



**Planning and Zoning Commission  
September 7, 2023  
Council Chambers  
6:00 PM**



- I Call to Order
- II Pledge of Allegiance
- III Election of Commission Vice-Chairperson
- IV Minutes of Previous Meeting
- V Public Period
- VI Public Hearing
  - 1 Site-specific Zone District Map Amendment AZS (2023)-0002: 801 S. Lake Destiny Road
- VII Old Business
- VIII New Business
- IX Other Business the Commission Deems Advisable
- X 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                               |
| September 7, 2023                                                           |                                                                                   | Section: Minutes of Previous Meeting |
| Department/Office : Community Development                                   | AGENDA REPORT                                                                     | Item #: 1                            |
|                                                                             |                                                                                   |                                      |
| <b>Subject:</b><br>March 2, 2023 Minutes                                    |                                                                                   |                                      |
| <b>Requested Action or Motion:</b><br>Approve the minutes of March 22, 2023 |                                                                                   |                                      |
| <b>Summary Explanation &amp; Background:</b>                                |                                                                                   |                                      |
| <b>Fiscal Impact:</b><br>NA                                                 |                                                                                   |                                      |
| <b>Exhibits:</b><br>1. March 2, 2023 Minutes                                |                                                                                   |                                      |
| <b>Commission/Board:</b> Planning and Zoning Commission                     |                                                                                   |                                      |
| <b>Contact Person:</b> Barrett Chaix 407-539-6213                           |                                                                                   |                                      |
| Reviewed by City Attorney<br>No                                             |                                                                                   |                                      |



**Planning and Zoning  
Commission  
Minutes  
March 2, 2023  
Council Chambers  
6:00 PM**



**I CALL TO ORDER**

Chairman Holloway called the meeting to order at 6:00 p.m.

**II PLEDGE OF ALLEGIANCE**

**III NOMINATION AND ELECTION OF OFFICERS**

**1 ELECTION OF CHAIRPERSON**

A motion was made to nominate Jamie Kay Bennett as Chair for 2023.

|                  |                                                                        |
|------------------|------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>Approve</b>                                                         |
| <b>MOVER:</b>    | <b>Vice-Chair Matthew Lamb</b>                                         |
| <b>SECONDER:</b> | <b>Member Glen S. Jaffee</b>                                           |
| <b>AYES:</b>     | <b>Jamie Kay Bennett, Keith Holloway, Glen S. Jaffee, Matthew Lamb</b> |
| <b>NAYS:</b>     | <b>None</b>                                                            |

**2 ELECTION OF VICE-CHAIRPERSON**

A motion was made to nominate Glenn Jaffee as Vice-chair for 2023.

|                  |                                                                        |
|------------------|------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>Approve</b>                                                         |
| <b>MOVER:</b>    | <b>Board Member Jamie Kay Bennett</b>                                  |
| <b>SECONDER:</b> | <b>Vice-Chair Matthew Lamb</b>                                         |
| <b>AYES:</b>     | <b>Jamie Kay Bennett, Keith Holloway, Glen S. Jaffee, Matthew Lamb</b> |
| <b>NAYS:</b>     | <b>None</b>                                                            |

**IV MINUTES OF PREVIOUS MEETING**

**1 MINUTES OF THE AUGUST 4, 2022 PLANNING AND ZONING COMMISSION**

A motion was made to approve the minutes as drafted.

|                  |                                                                        |
|------------------|------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>Approve</b>                                                         |
| <b>MOVER:</b>    | <b>Board Member Jamie Kay Bennett</b>                                  |
| <b>SECONDER:</b> | <b>Member Glen S. Jaffee</b>                                           |
| <b>AYES:</b>     | <b>Jamie Kay Bennett, Keith Holloway, Glen S. Jaffee, Matthew Lamb</b> |
| <b>NAYS:</b>     | <b>None</b>                                                            |

## V PUBLIC PERIOD

Chairman Holloway opened the public period for anyone to speak on any non-agenda item. Seeing nobody wishing to speak, Chairman Holloway closed the public period.

## VI PUBLIC HEARING

### 1 SITE SPECIFIC ZONE DISTRICT MAP AMENDMENT AZS (2022)-0001 473 S. KELLER ROAD

Barrett Chaix, Senior Planner, gave an overview of the proposed rezoning request from Planned Development (PD) to West Side-New Market (WS-NM) and the process followed by the applicant, Eli Melamed of 999 Douglas Avenue, Altamonte Springs, adding additional information about the history of the property and his request:

**APPLICANT:** ERM-TLS , INC (Eli Melamed); 999 Douglas Ave., Suite 3324, Altamonte Springs, FL 32714  
**AGENT: OWNER(S):** Christopher Bravo, P.E.; 7221 Aloma Ave., Suite 300, Winter Park, FL 32792

**PETITION:** Site-Specific Zone District Map Amendment: AZS (2022)-0001. The applicant is requesting to rezone the subject property from PD: Planned Development District to WS-NM: West Side New Market District

**LOCATION:** 473 S. Keller Road

**PID(S):** 34-21-29-0000-00-008

**ACREAGE:** 4.736 acres

**ACCESS:** S. Keller Road

**EXISTING USE:** Single-Family Residential

**FUTURE LAND USE:** Employment Center

**ZONE DISTRICT:** Planned Development

### I. FINDINGS & DETERMINATION

City Staff has reviewed this application for a site-specific zoning amendment and prepared this report that addresses the application's compliance with the applicable review standards. Based on these findings, the Development Review Committee (DRC) recommends approval of the application.

## II. STAFF ANALYSIS

The following are included in this staff report:

Application for site-specific zoning amendment and supplemental materials.

**HISTORY** On January 28, 2019, with Ordinance 1343, Maitland City Council approved a Planned Development concept plan for this site, changing the zoning from R-1 Single Family Dwelling District (Orange County Zoning District) to PD Planned Development. The concept plan was to develop a SO-unit gated condominium community split into three multifamily structures. The buildings were to be six stories in height with parking on the first floor. The plan called for 102 spaces of on-site parking, 60 in garage and 42 surface. The plan also proposed a centrally located clubhouse, pool, and lanai area.

Conditions of Approval of the Planned Development included granting the City a 12 ft-wide bicycle/pedestrian easement along Lake Shadow to connect to the easement at the Courtney at Lake Shadow adjacent to the South and dedicating property to the City for the purposes of Right-of-Way for the expansion of Keller Road.

The Development Review Committee (DRC) approved the Site Plan to construct the development on November 20, 2019. On May 5, 2020, the city approved a Site Construction Permit (11-19-36778) for the project. No building permits applications were made.

On April 25, 2022, the applicant requested and received from City Council a one-year extension on the site Plan approval to allow the applicant to file Site Construction and Building Permits.

On November 17, 2022, the applicant hosted a neighborhood meeting at Maitland City Hall Council Chambers. Two members of the public attended and provided feedback to the applicant.

**PROPERTY DESCRIPTION** The subject property is rectangular shaped and abuts Keller Road to the east for 163 ft. and Lake Shadow to the west for 255 ft. The lot varies in depth between approximately 900 ft. to approximately 600 ft. from Keller Road to the normal high water mark of Lake Shadow. To the south is a multifamily development with 200 units distributed into 10 structures [Courtney Apartments at Lake Shadow]. To the north are two lots developed with a single family home on each lot. Across Keller Road are a number of office developments with surface parking. Five-hundred feet to the north of the subject property is the mixed-use development of Maitland Square, which is developed with office, retail, and restaurant uses. The subject property is 0.25 miles from the public North Maitland Ballfields.

The subject property is zoned Planned Development and is requesting a change to the West Side New Market District. The properties adjacent to the south are currently zoned Planned Development. The four properties immediately to the north and those to the east across Keller Road are zoned West Side -New Market.

The entire vicinity depicted below is in the Employment Center Future Land Use designation, which allows for a maximum residential density of up to 65 dwelling units per acre or 0.3 - 3.0 floor area ratio (FAR). The subject property falls within the Keller Road Mixed Use Focus Area delineated in Maitland Comprehensive Development Plan 2035. This area was identified in the Future Land Use Element as to be subject to special standards within the Land Development Code. This was implemented in the LDC with the establishment of the West Side New Market subdistrict.

#### LAND DEVELOPMENT CODE (LDC)

Site-specific amendments to the Official Zone District Map are subject to quasi-judicial review by the City Council and constitute the implementation of the general land use policies established in the Land Development Code and the comprehensive development plan. In determining whether to adopt or deny this application, the City shall consider:

A. Whether the applicant has provided, as part of the record of the public hearing(s) on the application, competent substantial evidence that the proposed amendment:

**1. Is consistent with the comprehensive development plan and furthers its goals, objectives, and policies;**

The applicant states that they "[d]esire to develop the site as a moderately high density, multi-family residential project, which may include a commercial element. The proposed improvements are similar in scale and massing to the existing site located immediately to the south, and the proposed zoning classification is the same as the properties located to the north. This site is located within an employment center putting residents in close proximity to a large number of businesses and within walking distance of an existing transit stop. [The] intended improvements support the City's stated preference for projects that support an economically vibrant mix of well- connected, walkable, and high intensity/density employment, retail and residential uses, both in a redevelopment and new development context, in a form that is consistent with the development goals of the city as expressed in the comprehensive development plan and other adopted plans."

