

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A CHURCH AND ATTENDANT FACILITIES ON PROPERTY ZONED A-5 (RURAL ZONING CLASSIFICATION); (CORNERSTONE CHURCH OF ORLANDO / DAVID DOWNS / JIM DAUGHTRY, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date <u>01-24-05</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Public Hearing – 6:00 <input checked="" type="checkbox"/>
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MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A CHURCH AND ATTENDANT FACILITIES ON PROPERTY ZONED A-5 (RURAL ZONING CLASSIFICATION); (CORNERSTONE CHURCH OF ORLANDO / DAVID DOWNS / JIM DAUGHTRY, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A CHURCH AND ATTENDANT FACILITIES ON PROPERTY ZONED A-5 (RURAL ZONING CLASSIFICATION); (CORNERSTONE CHURCH OF ORLANDO / DAVID DOWNS / JIM DAUGHTRY, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	CORNERSTONE CHURCH OF ORLANDO, DAVID DOWNS, JIM DAUGHTRY, APPLICANTS WILLINGHAM ROAD CHULUOTA, FL	A-5 DISTRICT
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO BUILD A 7,800 SF CHURCH FOR APPROXIMATELY 225 OCCUPANTS ON A 4.88 ACRE SITE. • THE SITE IS LOCATED IN THE A-5 DISTRICT, WHICH ONLY ALLOWS CHURCHES BY SPECIAL EXCEPTION. • ON FEBRUARY 25, 2002, THE BOA DENIED A REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A CHURCH ON THE SUBJECT PROPERTY. • THE SIZE OF THE PROPOSED CHURCH WAS SUBSEQUENTLY REDUCED FROM 12,000 SF TO 7,800 SF AND AGAIN DENIED A SPECIAL EXCEPTION BY THE BOARD OF ADJUSTMENT ON MAY 19, 2003. 	

	<ul style="list-style-type: none"> ON JULY 22, 2003, THE BOARD OF COUNTY COMMISSIONERS REVERSED THE BOARD OF ADJUSTMENT'S DECISION AND GRANTED A SPECIAL EXCEPTION FOR A CHURCH AND ATTENDANT FACILITIES IN ACCORDANCE WITH THE ATTACHED SITE PLAN. THE CURRENT PROPOSAL IS IDENTICAL TO THE PLAN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS. 																								
<p>ZONING & FLU</p>	<table border="1"> <thead> <tr> <th>DIRECTION</th> <th>EXISTING ZONING</th> <th>EXISTING FLU</th> <th>USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td>SITE</td> <td>A-5</td> <td>RURAL-5</td> <td>VACANT</td> </tr> <tr> <td>NORTH</td> <td>A-5</td> <td>RURAL-5</td> <td>VACANT</td> </tr> <tr> <td>SOUTH</td> <td>A-5</td> <td>RURAL-5</td> <td>RESIDENTIAL</td> </tr> <tr> <td>EAST</td> <td>A-5</td> <td>RURAL-5</td> <td>VACANT</td> </tr> <tr> <td>WEST</td> <td>A-5</td> <td>RURAL-5</td> <td>RESIDENTIAL & VACANT</td> </tr> </tbody> </table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	A-5	RURAL-5	VACANT	NORTH	A-5	RURAL-5	VACANT	SOUTH	A-5	RURAL-5	RESIDENTIAL	EAST	A-5	RURAL-5	VACANT	WEST	A-5	RURAL-5	RESIDENTIAL & VACANT
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<p>SITE CONDITIONS</p>	<p><u>WATER & SEWER SERVICE:</u></p> <p>THE SITE IS LOCATED IN THE COUNTY'S EAST RURAL AREA, WHERE CENTRAL WATER & SEWER REQUIREMENTS DO NOT APPLY. WITHOUT THE ABILITY TO CONNECT TO A CENTRAL WATER SUPPLY, THE SITE WOULD REQUIRE AN ELEVATED WATER STORAGE TANK, INDOOR SPRINKLERS, AND A PUMP SYSTEM TO PROVIDE ADEQUATE FIRE SUPPRESSION.</p> <p><u>ROAD ACCESS:</u></p> <p>ACCESS IS PROPOSED FROM WILLINGHAM ROAD, WHERE EXISTING ROAD CAPACITY EXISTS, AS EXPLAINED ELSEWHERE IN THIS REPORT.</p> <p><u>STORMWATER:</u></p> <p>THERE IS NO DEFINED DRAINAGE SYSTEM IN THE AREA, AND THE SITE WOULD BE REQUIRED TO RETAIN THE 100 YEAR STORM EVENT UNLESS A DEFINED, POSITIVE AND LEGAL OUTFALL IS DETERMINED; DRAINAGE FOR THE SITE OTHERWISE APPEARS TO FLOW TOWARD THE COUNTY'S RIGHT-OF-WAY.</p> <p><u>NATURAL RESOURCES:</u></p> <p>A GOPHER TORTOISE HABITAT HAS BEEN OBSERVED ON THE SITE. A LISTED SPECIES SURVEY WOULD BE REQUIRED TO ADDRESS THE POTENTIAL FOR GOPHER TORTOISES ON THE SITE. EAGLE NEST #SE053 IS LOCATED WITHIN A MILE OF THE SITE. A LETTER FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION WOULD</p>																								

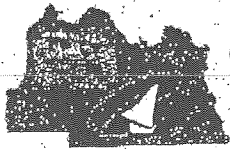
	<p>BE REQUIRED TO CONFIRM THE LOCATION OF THIS NEST AND THE REQUIREMENTS FOR DEVELOPING THIS SITE WITH RESPECT TO THE SAME.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</p>	<p>THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>THE PROPOSED CHURCH, WHICH WOULD INCLUDE A 225 SEAT SANCTUARY, EDUCATIONAL CENTER AND OFFICE ARE SPECIAL EXCEPTION USES IN THE A-5 DISTRICT. TO ENSURE CONSISTENCY WITH THE GENERAL ZONING PLAN OF THE A-5 DISTRICT AND PROTECT THE CHARACTER OF THE AREA, THE BOARD OF ADJUSTMENT MAY IMPOSE REASONABLE RESTRICTIONS AND CONDITIONS.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>THE SITE HAS FRONTAGE ON WILLINGHAM & OLD CHULUOTA ROAD; THE PROPOSED SITE PLAN SHOWS SINGLE DRIVEWAY ACCESS FROM WILLINGHAM ROAD.</p> <p>A 7,800 SF CHURCH WOULD GENERATE AN AVERAGE OF 9.37 TRIPS PER 1,000 SF OF GROSS FLOOR AREA DURING PEAK HOUR ON SUNDAY AND AN AVERAGE OF 9.32 TRIPS PER 1,000 SF OF GROSS FLOOR AREA ON A WEEKDAY. IN SUM, A CHURCH OF THE SIZE PROPOSED WOULD GENERATE AN AVERAGE OF 75 TRIPS DURING PEAK HOUR ON SUNDAY AND UP TO 73 TRIPS ON A WEEKDAY.</p> <p>THE TRAFFIC ENGINEERING DIVISION HAS DETERMINED THERE ARE APPROXIMATELY 445 DAILY TRIPS ON THE SECTION OF WILLINGHAM ROAD ABUTTING THE SITE. THE PROPOSED CHURCH WOULD INCREASE THE AVERAGE DAILY TRAFFIC VOLUME UP TO 520 TRIPS.</p> <p>THE SECTION OF WILLINGHAM ROAD ADJACENT TO THE SUBJECT PROPERTY IS CLASSIFIED AS A <i>RURAL LOCAL ROADWAY</i> WITH A LEVEL OF SERVICE (LOS) "A" AND A CAPACITY OF 2,250 TRIPS PER DAY. INCLUDING THE TRIPS THAT WOULD RESULT FROM THE PROPOSED CHURCH, THE SERVICE DEMAND WOULD REMAIN BELOW EXISTING ROAD CAPACITY.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020</u></p>

