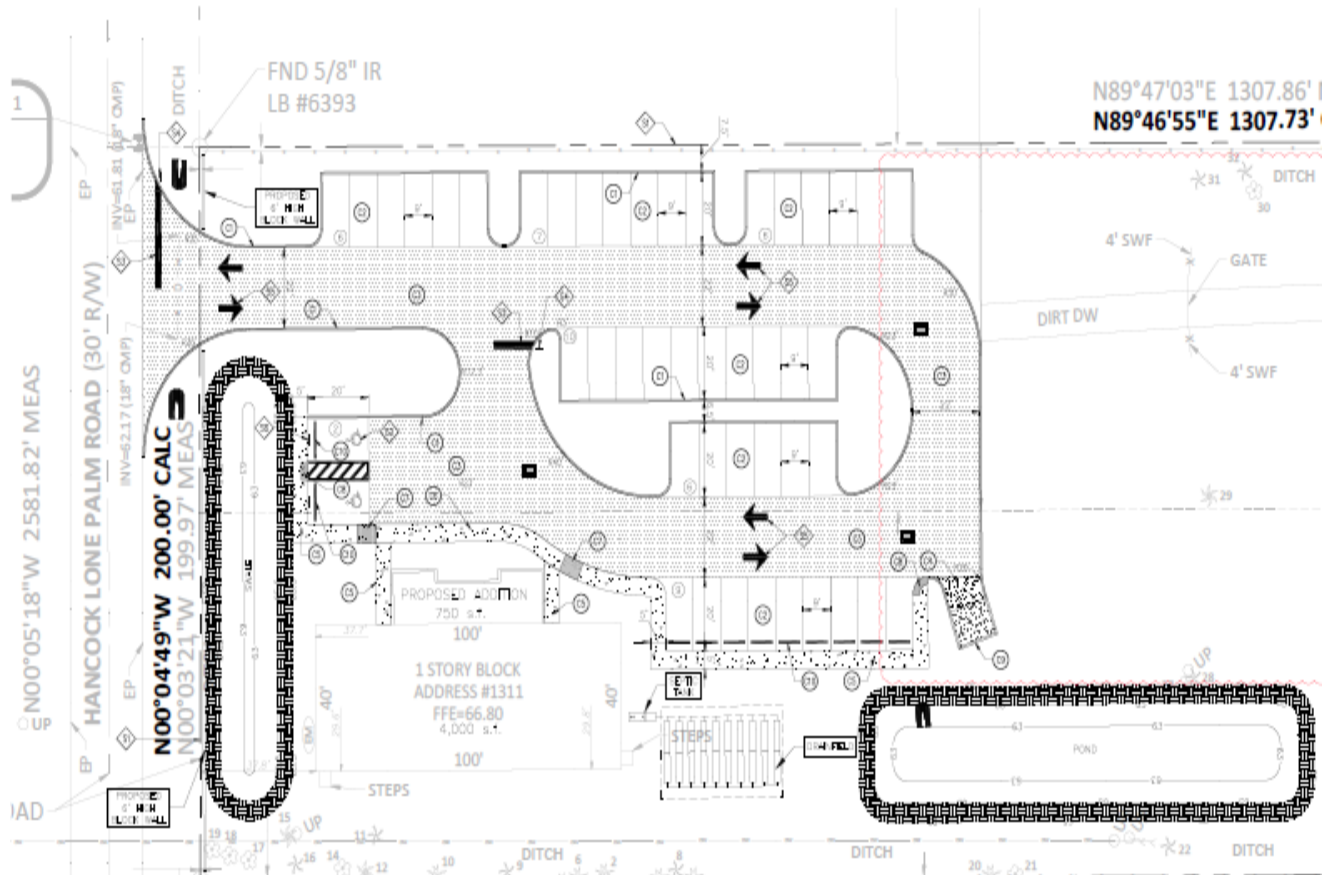
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This aerial map shows a large parcel of land outlined in red, located along Lone Palm Road in Hancocks. The parcel contains several buildings, including a large, dilapidated structure with a corrugated metal roof. An inset map in the upper left corner provides a detailed site plan of the property, showing the layout of the buildings and surrounding areas. The map also includes a scale bar and a north arrow. The surrounding area is densely wooded, and the road is visible on the left side of the image.

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# Site Plan



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# Proposed Elevations



3  
A1 FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

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# Proposed Elevations



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# Existing vs. Proposed Building



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# Residential Uses Permitted by Right

FLUM Designation	General Description	Density
<b>Urban Residential – Urban Service Area</b>		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac
(Amended 8/92, Ord. 92-24, Policy 1.1.11-r)		

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# Residential Uses: Permitted by Right

Sec. 38-77. - Use table.

modified

USE TABLE

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2
		RESIDENTIAL		
Single-family and modular homes with customary accessory uses		Single-family and modular homes with customary accessory uses	1 P	1 P

*Up to 10 residential units are permitted by right on our 6 acres of property.*

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# Residential Uses



Bridgewater Subdivision: 36 Residential Homes



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# Trip Generation Comparison

<b>Trips</b>	<b>Daily</b>	<b>Morning Peak</b>	<b>Evening Peak</b>
<b>Proposed Use</b>	<b>137</b>	<b>8</b>	<b>11</b>
Previous Use	156	10	21
40 Houses	262	20	26
60 Houses	413	29	37

