



**City Council
April 22, 2024
Council Chambers
6:30 PM**



**WELCOME to our City Council meeting. All speakers must complete and submit a Speaker Card, preferably prior to the start of the meeting. A member of the public wishing to address the Council must be a Maitland resident or the owner of property or business in Maitland or their representative. The time limit for each speaker shall be three (3) minutes per agenda item. No speakers will be interrupted. Please silence all electronic devices during the meeting.
THANK YOU for participating in your City Government.**

- I. Call to Order
- II. Moment of Silence
- III. Pledge of Allegiance
- IV. Presentations
 1. Proclamation Arbor Day
- V. Old Business
- VI. Consent Agenda
 1. City Council Meeting Minutes of April 8, 2024
 2. Crown Castle Agreement Amendment
 3. Amended and Restated Interlocal Agreement: South Seminole and North Orange County Wastewater Transmission Authority
- VII. Public Period
- VIII. Decisions
 1. Ordinance No. 1425 Introduction: Non-Exclusive Natural Gas Franchise Agreement with Lake Apopka Natural Gas District
- IX. Discussion
 1. Downtown Maitland Density/FAR Discussion
- X. City Manager's Report/City Attorney/Council Reports
- XI. Adjournment

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.

MEETING DATE		AGENDA
April 22, 2024		Section: Presentations
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: Proclamation Arbor Day		
Requested Action or Motion: Present Arbor Day Proclamation to Alan Holbrook, City Arborist		
Summary Explanation & Background: On April 10, 1872, Nebraska City, NE, celebrated the first Arbor Day and prizes were offered to counties and individuals for the largest number of properly planted trees on that day. It was estimated that more than 1 million trees were planted in Nebraska on the first Arbor Day. While most holidays celebrate something that has already happened and is worth remembering, Arbor Day represents hope for the future. The simple act of planting a tree represents a belief that the tree will grow to provide us with clean air and water, cooling shade, habitat for wildlife, healthier communities and endless natural beauty - all for a better tomorrow.		
Fiscal Impact: N/A		
Exhibits: 1. Proclamation - Arbor Day 2024		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
April 22, 2024		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: City Council Meeting Minutes of April 8, 2024		
Requested Action or Motion: Approve City Council meeting minutes of April 8, 2024, as presented.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Draft Minutes 4-8-2024		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
April 22, 2024		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 2.
Subject: Crown Castle Agreement Amendment		
Requested Action or Motion: Move to approve the execution of the Fourth Amendment to License Agreement (No. BU 812555) with New Cingular Wireless PCS, LLC		
Summary Explanation & Background: The city and Bellsouth Mobility, Inc. entered into a License Agreement on February 17, 1995 where the City granted a license to Bellsouth over a portion of land for a cell tower located at 1847 Fennell Street, along with ingress/egress access and a utility easement granted in the License. The agreement has been amended three times (in 2001, 2005, and in 2020). The Second Amendment to the agreement conveyed a 20-foot-wide utility easement extending from Keller Road to the cell tower but failed to provide a visual or legal depiction of the easement. Due to the lack of a description of the location of the easement, utilities have been installed in an area wider than twenty (20) feet. City staff, along with the City Attorney's Office, have worked with Crown Castle, the current licensee's Attorney-in-Fact, to develop a fourth amendment with the purpose of defining the easement and the requirements for working around city infrastructure within the easement. The agreement allows the existing utilities to remain but does not allow any new lines to be installed outside the described easement. Staff recommends approving the execution of the Fourth Amendment to License Agreement (No. BU 812555) with New Cingular Wireless PCS, LLC.		
Fiscal Impact: N/A		
Exhibits: 1. 812555 - Fourth Amendment_executed by Licensee		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		
Reviewed by City Attorney Drew Smith		

