



## Town Council Staff Report

### Town of Eatonville

#### APPLICATION INFORMATION

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**APPLICATION NUMBER:** #DEV2022.03

**OWNER:** SH OTC, LLC

**APPLICANT:** Clay Spears

**PREPARED BY:** Tara Salmieri, AICP Town Planner

**MEETING DATE:** November 1, 2022/ January 17, 2023

<b>REQUEST:</b>	DEV 2022.03 A special exception request by Clay Spears of SH OTC, LLC to use of up to 40,000 SF (out of 116,000 sq.ft) and 200 parking spaces at 440 W Kennedy Blvd for the service, maintenance, sales, test driving, charging, repair, delivery, paint, body and collision repair, storage of new and pre-owned automobiles, energy products and related parts and accessories, and for general office purposes.
<b>LOCATION:</b>	440 W Kennedy Boulevard, Eatonville, FL Parcel ID 35-21-29-0000-00-094
<b>ACREAGE:</b>	Approximately 9.7 acres (116,000 sq.ft), specifically the southeast corner 40,000 sq.ft
<b>EXISTING ZONING</b>	I-1
<b>FUTURE LAND USE</b>	Industrial
<b>SURROUNDING ZONING and FUTURE LAND DESIGNATIONS:</b>	North – C-3/COMMERCIAL South – R1/Residential (Frances Jerry Park) East – C3/Commercial West- Residential Unincorporated Orange County

## STAFF EVALUATION AND FINDINGS

### 1. PROPOSAL AND BACKGROUND

The overall existing building square footage of the property is 116,000 SF which includes existing tenants that are telecommunications, cloud providers, data centers and smaller offices. The proposal to permit 40,000 SF of and 200 parking spaces, to service, test drive, charge, repair, deliver, paint, body and collision repair, store new and pre-owned automobiles and energy products and related parts and accessories, and for general office purposes.

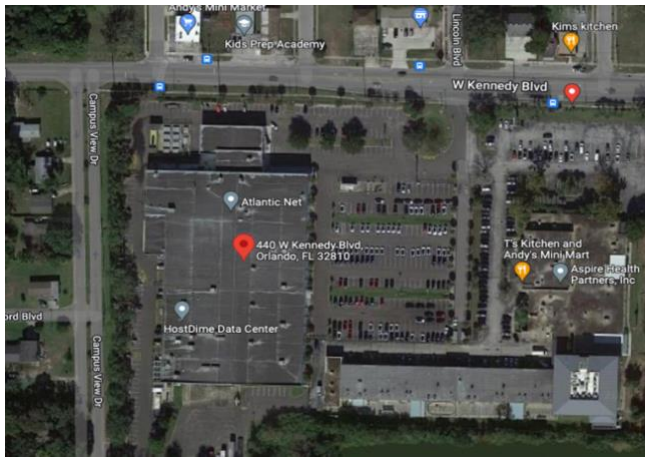


Figure 1, Location of Building (440 W. Kennedy)

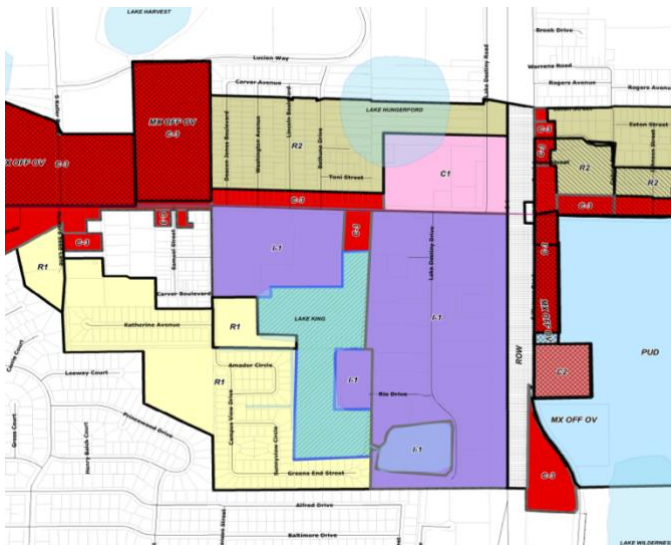


Figure 2, Subject property on Zoning map  
(black dotted area)

In 2018, the applicant has stated the Town granted a Special exception, for Tesla, that permitted 100 striped parking spaces for the use of parking and storage. The current request, will expand the overall request from 100 spaces to 200 parking spaces dedicated to Tesla and will be gated as provided in figure 6.



Figure 4, Special exception from 2018 Parking lot only



Figure 3, special exception (yellow), enclosed area for repairs, office, detailing (orange), expansion of 100 parking spaces (blue)

## **INTERIOR BUILDING**

The retrofit of the building will be done under separate application, if the special exception is approved. Figure 5 provides an approximate area within the overall existing building that the applicant is proposing “automobile repair” uses as outlined in Sec. 64-272 (1) and parking of vehicles as provided in Sec. 64-272 (2) Automotive Sales.

