

**ORDINANCE NO. 1394**

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING THE OFFICIAL ZONING MAP, A PART OF CHAPTER 21 OF THE MAITLAND CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY GENERALLY LOCATED SOUTH OF STATE ROAD 414 (MAITLAND BOULEVARD), NORTH OF HERBISON DRIVE AND EAST OF ALBEMARLE ROAD FURTHER DESCRIBED HEREIN, FROM PLANNED DEVELOPMENT TO PLANNED DEVELOPMENT; PERMITTING DEVELOPMENT OF A 6 STORY, 385 MULTI-FAMILY UNIT DEVELOPMENT (THE ASPEN AT MAITLAND WEST); AND ASSOCIATED SITE IMPROVEMENTS ON LOT 2 OF MAITLAND WEST PD; AND APPROVALS FOR THE PLANNED DEVELOPMENT DISTRICT CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Michael Neiderst of MWAD Phase 1 LLC, and MWAD Phase II, LLC, 423 S. Keller Road, Suite 300, Orlando, Florida Inc., has requested the City of Maitland rezone the property from Planned Development to Planned Development for property described herein, in accordance with Section 21-21, Chapter 21 of the Maitland Code of Ordinances; and

**WHEREAS**, The Planning and Zoning Commission (P&Z), which also sits as the Local Planning Agency and the Land Development Regulation Commission, duly scheduled, advertised and held a public hearing to consider said request on February 4, 2021 and

**WHEREAS**, The Development Review Committee (DRC) recommended, at their regularly scheduled meeting of December 8, 2021, that the application and supplementary materials noted in the DRC Recommendation Report for Petition No. 2021-01 (AZ-PD) Maitland West Planned Development dated December 8, 2021, be approved subject to the conditions in said report; and

**WHEREAS**, at the P&Z meeting of January 6, 2022, the P&Z recommended approval of Petition No. 2021-01 (AZ-PD) Maitland West Planned Development, consistent with the DRC report; and

**WHEREAS**, The P&Z and DRC found the zoning amendment to be in substantial compliance with the 2035 City of Maitland Comprehensive Development Plan (2035 CDP); and

**WHEREAS**, the City Council has duly considered the recommendations of the P&Z and DRC and reviewed all comments, both written and verbal, regarding this requested rezoning; and

**WHEREAS**, the City Council of the City of Maitland, Florida, considers that said rezoning will be in the best interest of the residents of the City of Maitland, Florida, and that said zoning amendment and development plan are in compliance with the 2035 CDP

**NOW THEREFORE BE IT ENACTED** by the City Council of the City of Maitland, Florida, that:

**SECTION 1.** The Official Zoning Map, a part of Chapter 21 of the City of Maitland Code of Ordinances, be amended to change the zoning district classification of the following properties from PD (Planned Development) to PD (Planned Development) for the property legally described as:

**Legal Description:**

LOT 2 OF MAITLAND WEST ACCORDING TO PLAT BOOK 92, PAGES 77 TO 79 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. CONTAINS 9.51 ACRES MORE OR LESS.

**SECTION 2.** The application and supplementary materials specified in the DRC Recommendation Report for Petition No. 2021-01 (AZ-PD) ) Maitland West Planned Development and findings stated therein, are approved and incorporated herein by reference, as Exhibit A..

**SECTION 3.** The City Clerk shall make the necessary entries to reflect the change as prescribed in Paragraph V., Section 21-1 of the Maitland Code of Ordinances.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5.** This ordinance shall become effective immediately upon its adoption  
**ADOPTED** by the City Council of the City of Maitland, Florida this 14<sup>th</sup> day of February, 2022.

CITY OF MAITLAND, FLORIDA

By: 

JOHN P. LOWNDES, MAYOR

Attest: 

Lori S. Hollingsworth, City Clerk

**Exhibit "A"**

**OUTSTANDING CONDITIONS OF APPROVAL - OPTION 1 PD**

Petition No. 2017-03 (AZ-PD) 0 Forest City Road (Maitland West)

(Upon approval of the PD, an application for Site Plan Review will be submitted by the applicant for final DRC review of technical items prior to issuance of Site or Building Permits.)

1. Prior to site plan approval, the applicant shall satisfy the City's concerns regarding a permanent drainage solution, as outlined in correspondence from Assistant City Manager, Mark Reggentin, dated 3/23/18.
2. Construction of the area listed as "SE Future Development" shall not occur until the wall and additional buffer along the southern property line are provided.
3. Each phase of development must demonstrate that it can exist as an independent unit capable of creating an environment of substantial desirability and stability.
4. Ambulances serving the emergency care facility shall refrain from using lights or sirens within the Maitland West property. Ambulances shall use the Forest City Road access point for ingress/egress only.
5. Waste from the medical/emergency center shall be properly disposed. No activities shall be permitted that would create a pattern of odor production that is incompatible with the adjacent uses both internal and external to the property, including the emission of pollutants and offensive fumes or gases.