

**DEVELOPMENT AGREEMENT - MAITLAND CITY CENTRE
WINN-DIXIE & NEW TRADITIONS PLAZA
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION
OCTOBER 2, 2014**

Based on the requirements of the Maitland City Code, Section 7.5, Article X., Site Plan and Permitted Conditional Use Review Process, the Development Review Committee, at its meeting on October 2, 2014, hereby recommends approval of the Development Agreement, Permitted Conditional Use application, inclusive of waivers, bonuses and incentives listed herein for Maitland City Centre, subject to certain findings and conditions, including all supplementary materials listed below, and determines:

- A. That the proposed development is consistent with the Comprehensive Development Plan and is in compliance with applicable ordinances and regulations; and
- B. That the proposed development will not lower the applicable levels of service below the levels adopted in the Comprehensive Development Plan and is phased to be constructed at a time when the adopted levels are met; and
- C. That satisfactory provision and arrangement has been made concerning the findings established below.

NARRATIVE

A Development Agreement (DA) was submitted by Maitland City Center, LLC for redevelopment of the property located at the former Winn Dixie grocery store and the current site of the New Traditions Plaza. The subject property includes approximately 3.2178 acres. The subject property is bounded on the north by Horatio Avenue, on the west by Independence Lane, on the east by US 17-92 (Orlando Avenue) and on the south by Packwood Avenue.

The DA is submitted as a mixed-use project within the Core Area of Downtown Maitland; multi-family development to include a maximum of 220 multi-family residential dwelling units as well as restaurant/retail/office and/or live/work commercial space. Building heights vary within the proposed project from one (1) story to a mixed use building of six (6) stories, and a seven (7) story parking garage. A maximum density of 55 dwelling units per acre and a Site Floor Area Ratio (F.A.R.) of 2.00 is available for properties over 3 acres. The subject property is located within the Transit Oriented District-A (TOD-A). Sites located within the TOD-A may request a density bonus and Site F.A.R. bonus up to an additional 25% increase for a maximum of 68.75 dwelling units per acre and a maximum F.A.R. of 2.5. The DA requests up to 220 dwelling units and site F.A.R. of 2.39+/-.

The proposed DA specifies that the Owner/Developer shall design and construct improvements on the subject property consistent with the regulations and design standards adopted in the Downtown Maitland Special District and Downtown Maitland Zoning District. These standards include provisions for waivers (e.g., streetscape dimensions, an incentive program for off-site infrastructure, bonus program for density and intensity for property within TOD-A, building height bonus (above 5 stories), drive-through facilities and conditional use allowances for restaurants with drive-through, mixed use with residential on the ground floor in the same building, and banks with drive-through facilities.

Conditional uses requested for this project include: restaurants and banks with drive-through, mixed-use with residential on the ground floor within the same building [Section 21-19(b)(1)], and multi-family residential [Section 23-2.7.2(b)(1)]. See additional information and analysis below.

I. THE FOLLOWING SUPPLEMENTARY APPLICATION MATERIALS ARE INCLUDED IN THE RECOMMENDATION FOR APPROVAL:

The Development Agreement and Supplemental Materials.

II. THE FOLLOWING FINDINGS ARE INCLUDED IN THESE RECOMMENDATIONS. (ATTACHMENTS A, B, C, and D ARE INCLUDED WITHIN THESE FINDINGS)

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Existing conditions on site include a total of seven curb cuts within the block bounded by US 17-92 on the east, Horatio Avenue to the north, Packwood Avenue to the south, and Independence Lane to the west. US 17-92 (south of Horatio Avenue to Packwood Avenue) has a total of four curb cuts from the signalized intersection at Horatio Avenue. All curb cuts are right-in/right-out.

Sec. 23-2.4.2. Network patterns: site access and circulation requires that shared access and circulation systems shall be designed to minimize curb cuts, provide direct access between adjacent uses and improve traffic circulation. It further requires that:

- (a) Joint access driveways and cross-access easements are required between sites to reduce the number of access points and driveway area, and to increase the amount of landscaping.

As proposed, the project covers an entire block and is designed as a unified development and will provide the necessary joint access driveways and cross-access easements between the on-site uses. This will be accomplished in the Final Site Plan review.

- (b) Access driveway width shall be limited to twelve (12) feet for one- (1)-way driveways and twenty (20) feet for two- (2)-way driveways. The crossing area connecting the sidewalk over the access driveway shall be distinct from the pavement and consistent with the required street furnishings as required in the Downtown Maitland Design Standards Manual. If a median is provided between two (2) driveways, then the crosswalk must continue through the median.

The applicant is proposing waivers to increase the size of the access drives to enhance traffic and pedestrian circulation and safety for the on-site surface parking area. The applicant has proposed a reduction in the number of curb cuts from the existing seven to four, subject to further analysis by Public Works of the Traffic Study that would be provided by the applicant and modified from four to five if we are comfortable that the additional curb cut is properly addressed in conjunction with the pre-existing curb cut and the reduction of use of the pre-existing curb cut.

- (c) When it is feasible to provide vehicular access to a commercial site from a secondary street or access road, without negatively impacting abutting single-family residential uses, it shall be required unless city council grants an exception to such requirement in association with the approval of a design waiver as provided in section 23-2.2.

The applicant's project is not located adjacent to single-family residential uses.

- (d) Projects shall be designed to create a balanced transportation system that invites pedestrians, bicyclists, and transit riders, as well as motor vehicles, and provides a system of connections to maximize choices for all modes of travel.

The applicant is proposing to keep the bus stop along US 17-92, which is within approximately 2,500 feet from the Maitland SunRail Station. The project will provide both surface and structured parking areas and a pedestrian arcade along the entire block. The inclusion of these amenities meets the intent of this section of the code.

(e) Non-residential and mixed-use developments with a gross floor area of fifty thousand (50,000) gross square feet or more which are adjacent to a street that is or may be used as a transit route, shall coordinate with Lynx and, if recommended by Lynx and required by the city, shall provide access for an on-site public transit stop. The public transit stop shall include a bus pullout and shelter. Please refer to the Downtown Maitland Design Standards Manual, street furnishings, for bus shelter design.

The project has an existing Lynx bus stop on the site fronting US 17-92. It is anticipated that the bus stop will remain along US 17-92.

(f) The number of curb cuts along the street frontage shall be limited. In areas such as the Orlando Avenue corridor, the vehicular entrances are encouraged to be from side streets and rear access roads.

The project is proposing to minimize the existing curb cuts along the block from seven to four. One right-in/right out will remain along US 17-92. One right-in/right will remain along Independence Lane. One right-in and left-in/right-out and left-out curb cut will remain on Horatio Avenue. One curb cut will remain along Packwood Avenue to serve as a loading area for the residential component of the project.

Based on the above requirements, the project is meeting the intent of the code section by minimizing the number of curb cuts and eliminating three existing curb cuts.

2. Off-street parking and loading areas, where required, with particular attention to the items in 1. above, and the economic, noise, glare or odor effects on adjoining properties and properties generally in the zoning district;

The applicant is requesting waivers from the number of and location of the on-site loading spaces and areas. The project is a mixed use development with a residential component. Anchoring residential in the downtown core area has the potential for a positive economic impact for businesses in proximity to the development. While impacts related to; noise, glare, or odor on adjacent properties is not anticipated from this project, this issue will be further analyzed and mitigated if necessary at the final site plan review stage.