	<p><u>COMPREHENSIVE PLAN:</u></p> <p>THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES RURAL-5 FUTURE LAND USE AS AN APPROPRIATE CATEGORY FOR INSTITUTIONAL FACILITIES SUCH AS CHURCHES. WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED CHURCH AND ATTENDANT FACILITIES WOULD BE CONSISTENT WITH THIS DESCRIPTION.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE A-5 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>WITHIN THE A-5 DISTRICT, CHURCHES ARE PERMITTED BY SPECIAL EXCEPTION. WITH THE IMPOSITION OF THE RECOMMENDED CONDITIONS, STAFF DOES NOT BELIEVE THE PROPOSED USE WOULD ADVERSELY IMPACT SURROUNDING DEVELOPMENT.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 DISTRICT</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-5 DISTRICT UPON MAKING FINDINGS OF FACT, IN ADDITION TO THOSE REQUIRED BY SECTION 30.43(B)(2) OF THE LAND DEVELOPMENT CODE, THAT THE USE:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE RURAL ZONING CLASSIFICATIONS:</u></p> <p>THE PROPOSED USE WOULD BE CONSISTENT WITH THE CONCEPT OF LOW-DENSITY, RURAL LAND USE WITH THE IMPOSITION OF THE CONDITIONS RECOMMENDED BY STAFF IN THIS REPORT.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE AND IS COMPATIBLE WITH THE CONCEPT OF LOW DENSITY RURAL LAND USE:</u></p> <p>THE PROPOSED USE IS NOT HIGHLY INTENSIVE IN NATURE, AS THE SANCTUARY PROPOSES TO SEAT NO MORE THAN 225 PEOPLE.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF PUBLIC SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>THE SUBJECT PROPERTY IS SERVED BY BOTH WELL AND</p>

	<p>SEPTIC SYSTEMS. OTHER COUNTY SERVICES, INCLUDING EMERGENCY SERVICES AND GARBAGE DISPOSAL, ARE AVAILABLE TO THE SITE.</p>
<p>FINDINGS</p>	<ul style="list-style-type: none"> • THE PROPOSED USE IS NOT HIGHLY INTENSIVE IN NATURE, AS THE SANCTUARY PROPOSES TO SEAT NO MORE THAN 225 PEOPLE. • THE PROPOSED USE WOULD BE CONSISTENT WITH THE CONCEPT OF LOW-DENSITY, RURAL LAND USE WITH THE IMPOSITION OF THE RECOMMENDED CONDITIONS. • PURSUANT TO THE COUNTY'S COMPREHENSIVE PLAN, A MINIMUM LEVEL OF SERVICES AND FACILITIES WOULD BE REQUIRED FOR THE DEVELOPMENT OF THIS PROPERTY AS A CHURCH. • THE BOARD OF COUNTY COMMISSIONERS APPROVED THE PROPOSED SITE PLAN IN JULY 2003 WITH THE CONDITIONS ENUMERATED IN THIS REPORT; FAILURE OF THE APPLICANTS TO SECURE A DEVELOPMENT PERMIT WITHIN A YEAR THEREAFTER ANNULED THAT APPROVAL. • THE IDENTIFIED SITE ISSUES WOULD BE ADDRESSED DURING FINAL SITE PLAN REVIEW.
<p>STAFF RECOMMENDATION</p>	<ul style="list-style-type: none"> • STAFF HAS CONDUCTED A THOROUGH REVIEW OF WATER, SEWER, TRAFFIC, STORMWATER, AND NATURAL RESOURCE ISSUES ASSOCIATED WITH THE PROPOSED DEVELOPMENT. STAFF HAS ALSO CONSIDERED THE APPLICABILITY OF THE <u>RELIGIOUS LAND USE & INSTITUTIONALIZED PERSONS ACT (RLUIPA)</u> AND FLORIDA'S <u>RELIGIOUS FREEDOM RESTORATION ACT (RFRA)</u>. • AS PREVIOUSLY STATED IN THIS REPORT, STAFF BELIEVES THE PROPOSED CHURCH WOULD BE CONSISTENT WITH THE TREND OF RURAL DEVELOPMENT IN THE AREA, WITH THE IMPOSITION OF THE FOLLOWING CONDITIONS (WHICH ARE INCLUSIVE OF THOSE IMPOSED BY THE BOARD OF COUNTY COMMISSIONERS WHEN THE PROPOSED SITE PLAN WAS APPROVED ON JULY 22, 2003 AS HIGHLIGHTED BELOW): <ul style="list-style-type: none"> ○ THE MAXIMUM SQUARE FOOTAGE OF THE PROPOSED BUILDINGS SHALL NOT EXCEED A TOTAL OF 7,800 SQUARE FEET. ○ ACCESS SHALL BE PROVIDED FROM SNOW HILL ROAD IF DETERMINED FEASIBLE DURING FINAL SITE PLAN REVIEW; OTHERWISE, IT SHALL BE PROVIDED FROM WILLINGHAM ROAD. ○ PROPOSED DEVELOPMENT SHALL ADHERE TO THE CHULUOTA NON-RESIDENTIAL DESIGN STANDARDS, WHEREBY BUILDINGS SHALL HAVE PITCHED METAL ROOFS; WINDOWS SHALL BE PROVIDED ON ALL BUILDING SIDES; BUILDINGS SHALL BE CONSTRUCTED OF STUCCO, BRICK OR WOOD FINISHES IN MUTED COLORS; PAVING SHALL BE LIMITED TO HANDICAPPED

	<p>SPACES ONLY; AND SIGNAGE SHALL BE LIMITED IN HEIGHT AND LOCATION IN SQUARE FOOTAGE AS PROVIDED IN THE DESIGN STANDARDS.</p> <ul style="list-style-type: none">○ RETENTION PONDS SHALL BE MEANDERED TO APPEAR NATURAL IN APPEARANCE AND NOT RECTANGULAR; IF THE PONDS NEED TO BE FENCED FOR SAFETY REASONS, A WOODEN BOARD FENCE SHALL BE PROVIDED.○ LIGHTING SHALL BE PERMITTED TO OPERATE AFTER SUNSET WHEN EVENTS ARE CONDUCTED OR SERVICES ARE CONDUCTED AND SHALL BE TURNED OFF IMMEDIATELY FOLLOWING THE EVENT OR SERVICES; MOTION SECURITY LIGHTING SHALL OTHERWISE BE PERMITTED FOR SECURITY.○ PLAYGROUNDS SHALL BE LOCATED AS FAR AWAY AS PRACTICAL FROM RESIDENTIAL DEVELOPMENT.○ A 100-FEET BUILDING SETBACK, IN COMBINATION WITH A 25-FEET NATURAL BUFFER SHALL BE PROVIDED ON THE NORTHERN AND EASTERN EDGES OF THE PROPERTY.○ A FIRE SUPPRESSION SYSTEM, INDEPENDENT OF CENTRAL WATER AND SEWER, SHALL BE REQUIRED TO PROVIDE ADEQUATE FIRE PROTECTION.○ THE FINAL SITE PLAN SHALL OTHERWISE MEET THE APPLICABLE REQUIREMENTS OF THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.● STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST FOR SPECIAL EXCEPTION BASED ON THE FINDINGS PRESENTED AND SUBJECT TO THE CONDITIONS ENUMERATED ABOVE.● IF THE BOARD SHOULD DECIDE TO DENY THIS REQUEST, THE FINDINGS UPON WHICH SUCH A DECISION IS BASED SHOULD FURTHER "A COMPELLING GOVERNMENTAL INTEREST" AND CONSTITUTE THE "LEAST RESTRICTIVE MEANS" OF DOING SO. THE BOARD MAY WANT TO CONSIDER PUBLIC HEALTH AND SAFETY CONCERNS AS COMPELLING GOVERNMENTAL INTERESTS.
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ATTACHMENTS: SPECIAL EXCEPTION APPLICATION
PROPOSED SITE PLAN
PROPERTY APPRAISER'S REPORT
LOCATION MAP
CORRESPONDENCE
SUPPORTING DOCUMENTATION
PROPOSED DEVELOPMENT ORDER
MINUTES FROM JULY 22, 2003 BCC MEETING



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

PLANNING DIVISION
FIRST STREET
SANFORD, FL 32771

DEC 02 2004

(407) 665-7444 PHONE (407) 665-7385 FAX APPL NO.

