



Town Council Staff Report

Town of Eatonville

APPLICATION INFORMATION

APPLICATION NUMBER: #DEV2022.06

OWNER: XWAY Inc, a Florida Corporation

APPLICANT: Logan Opsahl and Lowndes Law Firm

PREPARED BY: Tara Salmieri, AICP Town Planner

MEETING DATE: January 3, 2023

REQUEST:	A request to change the zoning classification from I-1 Industrial to C-1 Commercial for office and accessory uses.
LOCATION:	200 S. Lake Destiny, Parcel ID 35-21-29-3854-00-0070
ACREAGE:	3.7 +/- Acres
EXISTING ZONING	I-1
FUTURE LAND USE	Commercial
SURROUNDING ZONING and FUTURE LAND DESIGNATIONS:	North – Commercial/ C-1 South – Industrial/ I-1 East – Industrial/I-1 West – Commercial/C-3

STAFF EVALUATION AND FINDINGS

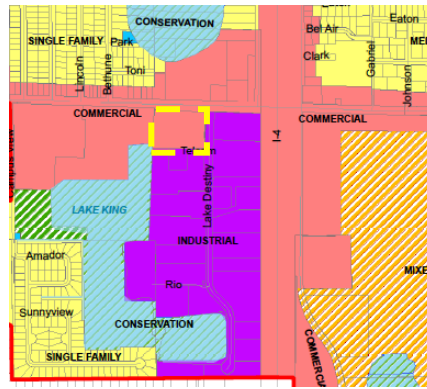
1. PROPOSAL



The proposal, from the application, is to rezone 3.7 +/- acres from I-1 Zoning to C-1 Zoning. The property is located on Lake Destiny with Kennedy roadway frontage.



Zoning Map



Future Land Use Map

The property has a future land use designation of Commercial and an industrial zoning district. The subject parcel should have a commercial 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 commercial land use designation consistent zoning assignment would be: C-1, C-2, or C-3. The parcel is zoned I-1, 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 commercial zoning districts. The highlighted column is C-1 Zoning.

C-1 Planned Office	100 ft.	20,000	15 ft.	20 ft.	30 ft.	5 ft.	20 ft.	None	40%	40 ft.
C-2 Planned Office	100 ft.	1 acre	15 ft.	20 ft.	30 ft.	15 ft.	20 ft.	None	40%	60 ft.
C-3 General Commercial	50 ft.	5,000	None	20 ft. (3)	None	None	15 ft.	None	65%	48 ft.

Zoning District Uses Permitted:

The following table provides the uses, by commercial district. The table identifies: permitted (P) uses, special exception (SE) and a blank cell is prohibited use.

	C-1	C-2	C-3
PRIMARY USE			
Retail store.	P	SE	P
Personal service store.	P	SE	P
Business and professional office.	P	P	P
Business and financial service facilities.	P	P	P
Restaurant.	P	P	P
Liquor lounge, package store, or night club.	P		P
General government facilities.	P		P
Essential services.	P	P	P
Pharmacy		P	
Plant nursery.			P
Hotel or motel.			P
Day Care			P
Shopping Center, min lot 1 acre	SE		
Pool hall or game room (when in a shopping center)	SE		
Convenience Store			P
Mobile Homes intended to house business activities			SE
Short duration residential lodging			SE
Businesses that sell alcoholic beverages for on and off premise consumption			SE
ACCESSORY USES			
Off-street parking and loading.	P	P	P
Other accessory uses customarily incidental to a permitted use	P	P	P

2. Findings and Planner Recommendation

The parcel of land does not have a zoning district that is consistent with the FLU assigned for Commercial. The three zoning categories that are consistent with Commercial Land Use are: C-1, C-2, and C-3. The applicants request is for the lowest intensity and use for commercial zoning. 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, on December 8th, recommended approval of the rezoning from I-1 to C-1 zoning district.

RECOMMENDATION

The Town Council will provide one of the following for **Ordinances 2022-13:**

- (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.

ORDINANCE NO. 2022-13
(Rezoning Ordinance for 200 S. Lake Destiny Drive)

TAX PARCEL ID: 35-21-29-3854-00-0070

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, CHANGING THE ZONING CLASSIFICATION FROM I-1 (INDUSTRIAL) TO C-1 (COMMERCIAL) ON CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 3.70 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 agent of owner (the “Applicant”) of certain real property, as hereinafter described, located within the corporate limits of the Town of Eatonville, Florida (“has submitted an application to the Town Council of the Town of Eatonville, Florida (the “Eatonville Town Council”) to rezone said real property (the “Rezoning”); and

WHEREAS, the Applicant seeks to rezone certain real property containing approximately 3.70 acres, more particularly described in Exhibit “A” attached hereto and by this reference made a part hereof, from I-1 (Industrial) to C-1 (Commercial); 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 December 8, 2022, 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 December 20, 2022, 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 3.70 acres located within the corporate limits of the Town of Eatonville, Florida, is hereby changed from I-1 (Industrial) to C-1 (Commercial). 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 _____, 2022.

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 _____, 2022

By: _____
Town Attorney

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

A portion of Tract 7, INTERSTATE PARK PHASE I, according to the plat thereof as recorded in Plat Book 14, Pages 72 and 73 of the Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the intersection of the West line of INTERSTATE PARK PHASE I, according to the plat thereof as recorded in Plat Book 14, Pages 72 and 73 of the Public Records of Orange County, Florida with the Southerly right-of-way line of Kennedy Boulevard as it now exists, said Point of Beginning being South 02°20'10" West, 20.00 feet from the original Northwest corner of said INTERSTATE PARK PHASE I; thence run South 02°20'10" West along the West line of said INTERSTATE PARK PHASE I, 349.53 feet; thence leaving said West line run South 89°51'36" East, 474.18 feet to a point on the Westerly right-of-way line of the re-alignment of LAKE DESTINY DRIVE; thence run along said Westerly right-of-way line of the re-alignment of LAKE DESTINY DRIVE the following four courses; North 2°18'33" East, 95.12 feet; North 88°23'17" West, 8.00 feet; North 2°18'33" East, 217.22 feet; North 43°15'00" West, 32.65 feet to a point on the Southerly right-of-way line of Kennedy Boulevard as it now exists; thence leaving said Westerly right-of-way lines run North 87°51'36" West along said Southerly right-of-way line, 201.52 feet; thence run North 88°23'17" West along said Southerly right-of-way line, 240.87 feet to the Point of Beginning.

EXHIBIT "B"

AREA OF REZONING

