

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
ALSO SITTING AS THE LOCAL PLANNING AGENCY AND  
THE LAND DEVELOPMENT COMMITTEE**

The regular meeting of the City of Maitland Planning and Zoning Commission also sitting as the Local Planning Agency and the Land Development Regulation Commission was called to order at 7:00 p.m. on Thursday, March 17, 2005 in the City Hall Council Chambers.

Members present were Chairman Robert Gebaide, Dale McDonald and Thelma Scott. City staff members present were Sara Blanchard, Senior Planner, Dave Tomek, Community Development Director, and Verl Emrick, Community Redevelopment Agency Manager. City Attorney Cliff Shepard was also present. Michael Dabby and Robert Palm were absent.

**Approval of the Minutes of the Meeting of March 3, 2005**

The minutes were approved as submitted.

**Public Hearing: Petition No. 2004-06 (AZ) Delroy Park Rezoning**

Ms. Blanchard stated the applicant, City of Maitland, is requesting a zoning amendment to change the zoning category from RS-1, single-family residential district to RS-1A, single-family residential district for the Delroy Park Subdivision.

Chairman Gebaide asked if anyone from the public wished to speak.

Glenn Jaffee, 391 West Trotters Avenue, stated he was in support of the request.

Steve Heffner, 370 East Trotters Avenue, stated he was in support of the request.

There being no one else who wished to be heard Chairman Gebaide closed the public hearing.

**Public Hearing: Agreement for Redevelopment and Disposition of Property (Uptown Maitland West Project)**

Mr. Emrick stated the applicant, BREF/BSP Partners/Maitland LLLP, is requesting consideration of a draft Agreement for Redevelopment and Disposition of Property commonly known as Uptown Maitland West. The property is located on the east side of U.S. Highway 17-92 and is situated north of George Avenue. He provided information regarding the process for the agreement.

Cliff Shepard, City Attorney, gave an overview of the agreement and the downtown revitalization plan.

Mickey Grindstaff, Shutts & Bowen, LLP, 300 South Orange Avenue, representing the developer, Broad Street Partners gave an overview of the agreement. He stated that Ken Kupp and Jeff Robbins of Broad Street Partners, and Bill Tipton, Jr., traffic consultant, were also present.

Ken Kupp, 821 Oak Street, representing Broad Street Partners, gave a presentation on the project.

Chairman Gebaide asked if anyone from the public wished to speak.

Brij Seth, 1641 Indian Dance Court, stated the main concern regarding this project has been height and density and that these issues have not been addressed by the developer. He wanted to know the minimum height and density the developer would consider. He also asked if the developer would provide the financial analysis that had been referenced to see if it is viable to reduce the height and density.

Ronald Swigert, 952 Versailles Circle, stated he did not support this project only because of the height and density.

Chairman Gebaide asked Mr. Swigert for the record if there was a height and density of which he would be comfortable. Chairman Gebaide explained that in order for the Commission to understand their concerns, they would need to provide specifics.

Mr. Swigert stated there was but he would not provide these numbers to the Commission. He stated there was an area that could be agreed upon but he couldn't personally agree to it. He then stated that he would be comfortable with three to four stories of residential and half the density. He stated he would support between 45 and 55 feet to the eave line.

Dr. Rob Matteson, 129 West Packwood Avenue, expressed concern with the traffic flow.

Ron Guerrero, 1004 Quinwood Lane, expressed concern that there was no traffic study done for Horatio Avenue.

Glenn Jaffee, 391 West Trotters Avenue, stated he was in support of the project. He stated the City needed to create a downtown which would give residents a destination with its own economy and services.

Pushpa Seth, 1641 Indian Dance Court, stated that it was important to look at the details to ensure the project is properly completed. She stated they wanted the downtown project to go forward but in an integrated way to get the best possible transportation. She suggested that separate citizen committees be formed to review the particular elements of plan which need careful attention. Ms. Seth concluded that a year delay would be warranted based upon the impacts of this project.

Mr. McDonald inquired as to what building height she would be comfortable.

Ms. Seth stated she could not give a specific height. She stated that what they had in mind and what the people would like to see was nothing above forty feet to the eave. She added that compromises were always possible.

Steve Heafner, 370 East Trotters Drive, stated he was in agreement with Mr. Jaffee's comments and he also was in support of the project.

Joe Older, 459 Minnehaha Road, expressed concern with the height and density proposed. He stated he was in support of the current height regulations and that anything proposed different from those regulations should be put to a referendum. He stated he was in support of downtown redevelopment but wanted it to be properly done.

Jeff Robbins, 1751 Choctaw Trail, stated he was a resident as well as with Broad Street Partners. He stated they had worked for many months on this project and feels comfortable that it is good for the community. He noted there was already a tremendous interest from retail tenants and an overwhelming interest in the units even though it hasn't gone to market. He stated they were available to meet with anyone in the community.

Sue Jacobs, 400 Minnehaha Road, expressed concern with the height and density, as well as an increase in taxes. She asked if the City had a school capacity report from the School Board regarding this project. She asked if the developer would enter into an agreement with the School Board based on the school capacity. Ms. Jacobs requested clarification of how the City would benefit as the retention pond and road were incentives for the City. She stated that the document stated that even though the developer paid up front for them, the City would pay the developer for these improvements upon receipt of a C of O. She submitted an aerial photograph of the Barmak and Lily properties which showed the current tree canopy and a preliminary illustration of the pond. She noted that the buffer would be eliminated and asked that this be addressed.

Ms. Blanchard submitted a letter for the record in support of the project from Paul R. Lott dated March 4, 2005.

