

City Response to Questions Regarding Post Lake Phase III Apartments

The City of Orlando has recently received a number of questions related to the Post Lake at Baldwin Park apartment development proposed along Common Way Road and Lake Baldwin Lane near Lake Susannah. The Post development is the most imminent of the several projects remaining to be built in Baldwin Park. The following information is provided to answer frequently asked questions concerning the Post development specifically and the Baldwin Park development approval process in general.

1. What is Post Lake at Baldwin Park?

Post Lake at Baldwin Park (the "Post Lake" development) is a proposed 410 unit apartment complex to be located along the south side of Common Way Road, between New Broad Street and Lake Baldwin Lane (approximately 1.65 acres) and along the east side of Lake Baldwin Lane, between Meeting Place and Fox Street (approximately 11.84 acres), together comprising approximately 13.49 acres.

2. Has the City approved the Post development?

The Post Lake development was originally approved in two parts. On March 31, 2008, the Baldwin Park Town Design Review Committee (BPTDRC) recommended that the Orlando City Council approve a 380 unit multifamily apartment complex on the property east of Lake Baldwin Lane. The Orlando City Council approved the 380 unit development on April 21, 2008. The BPTDRC recommended approval of a 30 unit multifamily apartment development and rental office along Common Way Road on April 24, 2008. The Orlando City Council approved the 30 unit development and rental office on May 19, 2008.

3. What is the Baldwin Park Town Design Review Committee?

The Baldwin Park Town Design Review Committee (BPTDRC) is a City committee established by the Orlando City Council to review and make recommendations regarding proposed neighborhood plans, design guidelines and specific parcel master plans in Baldwin Park. The BPTDRC has three voting members and two non-voting members. The three voting members are senior City officials: the Planning Director, the City Engineer and the Deputy Chief Administrative Officer. The non-voting members are representatives of the Baldwin Park Development Company. Recommendations by the BPTDRC are not final unless approved by the Orlando City Council.

4. Why is Post requesting approval again?

After postponing the Post Lake development for approximately three years due to a slow economy, Post finalized their plans in 2011 and requested that the City issue a determination regarding whether the 2011 site plan and building elevations were substantially similar to the plans approved in 2008. On August 15, 2011, the Planning Official issued a determination confirming the 2008 and 2011 plans are substantially similar. An adjacent property owner subsequently appealed the Planning Official's determination. The Municipal Planning Board heard the appeal on October 18, 2011, and unanimously recommended that City Council deny the appeal. The adjacent property owner then appealed the Municipal Planning Board's recommendation. In response to the second appeal, Post withdrew their request for a Planning Official Determination and instead submitted their 2011 plans for review by the BPTDRC as an amendment to the Specific Parcel Master Plans approved in 2008.

5. What happens now?

The BPTDRC will consider the Post application on Wednesday, January 11, 2012, at 3 p.m., in the Agenda Conference Room on the second floor of City Hall. We anticipate that the minutes and actions of the BPTDRC will then be considered by the Orlando City Council on February 6, 2012.

6. What issues can the BPTDRC and City Council consider?

The BPTDRC and City Council must determine whether the proposed development complies with the adopted City of Orlando Growth Management Plan, the Baldwin Park Planned Development (PD) ordinance, the Westside Neighborhood Master Plan - Package 1, and the Lake Susannah Neighborhood Master Plan. The following are typical considerations:

- a. Is the proposed use allowed under the land use plan and regulatory plan in the adopted PD ordinance, the Westside Neighborhood Master Plan - Package 1, and Lake Susannah Neighborhood Plan?
- b. Do the proposed site plan and building elevations comply with the dimensional standards (setbacks, building height, etc.) provided in the adopted PD ordinance, the Westside Neighborhood Master Plan - Package 1, and the Lake Susannah Neighborhood Plan?
- c. Is the proposed number of dwelling units allowed under the adopted Growth Management Plan and PD ordinance?
- d. Does the proposed development provide sufficient parking?
- e. Does the proposed development comply with applicable design guidelines?

