



**Planning and Zoning Commission
August 4, 2022
Council Chambers
6:00 PM**



- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Minutes of Previous Meeting
 1. Minutes of the July 21, 2022 Planning and Zoning Commission Meeting
- IV. Public Period
- V. Public Hearing
 2. Recommendations
 - A. Land Development Code Refinement Ordinance
- VI. Old Business
- VII. New Business
- VIII. Any Other Business the Board Deems Advisable
- IX. Adjournment

More than one member of the City Council may be present and speak at this meeting.

Notice: Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office (407-539-6219) 48 hours in advance of the meeting.

Appeals: Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the Planning and Zoning Commission with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such a person must provide a method for recording the proceedings

MEETING DATE		AGENDA
August 4, 2022		Section: Approval of Minutes of Previous Meeting
Department/Office : Community Development	AGENDA REPORT	Item #: 1.
Subject: Minutes of the July 21, 2022 Planning and Zoning Commission Meeting		
Requested Action or Motion: Review and approve the minutes of the July 21, 2022 Planning and Zoning Commission meeting.		
Summary Explanation & Background:		
Fiscal Impact: NA		
Exhibits: 1. P & Z minutes July 21 (DRAFT)		
Commission/Board: Planning and Zoning Commission		
Contact Person: Barrett Chaix 407-539-6213		
Reviewed by City Attorney NA		



**Planning and Zoning
Commission
Minutes
July 21, 2022
Council Chambers
6:00 PM**



I. CALL TO ORDER

Chairman Holloway called the Planning and Zoning Commission meeting to order at 6:01 pm.

Present: 5 - Board Member Jamie Kay Bennett, Chair Keith Holloway, Member Glen S. Jaffee, Vice-Chair Matthew Lamb, Commissioner Katheen McIver

Remote: 0 -

Absent: 0 -

Also present were Community Development Director Dan Matthys, Senior Planner Barrett Chaix and City Attorney, Drew Smith.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES OF PREVIOUS MEETING

1. APPROVAL OF MINUTES OF PREVIOUS MEETING

A motion was made to approve the May 5, 2022 minutes as drafted.

RESULT:	Approve
MOVER:	Vice-Chair Matthew Lamb
SECONDER:	Board Member Jamie Kay Bennett
AYES:	Jamie Kay Bennett, Keith Holloway, Glen S. Jaffee, Matthew Lamb, Katheen McIver
NAYS:	None

IV. PUBLIC PERIOD

Chairman Holloway opened the Public Period. There being no one who wished to speak, Chairman Holloway closed the Public Period.

V. PUBLIC HEARING

2. PUBLIC HEARING

A. PUBLIC HEARING

Mr. Chaix introduced the petition and gave a brief presentation.

Background

The Maitland Concourse North (MCN) Planned Development was approved on February 22, 2016, via Ordinance 1303. During the review of the original Planned Development (PD), the City worked with the applicant and the community to carefully review Maitland Concourse North's visual impact on the surrounding area. Research was conducted to assess the existing vegetation, topography, line-of-sight, and other factors to determine tree preservation, adequate buffers, screening type and frequency, landscaping requirements, streetscape requirements and more.

Since the approval of the PD, MCN has constructed internal roadways, stormwater facilities, landscaping and other infrastructure per the approved PD. In addition, a 350 unit apartment complex located on Lot 7 has been completed, as well as a 100 unit/111 bed ACLF and 20 unit/23 bed Memory Care facility on Lot 5. Construction of retail and restaurant uses is underway on Lot 2, consistent with the PD approved in 2016.

Application

An application was filed by Alan Charron, Maitland Synergy, LLC and Corkscrew, LLC, 2345 W. Sand Lake Road, Suite 100, Orlando, Florida 32809 to amend Lot 1 of the Maitland Concourse North Planned Development (PD). The applicant is proposing to develop up to 75,000 sq.ft. of commercial uses and associated infrastructure consistent with the approved Lot 1 entitlements. The proposed re-design consists of five buildings that vary between one (1) and two (2) stories and include retail, office and restaurant spaces, including one (1) drive-thru.

The Maitland Concourse North Development Program was designed to place the highest intensity (FAR and height) towards the center of the project primarily (Lots 1, 2, 3, & 6) designated as Restricted Mixed Office Commercial Land Use category (MORC). Lot 1 was assigned 75,000 square feet of building floor area and the proposed amendment does not modify that allocation. The Floor Area Ratio (FAR) of Lot 1 will remain the same, as will all setbacks, perimeter buffer yards, and the residential scale and character of the buildings will be maintained, as is evident from the proposed building elevations.