BS 2004-033

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- VARIANCE**
- SPECIAL EXCEPTION** Establish a church
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING MOBILE HOME PROPOSED YEAR**
- REPLACEMENT MOBILE HOME SIZE OF MOBILE HOME**
- ANTICIPATED TIME MOBILE HOME IS NEEDED**
- PLAN TO RELOCATE MOBILE HOME YES / NO / IF SO WHEN**
- MEDICAL HARDSHIP** YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Cornerstone Church of Orlando Florida Inc.	David Downs
ADDRESS	3840 Drake Picket Ct. Orlando FL 32820	
PHONE 1	407-568-2688	
PHONE 2		
E-MAIL		

PROJECT NAME: Cornerstone Church of Orlando

SITE ADDRESS: 275 Wilingham Rd (Address not assigned) Tax ID 20-21-32-301-0040-0000

CURRENT USE OF PROPERTY: None - Vacant

LEGAL DESCRIPTION: Sec 20 Twp 21 S Range 32 E S 366.5 ft of E 1/2 of W 1/2 of NE 1/4 (Less roads)

SIZE OF PROPERTY: 4.884 acre(s) PARCEL I.D. 20-21-32-301-0040-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 1/1 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

David B. Downs 12/2/04
 SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2
VARIANCE 3
VARIANCE 4
VARIANCE 5
VARIANCE 6
VARIANCE 7

APPEAL FROM BOA DECISION TO ECC

APPELLANT INFORMATION

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL

APPELLANT SIGNATURE

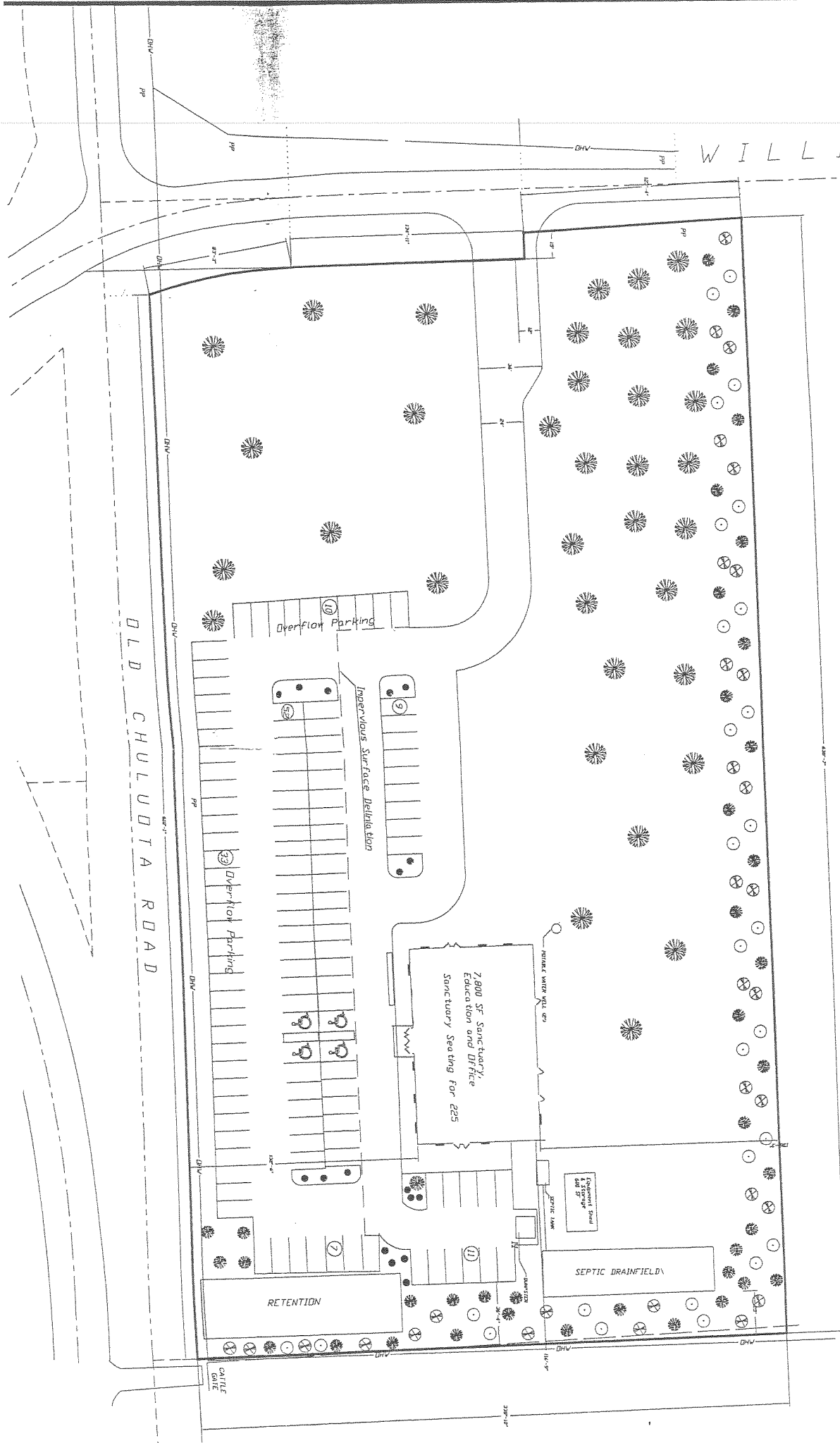
FOR OFFICE USE ONLY

PROCESSING		
FEE(S)	COMMISSION DISTRICT	FLL/ZONING <u>R-5/A-5</u>
ECC HEARING DATE	BOA APPEAL	
LOCATION FURTHER DESCRIBED AS		
PLANNING ADVISOR		DATE
SUFFICIENCY COMMENTS		

WILLINGHAM

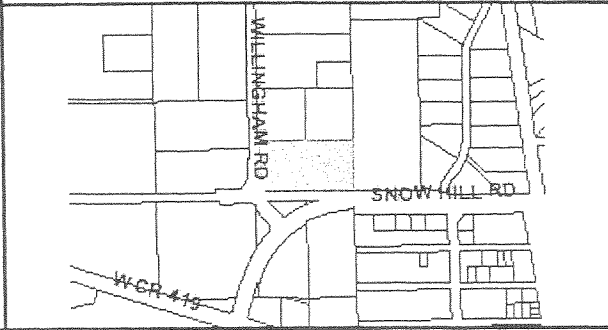
OLD CHULLUOTA ROAD

PARKING
 1 Code requirement (per Section 301221) parking = 1 space per 5 sanctuary
 seats = 45 spaces
 Parking as shown = 79 (4 HANDICAP) + 43 Overflow = 122
 Estimated Total Impervious Surface 36,767.5sf (17%)





