



City Council Minutes February 28, 2022

6:30 PM



I. CALL TO ORDER

Present: 5 - Vice-Mayor Michael Wilde, Councilmember Michael Thomas, Councilmember Vance Guthrie, Councilmember Lindsay Hall Harrison, Mayor John Lowndes

Absent: 0 -

Mayor Lowndes called the meeting to order at 6:32 pm. Staff also in attendance were City Manager Anselmo, City Attorney Shepard, Assistant City Manager Reggentin, City Clerk Hollingsworth, Community Development Director Matthys, Fire Chief Watts, Police Chief Manuel, Public Works Director Tracy, Senior Planner Chaix, Finance Director Gray, Deputy City Clerk Sotero and, Public Information Officer Sargent.

II. INVOCATION - MOMENT OF SILENCE

Mayor Lowndes offered a moment of silence.

III. PLEDGE OF ALLEGIANCE

Mayor Lowndes led the Pledge of Allegiance.

IV. PRESENTATION

1. EMPLOYEE OF THE QUARTER

Mayor Lowndes presented Officer Daniel Holland with the Employee of the Quarter Award, thanking and congratulating him for his on-going efforts as an outstanding representative of the City of Maitland.

2. RETIREMENT RESOLUTION - NORMA JEAN TORRES

Mayor Lowndes read aloud then presented the Retirement Resolution to Norma Jean Torres, on behalf of City Council, residents and employees of the City, expressing deep appreciation and gratitude for her years of devoted public service and valuable contribution to the City of Maitland. Further, Mayor Lowndes expressed best wishes and continued good health and happiness to Norma Jean.

V. PUBLIC HEARINGS

1. ORDINANCE - CDP AMENDMENT TO REMOVE THE PROHIBITION OF DRIVE-THROUGH USE ON LOT 1 OF MCN

The City Clerk read, by title, an ordinance of the City of Maitland, Florida, amending the 2035 City of Maitland Comprehensive Development Plan (2035 CDP) by amending the Future Land Use Map 2.1, to identify Lot 1

of Maitland Concourse North as allowing drive-through uses and amending the Future Land Use Element, standard 1.1.3.9 (C) to allow drive-through uses on Lot 1 of Maitland Concourse North; the property is located to the north of Maitland Boulevard and to the west of Maitland Avenue; providing for conflicting provisions; providing for severability; and providing for an effective date.

Dan Matthys, Community Development Director, provided an update on the CDP amendment and stated that the modified text amendment follows Commercial uses within the R-MORC category shall not include “Big Box” retail, drive-through establishments of any kind “(except that two drive-through establishments, with a cumulative interior square footage that shall not exceed 10,000 sf, may be allowed on the west five hundred feet of Lot 1)”, gasoline service stations with or without convenience stores, or industrial uses.

A Future Land Use Map amendment accompanies the text change to identify the location of the requested removal of the drive-through prohibition use (Lot 1 only).

On October 4, 2021, City Council held a workshop to discuss the possibility of drive-through uses on the Maitland Concourse North Lot 1 site. On January 6, 2022, the Planning and Zoning Commission (P&Z) voted 4-1 to forward the proposed CDP amendment to Council with a recommendation of denial. On January 19, 2022, the Development Review Committee (DRC) voted unanimously to forward the proposed CDP amendment to Council with a recommendation of approval. On January 24, 2022, the first reading and introduction of the ordinance to City Council. Concluding the public period and after some discussion, this item was continued. On February 14, 2022, City Council introduced the proposed ordinance and set the public hearing date for tonight.

Staff recommends Council adopt the proposed ordinance (Petition No. 2021-01-ALU) Maitland Concourse North Lot 1 Comprehensive Development Plan (CDP) Amendment.

Mr. Matthys answered questions posed by the Council. Mr. Mickey Grindstaff, Shutts & Bowen, 300 S. Orange Avenue, Orlando, Florida, 32801 and Mr. Scott Martin, Kimley Horn & Associates, 189 S. Orange Avenue, #1000, Orlando, Florida 32801, representing the applicant provided an update on the project and the requested amendment and answered questions posed by the Council. A discussion ensued.