The applicant has submitted a parking study and the study has determined that the proposed development will be able to accommodate all parking on-site. The City has reviewed the study and has noted its preparation based upon professionally recognized methods. The ITE Parking Generation, 4th Addition (2010) for parking demand and ULI Shared Parking, Second Addition, was used to prepare the parking demand profile. The studies indicated that at peak hours occurring between 6 pm and 8 pm weekly, with a maximum of 465 spaces are needed.

The applicant proposes a parking garage of 469 spaces and surface parking of at least 37 spaces, for a total of 505 on-site spaces. The multi-family use for the site at peak use would require 276 spaces. The peak uses typically occur from 6 p.m. to 7 a.m. The applicant/property owner shall provide approximately 200 spaces in the parking structure for use of the non-residential uses on the site.

The applicant shall work with the City and adjacent developments to provide off-site parking should it become necessary in the future for increased parking.

3. Refuse and service areas, with particular reference to the items in 1. and 2. above;

Maitland City Code Section 23-2.5.4., Service Areas/Utilities addresses the requirements for refuse and service areas. This section requires that: loading areas, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties; areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design and construction for these areas shall be of materials of comparable quality and appearance as that of the

primary building; shopping cart storage shall be located inside the building or shall be screened by a four-(4)-foot wall consistent with the building architecture and materials. *The applicant is seeking a waiver for the location of the loading area.*

The applicant is proposing to screen the refuse and service areas from view from the surrounding streets. The refuse and service areas for the residential component will be located on the southern half of the project while the refuse and service areas for the commercial retail component will be located on the northern half of the property.

Specifics related to the refuse and service area screening will be determined and considered at Final Site Plan review.

4. Utilities, with reference to locations, availability and compatibility;

The Maitland City Code Section 23-2.5.4., Service Areas/Utilities addresses the requirements for utilities. This section requires that utility lines of all kinds shall be installed and constructed in accordance with Section 5-20.

Section 5-20. Electric and Utility Services to be Located Underground; Electrical System to be Upgraded. Utility lines of all kinds, including but not limited to those of franchised utilities, electric power and light, telephone and telegraph, cable television, water, sewer and gas, shall be constructed and installed beneath the surface of the ground. It shall be the developer's responsibility to make the necessary arrangements with each utility in accordance with the utility's established policies. The underground installation of incidental appurtenances such as transformer boxes, pedestal-mounted boxes for electricity, or similar service hardware necessary for the provision of electric and communication utilities shall not be required. This section is applicable whenever a new building or other structure is erected. It shall also be applicable for additions or alterations to existing structures when the cumulative building permit value for the respective property over a five-year period exceeds fifty (50) percent of the value of the improvements on the most current property tax roll for the property.

Based on the initial review of the City's utility system there, does not appear to be adequate wastewater capacity to serve the proposed development. The project will be linked to the upgrade of Lift Station 4, which is begins in 2015 which will resolve the capacity issue.

The property will connect to the City's regional pond. The developer is obligated to pay a pro-rata share of the construction and maintenance of the facility which is specified within the proposed DA.

With the activation of Independence Lane to a Festival Street, additional improvements will be necessary including replacing and upgrading utility lines which exist under Independence Lane which are aging and decades old.

As it is in the best interest of the applicant to have utility upgrades and the associated restoration to Independence Lane completed prior to opening for business, the applicant may pursue impact fee credits for the improvements needed for the upgrading Independence Lane and associated improvements to a Festival Street. These credits are listed within Exhibit E of the proposed DA.

5. Screening and buffering with reference to type, dimensions, and character;

Maitland CDP POLICY 3.26: The purpose of the areas designated as Downtown Maitland on the Future Land Use Map is to create a pedestrian-oriented commercial environment complementary to the Cultural Corridor that provides enjoyment for all citizens and reflects a community that cares and where the City shall encourage a concentrated mix of uses including government, office, commercial, and multi-family residential activities. City shall encourage a concentrated mix of uses including government, office, commercial, and multi-family residential activities.

Sec. 23-2.5.6. Landscaping and screening standards.

Section 23-2.5.6.(IV), requires that the parking lot design (layout, landscaping, buffering and screening) shall minimize direct views of parked vehicles from streets and sidewalks; and, avoid spill-over light, glare, noise and exhaust fumes onto adjacent properties.

(b) Landscape islands. No more than ten (10) consecutive parking stalls are permitted without a landscape island at least eight (8) feet wide (measured from back of curb) and extending the entire length of the parking stall. *The applicant has requested a waiver for one landscape island.*

(c) Parking lot perimeter screening. The landscaping within the parking lot perimeter along the side and rear property lines shall meet the requirements of section 8-15(c). The parking lot perimeter landscaping along the front property line may be located within the activity area and shall meet the following requirements.

(1) Street wall. In order to minimize direct views of parked vehicles from streets and sidewalks, a street wall shall be provided along the perimeter of surface parking lots fronting on public streets or alleys.

The predominance of the parking areas are within a parking garage. The surface parking is located behind buildings and is screened by intervening arcades and activity areas. Should it become apparent during the Final Site Plan review that additional screen walls are necessary, this item will be addressed at that time.

Section 23-2.5.6.(IV). Buffers. The buffer yard requirements contained in Section 8-13, Buffer Yard Landscape Regulations, shall only apply to development abutting residentially-zoned sites, and only along the property line shared by the two (2) uses. No buffers shall be required between any other uses, unless specifically required as part of a conditional use approval.

The project is proposed as a concentrate, mixed-use project which includes residential uses. The project is not contiguous to any residential developments. The uses proposed by the applicant for the project are similar to and compatible with the adjacent uses, the need for buffering and screening will be minimal. The applicant is proposing to meet the intent of the above sections of the Maitland Land Development Code. Specifics relating to buffering and screening will be determined and considered in conjunction with the Final Site Plan review.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economics

The applicant has not requested waivers to the sign code (Section 23-2.8. Downtown Maitland Sign Standards). The project is comprised retail and residential uses. Specifics related to the on-site signage will be determined and considered at the Final Site Plan review.

Lighting:

Section 23-1.6.4. Public Entrance. New buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish which places an emphasis to the entrance.

Section 23-2.5.7. Parking Lot Lighting. In addition to perimeter streets lights requirements that were provided in the Downtown Maitland Development Standards Manual, the followings parking lot lighting standards are applicable.

(a) Light fixtures shall be designed so that light is directed onto the parking area and away from neighboring residential lots.

(b) Light fixtures shall be equipped with dark sky light shields.

(c) Lighting fixtures in parking lots adjacent to residential zones shall not exceed twenty (20) feet in height as measured from the adjacent grade to the top of the light fixture. (*This is not applicable not adjacent to a residential zone.*)

(d) Parking lot lighting fixture design shall be complimentary to the street light design as required in the Downtown Maitland Design Standards Manual.

(e) Tree and site lighting locations shall not be in conflict.

The applicant has not requested waivers to Section 23-2.5.7. Parking lot lighting. Specifics related to the on-site parking lot lighting will be determined and considered at Final Site Plan review.