Seminole County
Property Appraiser Services
 1101 E. First St.
 Sanford FL 32771
 407-665-7506



GENERAL

Parcel Id: 20-21-32-301-0040-0000 Tax District: 01-COUNTY-TX DIST 1
 Owner: CHURCH CORNERSTONE OF ORLANDO Exemptions:
 Own/Addr: FLORIDA INC
 Address: 3840 LAKE PICKETT CT
 City,State,ZipCode: ORLANDO FL 32820
 Property Address: WILLINGHAM DR
 Facility Name:
 Dor: 99-ACREAGE NOT AGRICULT

2005 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	0
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$82,960
Land Value Ag:	\$0
Just/Market Value:	\$82,960
Assessed Value (SOH):	\$82,960
Exempt Value:	\$0
Taxable Value:	\$82,960

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	09/2002	04543	1666	\$92,300	Vacant
WARRANTY DEED	01/1975	01057	1922	\$48,000	Vacant

Find Comparable Sales within this DOR Code

2004 VALUE SUMMARY

2004 Tax Bill Amount:	\$1,402
2004 Taxable Value:	\$82,960

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

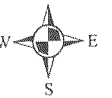
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	4.880	17,000.00	\$82,960

LEGAL DESCRIPTION

SEC 20 TWP 21S RGE 32E S 366.5 FT OF E 1/2 OF W 1/2 OF NE 1/4 (LESS RDS)

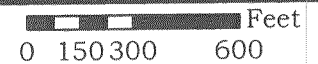
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
 *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

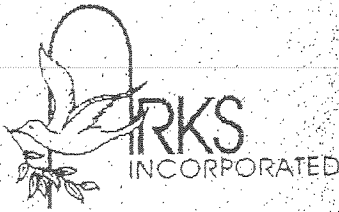
Cornerstone Church of Orlando 275 Willingham Road



Parcel: 20-21-32-301-0040-0000 / District: 1

BS2004-033
JANUARY 24, 2005





Thursday, December 02, 2004

Design Review Committee/Board of Adjustments
Seminole County Planning & Development Department
1101 East First Street
Sanford, FL 32771
407-665-7444

Re: Cornerstone Church of Orlando Inc

We are submitting an application for Special Exception for the referenced project to be reviewed on the January 24th meeting. The following are in reply to your Application Process & Requirements Section 1.4 ADDITIONAL SUBMITTAL REQUIREMENTS:

- A. As so named, this will be a church facility.
- B. Setbacks are planned for min. 100ft. from property lines. No buildings exist on the property.
- C. See Site Plan
- D. See Site Plan
- E. The building has not been detailed, but will be typical of a church.
- F. Corner of Willingham Rd and Show Hill Rd.
- G. To-Be-Determined – according to zoning requirements
- H. None known. Developing Consultant Arks Incorporated is presently interviewing site designers to detail the site plan and determine on site conditions.
- I. The facility will be in use at the typical church meeting times – Sunday mornings and weekday evenings.
- J. The church will be designed for an occupancy of between 200 to 300 people.
- K. Outdoor lighting to be 16 feet tall, cutoff/shoebox style.
- L. See J. above.

Please feel free to consult with Arks Incorporated for any additional information or questions.

Sincerely,

Jimmy Daughtry
Arks Incorporated
6118 St. Giles St., Suite 130
Raleigh, NC 27612
919-785-9737

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS

42 USCA § 2000cc

§ 2000cc. Protection of land use as religious exercise

(a) Substantial burdens

(1) General rule

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application

This subsection applies in any case in which--

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) Discrimination and exclusion

(1) Equal terms

No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) Nondiscrimination

No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits

No government shall impose or implement a land use regulation that--

- (A) totally excludes religious assemblies from a jurisdiction; or
- (B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

§ 2000cc-1. Protection of religious exercise of institutionalized persons

(a) General rule

No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person--

- (1) is in furtherance of a compelling governmental interest; and
- (2) is the least restrictive means of furthering that compelling governmental interest.

(b) Scope of application

This section applies in any case in which--

- (1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or
- (2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

§ 2000cc-2. Judicial relief

(a) Cause of action

A person may assert a violation of this chapter as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under Article III of the Constitution.

(b) Burden of persuasion

If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2000cc of this title, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.

(c) Full faith and credit

Adjudication of a claim of a violation of section 2000cc of this title in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(d) Omitted

(e) Prisoners

Nothing in this chapter shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) Authority of United States to enforce this chapter

The United States may bring an action for injunctive or declaratory relief to enforce compliance with this chapter. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) Limitation

If the only jurisdictional basis for applying a provision of this chapter is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

§ 2000cc-3. Rules of construction

(a) Religious belief unaffected

Nothing in this chapter shall be construed to authorize any government to burden any religious belief.

(b) Religious exercise not regulated

Nothing in this chapter shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) Claims to funding unaffected

Nothing in this chapter shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this chapter may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) Other authority to impose conditions on funding unaffected

Nothing in this chapter shall--

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other

assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this chapter.

(e) Governmental discretion in alleviating burdens on religious exercise

A government may avoid the preemptive force of any provision of this chapter by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) Effect on other law

With respect to a claim brought under this chapter, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this chapter.

(g) Broad construction

This chapter shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution.

(h) No preemption or repeal

Nothing in this chapter shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this chapter.

(i) Severability

If any provision of this chapter or of an amendment made by this chapter, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, the amendments made by this chapter, and the application of the provision to any other person or circumstance shall not be affected.

§ 2000cc-4. Establishment Clause unaffected

Nothing in this chapter shall be construed to affect, interpret, or in any way address that portion of the First Amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the "Establishment Clause"). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this chapter. In this section, the term "granting", used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

§ 2000cc-5. Definitions

In this chapter:

(1) Claimant

The term "claimant" means a person raising a claim or defense under this chapter.

(2) Demonstrates

The term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion.

(3) Free Exercise Clause

The term "Free Exercise Clause " means that portion of the First Amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) Government

The term "government"--

(A) means--

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 2000cc-2(b) and 2000cc-3 of this title, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) Land use regulation

The term "land use regulation" means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) Program or activity

The term "program or activity" means all of the operations of any entity as described in paragraph (1) or (2) of section 2000d-4a of this title.

(7) Religious exercise

(A) In general

The term "religious exercise" includes any exercise of religion, whether or not

compelled by, or central to, a system of religious belief.

(B) Rule

The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

Below is the Religious Freedom Restoration Act that was adopted in Florida which can serve as a model for other states. Please take this to your state legislator if your state does not already have a RFRA.

"Religious Freedom Restoration Act" Sample State Legislation

Short Title

This act may be cited as the "Religious Freedom Restoration Act."

Preamble:

"WHEREAS, it is the finding of the Legislature that the framers of the State Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the State Constitution, and

"WHEREAS, laws which are "neutral" toward religion may burden the free exercise of religion as surely as laws intended to interfere with the free exercise of religion, and

"WHEREAS, governments should not substantially burden the free exercise of religion without compelling justification, and

"WHEREAS, the compelling interest test as set forth in certain federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests, and

"WHEREAS, it is the intent of the Legislature of the State to establish the compelling interest test as set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963), and *Wisconsin v. Yoder*, 406 U.S. 205 (1972), to guarantee its application in all cases where free exercise of religion is substantially burdened, and to provide a claim or defense to persons whose religious exercise is substantially burdened by government, NOW, THEREFORE."

Definitions

As used in this act:

(1) "Government" or "state" includes any branch, department, agency, instrumentality, or official or other person acting under color of law of the state, a county, special district, municipality, or any other subdivision of the state.

(2) "Demonstrates" means to meet the burden of going forward with the evidence and of persuasion.