**Staff finds that this criterion has been met.** The subject property, and

surrounding area, is in the Employment Center Future Land Use designation as set forth in the Future Land Use Element of the comprehensive development plan. The West Side New Market subdistrict is intended to support a high intensity/density mix of office, research and development, other employment and residential uses with a strong pedestrian form. Generally, the intent of the West Side District is to encourage a mix of uses flexible to adapt to market demands, such as providing housing choices in close proximity to employment.

**2. Is consistent with the goals, objectives, and policies of other City plans;**

The applicant states that "the proposed zoning classification [WS-NM) was specifically created for this part of the City. The adjacent parcels north of the subject site currently has the WS-NM zoning classification. While the adjacent property to the south is zoned PD, the applicant intends to develop the subject property in a similar manner."

**Staff finds that this criterion has been met.** The Maitland West Side Redevelopment Plan (adopted July 7, 2010) identified the subject property as part of the Keller Road Mixed Use Focus Areas that would create a walkable area with an urban street section, that increased residential development intensity to 65 dwelling units per acre. The proposed zone district is intended to implement that plan.

**3. Is not in conflict with any provisions of this LDC;**

The applicant states that "the proposed zoning classification (WS-NM) was specifically created for this part of the City. It is believed that the project can be designed in general conformance to the provisions in the City's LDC, however that level of specificity will be addressed during site plan review.""

**Staff finds that this criterion has been met.** The subject property is of sufficient size and configuration so that it could be developed to meet the development standards of the WS-NM zone and other LDC standards.

**4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land;**

The applicant states that "The adjacent parcels north of the subject site currently has the WS-NM zoning classification. While the adjacent property to the south is zoned PD, the applicant intends to develop the subject property in a similar manner."

**Staff finds that this criterion has been met.** As described in the "Property Description" section of the analysis above, in addition to the property to the north, a large area across Keller Road currently has the WS-NM zoning designation and is developed to a similar density and

intensity as would be allowed by the proposed zoning district. If the property owner had not petitioned for the 2019 Planned Development, the subject property would have been re-zoned by the city to WS-NM in 2022. This was the case of the two properties developed with single-family residences immediately to the north of the subject property [437 and 441 S Keller Road]. Their zone district was amended from residual Orange County single family zoning to WS-NM as part of the city-nitiated general zone district map amendment that accompanied the Land Development Code adoption in February 28, 2022 for consistency with the comprehensive development plan future land use designation.

**5. Addresses a demonstrated community need;**

The applicant states that "[t]he community need will be best addressed if consistency in zoning will be kept on this small corridor of Keller Rd. We desire to develop the site as a moderately high density, multi-family residential project, which may include a commercial element. The proposed improvements are similar in scale and massing to the existing site located immediately to the south, and the proposed zoning classification is the same as the properties located to the north. This site is located within an employment center, putting residents in close proximity to a large number of businesses and within walking distance of an existing transit stop. His intended improvements support the City's stated preference for projects that support an economically vibrant mix of well- connected, walkable, and high intensity/density employment, retail and residential uses, both in a redevelopment and new development context, in a form that is consistent with the development goals of the city as expressed in the comprehensive development plan and other adopted plans."

**Staff finds that this criterion has been met.** Development consistent with the WS NM district would meet a demonstrated community need as outlined by the Comprehensive Development Plan, the Maitland West Side Redevelopment Plan, and other planning documents.

**6. Would result in a logical and orderly development patterns;**

The applicant states that "rezoning to the WS-NM will result in a logical and orderly development pattern. The proposed zoning classification (WS-NM) was specifically created for this part of the City. The adjacent parcels north of the subject site currently has the WS-NM zoning classification. While the adjacent property to the south is zoned PD, the applicant intends to develop the subject property in a similar manner."

**Staff finds that this criterion has been met.** The subject property and the surrounding properties share the Employment Center future land use designation and development consistent with the WS-NM district would result in logical and orderly development patterns.

**7. Would not adversely affect the property values in the area;**

The applicant states that "[r]ezoning the land will not adversely affect the property values, on the contrary, values in the area will be affected positively by upgrading the zoning criteria of this parcel of land. The proposed zoning classification (WS-NM) was specifically created for this part of the City. The adjacent parcels north of the subject site currently has the WS-NM zoning classification. While the adjacent property to the south is zoned PD, the applicant intends to develop the subject property in a similar manner".

**Staff finds that this criterion has been met.** As described above in the "Property description portion of the analysis, the surrounding area has already been developed in a manner similar to the standards, density and intensity that would be allowed in the WS-NM district. Redevelopment of the subject property would be not be reasonably expected to affect the area property values.

**8. Reflects a change in circumstances or conditions in the vicinity of the property which would prevent its reasonable use as currently zoned;**

The applicant states that "rezoning will reflect the changes in circumstances in the vicinity of the property. Recent changes in the local and national economy has resulted in an influx of residents to Central Florida but a decreasing ability for residents to afford fee simple housing. A built to rent project targeting mature adults will help meet the housing shortage with a minimal impact on local infrastructure."

**Staff finds that this criterion has been met.** The planned development district and associated in 2019 concept plan strictly limits the flexibility of uses, density, intensity and form that would permit the property owner from adapting to economic market changes that have occurred since June, 2018 when the application for planned development was filed. Reconsideration of the site plan may allow for improved circulation and cross-access with adjacent properties.

**9. Would not result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;**

The applicant states that "Rezoning will not result in any impact to the natural environment such as water, wildlife, vegetation, wetlands and stormwater... The proposed zoning classification (WS-M} was specifically created for this part of the City. The adjacent parcels north of the subject site currently has the WS-NM zoning classification. While the adjacent property to the south is zoned PD, the applicant intends to develop the

subject property in a similar manner. Regarding impacts to the wetland, the proposed improvements will incorporate the standard wetland buffers, which will be reviewed and verified during the Site Plan review process. Regarding the stormwater, the proposed improvements will incorporate the standard treatment and attenuate requirements, which will be reviewed and verified during the Site Plan review process. The neighbor to the north indicated some adverse impacts resulting from the property located to their north; however, that's a non-issue for the development of this parcel, as it's located in a relative low point. The adjacent parcels to both the north and south are up gradient from the subject site; therefore, the stormwater runoff is unlikely to have any adverse impact on the neighboring sites.

**Staff finds that this criterion has been met.** Adherence to the development standards of the LDC, including the WS-NM district and other agencies such as St. John's Water Management District can prevent significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. An updated Protected Species and Wetland assessment report will be required prior to Site Plan Review for any subsequent development.

**10. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).**

The applicant states that "rezoning will result in development that is adequately served by public facilities. (Streets, water, sewer, stormwater, schools, parks, police, fire, and emergency medical facilities)[...]

A built to rent project targeting mature adults will help meet the housing shortage with a minimal impact on local infrastructure. Stormwater is a non-issue, as the site outfalls directly to Lake Shadow, so no public infrastructure is involved. Mature adults, the intended demographic, generally include few school age individuals and smaller family sizes, resulting in little to no impact to the local school system and a minimum impact to local roads."

**Staff finds that this criterion has been met.** Utility service, including solid waste collection and police and fire access to the subject property can be provided from S. Keller Road. Applicant will be required to provide evidence of capacity for any specific proposed development at the time of Site Plan Review. The City of Altamonte Springs provides sewage treatment to the subject property via the Maitland sewer system, and any development would need to reserve sufficient capacity prior to Site Construction Permit issuance. Orange County School District would

provide capacity analysis prior to granting of building permits for any structure that required capacity reservation. Staff notes that present stormwater management infrastructure on S. Keller Road is inadequate resulting in conditions of roadway flooding during heavy rains. Therefore, future development will need to take into account engineering solutions for stormwater management in the design of the Landscape/ Pedestrian area interface with Keller Road. These design solutions will be evaluated at the time of site plan review.

B. Whether the current zone district designation accomplishes a legitimate public purpose.

Staff finds that the planned development district and associated in 2019 concept plan strictly limits the flexibility of uses, density, intensity and form that would permit the property owner from adapting to economic market changes that have occurred since June, 2018 when the application for planned development was filed. The current zone district permits a single use (multi-family residential with accessory community buildings) at a narrowly proscribed density and urban form. An explicit purpose of the West Side Zone District, as described in the Land Development Code is to include a vibrant mix of uses that allow sufficient flexibility to adapt to future market demands in ways that maintain the form and character of development that is consistent with the development goals of the district. Restricting a developer to a narrow development plan with a single use does not accomplish a public purpose. **Staff finds that this criterion has been met.**

Chairman Holloway opened the floor to anyone from the public wishing to speak on this case. Seeing none, Chairman Holloway closed the public hearing and brought it back to the Commission. After a few quick questions from P&Z, the Chairman called for a motion.

|                  |                                                                        |
|------------------|------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>Approve</b>                                                         |
| <b>MOVER:</b>    | <b>Board Member Jamie Kay Bennett</b>                                  |
| <b>SECONDER:</b> | <b>Member Glen S. Jaffee</b>                                           |
| <b>AYES:</b>     | <b>Jamie Kay Bennett, Keith Holloway, Glen S. Jaffee, Matthew Lamb</b> |
| <b>NAYS:</b>     | <b>None</b>                                                            |

## VII OLD BUSINESS

Chairman Holloway asked if there was any old business. There was none to report.