Mayor Lowndes opened the Public Hearing.

The following residents spoke in opposition of the CDP amendment. Jody

Bowman, 369 W. Lake Faith Drive, Melinda Regney, 221 W. Lake Faith Drive; Barbara Voorhees, 215 W. Lake Faith Drive; Matina Vouropoulos, 285 W. Lake Faith Drive; William Brown, 307 W. Lake Faith Drive; Heidi Barry, 1314 Druid Isle Road; Doug Kinson, 1151 Covewood Trail; Stephanie Henley, 1412 Druid Isle Road; and, Mike Rusnak, 347 W. Lake Faith Drive.

The following residents spoke in favor of the CDP Amendment. Doug Weiner, 1850 Geronimo Trail; and, Lauren Kaplus, 2345 W. Sand Lake Road.

There being no one else who wished to be heard, Mayor Lowndes closed the Public Hearing and called for a 10 minute recess at 8:35 pm.

The meeting reconvened at 8:47 pm.

Upon reconvening, the applicant proposed the following amended language; commercial uses within the R-MORC category shall not include "Big Box" retail, drive-through establishments of any kind "(except that one drive-through establishment, with a maximum interior square footage that shall not exceed 5,000 square feet, may be allowed on the west three hundred feet of Lot 1)", gasoline service stations with or without convenience stores, or industrial uses. The exception for drive-through establishments on Lot 1 shall sunset and revert back to a prohibited use if a PD amendment which is reasonably consistent with the PD Concept Plan (Petition number 2021-03 AZ-PD) submitted on November 29, 2021 as modified and presented to Council on February 28, 2022 is not approved by March 1, 2024. Council may extend the March 1, 2024 deadline following a Public Hearing.

A motion was made to adopt as amended Ordinance #1395 (Petition No. 2021-01 ALU) Maitland Concourse North Lot 1 Comprehensive Development Plan (CDP) Amendment with the revised language provided by the applicant.

RESULT:	Adopt as amended
MOVER:	Councilmember Michael Thomas
SECONDER:	Councilmember Lindsay Hall Harrison
AYES:	Michael Wilde, Michael Thomas, Lindsay Hall Harrison
NAYS:	Vance Guthrie, John Lowndes

2. ORDINANCE - LAND DEVELOPMENT CODE (LDC) UPDATE

The City Clerk read, by title, an ordinance of the City of Maitland, Florida, amending the Maitland City Code of Ordinances relating to an update of the City of Maitland Land Development Code with an associated repeal and replacement of the obsolete sections of the Code of Ordinances; providing for general provisions; providing for administration of development review; providing for zoning districts; providing for use regulations; providing for development standards; providing for subdivision standards; providing for public facility funding; providing for nonconformities; providing for enforcement; providing for definitions and rules for construction, interpretation, and measurement; deleting provisions that will become moot upon the adoption of the updated Land Development Code; providing a severability clause; providing for conflicts; and providing for effective dates.

This is the public hearing and action meeting for the Land Development Code update which was gone over in great detail, at the last Council meeting.

Dan Matthys, Community Development Director, stated that tonight's meeting is the Public Hearing and action meeting for the City of Maitland Land Development Code update. The City's development goals were set forth in the Comprehensive Development Plan 2035, and adopted in March 2019. These included a focus on creating a vibrant mix of uses in Downtown Maitland and on the City's west side, while respecting and maintaining the City's many high-quality single-family neighborhoods.

In the spring of 2019, the City issued a national Request for Qualifications to select a consultant team to assist the City in its update to the LDC. A team led by Clarion Associates was selected from several interested firms. The Project was initiated in the summer of 2019, when the consultants reviewed the existing long term plans and interviewed many local stakeholders, including City Staff and elected and appointed officials. Next, they evaluated the existing City Code and produced an annotated outline for the proposed LDC document and a Code Assessment Document that described detailed goals and objectives for the LDC update. These goals and objectives were discussed with the Planning and Zoning Commission in a workshop on November 21st and with the City Council in a workshop on November 22, 2019.