(3) "Exercise of religion" means an act or refusal to act that is substantially motivated by a religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

761.03. Free exercise of religion protected

(1) The government shall not substantially burden a person's exercise of religion, even if the burden

results from a rule of general applicability, except that government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person:

- (a) Is in furtherance of a compelling governmental interest; and
- (b) Is the least restrictive means of furthering that compelling governmental interest.

(2) A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief.

Attorney's fees and costs

The prevailing party in any action or proceeding to enforce a provision of this act is entitled to reasonable attorney's fees and costs to be paid by the government.

Applicability; construction

(1) This act applies to all state law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this act.

(2) State law adopted after the date of the enactment of this act is subject to this act unless such law explicitly excludes such application by reference to this act.

(3) Nothing in this act shall be construed to authorize the government to burden any religious belief.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 20 TWP 21S RGE 32E S 366.5 FT OF E 1/2 OF W 1/2 OF NE 1/4 (LESS RDS)

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: CORNERSTONE CHURCH OF ORLANDO
2333 DONEGAN PLACE
ORLANDO, FL 32826

Project Name: CORNERSTONE CHURCH

Requested Development Approval:

SPECIAL EXCEPTION TO ESTABLISH A CHURCH AND ATTENDANT FACILITIES AT THE NORTHEAST CORNER OF WILLINGHAM ROAD AND OLD CHULUOTA ROAD, ON PROPERTY ZONED A-5 (RURAL ZONING CLASSIFICATION)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. THE MAXIMUM SQUARE FOOTAGE OF THE PROPOSED BUILDINGS SHALL NOT EXCEED A TOTAL OF 7,800 SQUARE FEET.
2. ACCESS SHALL BE PROVIDED FROM SNOW HILL ROAD IF DETERMINED FEASIBLE DURING FINAL SITE PLAN REVIEW; OTHERWISE, IT SHALL BE PROVIDED FROM WILLINGHAM ROAD.
3. PROPOSED DEVELOPMENT SHALL ADHERE TO THE CHULUOTA NON-RESIDENTIAL DESIGN STANDARDS, WHEREBY BUILDINGS SHALL HAVE PITCHED METAL ROOFS; WINDOWS SHALL BE PROVIDED ON ALL BUILDING SIDES; BUILDINGS SHALL BE CONSTRUCTED OF STUCCO, BRICK OR WOOD FINISHES IN MUTED COLORS; PAVING SHALL BE LIMITED TO HANDICAPPED SPACES ONLY; AND SIGNAGE SHALL BE LIMITED IN HEIGHT AND LOCATION IN SQUARE FOOTAGE AS PROVIDED IN THE DESIGN STANDARDS.
4. RETENTION PONDS SHALL BE MEANDERED TO APPEAR NATURAL IN APPEARANCE AND NOT RECTANGULAR; IF THE PONDS NEED TO BE FENCED FOR SAFETY REASONS, A WOODEN BOARD FENCE SHALL BE PROVIDED.
5. LIGHTING SHALL BE PERMITTED TO OPERATE AFTER SUNSET WHEN EVENTS ARE CONDUCTED OR SERVICES ARE CONDUCTED AND SHALL BE TURNED OFF IMMEDIATELY FOLLOWING THE EVENT OR SERVICES; MOTION SECURITY LIGHTING SHALL OTHERWISE BE PERMITTED FOR SECURITY.
6. PLAYGROUNDS SHALL BE LOCATED AS FAR AWAY AS PRACTICAL FROM RESIDENTIAL DEVELOPMENT.
7. A 100-FEET BUILDING SETBACK, IN COMBINATION WITH A 25-FEET NATURAL BUFFER SHALL BE PROVIDED ON THE NORTHERN AND EASTERN EDGES OF THE PROPERTY.
8. A FIRE SUPPRESSION SYSTEM, INDEPENDENT OF CENTRAL WATER AND SEWER, SHALL BE REQUIRED TO PROVIDE ADEQUATE FIRE PROTECTION.
9. THE FINAL SITE PLAN SHALL OTHERWISE MEET THE APPLICABLE REQUIREMENTS OF THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, CORNERSTONE CHURCH OF ORLANDO, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Trustee

Witness

Trustee

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Insert Name who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

units, preserving additional open space to the east edge of the property adjacent to the road, saving the hardwood 8" trees at the front of the property, reduce the number of lots in front, having no two-story homes adjacent to the east edge of the property, and a conservation easement south of the railroad tracks.

Motion by Commissioner Maloy, seconded by Commissioner Van Der Weide to adopt Ordinance 2003-32, as shown on page 1897, rezoning to PUD, project located on the west side of Hester Avenue, ¼ mile south of CR 427, as described in the proof of publication, Jim Cooper, subject to the conditions outlined by the District Commissioner.

Districts 1, 3, 4 and 5 voted AYE.

Commissioner Morris voted NAY.

Chairman McLain recessed the meeting at 8:10 p.m., reconvening at 8:22 p.m.

APPEAL AGAINST BOARD OF ADJUSTMENT/Cornerstone Church

Proof of publication, as shown on page 1858, calling for a public hearing to consider an Appeal against the Board of Adjustment's (BOA) decision in denying a Special Exception for the establishment of a church and attendant facilities; located on the northeast corner of Willingham Road and Old Chuluota Road, A-5 (Rural Zoning Classification) Cornerstone Church of Orlando, received and filed.

Earnest McDonald, Planning, addressed the Board to state the applicant proposes to build a 7,800 sq. ft. church on a 4.88-acre site. The property is currently vacant and it has A-5 zoning and Rural 5 Land Use. He stated A-5 zoning surrounds this property as well as Rural 5 Future Land Use. The BOA

denied this request on 5/19/03 as well as a similar request on 2/25/02 for a larger church facility. Staff recommends that the Board reverse the BOA's decision and approve the Special Exception request.

Upon inquiry by Commissioner Maloy, Mr. McDonald advised staff is recommending an entranceway be formed as a T-intersection as this will lessen the potential impact to the residential properties to the north of this site.

Upon inquiry by Commissioner Henley, Mr. McDonald advised that the BOA's findings were based on the residents speaking in opposition had a right to determine the character of their area.

Upon inquiry by Commissioner Maloy, Mr. McDonald advised that part of the parking area is paved and the rest is overflow parking.

Steve Anderson, 1617 Sultan Circle, addressed the Board to request those individuals in the audience supporting the special exception to stand and over 15 people stood favoring the request. He stated he is here to build a church so that they can have church services and Sunday school classes, etc. They were planning to build Phase I with a potential Phase II, totaling 19,000 sq. ft. The site plan has been reduced by 59% to about 7,800 sq. ft. Based on their current attendance and classes, they need about 7,000 sq. ft. He displayed a site plan and stated he has heard from the residents that they are going to ruin the residential area. What they are going to do is build on the very edge of Willingham Road. He displayed an aerial (received and filed) of the proposed property on CR 419 looking down Snow Hill Road. The church will not be in the middle of a bunch of houses. The traffic pattern was going to be an issue and the Traffic Engineers indicated that the traffic

on Willingham Road during peak time will be from 20% to 23%. The people attending this church are going to get to the quickest access. The last issue raised was the possibility of incompatibility with the annexation and development of the public shopping center, which was voted down. Another issue of concern was stormwater and the County Engineers felt that they would either tie into a stormwater system that the County would put in place to correct the situation or a 100-year flood litigation on site will have to be done. The BOA felt that the neighbors had a right to determine whether or not there should be a church in the neighborhood. The problem with that is it failed to provide a basis for a compelling interest on the part of the government to give reason why it should be denied. The BOA also indicated that they had to show significant reasons for denial.