MEETING DATE		AGENDA
April 22, 2024		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 3.
Subject: Amended and Restated Interlocal Agreement: South Seminole and North Orange County Wastewater Transmission Authority		
Requested Action or Motion: Move to approve the Amended and Restated Interlocal Agreement Between the South Seminole North Orange County Wastewater Transmission Authority and Seminole County, Florida, and the Cities of Casselberry, Maitland, and Winter Park.		
Summary Explanation & Background: The Florida Legislature adopted Chapter 2021-259, Laws of Florida (effective June 29, 2021) that amended and replaced Chapter 78-617, which was the Enabling Act for the South Seminole and North Orange County Wastewater Transmission Authority (SSNOCWTA). This legislation necessitated an update to the existing interlocal agreement between SSNOCWTA and the member entities: Seminole County, Florida and the Cities of Casselberry, Maitland and Winter Park. The Interlocal agreement was modified and reviewed by all parties. The agreement specifies the following: • Obligation of the authority • Obligations of member entities • Member fee collection obligations • Defines the system and service areas Much of the agreement is unchanged from the previous agreement. The revisions to the Agreement provide further clarification of the Authority's responsibilities, specifically that SSNOCWTA will be responsible for: • Violations or fines as a result of a failure of the System; • Creating a master plan of the System; • Oversight of the operation of the System; • Preparing an annual Emergency Management Plan; • Operation and maintenance of the Authority's flow meters; • Providing a contractor if the Member Entity is unable to perform maintenance or repair; and • Payment of the repair or replacement if the cost exceeds the maximum limit. Staff recommends City Council move to approve the Mayor to execute the Amended and Restated Interlocal Agreement between the South Seminole North Orange County Wastewater Transmission Authority and Seminole County, Florida, and the Cities of Casselberry, Maitland, and Winter Park.		

Fiscal Impact:

N/A

Exhibits:

1. Final Amended and Restated Interlocal Agreement for Execution 4.4.24 (clean)

Commission/Board: City Council**Contact Person:** Kimberley Tracy 407-539-6216Reviewed by City Attorney
Cliff Shepard

MEETING DATE		AGENDA
April 22, 2024		Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Ordinance No. 1425 Introduction: Non-Exclusive Natural Gas Franchise Agreement with Lake Apopka Natural Gas District		
Requested Action or Motion: Move to introduce Ordinance No. 1425 non-exclusive franchise agreement with Lake Apopka Natural Gas District. Set a public hearing for May 13, 2024.		
Summary Explanation & Background: The Lake Apopka Natural Gas District ("District") provides service to the cities of Apopka, Clermont, Winter Garden, Montverde, Mascotte, Minneola, Groveland, Windermere and Ocoee, each of which currently have franchise agreements with the District. The District service area includes a small section of the City of Maitland south of Maitland Boulevard and east of Forest City Road; however, no franchise agreement is in place for the City. The City was recently approached by the District seeking a franchise agreement to provide service for the new stand-alone emergency room, which has requested natural gas service to provide care for patients more efficiently. The City may allow the District to provide service in the City through a franchise agreement. The proposed franchise agreement is identical to the other municipal franchise agreements noted above. The proposed agreement sets a franchise fee of 6% of gross revenues, which is consistent with other franchise agreements of the City. It also includes a clause that ensures that if another governmental entity enters into an agreement with the District that has a more favorable franchise fee, that fee will be offered to all other governmental entities. Staff recommends the introduction of Ordinance No. 1425 and to set the public hearing and adoption for May 13, 2024.		
Fiscal Impact: Utility tax and franchise fees are expected to be approximately \$200.00		
Exhibits: 1. Ord 1425 Non-Exclusive Nat Gas Franchise Agmt Lake Apopka Nat Gas District 04222024		
Commission/Board: City Council		
Contact Person: Mark Reggentin 407-539-6220		
Reviewed by City Attorney		

MEETING DATE		AGENDA
April 22, 2024		Section: Discussion
Department/Office : Community Development	AGENDA REPORT	Item #: 1.

Subject:

Downtown Maitland Density/FAR Discussion

Requested Action or Motion:

Staff is seeking Council direction on density and Floor Area Ratio (FAR) caps within the Main Street Future Land Use in Downtown Maitland

Summary Explanation & Background:

On March 11, 2019, Council adopted the Maitland Comprehensive Development Plan 2035 (CDP) via Ordinance 1348, which replaced the previous Comprehensive Plan (CDP 2030). As part of the Future Land Use (FLU) element of the updated CDP, maximum densities and Floor Area Ratios (FAR) were established throughout the City, including the Main Street (downtown) FLU designation.

Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted comprehensive plan to adequately address changing conditions and state policies and rules through the Evaluation and Appraisal Report (EAR) process. On September 1, 2024, the City will be sending our EAR letter to the State for the purpose of notifying them of the intent to make amendments to the CDP. Within one year of the State finding the EAR letter sufficient, the City is required to adopt any EAR-based amendments. Based upon the fact the the city's single -family districts are well established and primarily built out and development standards have been updated to accommodate more intense commercial/office and residential development on the west side of the city, there are no anticipated changes to these areas. In order to determine the scope of the update, staff is requesting direction regarding density issues within the downtown district where the city is encouraging redevelopment. As the city begins our periodic assessment of the Maitland CDP 2035, we are exploring options for preparation of the required Data, Inventory and Analysis (DIA) that accompanies EAR-based amendments. A key component to preparing the DIA, is having a potential build-out based on maximum densities and intensities throughout the City. For this reason, staff is seeking Council direction on a maximum density and FAR, regardless of parcel size, in the Main Street FLU designation.