Traffic: The applicant has submitted a traffic study methodology prepared by TDP, titled, Traffic Impact Analysis, dated September 1, 2014, TPD no. 4568. Based on the methodology report, it is estimated that 10% of the total trips would be transit trips due to the existing Lynx bus service and proximity to the SunRail station. Page 10 of the study reads “The proposed development is estimated to generate 2,152 new daily trips, of which 177 will occur in the A.M. peak hour and 182 in the P. M. peak hour. Subtracting the trip generation of the existing shopping center results in 1,417 new net daily trips, 97 new net A.M. peak hour trips and 61 new net P.M. hour trips to be added to the area roadways as a result of the proposed development.” The trips distribution for the proposed development will be based on the Orland Urban Area Transportation Study Model (OUATS). The Study area will include roadways within the site’s one-half mile sphere of influence and will be included in the analysis. The following roadway segments and intersections will be included in the analysis:

- US 17-92 and Horatio Avenue
- US 17-92 and Packwood Avenue
- US 17-92 and Maitland Avenue
- Horatio Avenue and Independence Lane
- Packwood Avenue and Independence Lane
- Horatio Avenue and Maitland Avenue
- Maitland Avenue and Packwood Avenue
- Site Access driveways

(The City’s Transportation Engineer will review the applicant’s traffic information and prepare comments and provide those to the Planning and Zoning Commission in time for them to receive and review those October 16, 2014)

7. Required yards and other open space;

Section 21-6.(II)(g) A minimum of fifteen (15) percent open space is required. If, after meeting the landscape requirements on the site, the applicant is unable to provide the minimum required open space due to site constraints, the applicant may apply to the city to use/contribute to such community open space system (Section 23-2.7.1 requirements).

The site metrics provided indicates that the open space will be met on the site. The open space will be reviewed again for compliance for Final Site Plan review.

Permeable surface is required at 20%. The site metrics indicate that roughly 9% is shown for the site. The applicant will pursue permeable surface credit with off-site credits allocated for connection in the regional pond.

Connection to the regional pond will provide the applicant with the ability to use off-site credits for open space as well and credits toward the minimum pervious area requirements. (See item 12 below.)

8. General compatibility with adjacent properties and other property in the surrounding area;

The subject property is located within the Downtown Maitland Zoning District. The property is bounded by commercial uses to the north, institutional uses to the west, office, restaurant and retail uses to the east, and office and retail uses to the south. The applicant is proposing the potential for all of the above uses and is therefore compatible with the surrounding uses. The scale, mass, density, intensity of the proposed project is consistent with other downtown core mixed-use urban projects and has been anticipated for the Maitland Downtown core. The applicant is seeking to take advantage of the bonus incentives available in the Downtown TOD-A area for density and site floor area ratio and is requesting a bonus for building height above 5 stories. These are discussed in the **Bonus Section of the Report.**

9. Whether there is compliance with the applicable ordinances and regulations for the proposed development; waivers

Section 23-2.2, Flexibility in Design Standards Application, provides for design waivers and states that a waiver may be granted by the approving authority if it finds that strict application of requirements of Section 21-6, Section 23-2, or the standards manual is not warranted and that granting a waiver will fulfill the intent of this LDC. The approving authority shall apply all the following criteria, when applicable, to determine if the applicant has justified a request for a waiver to a dimensional requirement and if granting the proposed waiver will fulfill the intent of this LDC. Following is the waiver criteria that must be met for each waiver requested:

- (1) The request is consistent with the CDP and generally consistent with the purpose of the LDC and the Downtown Maitland Master Plan.
- (2) The proposed waiver will not have a material negative impact on adjacent uses, or the applicant proposes to mitigate the negative impact to be created by the waiver.
- (3) Compliance with the requirement is technically impractical or undesirable based on site conditions, or approval of the waiver will result in superior design.
- (4) The request would not have a material negative effect the public health, safety, and welfare.
- (5) The applicant may provide other information in addition to that listed above to justify a request for a waiver and demonstrate that granting the proposed waiver will fulfill the intent of this LDC and the comprehensive development plan.

The applicant is requesting waivers from the following code requirements: **(See Attachment B for Waivers)**

- A. the number of on-site loading spaces;
- B. the location of the on-site loading areas;
- C. minor streetscape modifications;
- D. building placement on Packwood Avenue;
- E. 30' depth of active uses along street edges and the parking garage;
- F. permit 11 parking spaces between tree wells in lieu of 10 parking spaces;
- G. permit landscape plans including tree and planning schedules to be reviewed and approved separately based upon DMZD standards;
- H. a minimum of two story building on the corner of Horatio Avenue and Orlando Avenue; and
- I. an increase in size of vehicular drive entrances from 12' to 14' and 22' to 24'. (Sec. 23-2.4.1(IV)(a) requires has 18 feet for two-way traffic not 22 feet.)

10. Whether the proposed development will lower the applicable levels of service below the levels adopted in the city's comprehensive development plan and whether the proposed development is phased to be constructed at a time when the adopted service levels are met;

All improvements necessary to service the site are recognized and provided for in the DA. Service levels will not be lowered below acceptable standards. Provisions have been specified within the DA to mandate all necessary utility upgrades when the services are needed for the site. This includes sewer capacity enhancements, stormwater line construction and extension, utility line replacement under Independence Lane, at the time of upgrade and construction of the Festival Street.

11. Incentives and development bonuses requested if applicable:

See Attachment C.

12. Off-site credits requested if applicable. Section 23.2.7.1 (b)

See Attachment D.

The applicant is utilizing the regional pond for stormwater connection and is seeking off-site credits for permeable surface and off-site open space. Streetscape, much of which is located on the site may be included in the permeable surface calculations which is also stated in proposed DA.

Permeable concrete and pavers may be included and will be reviewed during the Final Site Plan review to ensure permeable surface area conforms for this site. The developer is also proposing to use low impact design concepts for this site which may include the use of green roofs, rain capture for on-site irrigation, and pervious pavement and/or pavers.

13. Mobility strategies, if applicable, for a transportation concurrency exception area.

The projected is approximately 2,500 feet from the Maitland SunRail Station and provides the development with a unique ability to provide a multi-pronged mobility strategy. The strategy includes a bus stop along US 17-92, the addition of a covered pedestrian arcade along the entire city block, both on-site surface and structured parking areas, and enlarged vehicular accessways to increase vehicular and pedestrian maneuverability and safety.

III. THE APPLICATION AND SUPPLEMENTARY MATERIALS ARE RECOMMENDED FOR APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS AND INCORPORATES ATTACHMENTS A, B, C, AND D WITH CONDITIONS NOTED THEREIN, AS WELL AS INFORMATION DOCUMENTED IN FINDINGS TO BE A SUBSTANTIVE PORTION OF THE RECOMMENDATION FOR APPROVAL.

SITE PLANS (Contacts, CDD: Sara Blanchard, 407-539-6214; Kirsten Warren 407-539-6213; Jacqueline Holt, 407-539-6215)

1. There is a minimum living area requirement for residential units within Downtown Maitland Zoning District of 500 square feet. No residential unit shall be allowed below the minimum square footage required.
2. Roof structures above the eave line can vary in height up to a maximum of 15 feet above the eave line.
3. No part of an arcade or building shall extend over or into public right-of way.
4. Easements shall be provided for features such as sidewalks, arcades etc., that serve a public purpose but are on private property.
5. The Packwood District requires a minimum building frontage of 75% along the street frontages. As proposed, the concept plan appears compliant and will be re-evaluated at the Final Site Plan review.
6. The applicant proposes a parking garage of 469 spaces and surface parking of at least 37 spaces for a total of 505 on-site spaces. The multi-family use for the site at peak use would require 276 spaces. The peak uses typically occur from 6 p.m. to 7 a.m. The applicant/property owner shall provide approximately 200 spaces in the parking structure for use of the non-residential uses on the site.

The applicant shall work with the City and adjacent developments to provide off-site parking should it become necessary in the future based on a demonstrated need for additional spaces.

