



Town Council Staff Report (Quasi-Judicial)

Town of Eatonville

APPLICATION INFORMATION

APPLICATION NUMBER: #DEV.2023.301

OWNER: Ability WDC, LLC

APPLICANT: Town of Eatonville

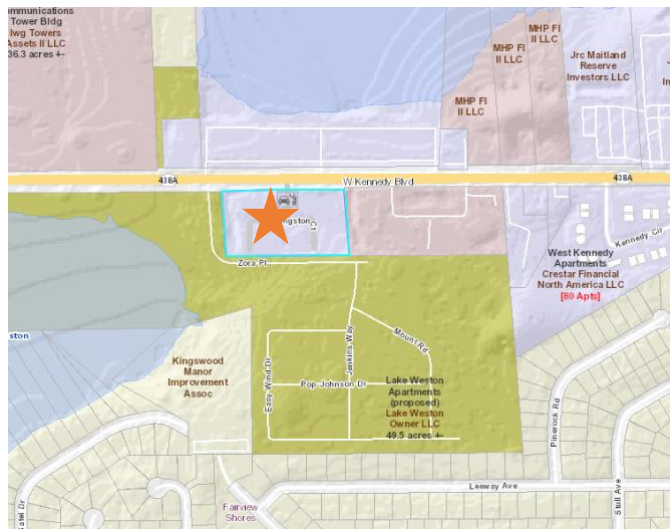
PREPARED BY: Tara Salmieri, AICP Town Planner

MEETING DATE: May 2, 2023

REQUEST:	A request to change the zoning classification from C-3 Commercial to R-3 Multifamily Residential, amending the Town's Zoning Map
LOCATION:	1000 W Kennedy Boulevard, Parcel ID 34-21-29-0000-00-078
ACREAGE:	4.07 +/- Acres
EXISTING ZONING	C-3
FUTURE LAND USE	High Density Residential
SURROUNDING ZONING and FUTURE LAND DESIGNATIONS:	North – Mx Office Overlay/R3 South – Lake Weston Planned Development East – Lake Weston Planned Development West – C3 (multifamily- existing)

STAFF EVALUATION AND FINDINGS

1. PROPOSAL

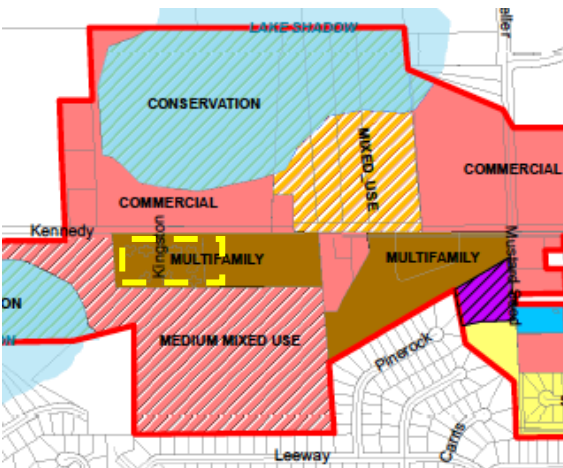


The proposal, is to rezone 4.07 +/- acres from C-3 Zoning to R-3 Zoning. The property is located on W. Kennedy boulevard as identified (★) above.

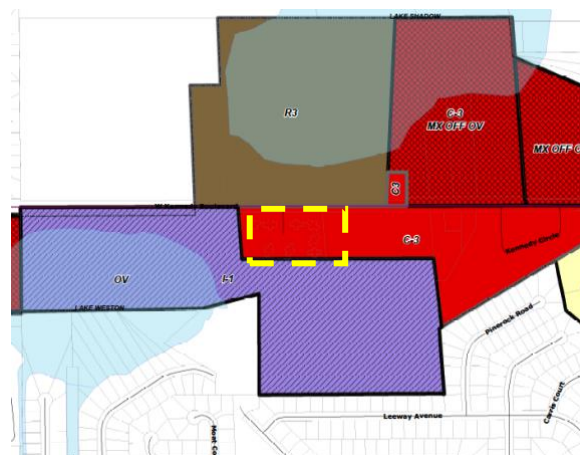
History

The property currently has 77 multi family units that were built in the early 1980's with renovations (under this ownership) approximately done in 2018. In addition, the property has a parking space reduction that was approved on April 26th, 2018 by the Board of Zoning Adjustments. Also, in 2018, the Town changed the land use to High Density Residential and there is no information that has been found to support the Town updating the zoning district to be consistent with the adopted Comprehensive Plan by either a PD or R-3 Zoning designation.