## VII NEW BUSINESS

I

Chairman Holloway asked if there was any new business to discuss, there was none to report.

**IX OTHER BUSINESS THE COMMISSION DEEMS ADVISABLE**

P&Z asked about any businesses coming to Maitland, specifically in MCN lots 1 and 2, and the Maitland Social development. Staff provided an update of what is known at this time.

**XADJOURNMENT**

There being no further business to come before the Commission, the meeting adjourned at 6:36 p.m.

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Chairperson

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Date

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Attest

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Date

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------|
| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | AGENDA                  |
| September 7, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                   | Section: Public Hearing |
| Department/Office : Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | AGENDA REPORT                                                                     | Item #: 2               |
| <b>Subject:</b><br>Site-specific Zone District Map Amendment AZS (2023)-0002: 801 S. Lake Destiny Road                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                   |                         |
| <b>Requested Action or Motion:</b><br>Forward site-specific zone district map amendment AZS (2023)0002: 801 S. Lake Destiny Road to Council with a recommendation of approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |                         |
| <b>Summary Explanation &amp; Background:</b><br>The applicants, SEE Consult GmbH and Jenni Clucas (ITS.USA) are requesting a zone district map amendment for four parcels totaling 1.26 acres above normal high water from single family residential 1 (SFR-1) to West Side Research and Technology District (WS-RT).<br><br>On August 2, 2023, the Development Review Committee (DRC) reviewed the application and addressed the application's compliance with the applicable review standards in the Maitland Land Development Code in a recommendation of approval.<br><br>Details of the subject property and the applicants request, along with staff analysis and recommendation are found within the attached staff report. |                                                                                   |                         |
| <b>Fiscal Impact:</b><br>NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                   |                         |
| <b>Exhibits:</b><br>1. DRC Staff Report<br>2. DRAFT ORDINANCE 801 S. Lake Destiny Road                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                   |                         |
| <b>Commission/Board:</b> Planning and Zoning Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                   |                         |
| <b>Contact Person:</b> Barrett Chaix 407-539-6213                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                   |                         |
| Reviewed by City Attorney<br>Yes (Ryan Knight)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |                         |

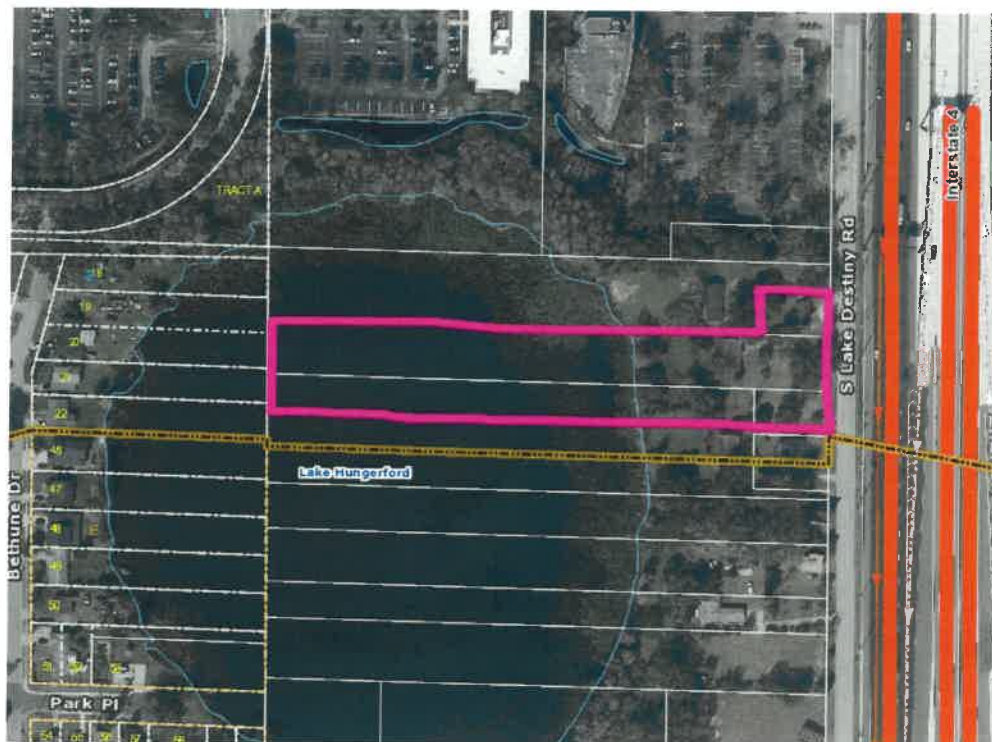


## MAITLAND FLORIDA

### Site-Specific Zone District Map Amendment: AZS (2023)-0002 801 S. Lake Destiny Rd. DEVELOPMENT REVIEW COMMITTEE August 2, 2023

APPLICANT: SEE Consult GmbH; Jenni Clucas, ITS.USA;  
AGENT: Vivien Monaco, Watson Sloane PLL; 390 N. Orange Ave., Unit 1800, Orlando, FL 32801  
OWNER(S): Tirlochan S. Chehal, Harjinder K. Chehal, and Rajwant Chehal; 531 S. State Road 434, Altamonte Springs, FL 32714  
PETITION: Site-Specific Zone District Map Amendment: AZS (2023)-0002  
The applicant is requesting to rezone the subject property from RSF-1 Single Family Residential District to WS-RT: West Side Research Technology District  
LOCATION: 801 S. Lake Destiny Road, 761 S. Lake Destiny Road, 817 S. Lake Destiny Road.  
PID(S): 35-21-29-0000-00-138, 35-21-29-0000-00-073, 35-21-29-0000-00-158, 35-21-29-0000-00-146  
ACREAGE: 1.26 acres above normal high water line; 3.32 acres total area  
ACCESS: S. Lake Destiny Road  
EXISTING USE: Single-Family Residential, Vacant  
FUTURE LAND USE: Employment Center  
ZONE DISTRICT: RSF-1 Single Family Residential

#### VICINITY MAP



## **I. FINDINGS & DETERMINATION**

City Staff has reviewed this application for a site-specific zoning amendment and prepared this report that addresses the application's compliance with the applicable review standards. Based on these findings, the Development Review Committee (DRC) recommends approval of the application.

## **II. STAFF ANALYSIS**

The following are included in this staff report and included as Appendix A:

1. Application for site-specific zoning amendment and supplemental materials.

### **HISTORY**

The subject property consists of four un-platted parcels developed with two single-family dwellings. The properties are currently not served by public water or sanitary sewer and are zoned for single-family residential use.

In March 2019, the City adopted the Maitland Comprehensive Development Plan 2035 (CDP). The CDP assigned the seven residentially zoned parcels on S. Lake Destiny Road that are within the City's jurisdiction with the Employment Center future land use designation.

In accordance with the Land Development Code process for site-specific rezoning, on May 18, 2023, the applicant hosted a neighborhood meeting at Maitland City Hall Council Chambers. Minutes of the meeting are included in Appendix A.

### **PROPERTY DESCRIPTION**

The subject property abuts S Lake Destiny Road to the east for approximately 225 ft. and Lake Hungerford to the west for 150 ft. The lot varies in depth between approximately 120 ft. to approximately 340 ft. from S Lake Destiny Road to the normal high water mark of Lake Hungerford at its largest extent. To the east across S Lake Destiny Road (a two-lane road) is a narrow grass median and Interstate 4, consisting of approximately 11 lanes in that location, approximately 0.4 miles south of the interchange with W. Maitland Boulevard (Hwy 414).

To the south are two parcels developed with single-family homes, before reaching the boundary of the Town of Eatonville. South of the jurisdictional boundary are a billboard and five additional single-family residential lots. To the north is one lot developed with a single family home and a six-acre parcel developed with a four-story office building and associated surface parking.

The subject property is zoned Residential Single-Family 1 (RSF-1) and the applicant is requesting a change to the West Side Research Technology District (WS-RT). The adjacent parcels to the north and south are currently zoned RSF-1. The second property to the north and beyond are zoned WS-RT

The entire vicinity depicted in the zone district map below is in the Employment Center Future Land Use designation, which allows for a maximum residential density of up to 65 dwelling units per acre or 0.3 – 3.0 floor area ratio (FAR).