7. Specifics related to the refuse and service area screening will be determined and considered at Final Site Plan review.
8. The predominance of the parking spaces are within a parking garage. The surface parking is located behind buildings and is screened by intervening arcades and activity areas. Should it become apparent during the Final Site Plan review that additional screen walls are necessary, this item will be addressed and required at that time.
9. The applicant has not requested waivers to the sign code (Section 23-2.8. Downtown Maitland sign standards.). The project is comprised retail and residential uses. Specifics related to the on-site signage will be determined and considered at the Final Site Plan review.
10. The applicant has not requested waivers to Section 23-2.5.7. Parking Lot Lighting. Specifics related to the on-site parking lot lighting will be determined and considered at Final Site Plan review.
11. The number of drive-through uses will be limited to no more than two in this 3.218- acre block of the project area and the drive-through bank proposed at the northeast corner of the site shall be removed from this proposal. The two remaining drive-throughs are consistent with criteria noted for Downtown Maitland.
12. The live-work units shall have only one shower and bathtub per unit, unless otherwise authorized by the City Council.

CRA (Contact: Verl Emrick, CRA; 407-539-1255)

No comments.

LEISURE SERVICES (Contact: Chuck Jordan, 407-539-6264)

No comments.

TRAFFIC CIRCULATION (Contact: Noel Cooper, 407-539-6217)

(a). Developer Obligations as to the Project:

13. Add "A Traffic study shall be performed to assess the development's traffic impact in accordance with a methodology approved by the City. The Study shall be submitted to the City for approval."

PEDESTRIAN/BICYCLE CIRCULATION (Contact: Yvonne D'Avanzo, 407-539-2843)

14. The decorative Downtown sidewalk patterns and requirements are site specific and are required to meet current Downtown and accessibility requirements.
15. Any work within the City of Maitland right-of-way will be required to meet the requirements stated within the City of Maitland Right-of-Way Utilization Permit.
16. The location of the decorative sidewalk stamps within the sidewalks is to be coordinated with the City of Maitland Transportation Division.
17. The City of Maitland Public Works Coordinator is to be present during the installation of the concrete stamps and will loan the developer the use of the stamps.
18. In addition to the review and permitting of the proposed streetscape with the City of Maitland, the developer is required to submit for review and permitting any work/construction within the FDOT right-of-way to FDOT for their review and approval.
19. Decorative street scape furniture within the Downtown area has been changed. Please contact the Public Works Project Coordinator for available options.

SEWER (Contact: David Gonzalez, 407-875-1143)

No comments.

WATER (Contact: Robert Hyden, 407-875-2115)

No comments.

STORMWATER (Contact: Marissa Williams, 407-539-6203)

20. As it stands now, the DA includes a requirement to pay connection fees including a one-time fee for their percentage of the original construction of the pond *and* their portion of annual maintenance. However, it does not detail who takes the *financial* burden of constructing a trunk line from the site in question to the stub out on George. I would request that all parties within the downtown pay for their portion of conveyance construction to this stub out, but it is out of my purview to enact this requirement.

LAKES/ENVIRONMENTAL IMPACTS (Contact: Marissa Williams, 407-539-6203)

See Comments above.

LANDSCAPING (Contact: Mark Barton, 407-539-6245)

20. In addition to meeting the Downtown landscape requirements, landscaping within the FDOT right-of-way will require review, approval and permitting through FDOT.

BUILDING DEPARTMENT (Contact: Allen Johnson, 407-539-6151)

No comments.

FIRE DEPARTMENT (Contact: Dennis Marshall, 407-539 -6228)

No comments.

SANITATION (Contact: Roxanne Long, 407-539-1629)

See Item 3 above. Final comments will be in association with Final Site Plan review.

POLICE (Contact: Dawn D'Ambrosio, 407-875-2810)

No comments.

General:

At a minimum architectural standards set forth in the Downtown Maitland Revitalization Plan shall be followed and buildings materials used shall provide a sustainable environment. Leed standards are encouraged.

Even though each code section and design standard for DMZD and DMSD is not mentioned specifically within this report, the code criteria remains in force and shall be applied at the time Final Site Plan review.

If construction of the building(s), as determined by the building official's application of the Florida Building Code, has not begun within two (2) year(s) following approval of a site plan according to this procedure, or if the building permit for construction of the building(s) has become void any time after the two-year time period has expired, the approval of the site plan and use designated therein shall lapse. If approval of the site plan lapses under this section, resubmission of a site plan is required and is subject to all review and approval processes, regardless of any previous approvals acquired. The building official shall notify the property owner of the lapse of approval and inform the property owner that resubmission under the site plan or permitted conditional use review procedure(s) will be necessary.

Richard Wells, Chairman
Development Review Committee

Date

ATTACHMENT A
CONDITIONAL USE SECTION – Section 21-19b

Item	Conditional Use - Items	Reason	Response
1	Multi-Family residential in DMZD	Multi-Family Component to Project	The residential component of the project will serve to provide an anchored customer demographic that will support the retail and restaurants components of the project as well as provide the requisite activity and energy necessary to activate the downtown district and sustain the commercial component of the project. (See also findings noted in Section II of this report.)
2	Ground Floor Residential use in Mixed Use Building in DMZD	Multi-Family Component has ground floor units at internal courtyard and along East Packwood Ave.	The applicant is proposing that less than 10 of the total 220 residential units will be located on the ground floor. The ground floor units are limited to the southern portion of the site at the corner of Packwood Avenue and Independence Lane. Only two of the units will front the street on Packwood Avenue. The remainder of the ground floor residential units will be located internal to the site. The lobby, business offices, and courtyard are also located on the first floor. (See also findings noted in Section II of this report.)
3	Drive-Thru in DMZD	Requesting multiple Drive-thru opportunities	<p>The applicant is proposing three on-site drive-through lanes, two associated with restaurant uses and a third in conjunction with a bank.</p> <p>DRC recommendation is to stipulate that the number of drive-through uses will be limited to <u>no more than two</u> in this 3.218 acre block of the project area and that the drive-through bank proposed at the northeast corner of the site be removed from this proposal. The two remaining drive-throughs are consistent with criteria noted for Downtown Maitland. See findings below:</p> <p>(Also see also findings noted in Section II of this report.)</p> <p>The drive-through lanes are ancillary to the restaurants uses. Both are drive-through lanes will be internal to the development. The drive-through facilities will be integrated into the overall project design and meet the intent of ensuring traffic circulation (per section 23-2.4.2) and pedestrian activity and safety in the downtown. The drive-through lanes will be screened from view from public streets. The drive-through lanes will be integrated with the on-site circulation pattern and will be designed with pedestrian safety as the first priority.</p> <p><u>Location of drive-through facilities</u></p> <p>b) Drive-through facilities (service bays and windows) shall not be visible from public street.</p> <p>The two drive-through facilities near 17-92 are located behind a node of each building that projects and screens the drive-through window. Arcades are provided at the perimeter of the site and one drive-through is integrated within the parking garage.</p> <p>The third drive-through proposed in association with a bank use is recommended for elimination.</p> <p><u>Site design.</u> To ensure pedestrian safety, the following standards shall be applied:</p> <p>1) Access to drive-through site should be provided from side streets or existing service drives.</p> <p>The primary access for both proposed drive-through restaurants is from an internal circulation system.</p> <p>2) Drive-through lanes (the area where vehicles stack up and wait</p>

