

**Email Correspondence between City of Orlando and Millie Lopez-Campillo
Regarding Rental Multifamily Development Citywide and within Baldwin Park**

(To be included in the public record for
Baldwin Harbor Specific Parcel Master Plan Amendment; MPL2014-00003)

February 14, 2014 email from Millie Lopez-Campillo to Mayor Buddy Dyer

From: **Millie Lopez-Campillo** <millielopezcampillo@yahoo.com>

Date: Fri, Feb 14, 2014 at 7:35 AM

Subject: A Community Conversation Needing to Happen - The City's Contribution to An Oversupply of Rental Communities

To: Mayor Buddy Dyer <buddy.dyer@cityoforlando.net>

Cc: "jim.gray@cityoforlando.net" <jim.gray@cityoforlando.net>, "Tony.Ortiz@CityofOrlando.net" <Tony.Ortiz@cityoforlando.net>, "patty.sheehan@cityoforlando.net" <patty.sheehan@cityoforlando.net>, "Daisy.Lynum@CityofOrlando.net" <Daisy.Lynum@cityoforlando.net>, "Samuel.Ings@cityoforlando.net" <Samuel.Ings@cityoforlando.net>, "Robert.Stuart@cityoforlando.net" <Robert.Stuart@cityoforlando.net>

Good morning Mayor Dyer,

I am reaching out to you in an effort to start a conversation regarding the amount of rental residential projects within the city limits recently approved or slotted for approval. My initial research revealed that 7 new approved rental communities in downtown Orlando will contribute an additional 2,129 units to the already thousands of rental units already in existence. Within my community of Baldwin Park we already have approximately 2,000 rental units among 5 rental communities and there is a current proposal for another new rental community that will add 483 units. Again not counting the other rental communities surrounding Baldwin Park.

Below are my concerns and I hope that with reliable facts and and up-to-date statistical information, I can be proven wrong or changes take place:

- 1) I have been informed by city staff that the way your administration manages and balances the growth, housing needs, and quality of living is strictly based on a Planned Development Ordinance or similar document. Basically, "if all the boxes are checked" the proposal is approved and near impossible to modify. Please tell me that your City Council has the ability to identify signs of housing troubles and can do their part in not facilitating an oversupply of housing units regardless of whether they are rentals or not.
- 2) Explain to me why the City has bought into the notion "if we built renters will come"? Why not approved these projects slowly for the benefit of ensuring a healthy city growth and projects are successful? What is going to happen to our city if renters do not come? What happens if then again we have all these apartment units for sale? What is the back-up plan these

developers have if renting or selling does not materialize due to all this housing competition?

3) Are you not curious why in a place like Baldwin Park where the limited inventory of homes sells quickly the latest two developers decided to compete with the already 2,000 units instead of selling in a community in which they would have minimum competition from resale properties.

4) I find it unbelievable that Newco LLC, the owner of the two lakefront parcels, has not attracted interest in proposals for privately owned condos. Either people have not done their job or rental community projects are generating more revenue for Newco LLC with disregard to Baldwin Park's future.

5) The counter argument given by developers is that a conversion from rental units to privately owned can take place. They can, but they are a complex process that typically leave homeowners dealing with the consequences of basic rental construction. Repairs that typically would not happen for years to come if better than rental quality construction was used, the lack of insulation from noises and odors, leaking problems, are just a few. You can easily find evidence of this by just studying these types of conversions.

5) Please look into the possible trend of developers opting to built rental communities due to their low building cost to then later dump the project into the residential buying market for the same prices long-term quality conscious builders have built. After all, the average buyer does not see the difference in construction once a building is done. This might be legal but is it ethical?

4) I am requesting consideration for adding homeowners that are resident at least as non-voting members of the Baldwin Park Town Design Review Committee (BPTDRC). How can nonresidents members provide insight of the challenges and successes of a community?

Lastly, please, I do not want to be treated as yet another Baldwin Park spoiled resident. I am a public policy PhD student with two master degrees that works as a real estate broker to pay for my studies. I am of Hispanic decent and humble beginnings that know all about living in rental communities and that with pure determination to succeed became a productive citizen that gives back to her community and country. Moreover, my personal and professional background validate my concerns.