7. Can I discuss this case with Orlando City Commissioners?

City Commissioners are discouraged from communicating with the public on development proposals until the City's administrative and public meeting processes conclude and the matter is presented to the City Council for official action at a public meeting. Under Florida law, land development applications submitted to local governments for approval, such as the one submitted by Post, are considered "quasi-judicial" in nature. City Commissioners serve as representatives on the ultimate decision-making panel, the Orlando City Council, much like a judge sits and passes judgment in a traditional judicial matter, like a criminal or civil trial. Just as judges must avoid bias and prejudging a matter pending before them in a traditional trial setting, City Council members are obligated in this setting to do the same. Therefore, City Commissioners are advised not to delve into the specifics of any development proposal until the City's administrative and public meeting processes conclude and the matter is presented to the City Council for official action at a public meeting.

8. Is multifamily development allowed on the Post property?

Yes. The adopted regulatory plan designation for the property along the south side of Common Way Road is "Neighborhood General" and the designation for the property east of Lake Baldwin Lane is "Neighborhood General" with "Campus District Overlay." The permitted use tables for these designations allow "attached housing." The adopted land use plan in the PD also identifies the Post Lake property as "attached housing." This designation allows townhouse and multifamily (rental or condominium) residential.

9. How tall are the proposed buildings on the Post Lake property?

The maximum building height in Baldwin Park varies by location. The maximum building height is first based on a property's regulatory plan designation. Building height may be further restricted under the property's neighborhood plan and specific parcel master plan. The regulatory plan designations for the Post Lake property allow three stories along the south side of Common Way Road and up to eight stories on the east of Lake Baldwin Lane. The Lake Susannah Neighborhood Master Plan approved by the BPTDRC on October 22, 2003 limited the height of multifamily development at these locations to three stories, but the BPTDRC subsequently approved a change to the Lake Susannah Neighborhood Master Plan on August 26, 2004. The amended neighborhood plan allows a maximum building height of five stories, with the possibility of additional height if determined appropriate during the Specific Parcel Master Plan approval process. The change to the neighborhood plan was approved as a non-substantial amendment to the PD (not subject to further review by the Municipal Planning Board) because the five story height limit was less than the eight stories allowed under the adopted PD ordinance. City Council approved the minutes and actions of the BPTDRC concerning this item on September 27, 2004. Despite the eight story limit allowed under the PD and the five story limit provided under the Neighborhood Plan, the Specific Parcel Master Plan for the Post Lake development restricts building height to the actual plans submitted for approval. The proposed Post Lake development includes four 1-story buildings (sales center, fitness center, 3-car garage and maintenance building), five 2-story buildings, eight 3-story buildings and one 4-story building.

The proposed development's four story building measures approximately 48'-7" to the peak of the roof and the three story buildings measure approximately 43'-2" to the peak of the roof. The height of the four-story building is comparable to the height of existing buildings at the Villages apartment development along Lake Baldwin Lane, where the tallest buildings have a height of approximately 48 feet to 51 feet (to

the peak of the roof). The City Homes along the north side of Common Way Road, adjacent to the Post Lake development, are three stories tall with a partial fourth story under the pitched roof.

10. Does the Baldwin Park PD ordinance have minimum size requirements for dwelling units?

No, there are no minimum dwelling unit size requirements in the adopted PD ordinance. The 410 unit Post Lake development has 176 (42.9%) one-bedroom units, 222 (54.1%) two-bedroom units and 12 (2.9%) three-bedroom units. The size of the dwelling units in the proposed Post Lake development range from 650 to 900 sq. ft. for studio units, 692 to 984 sq. ft. for 1-bedroom units, 996 to 1,185 sq. ft. for two-bedroom units and 1,376 to 1,380 sq. ft. for three-bedroom units. The average unit size is 968 sq. ft.

11. Does the Baldwin Park PD ordinance require covered parking in multifamily developments?

No. The PD does not require covered parking. The PD does require some off-street parking for each residential unit (the amount is to be determined during Specific Parcel Master Plan review). Parking may be located on-street and behind buildings. The proposed Post Lake development has 693 parking spaces, slightly more than the 677 spaces that would be required using standard City parking ratios of 1.5 spaces per studio or one-bedroom unit, 1.75 spaces per two-bedroom unit and 2 spaces per three-bedroom unit. Most of the parking spaces east of Lake Baldwin Lane are located within a surface parking lot internal to the site, behind the buildings that line the perimeter of the site. Additional parking is provided along the street adjacent to the development.