Upon inquiry by Commissioner Morris, Mr. Anderson advised at this time there is not a Phase II in the plan and they are not planning a school for the site. He said while the Chuluota design standards do not apply to churches, he does not have a problem with things that make it a rural church. He added that they are in general agreement with the design standards.

Attorney Eric Stanley addressed the Board to speak with regard to the federal and state requirements relating to churches and zoning. He stated no substantial burden may be imposed upon a church through an application of a zoning law. What this means is a church must prove that a denial of zoning is a substantial burden on the church. In order to deny a church zoning, there would have to be a compelling interest demonstrated. If a compelling interest is shown, it has to be shown that it is being advanced in the least restrictive means

possible. Therefore, the compelling interest has to be done as opposed to outright denial. If there is some kind of interest, there is a least restrictive way of advancing that interest than an outright denial. The Board will have to look at the particular zoning classification, what uses are allowed there and whether or not the churches are treated equally with those uses. Churches have to go by special exception and schools are a second assembly use. He said he feels that approving the special exception can alleviate the burden on the church. He stated the Florida RFRA is a state law and it imposes the same type of restrictions as RLUIPA. Under basic zoning laws, there was no competent standard evidence that demonstrated that the church is detrimental to the character of the area or is inconsistent with the trends of development in the area. It doesn't have an adverse impact on traffic and it is consistent with the Comp Plan.

Dr. David Downs, 3840 Lake Pickett Court, addressed the Board to state he is the founding pastor of Cornerstone Church. The first phase is very simple and they want to be a good neighbor. There are going to be a lot of new homes coming along Willingham Road and a lot of those residents will want a church.

Upon inquiry by Commissioner Maloy, Dr. Downs advised the church currently has been meeting at the YMCA. He stated they have met at apartment complexes clubhouses, homes and day care centers. Every time they had to move, they would lose members due to not having a place near them to worship.

Upon further inquiry by Commissioner Maloy, Dr. Downs advised they have not had any complaints from the areas they had services. He stated the congregation cleaned up after the services and the renters were very happy with them.

Upon inquiry by Commissioner Morris, Dr. Downs advised their church is affiliated with the Conservative Baptist Association (CBA). He stated his church started as a pioneer plant and the CBA didn't have any churches in Orlando. His church would minister in Winter Park, Goldenrod and Dean Road and whenever the church would move, they would lose most of their congregation from these areas.

Thomas Rogers, 1137 Oropesa Ave., addressed the Board to state he supports building a church on the proposed site. He stated in 1995 he was a crack cocaine drug addict and Cornerstone Church has helped turn him around to get straight.

Jose Lopez, 14016 Furman Avenue, addressed the Board to state he and his wife have been members of Cornerstone Church for the last three years. He stated in all the arguments that have come forth, there has yet to be anything to warrant disapproval of a church.

Cecil Haas, 1006 Parry Lane, addressed the Board to state he and his family are members of Cornerstone Church and have been for some time. He stated he has moved with the church quite a bit and they need a stable place to worship.

Charles Ferguson, 10610 Satinwood Circle, addressed the Board to speak in support of the church.

William Eckert, 2645 Talladega Dr., addressed the Board to speak in support of the church. He stated the church is not here to cause trouble.

Doug Doudney stated he has no personal connection with the church and in his years of experience, he is at a loss to think of a situation where a church was built that it did not become a compatible facility for the community.

Beth Sonnenberg, 1011 Weaver Dr., addressed the Board to state she lives in the Alafaya Woods Subdivision and she attends the church. She expressed the difficulty the church is facing in setting up their services in different places. She stated it would be a blessing if the Board allowed them to do these things at their own place of worship.

Dan Sonnenberg, 1011 Weaver Dr., addressed the Board to state he is a student at RTS Seminary on Mitchell Hammock Road and he came here to study at the Seminary. He stated he has been attending Cornerstone Church for the past six months and he is learning how to work with people and so many other new things. He said he is here to support the church's efforts in getting a permanent location.

Upon inquiry by Commissioner Maloy, Mr. Sonnenberg advised the church members would enter through a side entrance of the YMCA and regulars of the Y would come in the main entrance.

Michael Andriano, 900 Lingo Court, addressed the Board to state he is the Senior Pastor of River Run Christian Church and he is here in support of Cornerstone Church as well as other churches. He asked the Board to accept staff's recommendations and approve the application without limiting the size.

William Bokunic, 527 Northbridge Dr., addressed the Board to state he lives in Altamonte Springs and he travels to Oviedo to worship. He stated there are other churches named Cornerstone in the Orlando area and he believes there has been some misinformation coming from other churches name Cornerstone.

Leigh McEachern addressed the Board to state he represents Mr. Carmichael, owner of the property. He submitted and read his comments (received and filed) relating to every church in Chuluota built in residential communities and a Chuluota

Sportsman Club north of the parcel in question that operates guns. He said he can hear the guns going off from his home on Snow Hill Road. He stated the University of Pennsylvania did a study and it showed a positive impact churches have on the communities and the social services they provide. He stated churches subsidize the communities and not the reverse.

Chairman McLain recessed the meeting at 9:08 p.m., reconvening at 9:18 p.m.

Lonnie Groot, Stenstrom McIntosh Colbert Whigham & Simmons, addressed the Board to state he is here representing numerous residents. He asked the Board to support the BOA's decision in denying the special exception. When a decision is made, all of the findings are made with it. He said he has a moderate number of exhibits that he will be submitting into the Record.

The following Exhibits were received and filed:

- A. Seminole County Board of County Commissioners Decision on Appeal
- B. Statements from Tait & Vicki Nelson; Bob & Monica Williamson; Harry & Nancy Hanes; Tom & Sally Chitty, Sr.; Ted & Brenda Reichle; David Ryan-Jones; Darryl & Lisa Musa; and Wayne & Carol Schwartz
- C. Affidavit of Lonnie N. Groot
- D. Affidavit of Lonnie N. Groot with attachments
- E. Notice of Public Hearing dated 4/28/03 of the Board of Adjustment
- F. Agenda Memorandum of the 2/25/02 Board of Adjustment hearing
- G. Agenda Memorandum of the 4/28/03 Board of Adjustment hearing
- H. Agenda Memorandum of the 5/19/03 Board of Adjustment hearing
- I. Aerial Map of the proposed site
- J. E-Mail to Commissioner Henley from Neil Stanko opposing the Cornerstone Church request
- K. E-Mail to Commissioner Henley from Shirley/Gary Exner opposing the Cornerstone Church request
- L. E-Mail to Commissioner McLain from MyVoice511949@aol.com relating to Saving Our Neighborhood of Rural Seminole County
- M. Aerial Map showing the potential pond sites
- N. Aerial Map of the Chuluota area
- O. Comments from Pastor Dave as well as the History of Cornerstone Church
- P. Public Inquiry from the Internet relating to Cornerstone Church

- Q. Aerial Map showing Old Chuluota Road, potential pond sites, portion of roadway basin causing flooding, Chuluota Bypass as well as CR 419
- R. A copy from the Internet of Federal Law Protects Growing Churches
- S. A copy of a photograph of Old Chuluota Road
- T. A copy of the 2002 Florida Statutes 570.70 Legislative Findings
- U. Copy of a photograph of Old Chuluota Road

Mr. Groot stated this issue is not about religion; it is a land use case. He stated any proposal that has over 100 parking spaces, paved or unpaved, is not a country church that fits into a rural neighborhood. He read a couple of excerpts (not received and filed) from an article published by David Gibbs and two quotes regarding RLUIPA. He expressed a few issues that were omitted from staff's report. He displayed and reviewed standards for granting special exceptions and staff findings. He reviewed a copy of the Code of conditional uses 30.104. He said staff's report indicates that "there are no clearly defined development trends in the immediate area, other than large lot, single-family residential and agriculture uses." He stated the first part of the statement is totally wrong, but the second part is totally right, which clearly supports their position. He said the Attachment Section on page 5 of staff's report relates to letters from affected property owners and those letters are not in the report. The only thing in the agenda packet are letters from Mr. McEachern, from Mr. Stanley to Mr. Anderson and from Mr. Gibbs. He stated an action to deny is included in the agenda packet but there is no order that affirms the BOA and supports the residents. He submitted a copy into the Record.