Amendment

The applicant is proposing to revise the development plan building orientation that was approved as part of the "Palloni Plan". The proposed conceptual PD plan maintains the 75,000 SF of commercial development between one and two stories in height and breaks up the building and parking lot, while providing additional pedestrian connectivity and open space. The proposed project is parked at a scale of 5 spaces per 1,000 SF.

A community meeting was held on January 6, 2022 at the Planning and Zoning Commission Meeting where the Commission provided direction to City staff to consider in their review, and the applicant's revision of the conceptual development plan. The version of the proposed plan reviewed at the meeting contained three drive-thru uses on the site.

On February 28, 2022, City Council amended the Comprehensive Development Plan (CDP) to allow for one drive-thru establishment, with a maximum interior square footage of 5,000, located on the western portion of Lot 1 and with the condition that the PD concept plan had

to be reasonably consistent with the plan shown to City Council at that CDP adoption public hearing.

On July 6, 2022, the Development Review Committee (DRC) unanimously recommended approval of the proposed zoning amendment for Planned Development. The DRC recommendation report is consistent with the parameters established in the CDP amendment. The DRC staff report is attached to the draft City Ordinance included in this agenda packet.

Chairman Holloway asked the Commission if there were any questions for staff or the applicant.

- Commissioner McIver asked for clarification about open space requirements, the definition of open space in the PD and the type of trees proposed for the project.
- Chairman Holloway asked the City Attorney for clarification regarding the language in the Ordinance (PD to PD)
- Commissioner Jaffee asked a question about the proposed gazebo and gathering space.

All questions were answered by staff (open space and definition), the City Attorney (specific language in the Ordinance) and Jonathan Martin of Kimley-Horne, representing the applicant (type of trees and gazebo).

There being no more questions, Chairman Holloway opened the public hearing. The following members of the public spoke:

- Dale McDonald (108 Tangelo Court) asked questions about the lakeshore restoration as part of the PD requirements and commented on the overall open space amount.

Chairman asked if staff would like to address the comments heard. Staff gave an update on the on-going code violation for the two trees that died and informed the Commission that the lakeshore restoration condition was in compliance.

There being no-one else to speak, Chairman Holloway closed the public hearing and brought the item back to the Commission for questions, comments or recommendations. A motion was made to forward Petition 2021-03 (AZ-PD), MCN Lot 1 to the city council with a recommendation of approval consistent with the DRC findings and recommended conditions of approval.

RESULT:	Approve
MOVER:	Member Glen S. Jaffee
SECONDER:	Vice-Chair Matthew Lamb
AYES:	Jamie Kay Bennett, Keith Holloway, Glen S. Jaffee, Matthew Lamb, Katheen McIver
NAYS:	None

VI. OLD BUSINESS

Mr. Matthys indicated that the CDP amendments (Property Rights and Water Supply Plan) have been reviewed by the State and they had no comments or objections.

VII. NEW BUSINESS

Mr. Chaix informed the Commission about the upcoming August 4th P&Z meeting where there will be a patch ordinance to the LDC.

VIII. ANY OTHER BUSINESS THE BOARD DEEMS ADVISABLE

Members of the Commission asked about some project updates. Staff provided updates on specific projects.