Millie Lopez-Campillo
Homeowner and City of Orlando Resident
T: [321.297.7971](tel:321.297.7971)

February 18, 2014 email from Paul Lewis to Millie Lopez-Campillo

Feb
18

Paul Lewis paul.lewis@cityoforlando.net

to Millie, Buddy, Jim, Robert, Daisy, Patty, Tony, Samuel, Cassandra, Brooke, Francis, Dean, James, Kevin, Byron, Holly, Dale, Dennis, Susan, Stacey, Kyle, David

Dear Ms. Lopez-Campillo,

My name is Paul Lewis, and I am the City of Orlando's Chief Planning Manager. Mayor Dyer has asked the City Planning Division to respond to your February 14, 2014 email entitled "A Community Conversation Needing to Happen – The City's Contribution to An Oversupply of Rental Communities". First of all, I would like to thank you very much for sharing your concerns about multifamily development in the Baldwin Park area.

Multifamily development makes up 67% of the City's existing housing stock, including 55% apartments/condominiums, and 12% townhome/duplex units. And we are a growing city within a growing metropolitan area. Approximately 9,500 new single family units and 36,200 new multifamily units are projected to be built in the City of Orlando proper between 2014 and 2040. As the central city in a growing metropolitan area, multifamily has been and will continue to be the primary form of new housing units being developed in Orlando. From a Smart Growth or sustainability perspective, multifamily offers many positive outcomes for the City and its residents:

- Multifamily can easily be mixed with commercial or office development, creating convenient locations to shop and work without having to drive long distances.
- Much of the new multifamily development proposed is located near SunRail or other transit opportunities, meaning that more residents will be able to use transit and reduce demand for roadways.
- Multifamily responds to changing household types. Approximately 35% of Orlando's households are one-person households, and an additional 37% are households without children. These groups are less likely to want a single family home.
- It costs the City less to provide utilities to multifamily units than single family, because water, wastewater and electricity lines are shorter. Also, multifamily households typically use less water per unit because they do not have individual lawns.

The City has no evidence that proximity to multifamily reduces single family home values. In fact, to the extent that multifamily can help support neighborhood retail and transit, such single family may increase in value compared to a more isolated location.

Also, the City does not regulate owner- versus renter-occupied units. A single family home can be rented, and multifamily units can be individually sold as condominiums. The building code standards are the same regardless of whether a property is rented or sold.

In the City of Orlando, property owners proposing a multifamily project must undergo master plan review. The master plan typically includes site layout, design of parking areas, landscaping, architectural elevations of the buildings, and building heights. Master plans are a land use approval only. The City cannot evaluate projects based on the financial feasibility of the developer, the target market (luxury versus workforce housing), or the cumulative number of units under construction in a neighborhood or in the City as a whole. These issues are typically addressed by market forces, and for that reason, many master plans are approved but never built. Such was the case with the original Baldwin Harbor condominium project. The City does not have the ability to choose “winning” projects; therefore, the City reviews all projects to ensure the highest quality of design.

The City’s Growth Management Plan and implementing codes emphasize the importance of building viable neighborhoods and creating a sense of place. Many recent multifamily projects have been designed to integrate with existing neighborhoods by providing multiple entrance points, appropriate scale and massing of buildings, and open space. The City will continue to work with property owners and nearby residents to create great neighborhoods.

Please find attached the City response to questions regarding the Baldwin Harbor apartments which describes the Baldwin Park Planned Development (PD) ordinance, the composition of membership of the Baldwin Park Town Design Review Committee, as well as a legal opinion from the City Attorney regarding regulation of ownership vs. rental housing.

I hope that this information is helpful. If you have any specific questions regarding the Baldwin Harbor project, please feel free to contact the Baldwin Park Town Planner, Holly Stenger, at [407.246.2861](tel:407.246.2861) or holly.stenger@cityoforlando.net.

Thank you very much for your time and consideration.

Sincerely,

Paul Lewis

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Paul S. Lewis, AICP

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City of Orlando
Economic Development Department, City Planning Division
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Orlando, Florida 32802-4990
Phone: [407.246.3358](tel:407.246.3358)
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Please share your thoughts about your most recent experience with the City Planning Division by completing our brief [Customer Service Survey](#).