Land Use and Zoning Designations



Future Land Use Map



Zoning Map

The property has a future land use designation of High Density Multifamily and is assigned C-3 as the zoning district. The subject parcel should have R-3 zoning district to be consistent with

the Town's Comprehensive Plan. The table, below is from the Town's Comprehensive Plan. As highlighted, a parcel with **High Residential Land Use** should have a consistent zoning assignment of either: R-3 or PUD. The parcel is zoned C-3, which is not consistent with the Town's Comprehensive Plan and Zoning as outlined in the table.


TABLE 1.6.8 (A): FUTURE LAND USE DESIGNATIONS AND ALLOWABLE USES		
FUTURE LAND USE DESIGNATIONS	CONSISTENT ZONING	ALLOWABLE USES/MAXIMUM INTENSITY
Conservation (Con)	Environmental Conservation (EC)	Lakes and adjacent wetlands and environmentally fragile resources. Limited controlled access only for passive use. There are no uses currently permitted in this category. Maximum Intensity is a Floor Area Ratio (FAR) of 0.05.
Industrial (I)	Planned Industrial (I-1)	Light manufacturing, wholesale, warehousing and similar uses identified in the Town's Land Development Code. Maximum Intensity: 48 feet in height.
Commercial (C)	Planned Commercial District (C-1) Planned Office (C-2) General Commercial (C-3)	Retail, professional offices, hotels & motels, shopping centers and similar uses identified in the Town's Land Development Code. Maximum Intensity: Up to 40 feet Up to 60 feet Up to 48 feet
Residential (R) Low Density (RLD) Medium Density (MD) High Density (RHD)	R-1 R-2, PUD R-3, PUD	Maximum Density up to 5 dwelling units per acre up to 8 dwelling units per acre up to 17 dwelling units per acre
Public Institutional	PU, R-1, R-2, PUD	Public services, institutional including municipal, county, state or federal land use, medical, semi-public uses and religious worship facilities. Maximum Intensity: 40 ft. in height.
Recreational (REC)	R-1, R-2	Public parks and recreation areas and related open space for recreation or performing arts. Maximum Intensity: 40 ft. in height.
Medium Mixed Use (MMU)**	Lake Weston Overlay Planned Commercial District (C-1) PUD	Up to 13 dwelling units per acre Commercial .45 FAR
Mixed-Use (MU)	Planned Development Hungerford- Planned Redevelopment	Planned development or redevelopment featuring mixed land use. See Table 1.6.8(B) for Land Uses in the Hungerford Mixed Use designation.

Zoning District Dimensional Standards:

The following standards are the requirements for R-3 Zoning

Sec. 64-418. Established.

The density, intensity, size and dimension standards for each district are as contained in the following table:

District	Min. Lot Width	Min. Lot Area (sq. ft.)	Min. Front Yard	Min. Rear Yard	Min. Both Side Yards	Min. One Side Yard	Min. Corner Side Yard	Minimum Living Floor Area Per Dwelling Unit (sq. ft.)		Max. Building Coverage	Max. Height
								# Bedrooms	Sq. ft.		
R-3 Multi-Family Residential	50 ft.	3 acres (1)	30 ft.	20 ft.	15 ft.	5 ft.	15 ft.	Single-Family Same as R-1 & R-2		40% 	40 ft.
		2,500 (2)						Efficiency or 1 2 3	600 800 1,200 (4)		

Zoning District Uses Permitted:

The R-3 Zoning District permits the following primary uses and accessory uses:

Primary Uses

- 1- Two family dwellings
 - 2- Multiple family dwellings**
 - 3- Parks and recreational areas
 - 4- Essential services
 - 5- Nursing homes
-

Accessory Uses

- 1- Private Swimming pool
 - 2- Private recreational facilities for the exclusive use of occupants and guest of a multifamily project
 - 3- Off-street parking and loading area
-

2. Findings and Planner Recommendation

The parcel of land does not have a zoning district that is consistent with the FLU assigned for High Density Residential. By approving the rezoning, the parcel of land will be consistent with the land use that is assigned to the parcel. Section 44-19, Relationship to the comprehensive plan, states **“In accordance with F.S. § 163.3194, all applications made as provided for in this Land Development Code shall be consistent with the town's adopted comprehensive plan. Where desired development activities are not consistent with the plan, the issuance of any permits or the granting of any approvals shall be preceded by a plan amendment as provided in section 44-21.”**

Given the Florida Statute requirements and the Town’s Land Development Code, the Town Planner recommends approval of the rezoning so the parcel of land is consistent with the Comprehensive Plan.

3. Planning Board Recommendation

The Planning Board, at their regularly scheduled meeting on April 13th, 2023, recommended approval of the rezoning request.

There were no comments of objections or support from any attendees and/or property owners within 200’ of the subject property.