## FUTURE LAND USE

Employment Center

*Future Land Use Designation.*



*View looking South on S. Lake Destiny Road, with subject property on the right and Interstate-4 on the left. [Google Street View, April 2021]*

#### **LAND DEVELOPMENT CODE (LDC)**

Site-specific amendments to the Official Zone District Map are subject to quasi-judicial review by the City Council and constitute the implementation of the general land use policies established in the Land Development Code and the comprehensive development plan. In determining whether to adopt or deny this application, the City shall consider:

**A. Whether the applicant has provided, as part of the record of the public hearing(s) on the application, competent substantial evidence that the proposed amendment:**

- 1. Is consistent with the comprehensive development plan and furthers its goals, objectives, and policies;**

*The applicant states that they “desire to develop the subject parcels as an office building to serve as ITS’s United States-based corporate headquarters. ITS is an Austria-based company which manufactures and sells metal surgical implants used in trauma surgeries. The office building will also have at least one medical education lab to train trauma surgeons from throughout the United States and overseas in the surgical procedures for the ITS implant. The proposed WS-RT zoning will allow development*

*consistent with the CDP goal for Maitland to become a suburban pattern of high quality residential, office, and shopping areas. Approval of the site-specific zoning map amendment for the subject parcels and the applicant's intended development supports this goal by providing high-quality office development and increases employment opportunities in close proximity to residential areas (including high-density multi-family development), further promoting balance between residential and non-residential land uses."*

The subject property, and surrounding area, is in the Employment Center Future Land Use designation as established in the Future Land Use Element of the comprehensive development plan. The Research Technology subdistrict provides for a mix of office and other employment uses with supporting retail and residential uses. The general intent of the West Side District is to encourage a mix of uses to adapt to market demands. **Staff finds that this criterion has been met.**

**2. Is consistent with the goals, objectives, and policies of other City plans;**

*The applicant states that "the rezoning of the subject parcels to WS-RT district for the proposed development fits seamlessly within the intent of the district to provide for a high intensity/density mix of office and other employment uses with supporting retail and residential uses. In this proposed rezoning, there are existing housing choices (both single-family and multi-family residential) in close proximity to the proposed office development, and there is potential for additional residential uses in close proximity. One objective of the WS-RT district is to maintain a high quality of development that establishes the Westside District as a unique and special place, as well as include an economically vibrant mix of uses with sufficient flexibility to adapt to market demands. The rezoning of the subject parcels will further this objective as the applicant intends to develop the subject parcels in a high quality and aesthetically pleasing manner that will serve the area."*

The Maitland West Side Redevelopment Plan (adopted July 7, 2010) included the subject property as part of the study area and noted that "[a]s late as 1979, Maitland's West Side was little more than pasture-land and Florida wilderness between State Road 434 and the recently-constructed Interstate 4...Now nearly built-out, the West Side is a regionally significant employment center consisting of 97% office development among the total commercial building use[...]The plan supports a range of change from renovation and adaptation, to reorientation and infill, to redevelopment and intensification." The 2019 CDP future land use designation of Employment Center recognized the subject property as appropriate for transition to more intensive and commercial land uses if warranted by market demand. **Staff finds that this criterion has been met.**

**3. Is not in conflict with any provisions of this LDC;**

*The applicant states that "the approval the proposed site-specific amendment to the zoning map for these parcels is not in conflict with any provisions of the LDC, as the applicant intends to develop the property in accordance with and in adherence to the LDC's requirements and will further the objectives set forth in the LDC."*

The subject property is of sufficient size and configuration so that it could be developed to meet the development standards of the WS-RT zone and other LDC

standards. Buffer standards will be applied at the Site Plan review in order to ensure that the existing residential uses on adjoining properties will be sufficiently protected from any effects on an adjacent non-residential land use. **Staff finds that this criterion has been met.**

**4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land;**

*The applicant states that “the applicant’s intended development of the subject parcels is consistent with the goals and objectives of the WS-RT district. The WS-RT district is aimed at providing commercial uses in close proximity to residential housing, which is consistent with the proposed development. The Land Development Code provides for standards for development of commercially zoned properties in close proximity to residential uses, demonstrating that commercially zoned properties can be compatible with existing residential uses.*

*The property to the immediate north of the subject parcels (751 S. Lake Destiny Road) is currently zoned RSF-1 however, the parcels north of 751 S. Lake Destiny Road are zoned WS-RT.*

*The properties immediately abutting the subject parcels to the south are zoned RSF- 1, but 841 S. Lake Destiny Road and further south are commercially zoned.*

*[The] properties in this neighborhood share the future land use designation of Employment Center and the current development pattern demonstrates the gradual shift in this area toward a mix of commercial and multi-family residential and uses, while still including single-family residential uses.*

*The Employment Center future land use allows not only existing single-family residential uses, but also redevelopment of single-family residential uses. Nevertheless, as the volume and speed of traffic on South Lake Destiny Road has increased over the years, it would likely make new single-family residential uses less likely. Further, in combination with the increased traffic on I-4 immediately adjacent to South Lake Density Road, the traffic noise also likely makes new single-family development less desirable.”*

The seven parcels within Maitland on S. Lake Destiny Road that are zoned for single-family residential uses, may transition to commercial uses as market forces dictate. Meanwhile, the existing single-family zoning and uses may remain as conforming uses until such time as the owners petition for a zone map amendment. Landscaping standards, including perimeter buffer standards, will help to ensure that commercial uses would be compatible with existing and future adjacent residential land uses on the three remaining parcels. **Staff finds that this criterion has been met.**

**5. Addresses a demonstrated community need;**

*The applicant states that “the rezoning of the subject parcels addresses a demonstrated community need to adapt with the trends in the neighborhood towards commercial property uses, in addition to furthering the intent of the CDP future land use.*

*The U. S. - based portion of ITS is currently located in a smaller location in Maitland (where it has been located for twelve years since moving from Oviedo). The development of ITS's corporate office in this location will allow its business to grow compete and further its involvement within the Maitland community. ITS provides medical equipment benefiting the community at large to patients requiring trauma and other major surgeries. In addition to its corporate administrative uses, ITS intends to use the proposed development as a private medical education center. This will involve not only local surgeons but will also include physicians visiting the facility from throughout the United States and from around the world. These physicians will discover and enjoy Maitland during their stays. The obvious economic benefit to the city is hotel stays and restaurant visits, but other local businesses (retail businesses, for example) will also benefit."*

Development consistent with the WS-RT district would align with this vision outlined by the Maitland Comprehensive Development Plan 2035, and the Maitland West Side Redevelopment Plan. Infill redevelopment of new office buildings would help to revitalize the area and sustaining and supporting the area as a viable, prominent force in the Greater Orlando office park market. **Staff finds that this criterion has been met.**

**6. Would result in a logical and orderly development patterns;**

*The applicant states that "the trend of development and redevelopment in the area in close proximity to the subject property is zoning that allows commercial uses. Thus, the proposed site-specific zoning map amendment to WS-RT is consistent with the development pattern in this neighborhood."*

The subject property and the surrounding properties share the Employment Center future land use designation and development consistent with the development standards of the WS-RT district would result in logical and orderly development patterns envisioned in the Employment Center future land use designation. **Staff finds that this criterion has been met.**

**7. Would not adversely affect the property values in the area;**

*The applicant states that "at the neighborhood meeting on May 18th, neighboring property owners expressed concerns that the proposed site-specific zoning map amendment of the subject property would adversely affect their property values. However, the applicant contends that it will have a positive effect on neighboring properties, as it continues the trend of this neighborhood toward commercially zoned uses. The WS-RT zoning is designed to accommodate commercial property uses with nearby residential uses, so it should not adversely affect the property values in the area. The Residential Compatibility standards in the Land Development Code are designed to allow commercial and residential properties to coexist harmoniously as neighboring properties, thus rezoning the subject parcels will not adversely affect the current residential property values, and will likely improve property values for those owners who choose to rezone their properties to WS-RT."*

Policy 1.4.2 of the CDP adopted in 2019 explicitly protects existing detached single-family structures established prior to the adoption of the CDP as consistent with the

newly adopted land use and may be rebuilt provided lot standards are met. The robust screening and buffering standards that any office development would be subject to, would protect the property values of the surrounding properties such that the zone amendment and subsequent redevelopment of the subject property would be not be reasonably expected to negatively affect the area property values. **Staff finds that this criterion has been met.**

**8. Reflects a change in circumstances or conditions in the vicinity of the property which would prevent its reasonable use as currently zoned;**

*The applicant states that “several properties in the close proximity of the subject parcels are currently zoned WS-RT, demonstrating the gradual shift in this area towards commercial development, consistent with the future land use designation.*

*At the neighborhood meeting, local residents voiced concerns regarding the volume and speed of cars traveling on South Lake Destiny Road. The ever-increasing traffic is one factor that may lead potential single-family residents to determine that this particular area is not conducive for single-family residential homes, particularly families with children who are likely to be concerned about safety.*

*The Residential Compatibility Standards do address safety and compatibility between commercial uses and residential uses, but do not (and cannot) address traffic safety concerns.*

*Due to the neighborhood trends, the reasonable use of the subject parcels is to adapt and rezone to WS-RT, rather than continue as residential properties. The requested zoning is compatible with the shift in commercial development to the north and south of the subject parcels.*

*Further, the applicant’s proposed development of the subject parcels is a less intrusive use than other potential commercial uses, and any impact on traffic would be minor.”*

Since the completion of I-4 in 1965, the proximity to and increase of interstate traffic at grade across S. Lake Destiny Road have impacted the subject property through noise and vehicle emissions. As the commercial areas west of I-4 have developed over the decades, increased traffic on S. Lake Destiny, a two lane-road with narrow shoulders have created conditions less accommodating to pedestrian and bicycle traffic from residential uses. **Staff finds that this criterion has been met.**