For approximately 25 years, since the adoption of the original Downtown Master Plan, the CDP has granted higher residential densities and commercial intensities to larger parcel sizes in Downtown Maitland. This was done to encourage assemblage of multiple smaller lots and parcels for the purposes of significant redevelopment projects. Currently, the only way to obtain a maximum residential density of 40 units per acre or 2.0 FAR by right, and 67 units per acre or 2.40 FAR (with the utilization of the Density Incentive for Community Enhancement (DICE) program), is to obtain or assemble over three acres of contiguous land. In comparison, lots a half-acre in size are currently only allowed up to 19.8 units per acre or 0.3 FAR by right, and 30 units per acre or 0.45 FAR (with DICE), respectively – less than half of the residential density of a 3 acre site. As the Downtown corridor continues to successfully redevelop over the past 20 years, and more recently over the last 6 years, potential sites where 3 contiguous acres can be assembled have declined dramatically. In addition, as Maitland nears build-

out, developers are finding it more difficult to assemble land within the Main Street designation, therefore making projects difficult to be viable.

Prior to the 2019 CDP update (CDP 2035), Maitland's Comprehensive Plan (CDP 2030) provided for the following maximum densities and FAR in the Downtown Maitland FLU designation based on each parcel size category or permitted as a unified development where contiguous parcels are assembled within each parcel size category:

CDP 2030

Parcel Size (acres)	Maximum Total Site FAR	Maximum Residential Density
.001 - < 0.50	0.30 (0.375 with Bonus Density)	19.8 DU/Acre (25 with Bonus Density)
.50 - < 2.00	1.20 (1.5 with Bonus Density)	36 DU/Acre (45 with Bonus Density)
2.00 - < 3.00	1.4 (1.75 with Bonus Density)	45 DU/Acre (56.2 with Bonus Density)
+3.00	2.0 (2.5 with Bonus Density)	55 DU/Acre (68.7 with Bonus Density)

In conjunction with the adoption of CDP 2035, Table 1.1.15 established the new densities for the Main Street (formerly Downtown Maitland) FLU designation, which kept the practice of densities in downtown based on parcel size or contiguous assembled parcels:

CDP 2035

Parcel Size (acres)	Maximum Total Site FAR	Maximum Residential Density
.001 - < 0.50	0.30 (up to 0.45 with DICE)	19.8 DU/Acre (up to 30 with DICE)
.50 - < 2.00	1.20 (up to 1.40 with DICE)	20 DU/Acre (up to 45 with DICE)
2.00 - < 3.00	1.40 (up to 1.75 with DICE)	30 DU/Acre (up to 55 with DICE)
+3.00	2.00 (up to 2.40 with DICE)	40 DU/Acre (up to 67 with DICE)

Staff will provide examples of various densities to assist in facilitating the discussion.

Along similar lines, since the DICE program was introduced in 2019 with the CDP 2035, no applicant has elected to use the program to achieve higher density/intensity in the downtown. Under DICE, a developer may propose to raise density on properties if they can provide a community enhancement that is approximately equal to the value of the benefit they would receive for that increased density. This is done through a process that begins with workshop with the City Council where the density and potential project that the developer would propose for the public were presented. The main problem that arises in this process is that the City Council cannot commit at that time to either the density or the public project. The developer must then go through the development process and complete an economic analysis showing the public benefit is roughly proportional to the additional benefit being provided in the form of the density. This is a lengthy and expensive process which lacks

any certainty for the developer. Staff had discussed this process with several prospective applicants and none have chosen to take advantage of it.

Based upon the discussion above, staff is recommending the elimination of the DICE program and the determination of maximum density/intensity based on parcel size. This would make it more viable for moderate or small-scale redevelopment projects in the Main Street Future Land Use designation while not disincentivizing larger projects. This would also allow for the continual successful redevelopment of Downtown Maitland to continue with new infill projects that, subject to our strict design guidelines, will contribute to the esthetics and quality of life in our Downtown while providing for a mixture of housing types needed to meet market demands.

Fiscal Impact:

n/a

Exhibits:

Commission/Board: City Council

Contact Person: Dan Matthys 407-539-6211

Reviewed by City Attorney

n/a