"The most significant amenity that the city can offer potential residents is a public realm, with the vibrant street life that phrase implies." - Andres Duany, Suburban Nation

"With your head full of brains and your shoes full of feet, you're too smart to go down any not-so-good street." - Dr. Seuss, Oh, The Places You'll Go

February 26, 2014 email from Millie Lopez-Campillo to Paul Lewis

From: **Millie Lopez-Campillo** <millielopezcampillo@yahoo.com>
Date: Wed, Feb 26, 2014 at 9:05 AM
Subject: Re: Response to Questions Regarding Multifamily Development in Baldwin Park
To: Paul Lewis <paul.lewis@cityoforlando.net>
Cc: Buddy Dyer <buddy.dyer@cityoforlando.net>, Jim Gray <jim.gray@cityoforlando.net>, Robert Stuart <robert.stuart@cityoforlando.net>, Daisy Lynam <daisy.lynum@cityoforlando.net>, Patty Sheehan <patty.sheehan@cityoforlando.net>, Tony Ortiz <tony.ortiz@cityoforlando.net>, Samuel Ings <samuel.ings@cityoforlando.net>, Cassandra Lafser <cassandra.lafser@cityoforlando.net>, Brooke Devon Rimmer-Bonnett <brooke.bonnett@cityoforlando.net>, Francis Flynn <francis.flynn@cityoforlando.net>, Dean Grandin <dean.grandin@cityoforlando.net>, James Hunt <jim.hunt@cityoforlando.net>, Kevin Edmonds <Kevin.Edmonds@cityoforlando.net>, Byron Brooks <byron.brooks@cityoforlando.net>, Holly Stenger <holly.stenger@cityoforlando.net>, Dale Petersen <ddalepetersen@gmail.com>, Dennis O'Neil <doneil2@cfl.rr.com>, Susan Comisky <scomisky@baldwinparkpoa.com>, Stacey Fryrear <SFryrear@baldwinparkpoa.com>, Kyle Shephard <kyle.shephard@cityoforlando.net>, David Bass <david.bass@cityoforlando.net>

Mr. Lewis,

Thank you for the information you have provided. Upon reviewing your comments and the attached information, I do not need to be relegated to the BP Town Planner as my concerns are matters that should be of concern to the senior public leaders of our beautiful city of Orlando. Although my concerns are not only for Baldwin Park but also for other communities within the city limits, let's focus on Baldwin Park since we have a rental project pending approval.

After reading all your enclosed documentation I still have a couple of concerns/questions:

- In Baldwin Park, if the Baldwin Harbor Apartments project is approved, the ratio of privately-owned properties vs. the total units within the 5 rental communities already approved in Baldwin Park, will certainly move Baldwin Park away from the initial target of 60% homeownership ratio. Furthermore, we still have a rather large portion of undeveloped land along the northeast side of Baldwin Park (close to VA Hospital). Under the current position of the city, based on Mr. Shephard's memo dated May 5, 2013, the city should not take any steps to ensure there is a healthy balance among property ownership kind. I need Mr. Shephard to explain how is it that our Federal Housing Administration (FHA), Freddie Mac, and Fannie Mae's loan guidelines have ownership requirements for condos in an effort to protect buyers and taxpayers monies yet the city of Orlando should not manage the balance between home-ownership (which creates individual long-term vested interest in a property and community) and rental communities (corporations owning a large number of units that created a rental commitment to the community of a year on average). One cannot debate the transient nature of rentals, that is their main purpose. **Let me be clear, my concern is one of having more rental communities than privately-owned properties.** The real estate market for Baldwin Park is currently healthy. At this point, with the amount of rental communities we already have, the remaining projects for our community should be units for sale not lease.

See references below:

Freddie Mac - Condo ownership requirements - calls for 51% of the units in a project to be occupied as primary residences or second homes.

<http://www.freddiemac.com/learn/pdfs/uw/condo.pdf>

FHA Condo Loan Rules for 2014 - also call for a minimum of 50% primary residency

<http://fhareview.com/the-guidlines-fhaapprovalguidlines/>

- There are still concerns with regards to how this project or any other project will impact the daily lives of current residents: **(1)** the added challenges the current BP Village businesses will face when the proposed project takes away during construction some of the current parking; **(2)** we already have traffic challenges during peak-time hours. In advance of any additional growth, please revisit the patterns of the peak time traffic at the exit of Semoran and Baldwin Park St. with solutions that will not take away the city's commitment to a biking/walking community. Also, my understanding is that a Walmart Supermarket is being built on the corner of our Semoran/Baldwin Park St

light that will also generate additional traffic at this light; **(3)** also revisit the reasons for the amount of potholes constantly being repaired in our main roads (i.e Lake Baldwin Lane, Baldwin Park St.).

- Please let me know why representatives of the Baldwin Park Development Company are non-voting members and current owners are not part of the BP TDRC when Baldwin Park is almost completed. I will also like to know the names of the current non-voting members.

I need to make sure my concerns and all official responses are part of the public record. Please let me know if my presence is required on February 27, 2014 or March 31, 2014 for this action to happen.