Item	Conditional Use - Items	Reason	Response
			<p>for service) shall be clearly marked on the site plan and striped.</p> <p>The drive-through lanes shall be clearly marked on the site plan at the time of submission of the Final Site Plan review.</p> <p>3) Drive-through lanes should be integrated with the on-site circulation and must be designed with pedestrian safety as the first priority.</p> <p>The drive-through lanes have been integrated with the on-site circulation pattern.</p> <p>4) Drive-through lanes shall not be entered from, or provide exit directly into, a public right-of-way. The entrance to a drive-through lane shall be clearly marked and be located a minimum of 60 feet from the closest public right-of-way.</p> <p>This has been met for both proposed restaurant drive-through facilities.</p> <p>5) Drive-through sites shall be designed so that pedestrians do not have to cross the stacking lane unless said stacking lanes are to be designed with a pedestrian crossing that is delineated by landscaping, curbing, and raised or decorative pavement to clearly delineate the pedestrian network.</p> <p>This shall be examined in detail during the Final Site Plan review and pedestrian crossings will be delineated if necessary.</p> <p>6) No more than two (2) drive-through lanes shall be approved for any facility.</p> <p>Only one lane is proposed for each facility.</p> <p>7) There shall be a minimum of four (4) stacking spaces per lane. The spaces shall be a minimum of twenty (20) feet in length and ten (10) feet in width, except along curved segments where they shall be a minimum of twelve (12) feet in width.</p> <p>Both drive-through facilities appear to meet these conditions on the concept plan that was submitted. This will be re-evaluated during the Final Site Plan review process.</p> <p>8) Drive-through lanes shall be located out of view from public streets, at the rear or sides of the principal building.</p> <p>See b) above</p> <p>9) Drive-through stacking lanes shall be designed in a way that customers can exit the lane at any time before the drive-through window.</p> <p>An alternate exit pattern will be required at Final Site Plan review. Address modifications to both of them if possible. If not possible, then the applicant would provide the City with a statement on how it would qualify for a waiver.</p> <p>10) Drive-through lanes and designated by-pass lanes, if used, shall not interfere with required loading and trash storage areas.</p> <p>This shall be maintained for this site and noted as well during the Final Site Plan review.</p> <p>11) No drive-through use shall be approved with ingress or egress driveways within three hundred (300) feet of a signalized</p>

Item	Conditional Use - Items	Reason	Response
			<p>intersection, unless a traffic analysis demonstrates that vehicles entering or leaving will not impair the efficiency or operation of the intersection. The traffic analysis shall be approved by the city's traffic engineer and acceptable to the city in the city's sole discretion.</p> <p>Drive-through #1 nearest the intersection of U.S. Highway 17-92 does not exit onto either noted street, but becomes part of the internal circulation pattern of the site. A traffic study submitted by TPD did not indicate that this drive-through would negatively affect this signalized intersection.</p> <p>Drive-through #2, is noted with the same response as above. However the concept plan indicates that this drive-through is in excess of 300 feet from the signalized intersection.</p> <p>12) The number and width of curb cuts from the public streets shall be approved by the city's traffic engineer and said number shall be minimized to reduce interruptions of pedestrian flow on the public sidewalk.</p> <p>The City Traffic Engineer has reviewed the conceptual site plan. Curb cuts have been reduced in number and dimension with this development plan. Pedestrian activity has been stressed throughout this project with added walkways and arcades provided throughout the site plan and will continue to be a key review element as the Final Site Plan is submitted and reviewed.</p> <p>13) No drive-in or drive-through use shall be approved within the geographic area bounded by Highway 17-92 on the East, Maitland Avenue on the West, Horatio Avenue on the North and Packwood Avenue on the South except by the City Council in association with the approval of a bonus as provided in section 23.2.7.2 (b) and only if the drive-through facility is integrated into the overall project design and meet the intent of ensuring safe traffic circulation (per Section 23-2.4.4) and pedestrian safety in the downtown.</p> <p>The proposed drive-throughs are located in the referenced geographic area listed in #13 and are requested in conjunction with the bonus criteria per City Code requirement.</p> <p>14) No drive-in or drive-through restaurants or car-wash facilities shall be permitted in the Packwood District of the "Downtown Maitland Area" as defined herein [See Attachment "A" CRA District Map].</p> <p>N/A – Meets criteria for #13 above.</p> <p>Section 21-5 XVI (d), (e)</p> <p>(d) Impact on adjacent uses. To minimize impact of drive-through facilities on adjacent uses, the following standards shall be met:</p> <p>(1) To reduce the impact of noise and pollution, drive-through facilities with windows and speakers shall not be located within one hundred (100) feet from any lot zoned for residential use.</p> <p>DMZD allows mixed use to include multi-family. No residentially</p>

Item	Conditional Use - Items	Reason	Response
			<p>zoned property is within 100 feet.</p> <p>(2) The sound coming out of the drive-through speakers shall not exceed sixty (60) dBA measured at adjacent residentially zoned lots.</p> <p>This is noted as a condition of approval for the Final Site Plan review.</p> <p>(3) Privacy walls, landscaping or other mitigation measures may be required as necessary.</p> <p>This does not appear to be needed in review of the concept plan. However this will be evaluated in greater detail during the final site plan reviews and mitigation measures applied if necessary.</p> <p>(e) Building massing and design. (1-3) Drive-through facilities shall be designed to enhance and improve the visual presentation of principal building's design and be compatible with the pedestrian scale of its surroundings. If canopies are proposed they will be reviewed and required to adhere to this section during Final Site Plan review.</p> <p>Drive-throughs have been integrated in the overall project design and will blend with overall design. This will be evaluated again in the Final Site Plan review.</p> <p>(f) Landscaping and buffering standards. The design of drive-through sites that are stand alone and not an integral part of the principal structure shall meet the requirements of the Maitland Landscape Code.</p> <p>Proposed drive-through restaurants are not stand alone.</p> <p>(g) Conditional Use review.</p> <p>The proposed drive-throughs #1 and #2 adhere to items 1-5 of this section.</p> <p>All items have been reviewed through the items listed above with the evaluation of the concept plan. They will be further reviewed again during the Final Site Plan review. There is not unreasonable contribution to air, noise or light pollution for adjacent properties with the location of these two noted drive-through facilities.</p>

The table below identifies the code sections and waivers requested, the reason for the waiver and a statement as to how each of the waivers requested meet the required waiver criteria.

**ATTACHMENT B
WAIVERS
Section 23-2.3 (b)1-5. Flexibility in Design Standards**

	Section/Waiver Description	Applicant - *Reason	Section 23-2.3 (b)1-5. Flexibility in Design Standards (Waivers)
A	<p><u>Sec. 21-22.6</u> Off-street loading. (Quantity)</p>	<p>The Maitland Code requirements for loading for the residential areas are based upon a suburban garden apartment model.</p> <p>All apartment units are located in one building. It is technically impractical to provide upwards of 9 loading areas. The combined loading area requirement would require 8 to 9 individual off-street loading areas. This is inappropriate and excessive for this type and scale of project.</p>	<p><u>Combined loading area requirement would require 8 to 9 individual off-street loading areas. Two loading areas are proposed; one off of Packwood Avenue for the residential component and the second area will be provided within the retail area. The retail loading area is proposed to use the surface parking area during non-business hours.</u></p> <p><u>Section 21-22. (8) does permit Combined off-street loading.</u> Collective, joint or combined provisions for off-street loading facilities for two (2) or more buildings or uses may be made, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located and arranged to be usable thereby.</p> <p><u>Additional loading areas may be designated if needed utilizing parking stalls and specifying hours of use for loading purposes, and otherwise they would be used for parking purposes. This method has been used successfully with other projects.</u></p> <p>1) The request is consistent with the CDP, the purpose of the LDC, and the DMMP. The number and design of off-street loading areas are consistent with other types of mixed-use developments, can be combined with other onsite uses. Additional loading areas can be designated throughout the site, with specific hours of use delineated, that do not interfere with use as parking spaces at all other times.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses as the loading areas are located on-site.</p> <p>3) Compliance with the requirement is undesirable based on site conditions as the project is designed as an urban mixed use project in the downtown core.</p> <p>The space required to provide the number of individual loading areas would impede the development from achieving the type of development intended for the downtown core.</p> <p>4) The request will not have a material negative effect the public health, safety, and welfare.</p> <p>5) The applicant may provide other information than that listed above to justify the request for waiver. *Refer to reason column.</p>