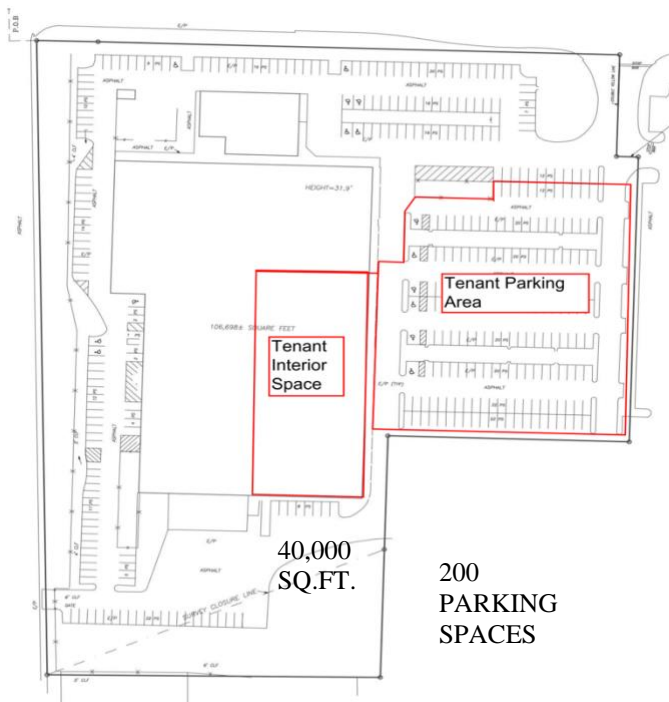


Figure 5, Development Plan "proposed"

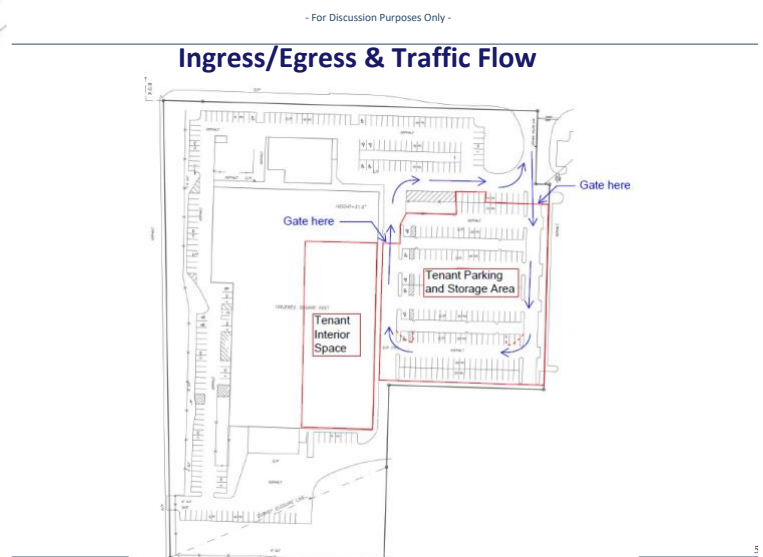


Figure 6, Parking Lot area "proposed"

## **PARKING**

The overall total parking spaces on the subject parcel is 365. This special exception request is a total of 200 spaces with the remaining parking spaces of 165 that serve the additional tenants with approximately 80-100 parking spaces not being used currently. The breakdown (approximate) of the remain parking spaces is: 165 spaces (50 spaces) telecommunications (Verizon- maintenance) Atlantic.net (up to 20 colocation and cloud provider -data center) Host dime- data center 20 spaces, 3 smaller tenants (10-20). Sec. 60-304 Schedule for off-street parking requirements for the parcel have been met and will not require any additional parking spaces per the Land Development Code (LDC).

## **2. REVIEW REQUIREMENT.**

The zoning district, I-1 has permitted uses, prohibited uses and special exception uses. The town's land development code zoning district I-1, provides special exception uses per Sec. 64-268, Special exception uses.

### **Sec. 64-268. Special exception uses.**

Upon application and after a favorable determination by the planning board and town council that all conditions and provisions of special exceptions uses have been satisfied and that the proposed use is consistent with sound zoning practices while meeting the conditions as specified for each use, the following uses may be permitted within the 1-1 Planned Industrial District:

- (1) Automobile repair garages, including automobile painting, carwash and detail service.

(2) Automobile rentals.

(3) Warehousing, mini-warehouse, except bulk storage of fuel or toxic or flammable chemicals.

Sec. 64-272, Special exception conditions provides the conditions that are outlined in the following two tables. Staff has reviewed the application and provided a table to identify if the applicant has met the required conditions in the LDC.