IX. ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 6:35 pm.

Chairperson

Date

Attest

Date

MEETING DATE		AGENDA
August 4, 2022		Section: Public Hearing
Department/Office : Community Development	AGENDA REPORT	Item #: A.
Subject: Land Development Code Refinement Ordinance		
Requested Action or Motion: Forward the proposed city-initiated LDC text amendment to City Council with a recommendation of approval.		
Summary Explanation & Background: <u>Introduction</u> Since the adoption of the updated Maitland Land Development Code (LDC), effective March 1 of this year, staff has utilized the standards and procedures contained in the code and applied them to new development applications and public inquiries. While the document overall has proven effective, staff has also identified a few areas where refinements would make the code more effective or where clarifications or corrections would be useful. For this reason, staff has prepared an ordinance to amend the LDC to make these refinements and edits to the document in several areas. <u>Proposed Revisions</u> The changes, in summary, are: • Restore portions of the Waterfront Structure Permit procedure to remove a new provision which established a minimum time after public notification for staff to render a decision and re-establish the specific appeal procedure for permits of this type; • Create an exception to the first floor height minimum of 14 feet in the Downtown Maitland zone district for townhouse dwellings; • Remove "Farmer's Market's" as an allowed accessory use in the West Side zone districts (remaining as a permitted <i>temporary</i> use there and elsewhere); • Remove a standard in the new outdoor seating standards that prohibits food preparation outside the enclosed principal building containing the eating/drinking establishment; • Providing an exemption to the Shoreline Protection Standards and Wetland Protection Standard setbacks for legal non-conforming structures; • Revising a tree replacement standard table to change a requirement measured from "dbh" to "Caliper" as it would be more appropriate for new trees; and • Editing the definition of Waterfront Structure to revise an incorrect reference to the shoreline protection area. <u>Process</u>		

The updated LDC outlines a procedure for city-initiated LDC updates in Section 2.5.2(c)(2). The Planning and Zoning Commission reviews the update proposed by City staff, and makes a recommendation to City Council based on the following review standards:

The advisability of amending the text of the LDC is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Council shall weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the comprehensive development plan and furthers its goals, objectives, and policies;
2. Is in conflict with any provision of this LDC and the City Code;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zone districts, or would improve compatibility among uses;
6. Would result in a logical and orderly development pattern;
7. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
8. Would adversely impact the availability of public facilities to accommodate new growth and development.

Recommendation

Staff recommends that the Planning and Zoning Commission forward the proposed city-initiated LDC text amendment to City Council with a recommendation of approval.

Fiscal Impact:

Exhibits:

1. LDC Refinement Draft Ordinance

Commission/Board: Planning and Zoning Commission

Contact Person: Barrett Chaix 407-539-6213

Reviewed by City Attorney

ORDINANCE NO.: _____

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING SECTION 2.5.3(D)(3) ‘WATERFRONT STRUCTURE PERMIT PROCEDURE’ TO REMOVE A TIME LIMITATION ON THE STAFF REVIEW AND DECISION FOR THESE PERMITS; AMENDING SECTION 2.4.11 ‘POST-DECISION LIMITATIONS AND ACTIONS’, SECTION 2.5.3(K) ‘POST-DECISION LIMITATIONS AND ACTIONS’, AND SECTION 2.5.4(D)(2) ‘TYPES OF APPEAL’ TO ESTABLISH A 15-DAY APPEAL PROCESS FOR WATERFRONT STRUCTURE PERMITS; AMENDING SECTION 3.3.5 (C) “INTENSITY AND DIMENSIONAL STANDARDS” FOR DOWNTOWN MAITLAND EXEMPTING TOWNHOME DWELLING FROM THE FIRST FLOOR MINIMUM HEIGHT STANDARDS OF 14 FEET; AMENDING TABLE 4.3.2(E): ACCESSORY USE AND STRUCTURE TABLE TO REMOVE FARMER’S MARKET AS A LISTED ACCESSORY USE; AMENDING SECTION 4.3.4(O) ‘OUTDOOR SEATING, AS ACCESSORY TO AND EATING, DRINKING, AND ENTERTAINMENT USE’ STANDARDS TO REMOVE A PROHIBITION OF FOOD PREPARATION OUTSIDE THE ENCLOSED PRINCIPLE BUILDING; AMENDING SEC. 5.3.7. “SHORELINE PROTECTION STANDARDS,” SUB-PARAGRAPH (C) “WATER BODY SETBACK” AND SEC. 5.3.8. “WETLAND PROTECTION STANDARDS,” SUB-PARAGRAPH (F) “SETBACKS” TO EXEMPT CERTAIN STRUCTURES DEVELOPED PRIOR TO THE CODE UPDATE; AMENDING TABLE 5.6.4 ‘SPECIMEN TREE REPLACEMENT STANDARDS’ TO CHANGE AN INCONSISTENT UNIT OF MEASUREMENT; AND AMENDING SECTION 10.3.2 ‘DEFINITIONS’ TO REVISE THE DEFINITION OF ‘WATERFRONT STRUCTURE’ TO REMOVE AN INCONSISTENT REFERENCE TO THE SHORELINE PROTECTION AREA; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 28, 2022 the City of Maitland adopted a comprehensive update of the Land Development Code; and

WHEREAS, in the course of utilizing the code since that time, staff has identified a few adjustments they believe to be necessary to correct minor inconsistencies and make incremental improvements to the Land Development Code; and

WHEREAS, this ordinance makes certain amendments to correct the identified inconsistencies and implement incremental improvements; and

WHEREAS, on August 4, 2022, the Planning and Zoning Commission, sitting as the local planning agency, has found this ordinance to be consistent with the City’s Comprehensive Development Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA THAT:

SECTION 1. The foregoing recitals are true and correct and incorporated herein.