	Section/Waiver Description	Applicant - *Reason	Section 23-2.3 (b)1-5. Flexibility in Design Standards (Waivers)
B	<p>Sec. 21-22.9 (b) Off-street loading. (Location)</p>	<p>The requirement for a loading dock at the rear of a building is technically impractical as all sides of the building are street frontages and there is no rear. The consideration for service/loading areas is for this project based upon traffic conditions and minimizing the aesthetic impact. In addition, the code requires loading areas to be located at the rear of the project. The project has no rear, 2 of the frontages are heavily trafficked streets and the 3rd street is to be designed for high aesthetic and place making features.</p>	<p><u>The project encompasses the entire block. Therefore, there is no rear. The loading area for the residential component has been placed off of Packwood Avenue and has been integrated into the design of the building along Packwood.</u></p> <p><u>Vehicles will be able to pull in off-street and unload for the apartment dwellers. Approximately 24 to 25 feet in depth will be provided for vehicles to pull in and unload. The width is roughly 35 feet for this service area. The garbage collection for the residential uses will be located in the service area as well which may include trash compactors.</u></p> <p><u>There will be a separate garbage collection point of service for the retail users on the north which will be integrated into the design of the retail component.</u></p> <p>1) The request is consistent with the CDP, the purpose of the LDC, and the DMMP as the location of the off-street loading areas designed as an integral part of the building and will have decorative doors that will blend with the appearance of building and not detract from the aesthetics of street.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses as the loading areas are on-site.</p> <p>3) Compliance with the requirement is technically impractical due as the project covers an entire city block.</p> <p>4) The request will not have a material negative effect the public health, safety, and welfare.</p> <p>5) *Refer to reason column.</p>
C	<p><u>Sec. 23-2.4.1 Streets.</u> Modified Streetscape designs for frontage streets.</p>	<p>The required building geometry necessary to incorporate structured parking and mixed retail and residential use along with the existing irregular property lines along two frontages result in varying & non-standard R.O.W. and street configurations and the need to modify the specified streetscape options to meet the existing conditions. This is important to provide the walkable, active, street environment anticipated in the Comprehensive Plan and the DMZD.</p> <p>These modifications will not have a material negative impact on the surrounding neighborhood.</p> <p>Standards for an Independence Lane "Festival" street configuration have not been defined, which will result in the final configuration</p>	<p><u>Due to the existing site conditions, modifications are necessary in order to meet the intent of the streetscape standards. Streetscapes for the entire block will be designed and constructed as part of this single project and will provide for a unified design for each street with the four frontages included. This overall intent of the street section types I and II is being achieved.</u></p> <p>1) The request is consistent with the CDP which recognizes that development regulations would be in place for each of the three specific areas within the Downtown: Waterhouse, Packwood, and Sawmill. This site is located with the "Core Area" of Downtown Maitland and is within the Packwood District and as such is a prominent component and has a distinctive location within Downtown Maitland. The request is consistent with the purpose of the LDC and the Downtown Maitland Master Plan.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses. The waiver will provide for <u>a more unified</u> streetscape for the entire block and therefore, meets the intent of the streetscape design</p>

	Section/Waiver Description	Applicant - *Reason	Section 23-2.3 (b)1-5. Flexibility in Design Standards (Waivers)
		<p>being adjusted when completed.</p> <p>In addition the model design options do not completely anticipate the existing street conditions and R.O.W's. Proposed designs provide landscape parkway options for all street frontages and accommodate public streetscape improvements outside of the City R.O.W.</p>	<p>standards.</p> <p>3) Compliance with the requirement is technically impractical due to the irregular property lines in combination with varying and no standard rights-of-ways. Approval of the waiver will result in superior design that encompasses an entire city block in the downtown core.</p> <p>4) The request will not have a material negative effect the public health, safety, and welfare. The streetscape proposed, will provide a benefit for the public with sidewalks, parkways activity areas (arcades) along a four streets within a 3.218 acre tract within the Downtown Core.</p> <p>5) *Refer to reason column. Please see additional information on included with this Attachment B which includes Conceptual Technical Drawings.</p>
D	<p>Sec. 23-2.5.3(e) Activity area.</p> <p>Building placement on Packwood Ave.</p>	<p>The proposed building placement provides enhanced sightlines to the west and the new Maitland City Hall. Compliance with the Code requirements would result in blocked views to the west. The proposed setback will result in a superior placemaking result.</p>	<p><u>The proposed building placement will provide enhanced sightlines to the west and of City Hall. Strict adherence to the building placement requirement would result in blocked views to the west and of City Hall. The waiver will result in a superior product by preserving a visual corridor of City Hall.</u></p> <p>1) The request is consistent with the CDP, the purpose of the LDC, and the DMMP as it is being designed as an urban pedestrian oriented mixed-use project creating a destination retail corridor in the downtown core.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses.</p> <p>3) Compliance with the requirement is technically impractical based on site conditions and the waiver will result in superior design by achieving and preserving a visual corridor of City Hall.</p> <p>4) The request will not have a material negative effect the public health, safety, and welfare.</p> <p>5) Refer to reason column.</p>
E	<p>Sec. 23-4.3(d) Parking garages.</p> <p>Depth of active use areas along the parking garage.</p>	<p>The recessed garage frontage along 17-92 frontage provides exiting vehicles with enhanced views of both pedestrians and traffic. This will not have material negative impact on adjacent uses or public health and safety.</p> <p>Along the Independence Lane frontage the retail frontage and activity/arcade area exceed 30' and provide active use areas along the street edge.</p>	<p><u>The 17-92 corridor is expected to have less activity than Independence Lane due to the heavy traffic. The parking garage frontage on US 17-92 comprises only 25 percent (+/-) of the block and is recessed from the street frontage by an 8-foot arcade activity area and a parallel drive exit lane for a proposed drive-through. The balance of the corridor has active uses areas both to the north and south, thus achieving the intent and feel of an activity area commensurate with the anticipated level of pedestrian traffic. The parking garage frontage along Independence Lane coincides with an irregular property line creating a need to reduce the depth of the activity area by up to four feet along the garage frontage. The depth of the activity area coupled with an 8-foot deep activity area arcade achieves the intent and feel of a more heavily</u></p>