Thanks again~Millie

Millie Lopez-Campillo
City of Orlando Resident
T: [321.297.7971](tel:321.297.7971)

March 3, 2014 email from Paul Lewis to Millie Lopez-Campillo

From: Paul Lewis <paul.lewis@cityoforlando.net>
To: Millie Lopez-Campillo <millielopezcampillo@yahoo.com>
Cc: Buddy Dyer <buddy.dyer@cityoforlando.net>; Jim Gray <jim.gray@cityoforlando.net>; Robert Stuart <robert.stuart@cityoforlando.net>; Daisy Lynum <daisy.lynum@cityoforlando.net>; Patty Sheehan <patty.sheehan@cityoforlando.net>; Tony Ortiz <tony.ortiz@cityoforlando.net>; Samuel Ings <samuel.ings@cityoforlando.net>; Cassandra Lafser <cassandra.lafser@cityoforlando.net>; Brooke Devon Rimmer-Bonnett <brooke.bonnett@cityoforlando.net>; Francis Flynn <francis.flynn@cityoforlando.net>; Dean Grandin <dean.grandin@cityoforlando.net>; James Hunt <jim.hunt@cityoforlando.net>; Kevin Edmonds <Kevin.Edmonds@cityoforlando.net>; Byron Brooks <byron.brooks@cityoforlando.net>; Holly Stenger <holly.stenger@cityoforlando.net>; Dale Petersen <ddalepetersen@gmail.com>; Dennis O'Neil <doneil2@cfl.rr.com>; Susan Comisky <scomisky@baldwinparkpoa.com>; Stacey Fryrear <SFryrear@baldwinparkpoa.com>; Kyle Shephard <kyle.shephard@cityoforlando.net>; David Bass <david.bass@cityoforlando.net>
Sent: Monday, March 3, 2014 2:25 PM

Subject: Re: Response to Questions Regarding Multifamily Development in Baldwin Park

Dear Ms. Lopez-Campillo,

Thank you for your email dated February 26, 2014 concerning the Baldwin Harbor Apartments project and multifamily development in general in Orlando. First, I must apologize for not responding more quickly. Unfortunately, on Wednesday, February 26, 2014 between the hours of 7:00 a.m. and 1:00 p.m., our Google email system experienced a problem affecting roughly 12% of the City's email accounts.

Unfortunately, my email account was one of those impacted. Both internal and external emails were captured and held for an extended period of time before finally being released to the user. For some users, including myself, it is still captured. Because of this problem, I was not aware of your email to me until this morning when it was forwarded to me by senior administration. In my 25 years with the City, I have always prided myself on being responsive to people, and this situation is both personally and professionally embarrassing and frustrating for me. Again, please accept my sincere apology.

In my original February 18, 2014 email, I noted that if you had any additional questions regarding the Baldwin Harbor Apartment project that you should feel free to contact the Baldwin Park Town Planner, Holly Stenger. There appears to have been some misunderstanding. I was not attempting to “relegate” you to Holly. I was simply trying to provide you with contact information for the person who is most familiar with and knowledgeable of the requirements of the Baldwin Park PD and who personally reviewed all aspects of the project in question. Holly is a fine professional architect and urban designer and has my utmost respect. She is a great resource and I would encourage you to speak with her.

On Thursday, February 27, 2014, the Baldwin Park Town Design Review Committee (TDRC) reviewed the proposed Baldwin Harbor Apartment project for consistency with the adopted Baldwin Park Planned Development (PD) ordinance. We had a number of people there representing residents of Baldwin Park and while not a public hearing, the Chairman of the TDRC, Dean Grandin, invited those present to provide comments to the TDRC. While there were some comments on the ownership vs. rental issue, most of the discussion pertained to the amount and sequencing of parking on the site. The applicant has stated that they will continue to work with the Village Center businesses and the City to ensure that disruption to Village Center parking will be minimized to the greatest extent practicable. The TDRC recommended approval of the project. As noted on the agenda for the meeting, the Baldwin Park TDRC is an advisory board to City Council that reviews proposed development in Baldwin Park for consistency with the Baldwin Park PD. All TDRC recommendations are subject to final action by City Council. Any affected person desiring to appeal a recommended action of the TDRC must file such appeal by Thursday, March 6, 2014. We do anticipate that the minutes of the TDRC meeting will be presented at the City Council meeting of March 31, 2014.