TOWN COUNCIL DECISION

The Town Council will provide approve or deny **Rezoning Property 1000 W. Kennedy Boulevard from C-3 zoning to R-3 Zoning District to comply and be consistent with the Town’s Comprehensive Plan.**

ORDINANCE NO. 2023-5

(Rezoning Ordinance for 1000 W. Kennedy Boulevard, Eatonville FL)

TAX PARCEL ID: 34-21-29-0000-00-078

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, CHANGING THE ZONING CLASSIFICATION FROM C-3 (COMMERCIAL) TO R-3 (MULTIFAMILY RESIDENTIAL) ON CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 4.07 ACRES; FINDING SUCH ZONING TO BE CONSISTENT WITH THE EATONVILLE COMPREHENSIVE PLAN; PROVIDING FOR AN AUTHORIZING THE REVISION OF THE OFFICIAL TOWN ZONING MAP; REPEALING INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Eatonville, Florida has submitted an application, with property owners consent, to the Town Council of the Town of Eatonville, Florida (the “Eatonville Town Council”) to rezone said real property (the “Rezoning”); and

WHEREAS, the Town seeks to rezone certain real property containing approximately 4.07 acres, more particularly described in **Exhibit “A”** attached hereto and by this reference made a part hereof, from C-3 (Commercial) to R-3 (Multifamily Residential); and

WHEREAS, said Rezoning application was scheduled for review and recommendation by the Planning and Zoning Board of the Town of Eatonville, Florida (the “Planning and Zoning Board”); and

WHEREAS, on April 13, 2023, the Planning and Zoning Board held a public hearing and reviewed said Rezoning application for consistency with the Eatonville Comprehensive Plan and determined that the Rezoning is consistent with the Eatonville Comprehensive Plan and is in the best interest of the Town, and recommended to the Eatonville Town Council that the zoning classification of said real property be rezoned as requested by the Applicant and that the Eatonville Town Council find the Rezoning requested by the Applicant to be consistent with the Eatonville Comprehensive Plan; and

WHEREAS, on _____, the Eatonville Town Council held a de novo advertised public hearing with respect to the proposed Rezoning of said real property and determined that the Rezoning is consistent with the Eatonville Comprehensive Plan; and

WHEREAS, this Ordinance has been considered by the Eatonville Town Council in accordance with the procedures set forth in Section 166.041(3)(a), Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The Eatonville Town Council has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 163 and 166, Florida Statutes.

SECTION 2. REZONING. The zoning classification, as defined in the Eatonville Town Code, of the Property described in **Exhibit "A"** containing approximately 4.01 acres located within the corporate limits of the Town of Eatonville, Florida, is hereby changed from C-3 (Commercial) to R-3 (Residential). A map of said land herein described which clearly shows the area of the Rezoning is attached hereto as **Exhibit "B"** and by this reference is made a part hereof.

SECTION 3. COMPREHENSIVE PLAN. The Eatonville Town Council hereby finds the Rezoning of the land described in this Ordinance to be consistent with the Eatonville Comprehensive Plan.

SECTION 4. ZONING MAP. The Town Clerk is hereby authorized and directed to revise the Official Zoning Map of the Town of Eatonville in order to incorporate the Rezoning enacted by this Ordinance, and the Mayor and Town Clerk are hereby authorized to execute said revised Official Zoning Map in accordance with the Eatonville Town Code.

SECTION 5. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith are hereby repealed and rescinded.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

ATTEST:

APPROVED:

TOWN OF EATONVILLE, FLORIDA

Town Clerk

Mayor

FOR USE AND RELIANCE ONLY BY THE
TOWN OF EATONVILLE, FLORIDA;
APPROVED AS TO FORM AND
LEGALITY this _____ day of
_____, 2023

By: _____
Town Attorney

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

COMM AT THE NE COR OF THE SW 1/4 OF 34-21-29 TH RUN WEST ALONG THE N LINE OF SAID SW 1/4 743 FT FOR A POB TH CONT W ALONG SAID N LINE 577 FT TH S04-00-30E 363 FT TH RUN PARALLEL WITH SAID N LINE OF SAID SW 1/4 577 FT TH RUN N04-00-30W 363 FT TO POB (LESS THE N 40 FT THEREOF FOR W KENNEDY BLVD R/W) & (LESS PT TAKEN FOR R/W DESC AS COMM AT NW COR OF SW1/4 OF SEC 34-21-29 TH N89-48-40E 2073.83 FT TH S4-11-35E 40.1 FT TO POB TH S4-11-35E 13.03 FT TH S89-48-40W 326.18 FT TH S87-45-36W 250.05 FT TH N4-9-52W 22 FT TH N89-48-40E 576.69 FT TO POB PER DOC 20200384721)

EXHIBIT “B”

AREA OF REZONING