# Criteria for Approval: Section 38-78

- **Use shall be consistent with the Comprehensive Plan**
  - Site is zoned A2 with a FLU of Low-Medium Density Residential. The proposed use is compatible with the existing A2 zoning, but a special exception is required since A2 zoning is not consistent with the existing FLU designation.
- **Use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development**
  - Proposed low intensity use is compatible with the surrounding uses. There is an existing religious institution approx. 400 linear feet to the north., existing landscaping and agricultural businesses along the same roadway, and the Unity Martial Arts center approx. 900 linear feet to the southeast.
- **Use shall not act as a detrimental intrusion into a surrounding area**
  - Site is currently a nursery and related warehousing operations. The proposed use is an enhancement over the existing use as the applicant will retrofit the existing building and not negatively

# Criteria for Approval: Section 38-78

- Use shall meet the performance standards of the district in which the use is permitted
  - The proposed use will be designed to meet the performance standards of the A2 zoning district and other county development standards.
- 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.
  - Proposed use will decrease the production of noise, vibration, dust, glare and heat producing characteristics when compared to the existing use. Activities onsite will be predominately indoors.
- 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.
  - The site has existing landscape buffers on the north and south abutting residential uses. A 6ft masonry wall will be built along the front, a vinyl fence will be installed along the sides of the development, and over 1,000 linear feet of open space and vegetation separate the use from the residential homes to the east.

# Staff Conditions of Approval

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.

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# Staff Conditions of Approval

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.

# Hours of Operation

- The site is not going to be operated continuously throughout the day as it is predominately community program based.
- There are no employees on site.
- Events and programs are only sporadic throughout the week.
- Request to allow operations from 8am to 10pm, with all activities after 8pm being conducted entirely indoors.
- Willing to modify hours for on site programs to not begin during peak traffic hours (i.e. from 7-

# Request

- Approval of a special exception for a religious facility.

# Questions?

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# Approval of Request

- ❑ Only competent or substantial evidence on record proves that the request meets the following special exception criteria:
  - Use is consistent with the Comprehensive Plan
  - Use is similar and compatible with the surrounding area and is consistent with the pattern of surrounding development
  - Use does not act as a detrimental intrusion into a surrounding area
  - Use meets the performance standards of the district in which the use is permitted
  - Use is 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.
  - Landscape buffer yards will 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.

# Controlling Case Law

Unless there is competent and substantial evidence to the contrary, the staff report, traffic report and evidence of record support approval.

- ❑ *Hubbard Construction Co. v. Orange County, Florida (2013-CA-008392-O)*
  - Court found that the BOCC's decision to deny Hubbard's request for the special exception was not supported by competent substantial evidence as the BOCC's decision was only supported by its own opinions and some of the opinions from the public with no evidence.

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# Approval of Soul Quest/ Denial of Current Request

- ❑ *Church of Our Savior v. City of Jacksonville Beach, Fla.*, 13-cv-1346 (M.D. Fla. 2014)
  - To operate in the RS-1 zone, the Church in Jacksonville was required to obtain a CUP
  - 2013, the Church submitted its application to the Planning Department. The Planning Department confirmed the application met all requirements under the City Code and recommended the Planning Commission approve the CUP. However, when the Planning Commission heard the CUP application, it unanimously voted to deny the CUP.
- ❑ The Church filed a federal Religious Land Use and Institutionalized Persons Act (RLUIPA) lawsuit in the Middle District of Florida in November 2013.
- ❑ On November 25, 2014, the court ruled in favor of Church of Our Savior.
  - In particular, the court found the City violated RLUIPA's Equal

# Request

- Approval of a special exception for a religious facility.



# Letters in Opposition

☐ IN FAVOR ☒ OPPOSED

COMMENTS: KEEP TERRORISM OUT - NO TO THIS POLITICAL SYSTEM  
I DON'T WANT THE TROUBLES EUROPE HAS

NAME: JOSEPH F MCKEAN ADDRESS: 2505 SANDALWOOD DRIVE  
PHONE #: 407-831-0738 FERN PARK

## MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY ZONING DIVISION

P.O. BOX 2687

ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-8181 Fax #: (407) 836-9611

E-Mail Address: [BZAnotices@ocfl.net](mailto:BZAnotices@ocfl.net)

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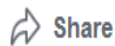
# Letters in Opposition



**Michael Johnson**

January 14 at 8:21pm · 🌐

Afghanistan will never see war ending unless the mosques and Jihadists material is replaced with new ideologies. We are wasting our blood and money. Its the quranic teachings that are causing the evil. Need secular publishers to rewrite and include the glorious history of that country before Islamists took over. If that isnt done....it will never will end and Laura Logan on 60 minutes wearing a burqa shows how that fact.



1



**Jihad Watch**

Community



**Michael Johnson** shared Eliyokim Cohen's post.

January 12 at 3:17pm · 🌐



**Eliyokim Cohen** shared a link to the group: **Tea Party**.

January 12 at 10:38am · 🌐

BOOOOOM!



**BYE BYE MUSLIMS: Switzerland Rejects Citizenship Bids Of Residents Who Were Once On Welfare – Islamic Refugees Are The Intended Target**

JEWSNEWS.CO.IL