In your most recent email, you inquired as to the composition of the Baldwin Park TDRC, specifically asking why representatives of the Baldwin Park Development Company are non-voting members and current owners are not part of the TDRC. You also asked for the names of the current non-voting members. First, in developing the Baldwin Park PD, the City determined that while it would be appropriate for the Baldwin Park Development Company (as Master Developer) to provide input into the review of projects, they should not have specific voting rights because it was anticipated that they would often be the applicant on projects or have a financial stake in said projects, thus creating a potential or perceived conflict. Second, the Planned Development as adopted by the Orlando City Council did not contemplate ad hoc resident/owner

members of this particular advisory committee. The TDRC's function is purely administrative and designed to ensure compliance and consistency of individual projects with the Planned Development ordinance adopted by the Orlando City Council and not to set new policy. It should be noted that the TDRC has invited public comment by providing information to the Baldwin Park ROA well ahead of TDRC meetings and by inviting residents to attend and speak at their meetings. I've attached a copy of the April 2, 2001 ordinance which amended the membership of the TDRC to its current form. In regards to the names of the current Baldwin Park Development Company non-voting members, you may want to contact them directly. The primary contact for the Baldwin Park Development Company is Colleen Bolena who can be reached at [407.947.5269](tel:407.947.5269) or cbolena@ForgeCapitalPartners.com. I sent an email to Colleen asking for that information a little while ago but have not yet heard back. When she provides that information, I will of course provide it to you as well.

Having said all that, I do understand the desire to express your deeply held concerns regarding the multifamily issue in Baldwin Park and the City as a whole to the senior public leaders of Orlando. I very much understand and respect your concerns. Please note that senior administration officials as well as the City Council have been copied on all of our correspondence to date via email and so that correspondence is of course part of the public record. In addition, we will further ensure that your comments are incorporated into the official public record by including the information and materials you've presented along with the BP TDRC meeting minutes to be considered by the Orlando City Council on March 31, 2014.

I hope that this information is helpful. If you have any specific questions regarding the Baldwin Harbor project, and in particular how the project was reviewed against the adopted standards and guidelines of the Baldwin Park PD, please feel free to contact the Baldwin Park Town Planner, Holly Stenger, at [407.246.2861](tel:407.246.2861) or holly.stenger@cityoforlando.net. As I said, she really is a great resource. You may also contact me at [407.246.3358](tel:407.246.3358) or paul.lewis@cityoforlando.net.

Thank you very much for your time and consideration.

Sincerely,

Paul Lewis

March 11, 2014 email from Millie Lopez-Campillo to Paul Lewis and Members of the Orlando City Council

Millie Lopez-Campillo

Mar 11 (3 days ago)

to me, Buddy, Jim, Robert, Daisy, Patty, Tony, Samuel, Cassandra, Brooke, Francis, Dean, James, Kevin, Byron, Holly, Dale, Dennis, Susan, Stacey, Kyle, David

Dear Mr. Lewis and Members of the Orlando City Council,

I do appreciate all the information provided to me by Mr. Lewis as I will be tracking this issue. Once again, the amount of rental communities approved (or in the process of being approved) for sites in Baldwin Park and in Downtown Orlando based on current city code and the recommendations made by Mr. Shephard on his memo dated May 5, 2013, should be revisited by the Orlando City Council.

One of the main reasons cities are formed is to charter their destiny. I once again pose the question to City Council: Why is it that our federal government is concern about protecting buyers and taxpayers monies when they will only secure condo loans with at least a 50% homeownership rate and the City of Orlando should totally leave it up to market forces? Do we like going through devastating real estate market crashes? Residents have busy lives and count with their elected public officials to look after the stability of their communities.

Again, I want to emphasize that my concern is not regarding the value of my Baldwin Park home. In my opinion, when the newness of the rental apartments fade, and tenants get tired of dealing with hearing their neighbors and with smells that come through walls that were built with no sound or smell barriers (typically found in the construction of rental communities) there will not be enough resale in Baldwin Park and surrounding areas to accommodate them. My concern is one of making sure Orlando grows into one of the most desirable cities to live in.

Your decisions charter our destiny and will shape the lives of those after us. Please at least study carefully what is happening. A house you can easily demolish and start over; skyscrapers and large apartment complexes not so easily. The future of our city and your legacy depend on the critical decisions you make today.

Thanks again for your attention,
Millie Lopez-Campillo

Millie Lopez-Campillo
City of Orlando Homeowner & Resident
T: [321.297.7971](tel:321.297.7971)

City Response to Questions Regarding Baldwin Harbor Apartments

The City of Orlando has recently received a number of questions related to the Baldwin Harbor apartment project on Lots 626 and 629 of the Baldwin Park Planned Development (PD). Located in the Baldwin Park Village Center, this site is located on both sides of New Broad Street between Lakemont Avenue and Lake Baldwin Lane, and is adjacent to Lake Baldwin Park. The following information is provided to answer frequently asked questions concerning the Baldwin Harbor development specifically and the Baldwin Park development approval process in general.