**9. Would not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;**

*The applicant states that “rezoning the subject parcels will not have significant adverse impacts on the natural environment on the parcels, such as water, wildlife, vegetation, air, noise, or wetlands. The applicant specifically selected these parcels because of its natural environment and lakefront views, and has full intention to not only maintain, but also improve its natural character. The applicant will not only strictly adhere to the setback, vegetation, and wetland requirements or regulations set forth in the Land Development Code but will likely go above and beyond those requirements. The overall corporate leadership of the applicant and its sister companies has consistently and continually promoted and required sustainability in its corporate practices.*

*The applicant will connect the property to central water and wastewater, replacing current wells and septic systems, which will at minimum improve water quality in Lake Hungerford. Further, the applicant will bear the cost of extending central water approximately 1,000 feet to its property, and will also bear the cost of extending central wastewater from a manhole approximately 1,500 feet to its property (which may involve a private lift station and forcemain if a gravity pipe is not hydraulically feasible), which will allow adjacent properties to connect to central water and wastewater, thus reducing the adverse environmental effects of wells and septic systems in close proximity to Lake Hungerford.*

*The applicant also intends to include solar panels on the proposed building to generate electricity for the building, thus further reducing impacts on the natural environment. The corporate culture is to promote sustainability and keep its environmental footprint as minimal as possible."*

Moving the subject property from aging on-site sanitation to public wastewater will reduce potential adverse impacts on water quality of the surrounding properties and eliminate hazards to groundwater. Adherence to the development standards of the LDC, including the WS-RT district and other agencies such as St. John's Water Management District can prevent significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. **Staff finds that this criterion has been met.**

10. **Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).**

*The applicant states that "the applicant is aware that following approval of the site-specific zoning map amendment, development of the project will require that public facilities be sufficient to adequately serve the property. As note previously, the applicant understands that the closest connection to central water is approximately 1,000 feet away and the closest connection to central wastewater is approximately 1,500 feet from the subject property, which will be a significant expense. The applicant's civil engineer is experienced in planning and designing infrastructure for adequate public facilities. A major advantage in moving forward with this project is that central wastewater will be available to neighboring properties should the owners wish to connect to these services. The applicant is also aware that the Maitland Fire Marshall may require an additional fire hydrant to serve the property and will work with the Fire Marshall's office to comply with the requirements."*

Utility service, including solid waste collection and police and fire access to the subject property can be provided from S. Lake Destiny Road. Applicant will be required to provide evidence of capacity for any specific proposed development at the time of Site Plan Review. All stormwater and utility design solutions will be evaluated at the time of site plan review. **Staff finds that this criterion has been met.**

**B. Whether the current zone district designation accomplishes a legitimate public purpose.**

*The applicant states that "the current SFR-1 zoning on the subject parcels may accomplish a legitimate public purpose of providing single-family housing in close proximity to commercially zoned property that generates employment. The challenge is the existing single-family homes on two of the four subject parcels (761 and 801 S. Lake Destiny Road) are vacant and in poor condition, such that those homes would need to be demolished, and new homes would need to be constructed to replace them for single family residential use. Similarly, a new home would need to be constructed on the currently vacant 817 S. Lake Destiny Road to use if for single-family residential. The fourth parcel, immediately abutting 817 S. Lake Destiny Road to the west is currently land-locked and could not be developed as single-family residential without a lot split. New single-family homes would be required to conform to the City's current codes, which would require hooking up to Maitland central water and sewer at significant expense as noted previously. The cost of developing/redeveloping the subject property for single family use would require high sales prices. Expensive homes in that location are likely not marketable because of the frontage on S. Lake Destiny Road with I-4 immediately on the other side. The practical and economic barriers to single-family homes on the subject property are significant.*

The designation of these specific four parcels as single-family residential does not accomplish a legitimate public purpose but will be better served through rezoning and subsequent redevelopment where current development standards would apply. **Staff finds that this criterion has been met.**

  
Dan Matthys,  
Community Development Director

  
Date

# APPENDIX A

## Boundary Survey

The boundary shown herein is based upon the following:

- > Section Breakdown Plat Map of State Road 400, Sec. No. 75260, F.P. No. 24264 S, W.P. 1 N.A., Sheet 4 of 57, Dated 03-12-07
- > Private State Plane Coordinate System, East Zone, NAD 83

**Surveyor's Notes:**

THE BOUNDARY SHOWN HEREIN IS BASED UPON THE FOLLOWING:

- > Section Breakdown Plat Map of State Road 400, Sec. No. 75260, F.P. No. 24264 S, W.P. 1 N.A., Sheet 4 of 57, Dated 03-12-07
- > Private State Plane Coordinate System, East Zone, NAD 83

THE BOUNDARY SHOWN HEREIN IS BASED UPON THE FOLLOWING:

- > Section Breakdown Plat Map of State Road 400, Sec. No. 75260, F.P. No. 24264 S, W.P. 1 N.A., Sheet 4 of 57, Dated 03-12-07
- > Private State Plane Coordinate System, East Zone, NAD 83

**Area Calculations:**

Total Area: 144,333.67 Sq. Ft. or 3.27 Acres ±

Area Above Water Line: 54,420.74 Sq. Ft. or 1.26 Acres ±

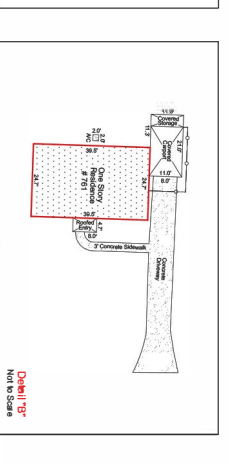
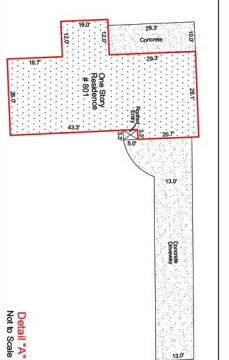
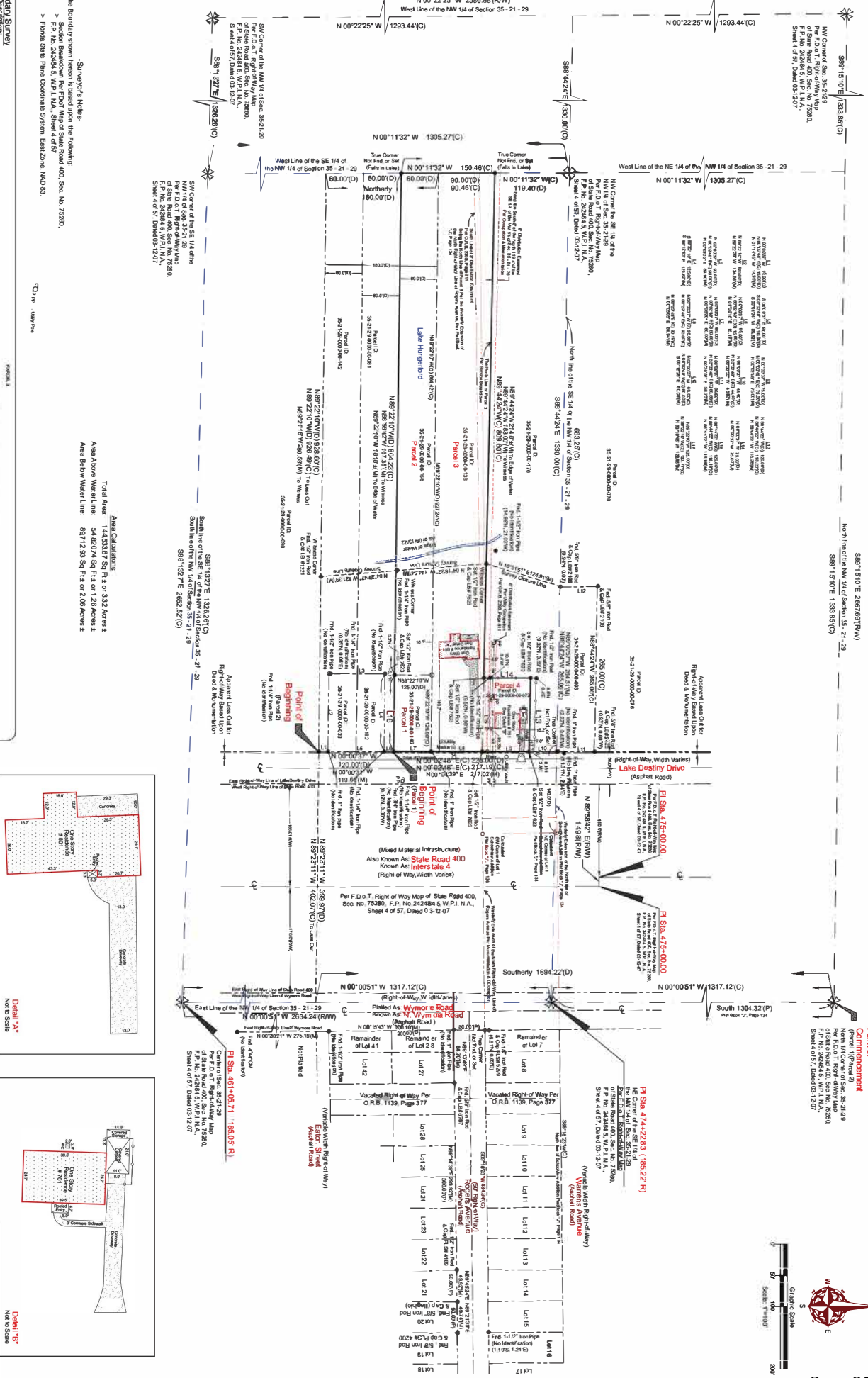
Area Below Water Line: 89,912.93 Sq. Ft. or 2.06 Acres ±

**Point of Beginning**

Point of Beginning is located at the intersection of the NW 1/4 of Section 35-21-29 and the NE 1/4 of Section 35-21-29.