12. Is the Post Lake property located on the boundary of the PD?

No. The actual PD boundary (defined by the PD legal description) is approximately 650 to 1,900 feet east of the Post Lake property (near the east and south sides of Lake Susannah). The Post Lake property is also separated from the edge of Lake Susannah by two tracts owned by the City: (1) a 25 ft. wide City Park Tract for the Cady Way Trail and (2) an 18-53 ft. wide City Open Space Tract along the lakefront. Therefore, the eastern edge of the Post Lake property is actually 43 feet or more west of Lake Susannah.

13. Does the Post Lake development meet lakefront setback requirements?

The Post Lake property east of Lake Baldwin Lane is designated Neighborhood General with a Campus Overlay. The Campus Overlay requires that principal buildings be set back a minimum of 75 ft. from the normal high water line along the edge of Lake Susannah. Three of the buildings on the Post Lake property east of Lake Baldwin Lane have slight, partial encroachments (2.3 feet, 4.9 feet and 3.6 feet) where the setback for the meandering lake edge crosses the straight edge of the proposed buildings. The PD allows this type of encroachment when approved as a Minor Modification. Minor Modifications can be granted by the Planning Official if they do not to exceed 20 percent of a numeric standard - in this case, 20 percent of the 75 ft. principal building setback is 15 feet. The Planning Official granted Minor Modifications of 5 to 10 feet for three buildings on the Post Lake property in 2008. The encroachments proposed under the current plan are less than the encroachments approved in 2008. Based on the Minor Modification approved in 2008, the Post Lake development does meet the lakefront setback requirement.

14. Is a mews park required on the Post Lake site?

No. Parks are only required at locations identified as Park/Open Space on the Land Use Plan and Regulatory Plan of the Baldwin Park PD.

15. Why are homes northeast of the Post Lake site set back more than 75 feet from Lake Susannah?

Homes facing Lake Susannah northeast of the Post Lake site are set back more than 75 feet from the lake edge because those lots are located 83 to 110 feet from the lake edge. While the front yard setback on these lots is only 20 feet, the total setback from building to lake edge ranges from 103 to 130 feet due to the width of the adjacent CDD Park and City Open Space tract.

The three homes facing Lake Susannah along Foss Avenue are effectively set back more than 75 feet from the lake edge because the lots are located 71 to 84 feet from the lake edge. While the front yard setback on these single-family lots is only 20 feet, the total setback from building to lake edge ranges from 91 to 104 feet due to the width of the adjacent public street right-of-way, CDD Park and City Open Space tract.

16. Won't Post Lake residents impact Baldwin Park community facilities?

Facilities at Baldwin Park were designed and sized to accommodate the entire PD at build-out. Fees for those facilities are based on the number of units served. Post will pay fees for their units. According to the Baldwin Park Residential Owners Association, the 2011 recreational assessment for apartments is \$174.37 per apartment. The proposed 2012 assessment is \$192.23 per apartment. These assessments are intended to cover maintenance and costs associated with the Baldwin Park pools and related community facilities.

In addition to Baldwin Park's community facilities, the Post Lake Phase III development includes a 1,957 sq. ft. fitness center with an outdoor patio facing Lake Susannah.

Baldwin Park Regulations

17. Has Baldwin Park ever been rezoned?

No. All of the property in Baldwin Park was zoned PD in July 1998. The PD zoning designation provides overall standards and procedures for all development within the 1,093-acre neighborhood. The procedures in the PD allow refinements to the original 1998 land use plan and regulatory plan through the adoption of Neighborhood Plans and Specific Parcel Master Plans. The Post Lake development is located within the Westside Neighborhoods Master Plan - Package 1 originally approved by the BPTDRC on March 22, 2001 and the Lake Susannah Neighborhood Master Plan originally approved by the BPTDRC on October 22, 2003. Both Neighborhood Master Plans were subsequently amended.