Based on these discussions, City Council directed staff and the consultant team to implement an update of the Downtown Maitland (DM) zone district as its first priority. This DM district update was completed in March of 2020, and was adopted by City Council after a recommendation by city staff and the Planning and Zoning Commission, along with an accompanying Zoning Map amendment.

The remainder of the draft Land Development Code update was written, edited, and refined in a collaborative effort between the consultant team, city staff (including Community Development, Public Works, and Administration), and the Planning and Zoning Commission. The LDC was drafted out of sequence in four portions (referred to as ‘modules’) which were first reviewed separately as they were available, and then in total as a “joint workshop draft” which was reviewed and discussed at a joint workshop by City Council and the Planning and Zoning Commission on December 6, 2021.

On January 20, 2022, the Planning and Zoning Commission (P&Z) held a public hearing and voted unanimously to forward the proposed ordinance to City Council with a recommendation of approval. On January 26, 2022, the Development Review Committee (DRC) voted unanimously to forward the proposed ordinance to City Council with a recommendation of approval.

On February 14, 2022, City Council voted unanimously to introduce the proposed ordinance and set a public hearing date for tonight.

Staff recommend Council adopt the proposed ordinance amending the Code of Ordinances.

Mr. Matthys answered questions posed by Council.

Mayor Lowndes opened the Public Hearing.

Mrs. Martha Bryant Hall, 455 Amado Lane, stated that the City did not notify her of the LDC update and that the City does not take care of the area where her home resides.

Mr. Rawn Williams, 227 Rippling Lane, stated that his family is trying to restore the Bellemy Park Heights neighborhood and that he is in favor of the LDC update.

There being no one else who wished to be heard, Mayor Lowndes closed the Public Hearing.

A motion was made to adopt Ordinance #1396 amending the Code of Ordinances.

RESULT:	Adopt
MOVER:	Councilmember Michael Thomas
SECONDER:	Vice-Mayor Michael Wilde

AYES: Michael Wilde, Michael Thomas, Vance Guthrie,
Lindsay Hall Harrison, John Lowndes

NAYS: None

**3. ORDINANCE - AMENDMENT TO THE OFFICIAL ZONING MAP
CONSISTENT WITH THE LDC UPDATE**

The City Clerk read, by title, an ordinance of the City of Maitland, Florida, amending the official zoning map of the City of Maitland to conform to the updated City of Maitland Land Development Code by amending the Zoning District Boundaries and changing the Zoning Map Classification of properties as follows: privately owned properties currently zoned RS-1 and RS-1A (Single Family Residential Districts) changed to RSF-1 (Residential Single Family 1 District); city owned properties currently zoned RS-1 and RS-1A (Single Family Residential Districts) changed to GAP (Government, Arts, and Public District); privately owned properties currently zoned RS-2, RS-3, temporary district R1-AA (Single Family Residential Districts) and Temporary District C-3 (Commercial District) except for the property known as the King of Kings Evangelical Lutheran Church changed to RSF-2 (Residential Single Family 2 District); city owned properties currently zoned RS-2 and RS-3 (Single Family Residential District) changed to GAP (Government, Arts, and Public District); privately owned properties currently zoned RS-5 (Single Family Residential District) changed to RSF-3 (Residential Single Family 3 District); city owned properties currently zoned RS-5 (Single Family Residential District) to GAP (Government, Arts, and Public District); privately owned properties currently zoned RS-D and RS-D1 (Residential Single Family and Duplex Districts) changed to RSF-D (Residential Single Family and Duplex District); city owned properties currently Zoned RS-D and RS-D1 (Residential Single Family and Duplex Districts) changed to GAP (Government, Arts, and Public District); privately owned properties currently zoned RG-2 and RG-3 (Multiple Family Residential Districts) changed to R-MF (Residential Multifamily District); city owned properties currently zoned RG-2 and RG-3 (Multiple Family Residential Districts) changed to GAP (Government, Arts, and Public District); privately owned properties currently zoned PO-1, PO-2, PO-3 (Professional Office Districts), RSF-4 (Single Family Residential District), RG-1 (Multiple Family Residential District), and the property known as the King of Kings Evangelical Lutheran Church currently zoned Temporary District R1-AA changed to MX (Mixed Multifamily District); city owned properties currently zoned PO-1, PO-2, PO-3 (Professional Office Districts), RSF-4 (Single Family Residential District), and RG-1 (Multiple Family Residential District) changed to GAP (Government, Arts, and Public District); privately owned properties currently zoned OC, OC-1, and OC-3 (Office, Commercial Districts) and temporary District R-1 (Single Family Residential) changed to WS-RT (West Side Research Technology

