



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



I CALL TO ORDER

Present: 4 - Chairperson Glen S. Jaffee, Commissioner Keith Holloway, Commissioner Katheen McIver, Commissioner Jody Barry

Remotes: 0 -

Absent: 1 - Commissioner Matthew Lamb

Also present were Community Development Director Dan Matthys, Senior Planner Barrett Chaix and City Attorney, Drew Smith.
Chairperson Jaffee called the meeting to order at 6:00 pm.

II PLEDGE OF ALLEGIANCE

III ELECTION OF COMMISSION VICE-CHAIRPERSON

Chairperson Jaffee opened up nominations for Vice-Chair.

Motion made to nominate Commissioner McIver for Vice-Chair.

RESULT: Approve

MOVER: Chair Keith Holloway

SECONDER: Member Jody Barry

AYES: Glen S. Jaffee, Keith Holloway, Jody Barry, Katheen McIver

NAYS: None

IV MINUTES OF PREVIOUS MEETING

1 MARCH 2, 2023 MINUTES

Motion to approve as drafted.

RESULT: Approved

MOVER: Commissioner Holloway

SECONDER: Vice-Chair McIver

AYES: Holloway, McIver, Barry, Jaffee

NAYS: None

V PUBLIC PERIOD

There was no public present to speak on any non agenda item.

VI PUBLIC HEARING

2 SITE-SPECIFIC ZONE DISTRICT MAP AMENDMENT AZS (2023)-0002: 801 S. LAKE DESTINY ROAD

Chairperson Jaffee introduced the case.

Senior Planner Barrett Chaix gave an overview of the rezoning request and provided information on the property and staff findings.

APPLICANT:	SEE Consult GmbH; Jenni Clucas, ITS.USA;
Agent:	Vivien Monaco, Watson Sloane PLL; 390 N. Orange Ave.,Unit 18 32801
OWNER(s):	Tirlochan S. Chehal, Harjinder K. Chehal, and Rajwant Chehal; 53 434, Altamonte Springs, FL 32714
PETITION:	Site-Specific Zone District Map Amendment: AZS (2023)-0002 The applicant is requesting to rezone the subject property from Family Residential District to WS-RT: West Side Research Technol
LOCATION:	801 S. Lake Destiny Road, 761 S. Lake Destiny Road, 817 S. Lake D
PID(s):	35-21-29-0000-00-138, 35-21-29-0000-00-073, 35-21-29-0000- 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

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.

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).

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:

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:

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.**

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.**

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.**

- 1. 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.**

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.**

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.**

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 not be reasonably expected to negatively affect the area property values. **Staff finds that this criterion has been met.**

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.**

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.**

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 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."*

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.**

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.**

Chairperson Jaffee asked if the Commission had any questions for staff. Vice-Chair McIver asked questions about the ownership and quality of Lake Hungerford and if a traffic study would be required.

Chairperson Jaffee also asked staff if we knew the zoning for the properties in Eatonville adjacent to the property and about the pedestrian-friendly environment. Senior Planner Chaix provided the Eatonville zoning on the adjacent properties.

Chairperson Jaffee asked if the applicant wanted to make a presentation or add comments.

Ms. Vivian Monaco, attorney representing the applicant (319 N Orange Ave, Orlando 32081) spoke and gave an overview of the proposed development project.

Chairperson Jaffee asked if the Commission had any questions for the applicant.

Commissioner Holloway asked if it was more teaching and administration. The applicant confirmed there was no manufacturing, just training. Commissioner Barry asked if the applicant tried to purchase adjacent property. The applicant confirmed it was not for sale at the time.

Vice-Chair McIver asked about the parking requirements. The applicant stated the general location.

Chairperson Jaffee asked about the building renderings and if they would suffice for the long-term. Staff reminded P&Z that this is a straight rezoning and that any site plans or renderings shown tonight are for display only and not a part of the approval.

Commissioner Barry asked about the 2 single-family homes on the site and stated that the septic tanks will be removed and public sewer will be

extended to the site. Ms. Monaco noted the existing homes are vacant.

Chairperson Jaffee asked if anyone in the audience wanted to speak.

Dale McDonald (108 Tangelo Court) stated his support for the rezoning and that this is the best thing to happen to the property.

Chairperson Jaffee closed the public hearing and brought it back to the Commission.

Motion: To recommend approval of the zone district map amendment from Single Family Residential 1 to West Side Research Technology District, consistent with the DRC recommendation report dated August 2, 2023.

RESULT:	Approve
MOVER:	Vice-Chair Katheen McIver
SECONDER:	Member Jody Barry
AYES:	Glen S. Jaffee, Keith Holloway, Jody Barry, Katheen McIver
NAYS:	None

VII OLD BUSINESS

Senior Planner Barrett Chaix gave an overview of projects occurring since last P&Z meeting.

VII NEW BUSINESS

I

Chairperson Jaffee asked about affordable housing and cottage dwellings. A brief discussion occurred about the Live Local Act. Staff indicated that more information will be presented on the Live Local Act at the next P&Z meeting where all 5 members are present.

Chairperson Jaffee commented about Dan Bellows and the Gem Lake Water District PD.

Commissioner Holloway asked about Maitland West TAP Study.

IX OTHER BUSINESS THE COMMISSION DEEMS ADVISABLE

None

XADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 6:55 pm.


Chairperson

Dec 7, 2023
Date


Attest

12/7/23
Date