18. When was the Baldwin Park PD originally adopted?

The Baldwin Park PD ordinance was adopted by the Orlando City Council in 1998 after a six year public process that was initiated soon after the Federal government announced the closure of the Orlando Naval Training Center on the site in August 1993. The reuse planning process began in 1993 when Orlando Mayor Glenda Hood established a Base Reuse Commission. The Base Reuse Commission included over 150 volunteers from throughout Central Florida. Altogether, the Base Reuse Commission held approximately 174 public meetings over a two year period. Upon conclusion of the Base Reuse Commission's work, the City of Orlando established a seven member NTC Advisory Board to implement the reuse plan. The NTC Advisory Board held over 100 additional public meetings to hear public comment on plan refinements and developer selection. After a master developer was selected in May 1998, the Municipal Planning Board held a public hearing and recommended that the City Council adopt Growth Management Plan policies to establish the maximum amount of development that would be allowed on the former NTC Main Base property. Those policies were adopted by the Orlando City Council after a public hearing held in June 1998. The Municipal Planning Board subsequently held another public hearing and recommended approval of the Baldwin Park PD. The Orlando City Council accepted the Municipal Planning Board's recommendation and adopted the Baldwin Park PD after a public hearing on July 27, 1998.

19. How is Baldwin Park different from suburban subdivisions?

Baldwin Park was specifically planned and approved as a mixed-use, neo-traditional neighborhood and village center. The design of the neighborhood, typically known as New Urbanism, incorporates narrow streets, on-street parking and a connected street pattern. These features are intended to reduce travel speeds, reduce trip lengths by allowing access from multiple directions, and create a pedestrian-friendly environment. The design of Baldwin Park also incorporates a wide variety of uses and building types located in close proximity to each other. This arrangement is intended to accommodate a broad spectrum of ages and incomes, renters and owners - similar to a small town - quite unlike conventional suburban subdivisions where apartments, condominiums, single-family homes and shops are separated or walled off from each other in single-use pods.

20. Why doesn't development in Baldwin Park follow the same rules as other development in Orlando?

Different rules apply in different situations throughout the City. Development in Baldwin Park must comply with the rules and procedures as provided in the Baldwin Park PD ordinance. Planned

Developments like Baldwin Park and other large scale developments like Lake Nona or Florida Hospital are reviewed by the Municipal Planning Board as a master planned entity. Once the overall development is approved as an entity, individual parcels are typically not subject to further review by the Municipal Planning Board as long as they are found to be consistent with the conditions of their initial approval. By reviewing large scale projects as a master planned entity, appropriate mitigation can be required for the combined impact of the entire development - mitigation that couldn't be required if projects were analyzed on a site by site basis. Once the PD ordinance has been approved, the master developer is responsible for the community-wide improvements required under the PD ordinance. Individual parcels within the PD must still undergo site specific review to confirm conformance with the PD ordinance, but off-site impacts have already been addressed, so additional off-site mitigation is not required.

21. Is Baldwin Park fully developed?

No. As noted at the Community forum held at Grace Hopper Hall in 2009, the Baldwin Park neighborhood is not fully developed. Development has been approved for all the property in Baldwin Park, but some of that development has not been constructed. Four approved, but unconstructed, projects (Post Lake Phase III, Baldwin Harbor Condos, North Shore Condos, and the Building 310 Barracks along Lower Park Road) will add a combined 1,225 dwelling units to the neighborhood. These projects were all approved through the Specific Parcel Master Plan process in accordance with standards and procedures provided in the adopted PD. Additional single family homes are also anticipated on existing vacant platted lots. All of the development approved to date is allowed under the City of Orlando's Growth Management Plan and the Baldwin Park PD ordinance.

22. How much development is allowed in Baldwin Park?

Section 3.17 of the Baldwin Park PD ordinance indicates the total amount of development in Baldwin Park may not exceed the amount allowed under Future Land Use Policy 16.4 in the City of Orlando's adopted Growth Management Plan (GMP). Policy 16.4 includes a maximum development program, but also includes a ratio for converting Office entitlements to Residential dwelling units. The adopted conversion ratio allows one additional residential dwelling unit for each 653.5 square feet of office development that is reduced. All office to residential conversions approved to date comply with the standards, regulations and procedures provided in the GMP and PD. The total amount of development allowed under the currently adopted Baldwin Park PD ordinance is shown in the following table:

	Civic (sq. ft.)	Office Medium Intensity outside Village Center (sq. ft.)	Village Center Commercial (sq. ft.)	Village Center Office (sq. ft.)	Residential (dwelling units)
Allowed by PD	244,362	614,798	310,000	250,000	4,578
Approved Projects	244,362	485,875	190,000	226,200	4,578
Balance	0	128,923	120,000	23,800	0

The 4,578 dwelling units allowed under the currently adopted PD ordinance includes the 1,225 units in four approved, but unbuilt, residential projects (Post Lake Phase III, Baldwin Harbor Condos, North Shore Condos and the Building 310 Barracks at 4500 Lower Park Road).