	Section/Waiver Description	Applicant - *Reason	Section 23-2.3 (b)1-5. Flexibility in Design Standards (Waivers)
			<p><u>trafficked activity area.</u></p> <p>1) The request is consistent with the CDP, the purpose of the LDC and the Downtown Maitland Master Plan as the activity areas coupled with the 8-foot arcade design along 17-92 and Independence Lane will achieve the required intent and feel of a pedestrian oriented activity area. In addition, the project encompasses over three acres and an entire block which will draw substantially more activity to the area as opposed to a smaller project or one that only fronts one street.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses, but creates a destination retail corridor in the downtown core.</p> <p>3) The project encompasses an entire city block which will also result in the ability to achieve a superior design by enabling the development of a unified design and aesthetic of an entire block within the downtown core. See comments in this column.</p> <p>4) The request will not have a material negative effect the public health, safety, and welfare.</p> <p>5) * Refer to reason column.</p>
F	Sec. 23-2.5.6. IV. (b) Landscaping and screening standards.	<p>The surface parking lot provides a portion of the parking for the retail activities. While this lot is an important draw for passing patrons informing the passing driver of the location and access to parking, the bulk of the retail parking is in the garage. The remaining surface parking is configured in bays of 5 to 8 spaces between landscape areas.</p> <p>The placement of 11 adjacent parking spaces between landscape islands will not have a material impact on the adjacent uses or neighborhood and will not have a material impact on public health safety and welfare. The impact will be further mitigated by the landscape areas extending along the length of the parking area.</p>	<p><u>One row of parking exceeds the maximum of 10 required consecutive spaces without a landscaped break by 1 space. The surface parking area contains a total of 36 parking spaces and 10 landscaped parking islands with the landscape breaks occurring from 2 to 11 consecutive spaces. The overall average is 1 landscape island for every 4 parking spaces thereby meeting the intent of the code.</u></p> <p>1) The request is consistent with the CDP, the purpose of the LDC, and the DMMP as it provides an adequate number of landscape islands on site for surface parking.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses.</p> <p>3) Compliance with the requirement is undesirable based on site conditions and only occurs at a single location. Overall the surface parking area includes one landscape break for every four surface parking spaces.</p> <p>4) The request will not have a material negative effect the public health, safety, and welfare.</p> <p>5) Refer to reason column.</p>
G	Allow the open are landscape and hardscape plans including tree and planting schedules to be provided for review and approval separately in a subsequent submittal	The successful programming and design of the streetscape along Independence Lane is important for the project and the City. The currently discussed goals do not fit any of the models as codified in the DMZD code. Since the City's goals and program for Independence Lane are not finalized, major	<p>1) The request is consistent with the CDP, the purpose of the LDC, and the DMMP. The City will require a final landscape plan in conjunction with the Final Site Plan review and approval. Plantings will be reviewed in conjunction with Downtown Maitland requirements at that time. Modifications and enhancements will be evaluated and applied accordingly.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses, or the applicant proposes to</p>

	Section/Waiver Description	Applicant - *Reason	Section 23-2.3 (b)1-5. Flexibility in Design Standards (Waivers)
	based upon DMZD standards.	<p>streetscape and landscape elements along that corridor as well as their integration with the connecting corridors will require additional time for design and review by all parties. The design of these areas can be most successfully developed along with the overall building and interior open area designs.</p> <p>As final landscape and hardscape plans are dependent upon the development of streetscape designs the submission of landscape schemes at this preliminary point is impractical. As streetscape requirements, especially the goals for Independence Lane, are flushed out and able to be further refined, landscape and hardscape plans based upon City comments and DMZD standards can be submitted for review.</p> <p>The delay in submission of landscape schemes and a subsequent review by City staff will not have a material negative impact on the adjacent uses or health and welfare of the public.</p>	<p>mitigate the negative impact to be created by the waiver.</p> <p>3) Compliance with the requirement is technically impractical or undesirable based on site conditions, or approval of the waiver will result in superior design</p> <p>The concept plan designates only general landscape locations such as islands and streetscape locations. The Final Site Plan review will allow the City the ability to evaluate and apply the City Codes at that time.</p> <p>4) The request would not have a material negative effect the public health, safety, and welfare.</p> <p>5) *Refer to reason column.</p>
H	Sec. 21-6. II(e)(2) Building Height	<p>The proposed building shall provide equivalent massing/height as a 2 story building at the Horatio/17-92 corner.</p> <p>This massing composition provides a stepped configuration from the corner to the main building. The steps start with a tall 1 story mass and progress to a 4 story mass at Independence and Horatio and to the final main 6 story mass with a stepped back 5th and 6th floor along the street edges.</p> <p>This alternative to a 2 story building will not have a material negative impact upon the adjacent uses or have any impact on the health and welfare of the public. The tall 1 story building will result in a superior design.</p>	<p><u>The building will achieve a minimum height of 23' - equivalent to the minimum height required for a 2-story building and therefore meet the intent of the requirement.</u></p> <p>1) The request is consistent with the CDP, the purpose of the LDC, and the DMMP as the building will be designed to appear as if it does have a second story. The remainder of the site comprises multiple stories.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses.</p> <p>3) Approval of the waiver will result in superior design by creating a gradual stepping of the building massing from low to high for south bound motorist and pedestrians.</p> <p>4) The request will not have a material negative effect the public health, safety, and welfare as the height variation will provide for a visual break horizontally on the site</p> <p>5) Refer to reason column.</p>
I	Sec. 23- 2.4.1(IV)(a) Streets	The code limits the vehicular entrances to a width of 22' for a two way entrance and a 12' width for a one way drive. Given the traffic	<u>The bulk of the parking will be accommodated in the parking garage and the remainder will be with off-street and surface parking. With the entrance and majority of the traffic flow for project will be</u>

	Section/Waiver Description	Applicant - *Reason	Section 23-2.3 (b)1-5. Flexibility in Design Standards (Waivers)
		<p>flows and traffic counts the wider entrances will provide enhanced maneuverability in and out of the site.</p> <p>Wider vehicle entrances especially along a heavily traveled frontage streets will allow for more efficient vehicular access onto the property. The additional 2' of width will not have a material negative impact and by providing an easier turning radius provide enhanced effect on public health and safety.</p>	<p><u>through the surface parking areas, wider entrances and travel lanes will provide enhanced maneuverability in and out of the site.</u></p> <p>1) The request is consistent with the CDP, the purpose of the LDC, and the DMMP as the project is designed with limited surface parking and a multi-story parking garage which will house the bulk of the parking. The increased width will enhance both vehicular and pedestrian maneuverability and safety within the downtown core.</p> <p>2) The proposed waiver will not have a material negative impact on adjacent uses.</p> <p>3) Approval of the waiver will result in superior design by enhanced maneuverability and safety relating to ingress and egress for the site.</p> <p>4) The request will not have a material negative effect the public health, safety, and welfare.</p> <p>5) *Refer to reason column.</p>

ATTACHMENT C
Bonus Section 23-2.7.2

The applicant is requesting development bonuses for: building height; TOD A FAR (intensity) bonus; TOD A density bonus; and drive-through bonuses.