1. When was the Baldwin Park PD ordinance 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. 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.

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

The Baldwin Park Town Design Review Committee (or BP TDRC) is an administrative committee established by the Orlando City Council through the Baldwin Park PD ordinance to review and make recommendations regarding proposed neighborhood plans, design guidelines and specific parcel master plans in Baldwin Park. The BP TDRC has three voting members and two non-voting members. The three voting members are senior City administration officials including the Planning Director (currently Dean Grandin), the City Engineer (currently James Hunt) and the Deputy Chief Administrative Officer

(currently Kevin Edmonds). The non-voting members are representatives of the Baldwin Park Development Company. Recommendations by the BP TDRC are not final unless approved by the Orlando City Council.

3. What will the Baldwin Park Town Design Review Committee (BP TDRC) review?

On February 27, 2014, the BP TDRC will consider a Specific Parcel Master Plan (SPMP) amendment for Lots 626 and 629 (Baldwin Harbor). The lots are within the Baldwin Park Planned Development (PD) and are zoned PD. The purpose of the BP TDRC review is to determine if the proposed amendment is consistent with the adopted PD, Village Center Master Plan, and the Village Center Waterfront Master Plan which were previously approved by the Orlando City Council. No changes are proposed to the PD itself.

4. Does this review constitute a Re-Zoning of the property?

No, absolutely not. In fact, all of the property in Baldwin Park was zoned PD in July 1998. The property is zoned PD (Planned Development) and will remain PD. The adopted PD Regulatory Plan Map designates the Baldwin Harbor parcels as “Village Center Core” and the adopted PD Land Use Plan Map designates the parcels as “Attached Housing” (please see attached maps). Both of those designations allow multifamily residential irrespective of ownership. These designations will remain, and there are no map changes or re-zonings proposed.

5. Has the City approved the Baldwin Harbor project?

On August 25, 2005, the Baldwin Park TDRC recommended that City Council approve a multifamily residential development proposed on Lots 626 and 629 (MPL2005-00036). That approval was for two condominium buildings with both being 7-story structures with an alternative partial 8th floor. City Council approved the minutes from the TDRC meeting on September 19, 2005.

6. Is multifamily development allowed on the Baldwin Harbor property?

Yes. The adopted regulatory plan designation for the property is “Village Center Core”. The permitted use tables for this designation allows “attached housing.” The adopted Land Use Plan in the PD also identifies the property as “attached housing.” This designation allows townhouse and multifamily (rental or condominium) residential. The Baldwin Park PD Land Use Program specifically allocates 483 multifamily dwelling units to these two parcels (the same number being proposed with this SPMP amendment). The proposed SPMP amendment calls for the development of a total of 483 multifamily dwelling units in two four (4) – story buildings. It should be noted that the proposed buildings are significantly shorter in terms of stories than what was originally approved in 2005.

7. 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.

8. 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.” While ownership was considered during the “initial” approval of all development in Baldwin Park, the City Attorney’s Office has determined that the 60% owner-occupied provision is not enforceable. Please see the attached legal opinion from Assistant City Attorney Kyle Shephard.

9. Does the City notify adjacent property owners when new development, or amendments to previously approved development, is proposed in Baldwin Park.