Subdistrict) and WS-NM (West Side New Market Subdistrict); city owned properties currently zoned OC, OC-1, and OC-3 (Office, Commercial Districts) changed to GAP (Government, Arts, and Public District); privately owned properties currently zoned CC (Cultural Corridor District) except for the Civic Center property changed to MX (Mixed Multifamily District); city owned property and the Civic Center property currently zoned CC (Cultural Corridor) changed to GAP (Government, Arts, and Public District); establishing and assigning a CHA-O (Culture, History, and Arts) overlay upon all properties currently identified in the 1994 Master Plan as "City of Maitland Cultural Corridor Special District"; providing instructions to the City Clerk; repealing all conflicting ordinances; and providing a severability clause; and providing for an effective date.

Mr. Dan Matthys, Community Development Director, stated that the City is comprehensively reorganizing and updating the Land Development Code of Ordinances, to be codified separately as the Land Development Code (LDC) of the City of Maitland. The map amendment is necessary to reflect the consolidation of the existing twenty-four (24) zone districts and three (3) temporary zone districts on the map for land annexed with Orange County zoning into twelve (12) base zone districts and one overlay district codified in the updated Land Development Code.

The Planning and Zoning Commission reviewed this map while applying a quasi-judicial (competent substantial evidence) standard of review rather than the legislative standard (fairly debatable) applicable to mass rezonings. Although not required, the quasi-judicial standard is more exacting. Based upon this standard, the Commission still recommended adoption of the map. However, the Council will be reviewing both the LDC amendments and the map amendment under the legislative standard, which means the Council is making a policy decision rather than interpreting existing code provisions as applicable to a specific parcel. So long as the Council finds the new amendments and map to be fairly debatable, they may be adopted. On January 20, 2022, the Planning and Zoning Commission (P&Z) held a public hearing and voted unanimously to forward the proposed ordinance to City Council with a recommendation of approval, certifying consistency with the Comprehensive Development Plan, and that satisfactory provision and arrangement has been made concerning the factors itemized for review by the Development Review Committee. On January 26, 2022, the Development Review Committee (DRC) voted unanimously to forward the proposed ordinance to City Council with a recommendation of approval. On February 14, 2022, City Council introduced the proposed ordinance amending the Official Zoning Map and set the public hearing date for tonight.

Staff recommends that Council adopt the ordinance amending the Official Zoning Map.

Mr. Matthys answered questions posed by Council.

Mayor Lowndes opened the Public Hearing. There being no one who wished to be heard, Mayor Lowndes closed the Public Hearing.

After discussion, a motion was made to adopt Ordinance #1397 amending the Official Zoning Map.

RESULT:	Adopt
MOVER:	Councilmember Michael Thomas
SECONDER:	Councilmember Lindsay Hall Harrison
AYES:	Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison, John Lowndes
NAYS:	None

VI. OLD BUSINESS

The City Manager evaluated other municipalities and County offices in the area on current offices that close on Martin Luther King Jr. holiday. The City Manager stated that after review, it was decided that the City would officially close on Martin Luther King Jr. holiday. Going forward, beginning in 2023, the City Managers' designated floater will be used to celebrate the holiday.

VII. CONSENT AGENDA

Mayor Lowndes opened the public comment period for Consent Items 3-4. There being no one who wished to be heard, Mayor Lowndes closed the public comment period.

A motion was made to approve the Consent Agenda as presented.

