

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

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, February 5, 2009, in the City Hall Council Chambers.

Members present were Chairman John Lowndes, Edmund Hampden, Dale McDonald, Howard Schieferdecker and Beth Yohe. City staff members present were Sara Blanchard, Chief Planner; Richard Wells, Community Development Director; and Brian Dierks, City Arborist.

**Approval of the Minutes of the Meeting of December 18, 2008**

The minutes were approved as submitted.

**Discussion: Proposed Amendment to Chapter 8, Landscape, Treescape and Streetscape, of the Maitland City Code.**

Ms. Blanchard stated that as proposed the amendment would modify Article III. Land Clearing/Vegetation Protection and Preservation and Article IX. Definitions. The amendment includes items such as: tree removal from residential lots would require permitting; penalties for the illegal removal of residential trees; definitions for tree-related items; definition for a "Heritage Tree"; criteria for permitting the removal of residential trees and options for tree replacement on residential lots when an owner chooses to remove a tree.

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

Joan Randolph, 331 White Oak Circle, stated there were only a few residents present for this item and requested they be allowed to participate in the Commission's discussion. She noted that as the document was going to be reviewed page-by-page, their questions and concerns could be addressed at that time.

Chairman Lowndes stated that those present could participate in the discussion; however, anyone who wished to comment on a specific item would have to come to the podium to be heard.

Mrs. Randolph stated she felt this amendment to the City Code would be over burdensome to property owners who currently had trees on their lot and have no consequences to those who had none. She stated that the City has adopted ordinances in the past because of one abuse; and this is another example, as this ordinance was proposed because of a property owner who removed trees from his property and was reported to the City.

Mike Dabby, 605 Waverly Lane, stated he was in agreement with Mrs. Randolph in that the City should not impose these restrictions on all residents because of a couple of abuses. He stated that there could be property rights issues involved with this amendment and that it is burdensome to the property owner. He expressed concern that the proposed penalty to be assessed is excessive. He suggested that changing one or two words in the original document would take care of items for single-family residential/duplex units.

Bill Randolph, 331 White Oak Circle, expressed his concerns about the reason why this amendment was drafted, private property rights, and the staffing needed to regulate this ordinance. He stated this ordinance would penalize only those property owners who have trees. He questioned how property owners who have no trees or were lacking a minimum number of trees would be affected, if at all.

John McArthur, 1140 South Orlando Avenue, expressed concern that Lake Maitland Terrace does not have as many trees as were on the original plot plan. He stated they were joint owners, with the adjoining property owners, of a drainage canal that the City and Orange County abandoned. He noted that there were trees blocking the canal and questioned what their responsibility would be.

Mr. Dabby stated that anything that imposes additional liability or a penalty damages the property value. He noted that the required trees could eventually limit the potential use of the property as their location may be relevant to another owner's desired addition, such as for a pool or an enclosure.

Mr. Randolph stated that these requirements should apply to those who are going to reconfigure an entire lot, as opposed to placing a burden upon those who currently have trees on their property.

The Commission members reviewed the draft amendment with Richard Wells and Brian Dierks. Joan and Bill Randolph, and Mike Dabby participated in the discussion.

Chairman Lowndes closed the public hearing.

Chairman Lowndes provided direction to staff for the revisions to be made to the draft document.

**Discussion: Commercial Drive-Through Facilities in Downtown Maitland**

*Mrs. Yohe made a motion to table this item to the February 19, 2009 meeting.*

*Mr. Hampden seconded the motion.*

*Ms. Blanchard called the roll.*

*Mr. Hampden, aye; Mr. McDonald, aye; Mr. Schieferdecker, aye; Mrs. Yohe, aye; Chairman Lowndes, aye.*

*The motion passed.*

**Election of Chairman and Vice Chairman for 2009**

*Mrs. Yohe nominated Mr. Hampden for Vice Chairman.*

*Mr. Schieferdecker seconded the nomination.*

*Ms. Blanchard called the roll.*

*Mr. Hampden, aye; Mr. McDonald, aye; Mr. Schieferdecker, aye; Mrs. Yohe, aye; Chairman Lowndes, aye.*

*The motion passed.*

*Mrs. Yohe nominated Mr. Lowndes for Chairman.*

*Mr. Schieferdecker seconded the nomination.*

*Ms. Blanchard called the roll.*

*Mr. Hampden, aye; Mr. McDonald, aye; Mr. Schieferdecker, aye; Mrs. Yohe, aye; Chairman Lowndes, aye.*

*The motion passed.*

**Review of Council Action on Prior Items**

Ms. Blanchard reviewed the items from the January 12, 2009 City Council meeting.

**Any Other Business the Commission Deems Advisable**

There was no other business.

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**Adjournment**

The meeting was adjourned at 11:40 p.m.

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John Lowndes, Chairman

Attest:

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Date \_\_\_\_\_