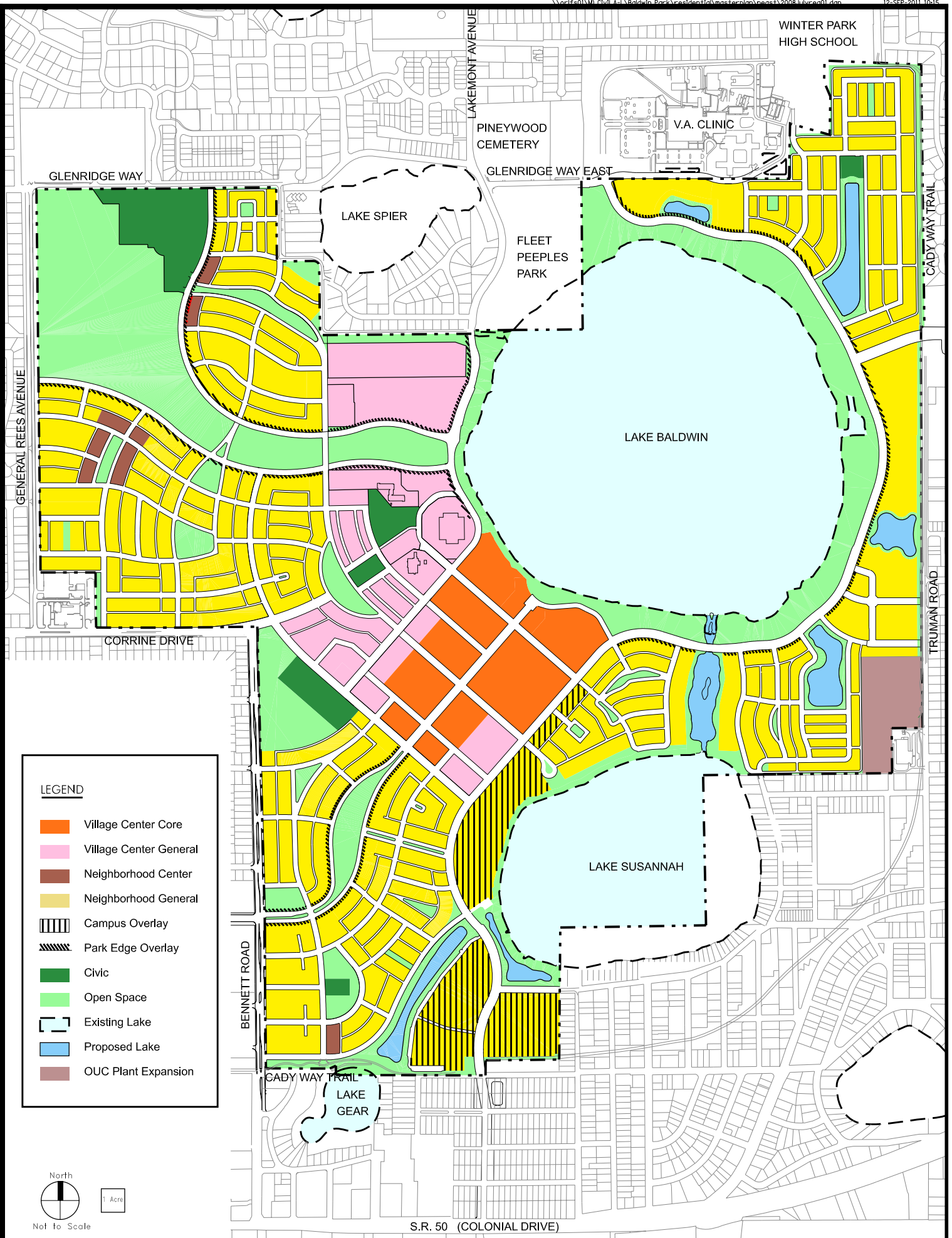
The City is required to comply with the procedures adopted in the Baldwin Park PD ordinance. The PD ordinance does not require public notice when development is reviewed by the BP TDRC because the BP TDRC is merely confirming proposed development is consistent with the City’s adopted Growth Management 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 meetings with courtesy notices sent to property owners within 400 feet of the property in question. Notwithstanding the above, in 2009, the Baldwin Park Residential Owner’s Association (ROA) requested that the City notify the ROA when projects are reviewed by the BP TDRC. As requested, the City has notified the ROA every time an application has been considered by the BP TDRC since 2009. Information is also posted on the City’s Baldwin Park website at <http://www.cityoforlando.net/planning/cityplanning/baldwinpark.htm>

10. What happens now?

The BP TDRC will consider the Baldwin Harbor SPMP amendment application on Thursday, February 27, 2014, 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 BP TDRC will then be considered by the Orlando City Council on March 31, 2014. The public is invited to attend the BP TDRC meeting.

Implementing the Community Vision


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 is justifiably proud of Baldwin Park. There is no doubt that it is one of our finest neighborhoods. In fact, the City led the effort to create the Baldwin Park neighborhood out of the rubble of the Orlando Naval Training Center, shepherding an incredibly complex, multi-year process which included well over 200 public meetings, and which created a vision and implementing PD that requires the master developer and individual developers to adhere to that community-driven vision. The PD specifically promotes a rich mix of land uses and residential densities in order to support a variety of lifestyle choices and needs. PD Principle 1.4.6 specifically states that housing shall be provided for a broad spectrum of ages, incomes and backgrounds, including a variety of housing types, including attached and detached housing, multifamily dwellings, and single family homes. The City has judiciously enforced the principles of the PD for nearly 15 years, and will continue to do so. The results of this effort have been recognized through numerous local, statewide and national awards including the U.S. Environmental Protection Agency (EPA) – National Award for Smart Growth Achievement and the Congress of the New Urbanism Catherine Brown Award for the Landscape of the New Urbanism. We proudly stand behind Baldwin Park as a successful and highly desirable neighborhood and a model for development in other parts of the City, the state, and the nation.