**Point of Commencement**

Point of Commencement is located at the intersection of the NW 1/4 of Section 35-21-29 and the NE 1/4 of Section 35-21-29.



**Revisions**

1. Original Survey - 04/07/2010

2. Revised Survey - 04/07/2010

Office: 407.673.3366 Fax: 407.320.105

## **Neighborhood Meeting Minutes**

**Date and Time:** May 18, 2023, at 6:00 P.M.

**Meeting Location:** Maitland City Hall, City Council Chambers,

**Subject:** Proposed rezoning for 761, 801, 817 South Lake Destiny Road, Maitland, Florida  
and Parcel ID: 35-21-29-0000-00-158

**Applicant:** SEE Consult GmbH (U.S. Implant Solutions, LLC)

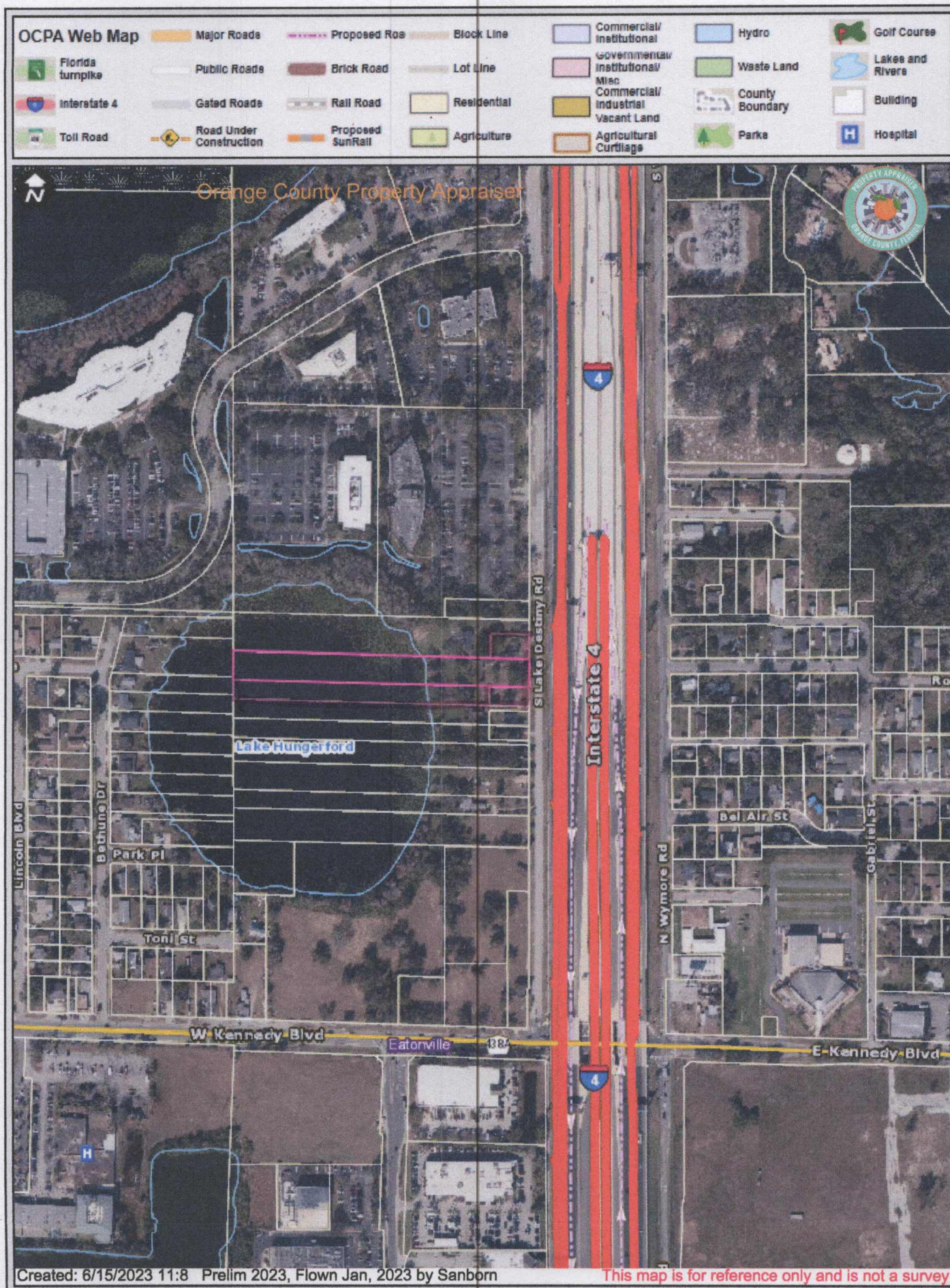
**Current zoning:** RSF-1 (Residential Single Family)

**Current future land use:** Employment Center

**Proposed zoning:** WSR-T (Westside Research and Technology)

### **Meeting Minutes:**

- Staff welcomed the attendees.
- Introductions and explanation of purpose of neighborhood meeting.
- Applicant presented request.
- Attendees set forth the following concerns:
  - Eatonville residents were concerned about preserving the historic quality of the neighborhood.
  - Adjacent residential property owners were concerned about the direct and indirect impacts of neighboring a commercial property, as well as the traffic impacts to S. Lake Destiny Road. The property owners want to ensure there are adequate buffers and setbacks from their respective properties. The property owners also raised concerns regarding potential harm from construction dust and noise, and potential effect on value of residential property .
- Staff and applicant both thanked the attendees and the meeting was adjourned at 7:00 P.M.



## **ANALYSIS FOR ITS. SITE-SPECIFIC REZONING**

The current SFR-1 zoning on the subject property limits the use to one single-family residential use per parcel. Two of the four parcels currently have vacant single-family homes that are in poor condition, which would need to be demolished and replaced with new single-family homes to maintain the current single-family residential use. The third parcel is vacant and would also need a new single-family home to maintain single-family residential use, and the fourth parcel is landlocked.

The proposed zoning map amendment from SFR-1 to WS-RT is consistent with the Employment Center future land use, and there is commercial zoning and development in close proximity to the site to both the north and the south. The proposed use as a corporate headquarters for ITS., a supplier of metal implants for surgery, including private medical education to train surgeons on the use of the ITS. implants for surgery is consistent with the West Side Research and Technology zoning district.

Additionally, surgeons from throughout the United States and around the world will visit ITS. for the surgical implant training, providing an economic boost for Maitland hotels, restaurants, and retail establishments. This will also introduce these visitors to the City of Maitland and all that the City has to offer.

This area and the subject property is ideal for the WS-RT zoning district, and development of the proposed project will benefit the City and its residents.

Further information and analysis is found in the competent substantial evidence narrative included in this application.

## CONSISTENCY WITH COMPREHENSIVE DEVELOPMENT PLAN AND LAND DEVELOPMENT CODE

1. The proposed amendment is consistent with the comprehensive development plan and furthers its goals, objectives, and policies:
  - a. The applicant desires to develop the subject parcels as an office building to serve as ITS's United States-based corporate headquarters. ITS. is an Austria-based company which manufactures and sells metal surgical implants used in trauma surgeries. The office building will also have at least one medical education lab to train trauma surgeons from throughout the United States and overseas in the surgical procedures for the ITS. implants. The applicant is currently under contract to purchase the subject parcels and is requesting a site-specific zoning of the parcels from RSF-1 (single-family residential) to WS-RT (West Side Research and Technology) to allow this development.
  - b. WS-RT zoning is consistent with the City of Maitland's Comprehensive Development Plan 2035 ("CDP"). The subject property is located within the Employment Center future land use designation, which is planned to be primarily nonresidential with a focus on providing ancillary residential options and service uses. The two sub-districts included in Employment Center are WS-RT and WS-NM (West Side New Market). The proposed WS-RT zoning is consistent with the adopted future land use designation of Employment Center.
  - c. The proposed WS-RT zoning will allow development consistent with the CDP goal for Maitland to become a suburban pattern of high quality residential, office, and shopping areas. Approval of the site-specific zoning map amendment for the subject parcels and the applicant's intended development supports this goal by providing high-quality office development and increases employment opportunities in close proximity to residential areas (including high-density multi-family development), further promoting balance between residential and non-residential land uses.
2. The proposed amendment is consistent with the goals, objectives, and policies of other City plans:
  - a. The rezoning of the subject parcels to WS-RT district for the proposed development fits seamlessly within the intent of the district to provide for a high intensity/density mix of office and other employment uses with supporting retail and residential uses. In this proposed rezoning, there are existing housing choices (both single-family and multi-family residential) in close proximity to the proposed office development, and there is potential for additional residential uses in close proximity. One objective of the WS-RT district is to maintain a high quality of development that establishes the Westside District as a unique and special place, as well as include an economically vibrant mix of uses with sufficient flexibility to adapt to market demands. The rezoning of the subject parcels will further this objective as the applicant intends to

develop the subject parcels in a high quality and aesthetically pleasing manner that will serve the area.