1) AUTOMOBILE REPAIR	CONDITIONS (YES: MEET CONDITIONS, N/A , AND NO DOES NOT MEET)
a. All repair work and permanent storage of materials merchandise and lubrication repair and servicing equipment shall be conducted within the principal building. .	YES
b. No operator shall permit the storage of motor vehicles for a period in excess of 24 hours unless the vehicles are enclosed in the principal building.	YES
c. Service or customer vehicles shall be parked on the premises in a manner that will not create traffic hazards or interfere with vehicular maneuvering area necessary to enter or exit the site	YES
d. No outdoor work shall be performed except in areas designated for such activity on an approved site plan. Such areas shall be fenced, walled and screened to minimize on and off-site noise, glare, odor, or other impacts.	YES ( all repairs will be located inside the primary building)
e. Additional buffering and screening may be required where such use is located in close proximity to residential or retail commercial uses.	YES ( all repairs will be located inside the primary building)
f. Additional uses, such as RV/boat storage and vehicle sales, are permitted in conjunction with this use, provided that they are permitted in the zoning district and all conditions are satisfied.	N/A
g. Must have a publicly advertised community meeting prior planning and zoning board.	YES/ 2 meetings were conducted

2) AUTOMOTIVE DEALERSHIP VEHICLE SALES	CONDITIONS (YES: MEET CONDITIONS, N/A , AND NO DOES NOT MEET)
All outdoor vehicle display areas shall be identified on the site plan.	N/A
b. Visitor/employee parking shall be provided separately from display areas, and shall also be identified on the site plan.	N/A
c. All display areas visible from a public right-of-way or adjacent residential use shall be screened such that there is a minimum ten-foot-wide landscape buffer planted with a minimum of one shade tree every 50 linear feet and a continuous hedge with a minimum height of three feet at time of planting. If the property is located such that the minimum buffer as required by this Land Development Code, landscaping, then the more conservative requirement shall apply.	N/A
d. A lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.	N/A
e. Hours of operation shall be restricted if located within 200 feet of a residential district, such that the business hours are 8:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays.	N/A
f. A minimum rear yard buffer area of 50 feet shall be required if adjacent to a residential district or conforming residential use.	N/A
g. All dealership related activities, including office, repair, new car displays and similar uses, other than used car sales shall be on contiguous property and shall not be on Kennedy Boulevard.	VEHICLE STORAGE, PREOWNED ONLY
h. Outdoor vehicle display areas may be on turf block or any other approved pervious surface.	N/A
i. Tandem parking for two vehicles shall be permitted for vehicle display areas.	N/A
j. Additional uses, such as RV/boat storage and vehicle repair are permitted in conjunction with this use provided that they are permitted in the zoning district and all conditions are satisfied.	N/A
k. Must have a publicly advertised community meeting prior to planning and zoning board.	YES/ 2 meetings were conducted

**3. MATERIAL PROVIDED AS PART OF THE RECORD.**

In addition to verbal presentations and testimony to be provided at the Planning Board meeting, the written Planning Board Report, attachments, plans, and other written and graphic materials provided to the Board as part of the agenda package for this application are to be considered part of the record for this application.

**4. MATERIALS PROVIDED FOR REVIEW.**

1. Attachment “A” community meeting, August 16, 2022 summary, sign in sheet and presentation;
2. Attachment “B”, Community meeting, September 14, 2022 summary, sign in sheet and presentation; and
3. Attachment “C” Planning Board Memorandum, meeting cancellation

**5. COMMUNITY MEETING(S)**

There were two community meetings: August 16, 2022 at 4 pm Eatonville Chamber of Commerce and an open house September 14<sup>th</sup> from 5-7 pm at the Denton Johnson Community Center, published in the Orlando Sentinel opportunities for public input for the project. The applicant opted to do an additional community meeting to provide additional opportunities for the community to be provided information on the Special Exception Application.

Appendix A & B, provides the materials presented, advertisements, sign in sheets, and meeting minutes. Both of the community meetings had the following major topics discussed:

- Traffic impacts on Kennedy Blvd.
- Impact on Campus View Drive
- Description of services and related activities of the tenant
- More community involvement

**6. TOWN ATTORNEY REVIEW**

The Town Planner, requested the Town Attorney to review the application and the town attorney provided the following statement:

Pursuant to Section 44-164(b) of the Town’s Code, my opinion is that the application is in fact an application for a special exception under Sections 64-268 and 64-272 of the Town’s Code and is within the province of the planning board. This opinion does not mean that the application complies with the requirements to obtain a special exception, which is a matter to be determined by the Town Council, following the recommendation of the planning board, based on the criteria established within the Code.

## **7. Planning Board Recommendation**

The planning board meeting was scheduled, noticed for October 13, 2022. The planning board meeting was cancelled, due to lack of a quorum. Per the Town's Land Development Code, Sec. 44-165, failure of the planning board to submit a written report within 40 days after the receipt of the application by the planning director shall be deemed a recommendation for approval as submitted. The planning board was notified of the recommendation, per the LDC, and have been advised (see Attachment C) that they may express their opinion, as individuals, on the application. The applicant was also provided a letter stating the next steps (Attachment D).

### **RECOMMENDATION**

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The Town Council will provide one of the following:

- (a) Recommendation of denial
- (b) Recommendation of approval
- (c) Recommendation of approval with conditions
- (d) Recommendation of approval in part, with or without conditions, and denial in part.

The Town Planner recommends that the Town Council approves of the special exception request with the following conditions:

- 1- Requested Automobile Repair Uses meet the Special Exception Uses as outlined in Section 2 of the Staff report; and
- 2- Automobile Sales parking request with the conditions that the parking lot area with the additional 100 parking spaces shall be pre-owned vehicles only.