Mr. Groot continued by displaying and reviewing a picture of Old Chuluota Road and an aerial map showing the section of roadway basin causing flooding. He stated he feels this

proposal violates the Comp Plan and it is not consistent with the rural zoning classification. It is detrimental to the character or neighborhood and inconsistent with the trends of development in the area. It is not compatible with the low-density rural land use and it does have an unduly adverse impact upon traffic patterns. He stated 110 cars in that area on Sunday mornings, Sunday evenings or Wednesday nights clearly changes the traffic patterns of that area. There are severe flooding problems in the area right now. It does not take a large building to practice religion.

Upon inquiry by Commissioner Maloy, Mr. Groot advised the school site was part of the O'Brien development that was ultimately approved and as part of negotiations, the policies were firmed up. The compelling governmental interest was to keep that area rural.

Upon inquiry by Commissioner Henley, Mr. Groot advised he feels the average church is around 3,000 sq. ft. and those were not country churches.

Commissioner Henley stated he feels the church may have an argument under RLUIPA that the County has been too restrictive because they have been turned down twice already. He stated he feels that this is to prevent governments from being unduly restrictive.

Commissioner Maloy asked Mr. Groot if he had any evidence of this church having a negative impact to residential. Whereupon, Mr. Groot replied that he didn't investigate this church in detail. He said he is not here to critique the way they do their business.

Upon inquiry by Chairman McLain, Don Fisher, Planning & Development Director, addressed the Board to advise the

information Mr. Groot presented has been superseded by Ordinance 2002-53.

Mr. West stated three of the conditions Mr. Groot is referencing to were struck and an updated print is available at this time. He stated some of the criteria not mentioned in the report is generally applied to special exceptions.

Mr. Groot stated he was provided with a printout so that he could be sure that this was still the code and he finds it very peculiar that the information office on the first floor is giving out this code.

Mr. West stated most of the documents from the opposition were e-mails and those were forwarded from the Board's office to his office. He said he cannot explain why they are not in the agenda packet.

Commissioner Morris asked why a document was submitted to Mr. Groot when it does not reflect the 2002 code.

Mr. Fisher advised the code is in great need of being codified and he would advise that the citizens go to a Planner to obtain documents that relate to the code.

At the request of Commissioner Morris, Stephen Lee, Deputy County Attorney, reviewed the substantial arguments that Mr. Groot made relative to information being included or not included in the public record.

Commissioner Maloy stated he has received 16 objections that were mailed or e-mailed and a denial order was included in the agenda packet.

Tait Nelson, 400 E. Willingham Road, addressed the Board to submit a Statement of Standing (received and filed). He also submitted and reviewed a booklet (received and filed) containing topographical maps showing the original and current drainage;

copies of photographs showing flooding occurring in January 2003; a map showing flooding in the area; copies of photographs of local homes; and an example of the proposed development.

Vicki Nelson, 400 E Willingham Road, addressed the Board to submit a Letter of Standing and copies of photographs (received and filed). She read her comments (received and filed) and reviewed the photographs as outlined. She stated the increased traffic flow is going to be detrimental to the area and an entrance and exit on Willingham Road is not appropriate.

Harry Hanes, Jr., 1101 Willingham Road, addressed the Board to read his comments (received and filed) into the Record relative to the church not being compatible with the existing residential land use and the impact of traffic on Sunday.

Ted Reichle, 350 Willingham Road, addressed the Board to state he has been living at the present address for two years and he would like to show a two-minute video (received and filed) showing the flooding problems in the area. He stated as the video shows, there is quite a bit of flooding in the area. The point is that area never flooded until recently and that is due to the development.

Monica Williamson, 475 Willingham Road, addressed the Board to submit and review a booklet (received and filed) containing an aerial map of Willingham Road and Old Chuluota Road; testimony of Robert and Monica Williamson; and Exhibits consisting of February 2002 drawing of Cornerstone, Cornerstone Web Page-Envisions, March 2003 Drawing of Cornerstone, Florida Statutes Title 35, Chapter. 570.70, Seminole County Comprehensive Plan Sec. 30.104, Willingham Road Square Footage & Occupancy, Cornerstone Vision, Cornerstone History, Religious Land Use & Institutionalized Person Act, Leaders of Cornerstone

and Map of Existing Church. She asked the Board to deny this request, as it does not fit Seminole County's Section 30.104 code requirements.

Randy Whitener, 300 Lake Lenelle Drive, addressed the Board to state he is against approving this special exception and having the church on this site. He stated there are several traffic and noise issues that need to be addressed. He said he is not against churches but it is about allowing anything that incompatible with the rural residential area.

Bob Williamson, 475 Willingham Road, addressed the Board to state he is a licensed real estate broker. He brought issues up relating to a school on Snow Hill Road, a 5,000 to 8,000 sq. ft. building, and Phase II of the project. The fire code indicates that a 7,800 sq. ft. building will seat 1,114 people. This has nothing to do with the church, but with their homes, investments, and lifestyles in the area. He stated he would help build a church for them if they put it in an area where it belongs.

Carol Schwartz, 630 Old Chuluota Road, addressed the Board to state she is against the church coming here and she agrees with everything that was said tonight.

Lisa Musa, 1515 Willingham Road, addressed the Board to submit a Petition, as shown on page 1903, from area residents opposing the special exception. She stated she does not allow her kids to ride their bikes during the hours of 4:00 p.m. to 6:00 p.m. because she is afraid a car will hit them.

Brenda Reichle, 350 Willingham Road, addressed the Board to speak with regard to the flooding at the front of the property and adjoining property. She stated as a taxpayer and an

adjacent landowner, she objects to the Cornerstone Church being built on this quiet, secluded, residential country road.

David Ryan-Jones, 375 Willingham Road, addressed the Board to submit his statement (received and filed) regarding the Appeal request. He indicated on the map where his house is located and where the water is standing on the proposed site and surrounding area. He spoke with regard to the standing water on CR 419 and the wildlife corridor.

Gary Smithson, 1505 Willingham Road, addressed the Board to submit a letter of standing (received and filed). He stated he is opposed to the proposed project mainly because of the traffic and water problems.

Glenn Reichle, 200 Elaine Place, addressed the Board to state he believes a full study should be done before any decisions are made on future development in the area. He stated he feels this property should be purchased by the County and be used for stormwater runoff. This would give the County a much needed stormwater outlet for the area.

Ashley Reichle, 1086 Dees Dr., addressed the Board to state she visited her grandparents on Old Chuluota Road and because of the flooding, she had to walk in deep water to get to their house. She said she agrees with what everyone has said.

Tom Chitty addressed the Board to submit his sworn statement (received and filed). He spoke with regard to septic tank and drain fill size, kids attending night services and the impact of the community. He stated he feels the Board should ask the church what their real plans are for this facility.

Lisa Giltner, 1785 Willingham Road, addressed the Board to ask the Board to deny the request. She stated to avoid CR 419 traffic, the cut-through traffic already goes at a high rate of

speed. The traffic for Sunday services will create a safety issue.