RESULT:	Approve
MOVER:	Vice-Mayor Michael Wilde
SECONDER:	Councilmember Lindsay Hall Harrison
AYES:	Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison, John Lowndes
NAYS:	None

1. APPROVE THE CITY COUNCIL WORKSHOP MEETING MINUTES OF FEBRUARY 7, 2022

Approve the City Council Workshop meeting minutes of February 7, 2022.

2. APPROVE THE CITY COUNCIL MEETING MINUTES OF FEBRUARY 14, 2022

Approve the City Council meeting minutes of February 14, 2022.

3. JOB ORDER CONTRACTING MASTER AGREEMENT

Authorize the City Manager to "piggyback" the Sourcewell contract FL-R5-GC07-111821-JLC with Johnson-Laux Construction, LLC for Job Order Contracting (JOC) on multiple City projects.

4. RESOLUTION - AMENDING CERTAIN APPLICATION FEES

Adopt Resolution # 2-2022 amending certain application fees.

VIII. PUBLIC PERIOD

Mayor Lowndes opened the Public Period. There being no one who wished to be heard, Mayor Lowndes closed the Public Period.

IX. DECISIONS

1. THIRD AMENDMENT - UPTOWN MAITLAND LOT 2 DECLARATION OF RESTRICTIONS AND AGREEMENT

Mr. Dan Matthys, Community Development Director, stated that at the meeting on February 22, 2021, City Council approved a second amendment to the Declaration of Restrictions and Agreement for Uptown Maitland Lot 2 for the purpose of developing the property, located at 425 Sybelia Parkway as a mixed use fitness center and cafe development called Maitland Fitness.

This amendment allowed a fitness center, gym, and restaurant as allowed uses, lowered the minimum required height of the structure, set parking ratios for these new uses, and replaced the existing architectural form and elevations with a new elevation depicting the proposed building.

Since that time, the project has preceded through the site plan review process and the applicant has completed the purchase of the property. Due to conditions discovered through a detailed geotechnical evaluation during the site plan review, the design of the building required some changes. The building was redesigned to add a third floor and raise the building on pilings to reduce the load on the soil while adding a ground floor parking level. The garage entry is on the east side of the building, facing into the property. The ground floor commercial space of approximately 1,500 square feet is unchanged and remains at ground level on the west end of the building fronting Sybelia Parkway. In addition, the size of the gym (approximately 15,500 square feet) is unchanged and will now occupy the second and third floors.

Due to the change in building design and appearance, the applicant is

requesting a third amendment to the Declaration of Restrictions and Agreement to replace the elevation and architectural form approved in February 2021, with an elevation depicting the revised design.

Amending the Declaration of Restrictions and Agreement requires an affirmative vote of the City Council. Should Council approve the amendment, the applicant would continue with site plan approval through the Development Review Committee.

Mr. Matthys answered questions posed by Council.

Mayor Lowndes opened the public comment period. There being no one who wished to be heard, Mayor Lowndes closed the public comment period.

After discussion, a motion was made to approve the third amendment to the Declaration of Restrictions and Agreement for Uptown Maitland Lot 2.

RESULT: Approve

MOVER: Councilmember Michael Thomas

SECONDER: Vice-Mayor Michael Wilde

AYES: Michael Wilde, Michael Thomas, Vance Guthrie, Lindsay Hall Harrison, John Lowndes

NAYS: None

X. DISCUSSION

There were no Discussion items.

XI. CITY MANAGER'S REPORT/CITY ATTORNEY/COUNCIL REPORTS

Councilmember Guthrie wished Senior Planner Barrett Chaix a happy birthday and thanked the street cleaners and stormwater staff for their hard work and dedication in keeping the storm drains clean.

The City Attorney provided an update on the Peacock Ford litigation stating that the hearing is scheduled for May 23rd at 10:00 am via Zoom.

XII. ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 10:02 pm.

CITY OF MAITLAND

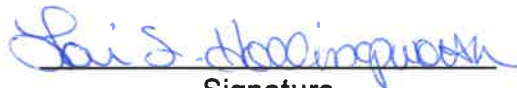


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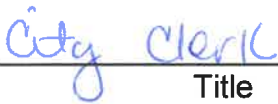


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ATTEST:



Signature



Title