



**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.

RESULT: Approve

MOVER: Vice-Chair Matthew Lamb

SECONDER: Member Glen S. Jaffee

AYES: Jamie Kay Bennett, Keith Holloway, Glen S. Jaffee, Matthew Lamb

NAYS: None

2 ELECTION OF VICE-CHAIRPERSON

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

RESULT: Approve

MOVER: Board Member Jamie Kay Bennett

SECONDER: Vice-Chair Matthew Lamb

AYES: Jamie Kay Bennett, Keith Holloway, Glen S. Jaffee, Matthew Lamb

NAYS: None

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.

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

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-initiated 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.

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

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.



Chairperson

9/7/2023

Date



Attest

9/7/2023

Date