

**CITY OF ORLANDO QUASI-JUDICIAL HEARING**  
**CASE NO. QJ2014-2**

**JESSICA and JOHN ROZIER,**  
Petitioners,

v.

**PRESBYTERIAN RETIREMENT COMMUNITIES, INC.,**  
Respondent and Applicant,

**ECONOMIC DEVELOPMENT DEPARTMENT,**  
**CITY OF ORLANDO, FLORIDA,**

City-Respondent.

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From the Municipal Planning Board of the City of Orlando

Lower Case No. MPL2014-00026

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**STIPULATED LAND DEVELOPMENT ORDER**

**COMES NOW** the Economic Development Department of the City of Orlando, Florida (hereinafter referred to as "City-Respondent"), by and through its undersigned counsel, and pursuant to Article XXXII, Code of the City of Orlando, Florida (hereinafter referred to as the "Orlando City Code"), files this Stipulated Land Development Order on October 28, 2014, and states as follows:

**PROCEDURAL BACKGROUND**

1. This case arises from an application for site plan approval filed with the City of Orlando on July 22, 2014 (City Planning Case #MPL2014-00026; commonly referred to as a "Specific Parcel Master Plan"). The application was made pursuant to the regulatory procedures of the Baldwin Park Planned Development zoning ordinance dated as of July 27, 1998, and as amended from time to time thereafter (hereinafter referred to as the "Baldwin Park PD").

2. The application was filed by Ms. Rebecca Wilson, Esq., of the law firm Lowndes, Drosdick, Doster, Kantor & Reed, P.A., of Orlando, on behalf of her client, Presbyterian Retirement Communities, Inc. (hereinafter referred to as the "Respondent," or the "Applicant").

3. The Applicant is the contract purchaser of approximately 7.45 acres of land located at 2653 Lake Baldwin Lane in Orlando (the "Property"). The Property comprises

Lot 1764 in Unit 10 of the Baldwin Park subdivision as depicted and described beginning at Plat Book 64, Page 29, in the Official Records of Orange County, Florida.

4. The application seeks site plan approval to develop the Property as a senior living facility comprised of six 5-story independent living buildings with a total of 165 units, one 2-story skilled care facility with 40 beds, approximately 300 parking spaces, and accessory amenities (hereinafter referred to as the "development," or the "project;" the development is commonly referred to as the "Westminster Baldwin Park").

5. In accordance with the Baldwin Park PD, the application was heard and reviewed by the Baldwin Park Town Design Review Committee (hereinafter referred to as the "TDRC") on August 28, 2014. After hearing the application, including the taking of public comment, the TDRC voted unanimously to recommend approval of the application to the City Council of the City of Orlando, Florida (hereinafter referred to as the "Orlando City Council").

6. Ms. Jessica Rozier timely filed an appeal of the TDRC recommendation on September 4, 2014. Ms. Rozier (hereinafter the "Petitioner") is the Petitioner in this action and owns and resides in a home across Ridley Avenue from the Property. She appeared and testified at the TDRC meeting.

7. The Petitioner's appeal from the TDRC recommendation was made pursuant to section 12.2.100 of the Baldwin Park PD, as amended by an ordinance of the Orlando City Council on April 2, 2001 (City Documentary #33687).

8. In accordance with section 12.2.100 of the Baldwin Park PD, the appeal from the TDRC recommendation was heard by the City of Orlando Municipal Planning Board (hereinafter referred to as the "MPB") on September 16, 2014. After presentations by the Petitioner, the Applicant, City staff, and taking public testimony, the MPB voted unanimously to recommend upholding the recommendation of approval by the TDRC.

9. Petitioners timely filed a request for a quasi-judicial hearing on the application pursuant to Article XXIV, Orlando City Code.

10. Since this action was commenced, the parties and their representatives and advisors have met and discussed on numerous occasions in an effort to accommodate each other's concerns and settle their dispute amicably. This Stipulated Land Development Order is the result of the good-faith efforts by each party to compromise.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Orlando City Council hereby finds that based on the conditions of approval contained in the staff report on the application to the TDRC (entitled "Westminster Baldwin Park - 2653 Lake Baldwin Lane Specific Parcel Master Plan Amendment," and

hereinafter referred to as the "Staff Report" and attached to this order as **Exhibit A**), and the additional conditions of approval provided in this order, that:

11. The application is consistent with the State Comprehensive Plan as provided at Chapter 187, Florida Statutes (2013) (the "State Comprehensive Plan"); and

12. The application is consistent with the East Central Florida 2060 Plan adopted by the East Central Florida Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (2013) (the "Strategic Regional Policy Plan"); and

13. The application is consistent with the City of Orlando Growth Management Plan, adopted as the City's "comprehensive plan" for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (2013) (the "GMP"); and

14. The application is consistent with the City of Orlando Land Development Code, adopted as the City's unified code of land development regulations for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (2013) (the "LDC"); and

15. The application is consistent with the Baldwin Park PD; and

16. The application is consistent with the Baldwin Park Eastside Neighborhoods Master Plan (City Planning Case #2004-00021).

