

# Exhibit A



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 xception 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.

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