23. What is the City doing about overcrowding at Audubon Elementary School?

Audubon Elementary School is controlled by Orange County Public Schools (OSPS), a separate government entity. The City has formally objected to the portables at Audubon Elementary School and continues to work with OCPS to find a solution. The impact of Baldwin Park development on OCPS facilities was planned since Baldwin Park was first envisioned in the late 1990s. As a result, Baldwin Park has both an elementary school and a middle school on-site, even though the students attending both schools live within a geographic area that extends well beyond the boundaries of the Baldwin Park neighborhood. The current overcrowding at Audubon Elementary School has been exacerbated by the temporary closure of the Old Audubon Elementary School and it's use as a swing school while other elementary schools are being reconstructed.

24. What is Attached Housing?

The adopted Baldwin Park PD does not distinguish multifamily apartment development from multifamily condominium development. Both types of residential development are considered Attached Housing. Attached Housing is defined as “any group of three or more housing units occupying a single building site, whether composed on one or more than one principle building.” The multifamily building typology does not preclude ownership, so it conceivable that a development initially approved as owner-occupied units could be converted to rental without local government approval. Conversely, a development approved as rental could also be converted to owner-occupied units. For example, the Centergate development along Bennett Road was originally approved as 220 rental units, but those units were converted to owner-occupied condominiums.

25. Does the City regulate ownership in Baldwin Park?

Section 3.18 of the Baldwin Park PD ordinance indicates residential use in the PD “shall be designed to produce an initial residential ownership minimum of 60% owner-occupied units.” Ownership was considered during the “initial” approval of all development in Baldwin Park. The ownership mix in Baldwin Park is 62% owner-occupied and 38% renter-occupied based on initial development approvals. This mix includes 410 rental units in the Post Lake development, 178 rental units in the Building 310 Barracks along Lower Park Road, 483 unbuilt owner units in the Baldwin Harbor Condos and 154 unbuilt owner units in the North Shore Condos.

We also know anecdotally that single-family homeowners and multifamily property owners have subsequently converted owner-occupied dwelling units to rental. The City does not have the ability to track ownership versus rental, nor would it be a good idea for the City to dictate whether a homeowner can rent their dwelling unit. The City Attorney’s Office has advised against enforcing the 60% owner-occupied provision based Section 718.507, Florida Statutes - Zoning and building laws, ordinances, and regulations. Section 718.507 provides that “all laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership.”

26. Does the City notify adjacent property owners when new development is proposed in Baldwin Park?

The City is required to comply with the procedures adopted in the Baldwin Park PD ordinance. The PD ordinance does not require public notice when development is reviewed by the BPTDRC because the BPTDRC is merely confirming proposed development is consistent with the Growth Management Plan, Baldwin Park PD, applicable neighborhood plans and applicable design guidelines. If the BPTDRC determines that a request is inconsistent with the applicable regulations or constitutes a substantial amendment to the PD ordinance (as specifically defined in Section 12 of the PD ordinance), the application must be sent to the Municipal Planning Board and City Council for further review. Municipal Planning Board meetings are advertised public hearings with courtesy notices sent to property owners within 400 feet of the property in question. Notwithstanding the above, in 2009, the Baldwin Park Residential Owners Association (ROA) requested that the City notify the ROA when projects are reviewed by the BPTDRC. As requested, the City has notified the ROA every time an application has been considered by the BPTDRC since 2009. Information is also posted on the City’s Baldwin Park web site at <http://www.cityoforlando.net/planning/cityplanning/baldwinpark.htm>.

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The City of Orlando has provided this information to avoid any misunderstandings that may possibly result without full knowledge of the admittedly complex adopted regulations and procedures of the Baldwin Park PD. The City of Orlando has judiciously enforced the principles of the PD for more than 10 years. The results of this effort have been recognized through numerous local, statewide and national awards, including a National Award for Smart Growth Achievement. We proudly stand behind Baldwin Park as a successful and highly desirable neighborhood and a model for development in other parts of the city.