### **ORDER**

The application is hereby approved, subject to the conditions of approval contained in the Staff Report and the following additional conditions of approval: (References in this order to lots, parcels, buildings, phases, and other features of development refer to such features as identified on the development plan attached to this order as **Exhibit B**. In the event of a conflict between the text of this order and the attached development plan, the text of this order shall control.)

**17. Parking and parking buffer area.** The eight parking spaces shown adjacent to Ridley Street shall be eliminated from the site plan. The purpose of this condition is to eliminate the surface parking spaces closest to the single-family homes on Ridley Street and Baskin Street and to expand the landscape buffer separating these homes from the remaining surface parking on the Property. South of the south edge of Ridley Avenue driveway, the parking pavement shall be setback at least 36 feet from the east property line; north of the north edge of Ridley Avenue driveway, the parking pavement shall be setback at least 34 feet from the east property line. At least 50% of the setback width shall be landscaped plantings consistent with the requirements of this development order. Within this enhanced landscape buffer area, a minimum solid 4'-tall, Mediterranean-style masonry wall must be constructed to further screen the surface

parking from Ridley Avenue and Baskin Street. The wall must run substantially from the northeastern corner of Building 1 to the southwest corner of the intersection of Ridley Avenue and Raymond Street, but must comply with minimum street-corner visibility standards adopted by the City. The wall must incorporate a pedestrian-scaled Mediterranean-style archway wherever a pedestrian path through the wall is necessary. The wall shall be placed at the edge of the parking lot pavement. The wall must incorporate an architecturally-appropriate vined-pergola or vined wrought-iron-style railing. Creeping fig or functionally equivalent vining plant consistent with the Baldwin Park PD must be planted along the base of the masonry wall. The wall shall stagger back and forth to give relief. The pergola must be placed on top of or next to the masonry wall, while if wrought-iron style railing is used, the railing must be incorporated onto the top of the masonry wall. Neither the pergola nor the wrought iron style railing shall be counted toward the required minimum 4 feet wall height. This enhanced buffer-yard area must be landscaped consistent with the landscaping standards of the Baldwin Park PD and the additional requirements listed within Paragraph 20 below, with the purpose of substantially screening the adjacent surface parking from homes along Ridley Avenue and Baskin Street.

**18. Building 1 setbacks.** Building 1 must be set back from the east property line by 14.4'. This setback represents a 20% enlargement (authorized pursuant to Exhibit 12-B of the Baldwin Park PD) from the typical maximum front-yard setback of 12'. This is the maximum allowed front-yard setback under the Baldwin Park PD in this situation and is justified in this case in order to provide additional room for an enhanced and landscaped buffer yard.

**19. Ridley Avenue Curb-Cut.** The curb-cut connecting the driveway from the Property onto Ridley Avenue must be narrowed to match the turning radius geometry of the intersection of Baskin Street and Ridley Avenue. In other words, the Property's curb-cut onto Ridley Avenue must line-up with and symmetrically mimic the dimensions of the Baskin Street intersection with Ridley Avenue. The maximum width of the driveway shall be 22 feet. The purpose of these modifications is to give the Property's driveway connection to Ridley Avenue a more residential-like appearance, calm intersection movements, and to physically discourage larger vehicles from using the residential street of Ridley Avenue. The owner of the Property must prohibit delivery vehicles from using Ridley Avenue to access the Property. The City Engineer shall, before the first certificate of occupancy is issued for the Property, install two MUTCD-appropriate traffic control sign prohibiting trucks from using Ridley Avenue. One sign must be posted on Raymond Street and the other on Lake Baldwin Lane. To further calm the traffic movements from the Property onto Ridley Avenue, and to further buffer the Property's parking from the residences on Ridley Avenue and Baskin Street, the drive-aisle area depicted in **Exhibit C** to this order must be eliminated as a drive-aisle by raising the area above the grade of surrounding parking lot and installing a small landscaped area to include shrubs, ground-cover and at least one canopy tree (no palms) consistent with the landscaping standards

of the Baldwin Park PD. The canopy tree must be at least 5" caliper at the time of planting.

**20. Lake Baldwin Lane Median.** The Applicant shall realign the median opening on Lake Baldwin Lane (west of Ridley Avenue) with easternmost driveway of proposed development.