SECTION 2. SEC. 2.5.3(d)(3) ‘Waterfront Structure Permit Procedure’ of the City of Maitland Land Development Code is hereby amended and shall read as follows (note: strikethrough text indicates deletions, underline text indicates additions, and asterisks (***) identify sections of text that remain unchanged and are not printed herein):

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The Public Works Director shall review the application, and perform an onsite inspection. ~~No less than 14 days after the notice in subsection (D) above has been mailed,~~ The Public Works Director shall make a decision on the application based on the review standards in subsection (4) below. The Public Works Director’s decision shall be one of the following:

1. Approval of the application as submitted;
2. Approval of the application with modifications and/or conditions of approval; or
3. Denial of the application.

SECTION 3. SEC. 2.4.11 ‘Post-Decision Limitations and Actions’ of the City of Maitland Land Development Code is hereby amended and shall read as follows:

(A) Appeal may be taken to City Council on final decisions on the following applications:

1. Shoreline alteration permits, see Sec. 2.5.3(b);
2. Wetland alteration permits, see Sec. 2.5.3(c);
- ~~3. Waterfront structure permits, see Sec. 2.5.3(d);~~
4. 3. Vegetation and tree removal permits, see Sec. 2.5.4(e);
- ~~5.~~ 4. Floodplain development permits, see Sec 2.5.3(h).;
- ~~6.~~ 5. Zoning variance, see Sec.2.5.4(a);
- ~~7.~~ 6. Administrative adjustments, see Sec. 2.5.4(c);

~~8.~~ 7. Interpretations, see Sec. 2.5.5; and

~~9.~~ 8. Sign permit appeals by the P&Z, see Sec. 2.5.3(a).

SECTION 4. SEC. 2.5.3(d)(3) ‘Waterfront Structure Permit Procedure’ of the City of Maitland Land Development Code is hereby amended and shall read as follows:

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11, excepting 2.4.11(a) Appeal. In addition, the Public Works Director shall provide notice of the decision to the property owners required to be notified in subsection (D) above via first-class certified mail.

1. Waterfront Structure Appeal Procedure

Any person, including the applicant, may file a written objection with the city manager, within fifteen (15) calendar days of the date on which the city mailed the notices referred to in subsection (D) above. If no such notice of appeal is received within the fifteen-day period, then the ruling of reviewing staff shall be final. If an appeal is filed, such appeal shall be heard by the city council at their next available regular meeting. Notice of the appeal will be provided to the applicant, nearby property owners entitled to notification under subsection (D) above, and to persons who have objected in writing to the proposed Structure. At an advertised public hearing, the city council may affirm, reverse, or modify the decision of the reviewing staff. A copy of the decision of the city council will be sent via certified mail to the applicant and those who filed written objections to the permit.

SECTION 5. SEC. 2.5.4(d)(2) ‘Types Of Appeal’ of the City of Maitland Land Development Code is hereby amended and shall read as follows:

(2) Types of Appeal

A party aggrieved or adversely affected by decisions on any of the following applications may appeal the decision to the City Council in accordance with this section (see Table 2.2: Suggested Development Review Procedures):

(A) Sign permit appeals from the P&Z, see Sec. 2.5.3(a);

- (B) Shoreline alteration permits, see Sec. 2.5.3(b);
- (C) Wetland alteration permits, see Sec. 2.5.3(c);
- ~~(D)~~ Waterfront structure permits, see Sec. 2.5.3(d);
- ~~(E)~~(D) Vegetation and tree removal permit appeals, see Sec. 2.5.3(e).
- ~~(F)~~(E) Floodplain development permits, see Sec. 2.5.3(h);
- ~~(G)~~(F) Zoning variance, see Sec. 2.5.4(a);
- ~~(H)~~(G) Administrative adjustments, see Sec. 2.5.4(c); and
- ~~(I)~~(H) Interpretations, see Sec. 2.5.5.