3. The proposed amendment is not in conflict with any provisions of the Land Development Code (LDC):
  - a. The approval the proposed site-specific amendment to the zoning map for these parcels is not in conflict with any provisions of the LDC, as the applicant intends to develop the property in accordance with and in adherence to the LDC's requirements and will further the objectives set forth in the LDC. There are RSF-1 zoned parcels adjacent to and in the vicinity of the proposed development; the applicant is aware and in full support of the Residential Compatibility Standards as provided in Section 5.10 of the LDC.
4. The proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land:
  - a. The applicant's intended development of the subject parcels is consistent with the goals and objectives of the WS-RT district. The WS-RT district is aimed at providing commercial uses in close proximity to residential housing, which is consistent with the proposed development. The Land Development Code provides for standards for development of commercially zoned properties in close proximity to residential uses, demonstrating that commercially zoned properties can be compatible with existing residential uses.
  - b. The property to the immediate north of the subject parcels (751 S. Lake Destiny Road) is currently zoned RSF-1 however, the parcels north of 751 S. Lake Destiny Road are zoned WS-RT.
  - c. The properties immediately abutting the subject parcels to the south are zoned RSF-1, but the properties beginning at 841 S. Lake Destiny Road and further south are commercially zoned.
  - d. This properties in this neighborhood share the future land use designation of Employment Center and the current development pattern demonstrates the gradual shift in this area toward a mix of commercial and multi-family residential and uses, while still including single-family residential uses.
  - e. The Employment Center future land use allows not only existing single-family residential uses, but also redevelopment of single-family residential uses. Nevertheless, as the volume and speed of traffic on South Lake Destiny Road has increased over the years, it would likely make new single-family residential uses less likely. Further, in combination with the increased traffic on I-4 immediately adjacent to South Lake Density Road, the traffic noise also likely makes new single-family development less desirable.

- f. A significant benefit of the applicant's proposed use as compared to other approved uses in WS-RT zoning is the low traffic generation rate, which will have little (if any) adverse traffic impact on residential uses in the area.
- 5. The proposed amendment addresses a demonstrated community need:
  - a. The rezoning of the subject parcels addresses a demonstrated community need to adapt with the trends in the neighborhood towards commercial property uses, in addition to furthering the intent of the CDP future land use.
  - b. The U. S. - based portion of ITS. is currently located in a smaller location in Maitland (where it has been located for twelve years since moving from Oviedo). The development of ITS.'s corporate office in this location will allow its business to grow Competent and further its involvement within the Maitland community. ITS. provides medical equipment benefiting the community at large to patients requiring trauma and other major surgeries. In addition to its corporate administrative uses, ITS. intends to use the proposed development as a private medical education center. This will involve not only local surgeons but will also include physicians visiting the facility from throughout the United States and from around the world. These physicians will discover and enjoy Maitland during their stays. The obvious economic benefit to the city is hotel stays and restaurant visits, but other local businesses (retail businesses, for example) will also benefit. ITS. has had its United States office in Maitland for the past twelve years and is well aware of what Maitland has to offer, which is why ITS. wants to stay in Maitland to continue to enjoy and be a part of its home community.
- 6. The proposed amendment would result in a logical and orderly development pattern:
  - a. The current owner of the subject parcels has marketed this aggregation of parcels for commercial use, consistent with the Employment Center future land use and development trend of the area. The trend of development and redevelopment in the area in close proximity to the subject property is zoning that allows commercial uses. Thus, the proposed site-specific zoning map amendment to WS-RT is consistent with the development pattern in this neighborhood.
- 7. The proposed amendment would not adversely affect the property values in the area:
  - a. At the neighborhood meeting on May 18<sup>th</sup>, neighboring property owners expressed concerns that the proposed site-specific zoning map amendment of the subject property would adversely affect their property values. However, the applicant contends that it will have a positive effect on neighboring properties, as it continues the trend of this neighborhood toward commercially zoned uses. The WS-RT zoning is designed to accommodate commercial property uses with nearby residential uses, so it should not adversely affect the property values in the area. The Residential Compatibility standards in the Land Development Code are designed to allow commercial and residential properties to coexist harmoniously as neighboring properties, thus rezoning the subject parcels will not adversely affect the current

residential property values, and will likely improve property values for those owners who choose to rezone their properties to WS-RT.

8. The proposed amendment reflects a change in circumstances or conditions in the vicinity of the property which would prevent its reasonable use as currently zoned:
  - a. Several properties in the close proximity of the subject parcels are currently zoned WS-RT, demonstrating the gradual shift in this area towards commercial development, consistent with the future land use designation.
  - b. At the neighborhood meeting, local residents voiced concerns regarding the volume and speed of cars traveling on South Lake Destiny Road. The ever-increasing traffic is one factor that may lead potential single-family residents to determine that this particular area is not conducive for single-family residential homes, particularly families with children who are likely to be concerned about safety.
  - c. The Residential Compatibility Standards do address safety and compatibility between commercial uses and residential uses, but do not (and cannot) address traffic safety concerns.
  - d. Due to the neighborhood trends, the reasonable use of the subject parcels is to adapt and rezone to WS-RT, rather than continue as residential properties. The requested zoning is compatible with the shift in commercial development to the north and south of the subject parcels.
  - e. Further, the applicant's proposed development of the subject parcels is a less intrusive use than other potential commercial uses, and any impact on traffic would be minor.
9. The proposed amendment would not result in significant adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:
  - a. Rezoning the subject parcels will not have significant adverse impacts on the natural environment on the parcels, such as water, wildlife, vegetation, air, noise, or wetlands. The applicant specifically selected these parcels because of its natural environment and lakefront views, and has full intention to not only maintain, but also improve its natural character. The applicant will not only strictly adhere to the setback, vegetation, and wetland requirements or regulations set forth in the Land Development Code but will likely go above and beyond those requirements. The overall corporate leadership of the applicant and its sister companies has consistently and continually promoted and required sustainability in its corporate practices.
  - b. The applicant will connect the property to central water and wastewater, replacing current wells and septic systems, which will at minimum improve water quality in Lake Hungerford. Further, the applicant will bear the cost of extending central water approximately 1,000 feet to its property, and will also bear the cost of extending

central wastewater from a manhole approximately 1,500 feet to its property (which may involve a private lift station and forcemain if a gravity pipe is not hydraulically feasible), which will allow adjacent properties to connect to central water and wastewater, thus reducing the adverse environmental effects of wells and septic systems in close proximity to Lake Hungerford.

- c. The applicant also intends to include solar panels on the proposed building to generate electricity for the building, thus further reducing impacts on the natural environment. The corporate culture is to promote sustainability and keep its environmental footprint as minimal as possible.
10. The proposed amendment would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).
- a. The applicant is aware that following approval of the site-specific zoning map amendment, development of the project will require that public facilities be sufficient to adequately serve the property. As noted previously, the applicant understands that the closest connection to central water is approximately 1,000 feet away and the closest connection to central wastewater is approximately 1,500 feet from the subject property, which will be a significant expense. The applicant's civil engineer is experienced in planning and designing infrastructure for adequate public facilities. A major advantage in moving forward with this project is that central wastewater will be available to neighboring properties should the owners wish to connect to these services. The applicant is also aware that the Maitland Fire Marshall may require an additional fire hydrant to serve the property and will work with the Fire Marshall's office to comply with the requirements.

B. Whether the current zone district designation accomplishes a legitimate public purpose.

The current SFR-1 zoning on the subject parcels may accomplish a legitimate public purpose of providing single-family housing in close proximity to commercially zoned property that generates employment. The challenge is the existing single-family homes on two of the four subject parcels (761 and 801 S. Lake Destiny Road) are vacant and in poor condition, such that those homes would need to be demolished, and new homes would need to be constructed to replace them for single family residential use. Similarly, a new home would need to be constructed on the currently vacant 817 S. Lake Destiny Road to use it for single-family residential. The fourth parcel, immediately abutting 817 S. Lake Destiny Road to the west is currently land-locked and could not be developed as single-family residential without a lot split. New single-family homes would be required to conform to the City's current codes, which would require hooking up to Maitland central water and sewer at significant expense as noted previously. The cost of developing/redeveloping the subject property for single-family use would require high sales prices. Expensive homes in that location are likely not marketable because of the frontage on S. Lake Destiny Road with I-4 immediately on the other side. The practical and economic barriers to single-family homes on the subject property are significant.