**21. Landscaping along Ridley Avenue.** The Property's entire frontage along Ridley Avenue must be landscaped consistent with the requirements of the Baldwin Park PD. This area must also include an installed irrigation system consistent with the requirements of the Baldwin Park PD, the private Declaration of Covenants, Controls, and Restrictions applicable to the Property, if any, and any applicable City ordinance. In accordance with the Baldwin Park PD (and the applicable private Declaration of Covenants, Controls, and Restrictions), the Property's landscaping plan is subject to review and approval by the Town Architect and Town Planner before permits are issued for development. The following landscape regulations apply to development of the Property:

a. Parking Lot Area Adjacent to Ridley Avenue

- i. Interior parking lot area adjacent to Ridley Ave. to be landscaped to include evergreen or semi-deciduous canopy trees (no palms) and shrubs on parking row end caps. The minimum tree specifications at installation shall be 4 to 5-inch caliper.
- ii. Create interior green/landscaped space with minimum 5" caliper canopy tree as described above (currently shown as through-aisle to Baskin St.).
- iii. Evergreen or semi-deciduous canopy trees (no palms) 1 tree per 40 linear feet adjacent to north and south parking lot boundary. The minimum specifications at installation shall be 4 to 5-inch caliper.

b. Creation of a linear park type buffer along Ridley Ave. adjacent to parking lot to include at a minimum:

- i. Large evergreen or semi-deciduous canopy trees (no palms) 1 tree per 40 linear feet of Ridley Avenue buffer frontage, to be measured from the north edge of the building to the north property line. The minimum specifications at installation shall be 5-inch caliper.
- ii. Multi-tier/multi-height hedges with groupings of evergreen or semi-deciduous understory trees; the shrubs closest to the wall shall be a minimum 3 feet in height upon planting. Other shrubs shall be at least 2 feet in height upon planting. A minimum of 50% of the buffer width shall

be landscaped with trees and shrubs; Groupings of evergreen or semi-deciduous understory trees shall be planted amongst the hedges at a rate of 1 understory tree per 40 linear feet of Ridley Avenue buffer frontage to be measured from the north edge of the building to the north property line understory tree minimum specifications at installation to be 3 to 4-inch caliper.

**22. Ridley Avenue Elevation of Building 1.** Subject to approval by the Town Architect and the Town Planner, the Ridley Avenue facade of Building 1 must substantially conform to the elevation renderings attached to this order as Exhibit D. The doors fronting on Ridley Avenue must comply with the Agency for Health Care Administration regulations and will be residential in scale and appearance. Entryways into this facade of Building 1 must be connected directly to the adjacent sidewalk by way of a paved pedestrian path not more than 3' in width. No other part of Building 1's Ridley Avenue front yard may be paved with concrete, pavers, or other impervious material unless the area is substantially enclosed by wing-walls or other substantial feature of the facade, such as is depicted in the area highlighted in **Exhibit D** to this order. No signage shall face Ridley Avenue.

**23. Lighting.** All exterior lighting on the Property must conform to the City's new lighting ordinance codified at Part 2M, Chapter 63, Orlando City Code. Street lights currently exist on both sides of Ridley Avenue. In the event that the Applicant needs to install new street lighting along the westside of Ridley Avenue, the new light posts must match the light posts on the eastside of Ridley Avenue. Interior parking lot lighting shall be residential in scale. Exterior lighting on the Ridley elevation of Building 1 must substantially conform to that depicted in the renderings attached as Exhibit D, with the design intent of underscoring the residential nature of the Ridley Avenue street wall.

**24. Building 1 courtyard.** Building 1 includes an outdoor courtyard area facing Ridley Avenue, as depicted in Exhibit D. Rehabilitation machines and devices may not be installed in this area and shall not be left in this area overnight. The use of this area must be consistent with the land use regulations of the Baldwin Park PD.

**WHEREFORE,** having stated the above, City-Respondent, by and through its undersigned counsel, requests that the Orlando City Council adopt this Stipulated Land Development Order as its Final Order in this matter; so filed this 28<sup>th</sup> day of October, 2014.

A handwritten signature in blue ink, appearing to read 'K. Shephard', is written over a horizontal line.

**Kyle Shephard, Esq.**  
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Assistant City Attorney  
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Orlando, Florida 32801

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Fax: (407) 246-2854

**IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the Mayor  
and City Clerk or Mayor Pro Tempore and City Clerk of the City of Orlando, Florida.

BY THE MAYOR/MAYOR PRO TEMPORE  
OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
**Mayor / Mayor Pro Tempore**

ATTEST, BY THE CLERK OF THE  
CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

\_\_\_\_\_  
**City Clerk**

APPROVED AS TO FORM AND  
LEGALITY FOR THE USE AND  
RELIANCE OF THE CITY OF  
ORLANDO, FLORIDA:

\_\_\_\_\_  
**City Attorney**