SECTION 6. SEC. 3.3.5 (c) ‘Intensity and Dimensional Standards’ of the City of Maitland Land Development Code is hereby amended and shall read as follows:

[7] The first floor of all buildings, with the exception of townhouse dwellings, shall be a minimum of 14 feet in height.

SECTION 7. TABLE 4.3.2(e): Accessory Use and Structure Table of the City of Maitland Land Development Code is hereby amended and shall read as follows:

Farmer’s market							P	P				A		
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SECTION 8. SEC. 4.3.4(o) ‘Outdoor Seating, as Accessory to an Eating, Drinking, and Entertainment Use’ of the City of Maitland Land Development Code is hereby amended and shall read as follows:

(3) Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.

~~(4) Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.~~

~~(5)~~ (4) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use, and shall not obstruct a pedestrian crosswalk or curb cut.

~~(6)~~ (5) The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing an eating or drinking establishment subject to the following standards:

SECTION 9. SEC. 5.3.7. “Shoreline Protection Standards,” sub-paragraph (c) “Water Body Setback” is hereby amended and shall read as follows:

(c) Water Body Setback

No building, structure, or deck attached to a building or structure shall be constructed within 50 feet of any water body in the City, as measured by the Normal High Water Elevation of the lake or other water body. Normal High Water Elevation of lakes in the City are identified in Table 5.3.7(d)(2): Normal High Water Elevations. For water bodies not shown in Table 5.3.7(d)(2) but that are connected hydrologically to a lake that is identified in the table, the elevations for the appropriate connected lake shall be used. Any property upon which a structure not in compliance with this sub-paragraph (c) existed as of February 28, 2022 shall be exempt from this sub-paragraph (c) provided the structure was in compliance with all setbacks applicable to the property as of February 28, 2022 or otherwise lawfully noncompliant with such setbacks. The burden of establishing the existence of such structure as of February 28, 2022 shall lie with the applicant for a development permit. Exemption from the setback provided in this subsection (c) shall not create an exemption from any other applicable setback or regulation.

SECTION 10. SEC. 5.3.8. “Wetland Protection Standards,” sub-paragraph (f) “Setbacks” is hereby amended and shall read as follows:

(f) Setbacks

No building, structure, or deck attached to a building or structure shall be constructed within 50 feet of wetlands delineated in accordance with this section. Any property upon which a structure not in compliance with this sub-paragraph (f) existed as of February 28, 2022 shall be exempt from this sub-paragraph (f) provided the structure was in compliance with all setbacks applicable to the property as of February 28, 2022 or otherwise lawfully noncompliant with such setbacks. The burden of establishing the existence of such structure as of February 28, 2022 shall lie with the applicant for a development permit. Exemption from the setback provided in this subsection (f) shall not create an exemption from any other applicable setback or regulation.

SECTION 11. TABLE 5.6.4 ‘Specimen Tree Replacement Standards’ of the City of Maitland Land Development Code is hereby amended and shall read as follows:

Table 5.6.4: Specimen Tree Replacement Standards		
Specimen Tree Size (DBH)	Replacement Requirement [1]	
	Number of Trees	Total dbh <u>Caliper</u>
More than 24 to 35 inches	3	9 inches
More than 35 to 45 inches	4	12 inches
More than 45 inches	5	15 inches
NOTES: [1] Specimen trees shall be replaced by the listed number of trees or by replacement trees that add up to the required caliper, at the applicant’s discretion.		

SECTION 12. SEC.10.3.2 ‘Definitions’ of the City of Maitland Land Development Code is hereby amended and shall read as follows:

WATERFRONT STRUCTURE

A seawall, retaining wall, boardwalk, boat slip, boat ramp, boathouse, boat dock, observation deck, floating structure, boat lift, or mooring pilings, whether temporary or permanent, located within a Shoreline protection area, that area beginning 15 25 feet landward of the NHWE and extending through the littoral zone of the water body.

SECTION 13. CODIFICATION. It is the intent of the City Council of the City of Maitland that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 14. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 15. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 16. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED by the City Council of the City of Maitland, Florida, this ____ day of _____, 2022.

CITY OF MAITLAND, FLORIDA

BY: _____
JOHN P. LOWNDES, MAYOR

ATTEST: _____
LORI HOLLINGSWORTH, CITY CLERK