## **AGENT AUTHORIZATION FOR SOUTH LAKE DESTINY ROAD**

We, Tirlochan S. Chehal, Harjinder K. Chehal, and Rajwant Chehal, as owners of the following property: 761 S. Lake Destiny Drive, 801 S. Lake Destiny Drive, 817 S. Lake Destiny Drive, and parcel immediately abutting 817 S. Lake Destiny Drive to the west (the "Property"), do hereby authorize the following people/entities to apply for a site-specific zoning map amendment for the Property along with any associated permitting and review activities (including, but not limited to: preparation of site plans, any required traffic studies, preparation of central water and sewer connection plans):

SEE Consult GmbH or affiliate; Jenni Clucas, ITS.; Vivien Monaco, Watson Sloane PLLC; Dave Schmitt, P.E.; Dave Schmitt Engineering, Inc.

Tax parcel ID numbers: 35-21-29-0000-00-158; 35-21-29-0000-00-138; 35-21-29-0000-00-146; 35-21-29-0000-00-158.

**[SIGNATURE PAGES TO FOLLOW]**

SIGNED:

Tirlochan S. Chehal

Tirlochan S. Chehal

State of Florida

County of Seminole

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 21 day of June, 2023 by Tirlochan S. Chehal. S/he ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



**CHERYL A. GELUSO**  
Notary Public  
State of Florida  
Comm# HH298583  
Expires 9/16/2026

Cheryl A. Geluso  
Notary Public

Printed Name:

CHERYL A. CELUSO

My Commission Expires:

9/16/2026

Harjinder K. Chehal

Harjinder K. Chehal

State of Florida

County of Seminole

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 21 day of June, 2023 by Harjinder K. Chehal. S/he ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



**CHERYL A. GELUSO**  
Notary Public  
State of Florida  
Comm# HH298583  
Expires 9/16/2026

Cheryl A. Geluso  
Notary Public

Printed Name:

CHERYL A. CELUSO

My Commission Expires:

9/16/2026

Rajwant Chehal  
Rajwant Chehal

State of Florida  
County of Seminole

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 21 day of June, 2023 by Rajwant Chehal. S/he ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



**CHERYL A. GELUSO**  
Notary Public  
State of Florida  
Comm# HH298583  
Expires 9/16/2026

Cheryl A. Geluso  
Notary Public

Printed Name: CHERYL A. GELUSO

My Commission Expires: 9/16/2026

## ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING THE OFFICIAL ZONING MAP, A PART OF ARTICLE 1 OF THE MAITLAND LAND DEVELOPMENT CODE BY CHANGING THE ZONING CLASSIFICATION OF FOUR PROPERTIES LOCATED AT 761, 801, AND 817 SOUTH LAKE DESTINY ROAD, FURTHER DESCRIBED HEREIN, FROM RESIDENTIAL SINGLE FAMILY 1 DISTRICT (RSF-1) TO WEST SIDE RESEARCH AND TECHNOLOGY (WS-RT) DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, SEE Consult GmbH and Jenni Clucas, TIS.USA, have requested a zoning amendment for four unplatted parcels developed with two- single family dwellings located at 761, 801, and 817 South Lake Destiny Road; and

**WHEREAS**, on May 18, 2023, the applicants hosted a neighborhood meeting at Maitland City Hall Council Chambers to discuss the proposed zone map amendment with interested persons living or owning property nearby; and

**WHEREAS**, the Development Review Committee (DRC), at their regularly scheduled meeting of August 2, 2023, recommended approval of application for site-specific zone district map amendment AZS (2023)-0002 801 S. LAKE DESTINY ROAD; and

**WHEREAS**, the Planning and Zoning Commission (P&Z), which also sits as the Local Planning Agency and the Land Development Regulation Commission, duly scheduled, advertised and on September 7, 2023, held a public hearing to consider said request; and

**WHEREAS**, having heard all persons who desired to speak for and against said rezoning; at their meeting of September 7, 2023, provided a recommendation of XXXX for AZS (2023)-0002 801 S. LAKE DESTINY ROAD; and

**WHEREAS**, the zoning amendment was found to be in compliance with the Comprehensive Development Plan 2035 (2035 CDP) of the City of Maitland; and

**WHEREAS**, the City Council has duly considered the recommendations of the P&Z and DRC and reviewed all comments, both written and verbal, regarding this requested rezoning; and

**WHEREAS**, the City Council duly advertised and held a public hearing on XXXX, 2023, to consider the zoning amendment; and

**WHEREAS**, the City Council having heard all persons who desired to speak for and against said rezoning, and based on the entirety of the record before it, found that the zoning amendment will be in the best interest of the residents of the City of Maitland, Florida, and found it in compliance with the applicable requirements of the Maitland Land Development Code and the 2035 CDP.

**NOW THEREFORE BE IT ENACTED** by the City Council of the City of Maitland, Florida, that:

**SECTION 1.** The Official Zoning Map, a part of Article 1 of the Maitland Land Development Code, City of Maitland, Florida, is hereby amended to change the zoning district classification of the following properties from RSF-1 (Residential Single Family 1) to WS-RT (West Side Research and Technology Subdistrict) for the properties legally described as:

### **Legal Description(s):**

PARCEL 1

FROM THE NORTH 1/4 CORNER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN SOUTH ALONG THE NORTH-SOUTH QUARTER, SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1694.22 FEET; THENCE NORTH 89°22'10" WEST 399.97 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD #400 (INTERSTATE HIGHWAY #4); THENCE NORTH 00°00'37" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 120 FEET FOR THE POINT OF BEGINNING;

THENCE RUN NORTH 89°22'10" WEST 125 FEET; THENCE NORTH 00°00'37" WEST 60 FEET; THENCE SOUTH 89°22'10" EAST 125 FEET TO A POINT ON THE AFORESAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD #400; THENCE SOUTH 00°00'37" EAST 60 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM ALL OF THE ABOVE DESCRIBED PARCELS, ANY PORTION THEREOF LYING WITHIN S. LAKE DESTINY ROAD ALONG EAST.

#### PARCEL 2

THE NORTH 60 FEET OF THE FOLLOWING-DESCRIBED PROPERTY;  
FROM THE NORTH 1/4 CORNER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN SOUTH ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1694.22 FEET THENCE NORTH 89°22'10" WEST 399.97 FEET FOR A POINT OF BEGINNING, SAID POINT OF BEGINNING BEING ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD #400 (INTERSTATE HIGHWAY #4);

THENCE RUN NORTH 89°22'10" WEST TO THE WEST BOUNDARY OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35, THENCE NORTHERLY 180 FEET ALONG SAID WEST BOUNDARY OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE SOUTH 89°22'10" EAST TO THE POINT ON THE AFORESAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD #400, 180 FEET NORTH OF BEGINNING; THENCE SOUTH 00°00'37" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 180 FEET TO THE POINT OF BEGINNING, LESS THE EAST 125 FEET THEREOF.

LESS AND EXCEPT FROM ALL OF THE ABOVE DESCRIBED PARCELS, ANY PORTION THEREOF LYING WITHIN S. LAKE DESTINY ROAD ALONG EAST.

#### PARCEL 3

BEGIN AT A POINT, SAID POINT BEING ON EXTENSION OF NORTH RIGHT OF WAY LINE OF RODGERS AVENUE AND THE WEST RIGHT OF WAY LINE OF AN UNNAMED STREET AS SHOWN ON WEST BOUNDARY OF SCHOOL VIEW ADDITION AS SAID POINT BEING 40 FEET WEST OF SOUTHWEST CORNER OF LOT 1 OF SAID SCHOOL VIEW ADDITION, RUN THENCE WEST 1005 FEET MORE OR LESS TO WEST LINE OF SOUTHEAST 1/4 OF NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 29 EAST, THENCE SOUTH 90 FEET,

EAST 1005 FEET TO WEST BOUNDARY OF SAID SCHOOL VIEW ADDITION, THENCE NORTH 90 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM ALL OF THE ABOVE DESCRIBED PARCELS, ANY PORTION THEREOF LYING WITHIN S. LAKE DESTINY ROAD ALONG EAST.

PARCEL 4

THE SOUTH 75.00 FEET OF THE WEST 120 FEET, BEGIN 140 FEET WEST AND 44.40 FEET SOUTH OF THE NORTHWEST CORNER OF LOT I, SCHOOLVIEW ADDITION, AS PER PLAT BOOK I, PAGE 134, ORANGE COUNTY, FLORIDA, THENCE RUN SOUTH 75 FEET; THENCE RUN WEST 120 FEET; NORTH 75 FEET; THENCE EAST 120.00 FEET TO THE POINT OF BEGINNING, IN SECTION 35, TOWNSHIP 21 SOUTH, RANGE 29 EAST.

**SECTION 2.** The application and supplementary materials specified in the DRC Recommendation Report for AZS (2023)-0002 801 S. LAKE DESTINY ROAD, and findings stated therein, are approved and incorporated herein by reference, in Appendix A.

**SECTION 3.** The Community Development Director shall make the necessary entries to reflect the change as prescribed in Sec 1.7.3 of the Maitland Land Development Code.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5.** This ordinance shall become effective immediately upon its adoption.

**ADOPTED** by the City Council of the City of Maitland, Florida this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF MAITLAND, FLORIDA

By: \_\_\_\_\_  
John P. Lowndes, Mayor

Attest: \_\_\_\_\_  
Lori Hollingsworth, City Clerk, CMC

## APPENDIX A

DRAFT