Deborah Schafer, 1740 Brumley Road, addressed the Board to state she represents the Southeast Seminole County Voters Association. She stated Commissioner Maloy asked what is a rural church. She submitted photographs (received and filed) of what a rural church looks like in Georgia and Florida. She stated if this church grows, will it extend up or out. If this is approved, she asked the Board to place a very strong development order with site conditions to protect this area.

No one else spoke in support or in opposition.

Speaker Request and Written Comment Forms were received and filed.

Attorney Eric Stanley submitted photographs (received and filed) of the following churches that are in Chuluota now: Northside Church and Chuluota Community Church.

Upon inquiry by Chairman McLain, Attorney Stanley advised he feels it is feasible to provide access only on Snow Hill Road. Attorney Stanley continued by discussing with Chairman McLain issues relating to buffering the site from adjoining property owners on Willingham and the roof pitch.

Chairman McLain stated he has not heard anything about how the site will be developed. He stated he needs more information how they are going to integrate in the community and how they will access the church as well as other issues that will bring the community together.

Commissioner Morris stated his concern is there are some concerns that the community has with the church. He said he has the same concern as Commissioner McLain.

Chairman McLain stated he would like to see the Board get through the public hearing portion and then continue this so he can have more time to obtain more information from the church and staff. He stated he doesn't want access on the rural road (Willingham) as he feels that will change the entire character.

Commissioner Morris stated the church is part of the community and they need to adapt to the community. There was substantial evidence relative to flooding caused by a project out there. He stated the Board owes the church due diligence to obtain the proper information.

Commissioner Van Der Weide stated he feels that not having access on other than Snow Hill Road makes sense and that should be one of the conditions. He stated he is uncomfortable with access to Willingham Road. He said he wants to hear from the District Commissioner.

Upon inquiry by Commissioner Maloy, Attorney Stanley advised no houses will be built on the property.

Upon inquiry by Chairman McLain, Attorney Stanley advised he would have no objections to the site plan coming back to the Board for approval.

Mr. Lee explained for Commissioner Morris that in his opinion the issue before the Board this evening is whether or not to approve the special exception in accordance with the Land Development Code. The RLUIPA or the State Act only comes into play based on the Board's analysis of the Record established this evening and the Board finds that the Special Exception should be denied. At that point, the question becomes one of fact that a substantial burden on a religious exercise of the institution, and if so, is it a further interest of a compelling

government interest and is it a least restrictive need furthering that compelling governmental interest.

Upon further inquiry by Commissioner Morris, Mr. Lee advised he believes the Board can put reasonable requirements in terms of the zoning code going in place.

Commissioner Maloy stated he has met with some of the residents and there were some concerns that there were too many building and drain fields on the property. He said he asked the staff to take a close look at that and report back to him. He stated in their opinion, they felt that it would fit all the building codes.

Upon inquiry by Commissioner Maloy, Mr. Fisher advised it appears to him that two things are going on, one is the flooding associated with the road and a study is being performed to rectify that issue. He stated that staff feels this site can be engineered to accommodate proper stormwater. This site will not be permitted to have any greater amount of runoff from the property than what is coming off today. The way the water comes off the property today will be no different, and possibly it will be better controlled after the site is developed. The developer would have to through final engineering review, obtain permits from Seminole County and St. Johns River Water Management District.

Upon inquiry by Commissioner Van Der Weide, Mr. Fisher advised the study will not be completed for some time. There are some remedial things the developer can do to get the water off the site. The study will probably be completed in 10 months or so.

Commissioner Van Der Weide stated he doesn't think the proposed project is an issue, but if the whole neighborhood is flooded, then that is a much bigger issue.

Mr. Grace stated staff will get back to the Board on the bigger drainage issue. He stated there seems to be an assumption that the County caused this problem and he doesn't know whether that is the case.

Upon inquiry by Chairman McLain, Mr. Fisher advised since there is a serious drainage problem in the area, he feels it still would be prudent for the Board to approve additional development until the Stormwater Engineers have briefed the Board. He stated staff is not sure if the two are related and if the development of this site further improves drainage deficiencies that might be occurring in that area.

Upon inquiry by Commissioner Maloy, Mr. Fisher advised staff has reevaluated the access location. He stated the right-of-ways can be combined to provide an access drive to Snow Hill Road.

Commissioner Van Der Weide stated he feels that there should be a restriction that no access shall be to Willingham Road.

Chairman McLain stated he feels uncomfortable with a 15 ft. minimum nature buffer.

Mr. Fisher stated that was proposed on the developer's master plan and the code for this location is 10 ft. He stated the developer has room to provide a larger buffer if the Board feels 25 ft. is more appropriate.

Upon inquiry by Commissioner Maloy, Mr. Fisher advised that the applicant will provide information to Engineering staff

regarding access to Snow Hill Road and they would make their recommendation during the site plan review.

District Commissioner Maloy stated there seems to be concerns with traffic on Willingham and architectural issues. He stated he feels that conditions can be put in place to make that as compatible as possible.

Motion by Commissioner Maloy, seconded by Commissioner Van Der Weide to overturn the Board of Adjustment's decision, thereby, approving a Special Exception for the establishment of a church and attendant facilities on property zoned A-5 (Rural Zoning Classification); located on the northeast corner of Willingham Road and Old Chuluota Road, as described in the proof of publication, Cornerstone Church of Orlando, with staff comments, subject to the church following the Chuluota Design Standards; all buildings would have pitch metal roof; windows would be installed on all sides of buildings; all buildings would be with stucco, brick, or wood finishes in muted colors; parking spaces shall not be paved (with handicap parking spaces be paved); signage shall be limited in height and location in square footage as provided in the Design Standards; fences and entry features would comply with the Design Standards; drainage pond sizes would be meandered to appear to be natural ponds and not be standard rectangular ponds; if the ponds need to be fenced for safety reasons that they be surrounded with a wooden board fence; lighting should only be permitted to operate after sunset when events or services are conducted and they shall be turned off immediately following the event or services; there shall be motion security lighting on the building itself; the site plan would come back for final review with the access to be submitted on Snow Hill Road to Engineering; any playground areas

to be placed as far away as possible from the residential areas; and access shall be on Snow Hill Road as long as it is feasible.

Decision of Appeal, as shown on page 1924, was received and filed.

Under discussion and upon inquiry by Chairman McLain, Mr. Fisher advised if the access is not feasible, that could be addressed during the site plan review. He stated the best access option would be off of Old Chuluota Road.

Commissioner Morris asked the motion maker to consider that any of the buildings be placed 100 ft. from the adjacent residential property lines and a 25 ft. buffer.

Commissioners Maloy and Van Der Weide stated they would accept that as an **amendment to the motion**.

Upon inquiry by Commissioner Henley, Mr. McDonald advised the distance from Old Chuluota Road up to the entrance of Willingham Road is about 190 ft. He stated there are no residences within that 190 ft.

Commissioner Maloy stated he doesn't believe people will drive all across Willingham to this church. He stated he feels that Snow Hill Road will eliminate some of the traffic.

Chairman McLain stated the one issue that was not mentioned in the motion is the capacity and limiting it to the number.

Commissioner Maloy stated he did not include that in the motion as he feels it is handled by the building codes.

Upon inquiry by Chairman McLain, Mr. Anderson advised he would be comfortable with allowing the occupancy capacity to 300 people.

Commissioner Maloy stated he feels that enough restrictions have already been placed on this.

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Commissioner Morris recommended bringing this issue back during the site plan review.

Chairman McLain stated he would like a capacity number when it comes back for the final site plan.

Districts 1, 2, 3, 4 and 5 voted AYE.

There being no further business to come before the Board, the Chairman declared the meeting adjourned at 11:30 p.m., this same date.



ATTEST

[Signature] Clerk
sm/cc/er

[Signature] Chairman