Bonus Program 23-2.7.2	Bonus Available	Bonus Justification 23.-2.7.2 (a) (2)(i), (ii), and (c)
Overall project benefits		The bonuses will provide the ability to:
Section 23-2.7.2 (b)(1). Building height	Maximum bonus in DMZD is up to 8 stories.	<p><i>Maximum bonus in DMZD is up to 8 stories. The request is to increase to the buildings with residential and mixed-use components from 5 to 6 stories and to 7 stories above grade level for the roof deck for the parking garage</i></p> <p>The project provides for ground floor retail and an economically viable residential component that allows for activation of the street, enhanced walkability and an onsite clientele base for the commercial activities. Section 23-7.7.2 (b) (1)</p> <p>Maitland City Center is a \$65 million improvement designed to activate Independence Lane and have a catalytic effect in the redevelopment of Downtown Maitland through the introduction of quality retail and restaurants and 350 to 400 on-site residents. The project will result in the redevelopment of one city block and the associated streetscape along each of the street frontages in the DMZD.</p>
Section 23-2.7.2 (b)(2) Density and intensity bonus within the TOD Study Area A (residential)	Maximum density bonus 3+ Acres – 68.75 DU/AC	<p><i>Maximum density bonus of 25% increase in density for properties with over 3 acres in size from 55 DU/AC to 68.75 DU/AC. The increased intensity will provide an economically viable residential component that provides eyes on the street and the potential for 24 hour activity at the city center to enhance the non-transient demand for commercial activity.</i></p> <p>The project provides an economically viable residential component that provides eyes on the street and the potential for 24 hour activity at the city center to enhance the non-transient demand for commercial activity. Section 23-7.7.2 (b) (2)</p> <p>Maitland City Center’s proposed residential density allows for an anchored customer demographic that will support the desired “character” retail shops and restaurants envisioned for Downtown Maitland. This anchored customer base (residents) will not only patronize businesses, but provide the requisite activity and energy to make Downtown Maitland a true destination for other residents and visitors.</p> <p>This increased residential density also supports the City’s goals and objectives for TOD Study Area A.</p>
Section 23-2.7.2 (b)(2) Density and intensity bonus within the TOD Study Area A (intensity)	Maximum F.A.R. Bonus 3+ Acres – 2.5 F.A.R.	<p><i>Maximum intensity bonus of 25% increase in intensity for properties over 3 acres in size from FAR 2.0 to 2.5 FAR. The increased intensity will provide an economically viable residential component that provides eyes on the street and the potential for 24 hour activity at the city center to enhance the non-transient demand for commercial activity.</i></p> <p>The project provides an economically viable residential component that provides eyes on the street and the potential for 24 hour activity at the city center to enhance the non-transient demand for commercial activity. Section 23-7.7.2 (b) (2)</p>

		<p>Maitland City Center’s proposed area density allows for an anchored customer demographic that will support the desired “character” retail shops and restaurants envisioned for Downtown Maitland. This anchored customer base (residents) will not only patronize businesses, but provide the requisite activity and energy to make Downtown Maitland a true destination for other residents and visitors.</p> <p>This increased area density also supports the City’s goals and objectives for TOD Study Area A.</p>
<p>Section 23-2.7.2 (b)(4) Drive-through</p>	<p>Drive-through approval.</p>	<p><i>Drive-through uses within the geographic area bounded by Highway 17-92 on the East, Maitland Avenue on the West, Horatio Avenue on the North and Packwood Avenue on the South may be approved by city council. The drive-through facility has been integrated into the overall project design and meets the intent of ensuring traffic circulation and pedestrian activity and safety in the downtown.</i></p> <p>The drive-through facilities will be integrated into the overall project design and meet the intent of ensuring traffic circulation (per section 23-2.4.2) and pedestrian activity and safety in the downtown. The drive-through lanes will be screened from view from public streets. The drive-through lanes will be integrated with the on-site circulation pattern and will be designed with pedestrian safety as the first priority.</p> <p>Drive-through facilities are a required feature by nationally recognized commercial retail/restaurant destination tenants. These tenants provide services for both the on property residents and a local customer base and act as a draw and anchor for the remaining character retail that is an important element in activating the downtown district.</p> <p>As an initial project providing a transition from a suburban to more urban development pattern Maitland City Center must provide some of the features that are required by nationally recognized commercial retail/restaurant destination tenants. These tenants will provide services for both the on property residents and a local customer base and act as a draw and anchor for the remaining “character” retail that is an important element in activating the downtown district. These anchor tenants are critical to leveraging the critical mass of retail and commercial activity and energy necessary to activate the customer base to meet the City’s goals for the downtown.</p>

Section 23-2.7.2 (b) Bonus Program. Types of development bonuses include: 1) Building height bonus, 2) Density and intensity bonuses, and 3) Drive-through facilities.

Section 23-2.7.2 (c) Improvements eligible for bonuses, permits applicants the ability to request development bonuses for specific on-site improvements that facilitate the preferred form of development within Downtown Maitland above and beyond the standards required herein. These improvements include: 1) Public parking garage, 2) Complete streets/streetscape, 3) Downtown capital projects, 4) Public open space and amenities, 5) Transit support facilities, 6) Underground utility lines, and 7) Other improvements.

The applicant is proposing to include the following eligible improvements into the project for the bonuses requested above.

(2) Complete streets/streetscape. The developer modifies the design of the street along the entire block, from intersection to intersection, to match the complete street design specified in Section 23-2.4.

The development encompasses an entire city block, thus completing four street frontages in the downtown core. In addition, as the block is being developed at the same time by a single developer it will result in a unified design of the streetscape for a premier city block in the downtown core.

(3) Downtown capital projects. The applicant volunteers to construct, or to contribute financially to complete, capital projects identified by the city as needed in the downtown.

The applicant has the option to participate in two capital projects in the downtown core: the construction of a portion of the wastewater system and streetscape upgrades along the rights-of-way. In addition, construction of Independence Lane shall be included.

(4) Public open space and amenities. The development includes significant public open space and amenities. Significant open space shall mean an area of at least eight hundred (800) square feet for use by the general public, and amenities may consist of fountains, sculptures, and/or seating areas. Outdoor seating areas, accessory to restaurants, may be used to satisfy this requirement. However, should the tenant change, the seating area must be preserved as such. Based on the size of the development, the city may require a larger open space area or additional amenities to qualify for the bonus height.

The applicant is proposing the construction of open space amenities within the project which includes covered arcades which encompass the perimeter of the project for the predominance of the block area. Even though an arcade or similar feature is required along Independence Lane, they are not required along U.S. 17-92, which alone provides roughly 4,400 square feet of open space in the form of a covered arcade area and street furniture. U.S. 17-92 alone represents over 5 times the significant public space as the minimum of 800 square feet listed for this category.

The covered arcades continue along Packwood Avenue and Horatio Avenue which adds walkable, functional open space with protection from the elements. This will enhance the walkability of the core area for this block provides a covered venue and an overall enhancement of the total environment for the Independence Lane area which is a desired focal point for the City's Festival Street for the future.

(5) Transit support facilities. The project includes facilities to accommodate existing or planned public transit. This may include, but is not limited to, bus turnouts, bus shelters, bus lanes, and park and ride lots, otherwise not required in this code.

The development is located within TOD Study Area A which is served by the SunRail station as well as a Lynx bus route along US 17-92. The applicant is proposing to provide a bus shelter/bench along US 17-92.

ATTACHMENT D
Section 23-2.7.1 (b)
Incentives Off-Site Infrastructure

Off-site infrastructure for pervious – accommodation of off-site pervious surface - Off-site infrastructure may be accommodated at a City facility or an off-site private property if available.

The Property shall be deemed to be in compliance with all open space and permeable space requirements of City, whether set forth in the DMRP, DMSD, DMZD or elsewhere upon (a) City's approval of the construction plans for the Development Improvements as shown on the Conceptual Site Plans in accordance with City's formal site plan review process, as it relates to the streetscape along US 17-92, Independence Lane, Packwood Avenue, and Horatio Avenue, as well as the other off-site Development Improvements, and (b) Developer's completion of each consistent with such approved construction plans.

Off-site credit for connection to the regional pond shall be based upon Item 12 Stormwater Access and Improvements of the DA.