Mr. Grindstaff discussed height and density issues. He stated that the financial analysis would not be made available to the public.

Mr. Tomek explained the overall traffic plan for the downtown area, including the Maitland Boulevard off-ramp, Swoope Avenue Extension North (Sybelia Parkway), and the intersection improvements proposed for Orlando Avenue and Horatio Avenue. He concluded by noting that all three improvements were intended to address congestion and safe access for the area.

Mr. Tipton then explained the detailed traffic plan, including turning movements and trip generation for the project.

Chairman Gebaide requested that staff address the following prior to bringing this item back for a recommendation:

1. Traffic circulation and safety issues.
2. School coordination and impacts.
3. Item by item certification of compliance with the new height ordinance and the regulations prior to the new ordinance.
4. Impacts on City service levels from the project.

Chairman Gebaide gave those present a minute to speak if they had any further questions.

Mark Burns, 841 Gamewell Avenue, expressed concern with the Swoope Avenue Extension intersection.

Dale Burns, 841 Gamewell Avenue, expressed concern with traffic backup in the morning and the increase in cut-through traffic. She asked what the City was proposing to do to alleviate these problems.

Barry Wilcox, Orange County Public Schools, stated he would provide the City with an updated report with numbers based upon 375 units in the project. He gave an overview of the report.

Ms. Jacobs expressed concern that this agreement was based upon a report from the School Board that was not up to date. She also stated that if the City would pay for the pond and road then this development could be smaller in scale.

Mrs. Seth inquired if traffic movements were accounted for.

There being no one else who wished to be heard Chairman Gebaide closed the public hearing.

Chairman Gebaide requested the following revisions to the agreement:

1. Add time schedule for completion to exhibits.
2. Develop standards for condominiums.
3. Provide language for a sales office.
4. Incorporate findings relative to Planning and Zoning Commission – Paragraph 4, page 6.
5. Page 7, clarify “to eave of the building” should read “average top of curb.”
6. Page 15 – add a declaration of condominiums in regard to maintenance of property and commitment to stormwater maintenance fund.
7. Review pond location and buffering from the pond for neighboring properties.

Chairman Gebaide called for a recess at 9:40 p.m.

Chairman Gebaide reconvened the meeting at 9:50 p.m.

**Public Hearing: Petition No. 2005-01 (AZ)(PD) 800 North Maitland Avenue Office Building**

Ms. Blanchard stated the applicant, Barry Kalmanson, is requesting to change the zoning classification of properties from a zoning category of RS-4 single-family residential district to PD, Planned Development district and to obtain approval of a preliminary development plan in conjunction with the planned development zoning district to build a 17,388 square foot office building.

Chairman Gebaide asked if anyone from the public wished to speak.

Ms. Blanchard submitted letters, for the record, from Sharon Broussard and Mary Broussard, as well as Bob Cantu which addressed concerns for the access from the site onto Marion Way and cut-through traffic.

Barry Kalmanson, applicant, gave an overview of his request. He suggested closing another road in the neighborhood to eliminate the concern for cut-through traffic.

Dale Burns, 841 Gamewell Avenue, stated she did not want another road to be closed as a traffic solution.

Keith Amos, 1010 Huntington Court, expressed concern with zoning of PD in this area. He stated RS-4 district was developed as a buffer when Maitland Avenue was four-laned and was established to allow conversion of existing structures or new structures through a combination of lots. He noted that more blacktop would be required for parking thus eliminating more trees in this area. He expressed concern for the increase in traffic and requested that the exit onto Marion Way be eliminated. He concluded that he would like to see smaller units with the existing 25 foot height and buffering.

Julie Evans, 721 Gamewell Avenue, stated she did not support a PD zoning in this area and would prefer a one-story building versus two-story. She stated that the tone of the neighborhood does not call for the large building of the size that is proposed which defeats the feel of the neighborhood.

There being no one else who wished to be heard Chairman Gebaide closed the public hearing.

After discussion, Chairman Gebaide requested staff address the following:

1. Examine ingress/egress from Marion Way and find a way to address the concerns for access at this point.
2. Force a directional left turn onto Marion Way.
3. Address the mass of parking proposed along Maitland Avenue. Determine that adequate landscaping is provided according to code as well as widening the buffer area along Maitland Avenue.
4. Check total permeable surface/open space requirements based upon code requirements including any calculations that may include the retention pond as provided in the landscape code to determine if the required amount is provided on the site.
5. Examine the buffering proposed for the site and determine if it is adequate and to protect the neighborhood to the rear of the site. Ensure landscaping at installation provides quality buffering in lieu of requiring years for proper growth to occur.
6. Determine if there is adequate space for access and maneuvering to the proposed dumpster location.
7. Ensure that the type of lighting proposed does not allow light to spill over onto residential properties.
8. Examine the character of building from the residential side to determine what will be seen by the residential properties and provide architectural treatments more residential in character.
9. A cross-access agreement should be supplied between the current site and 720 N. Maitland Avenue to the south.

10. Examine the buffers between the office building to the south and the proposed site to ensure the appropriate buffers are supplied.
11. Discuss with neighbors the options for wall with regard to materials such as *split face* or *colored block* and height at 6 feet in lieu of 8 feet.

**Review of Council Action on Prior Items**

The Commission reviewed the items presented.

**Any Other Business the Commission Deems Advisable**

There was no other business.

**Adjournment**

The meeting was adjourned at 10:40 p.m.

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Chairman Robert Gebaide

Attest

\_\_\_\_\_ Date \_\_\_\_\_

Attachments: Correspondence from Paul R. Lott, Sharon Broussard and Mary Broussard, and Bob Cantu