LEGEND

- Village Center Core
- Village Center General
- Neighborhood Center
- Neighborhood General
- Campus Overlay
- Park Edge Overlay
- Civic
- Open Space
- Existing Lake
- Proposed Lake
- OUC Plant Expansion

North



1 Acre

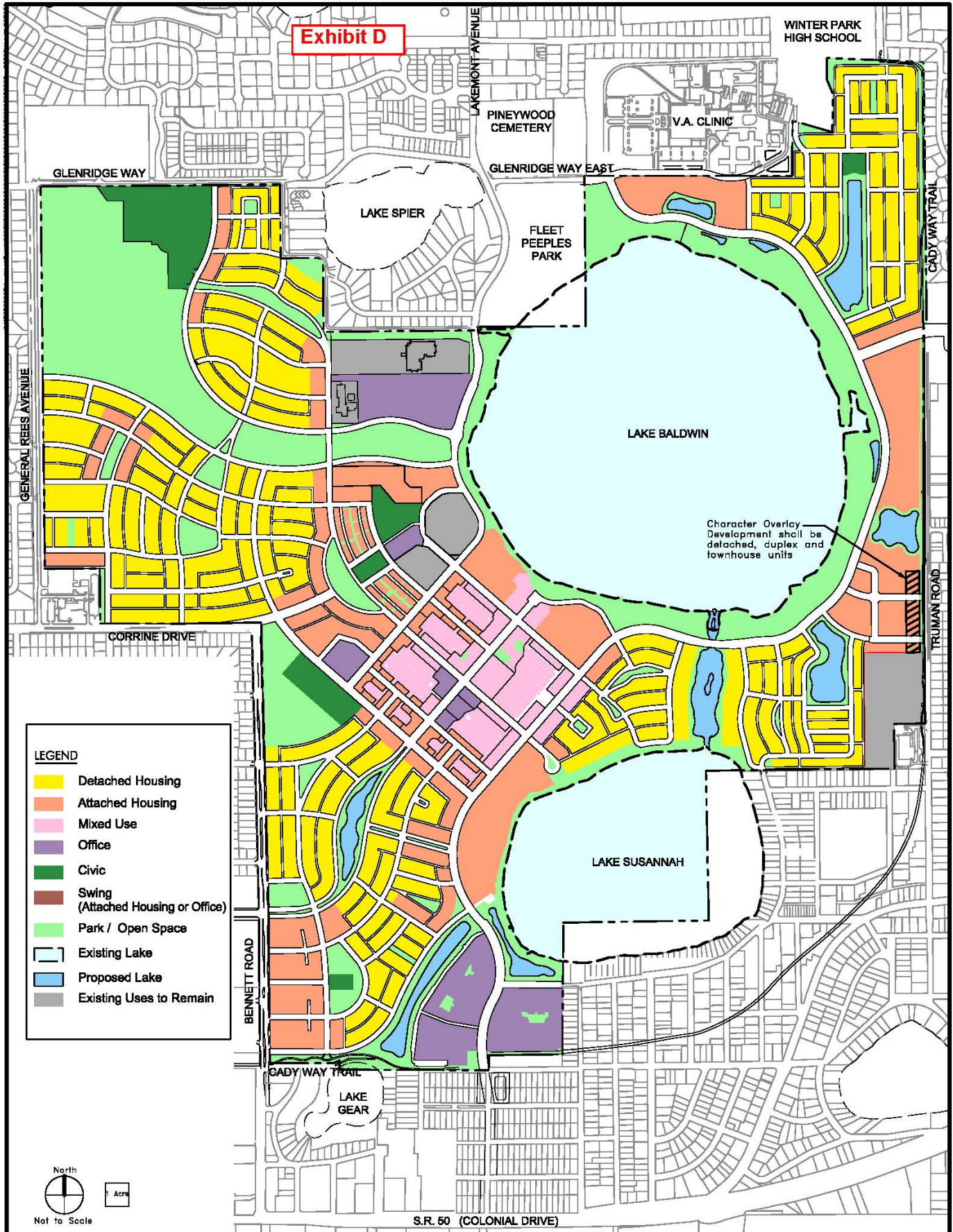


Not to Scale

REGULATORY PLAN

Adopted February 2009

Exhibit D



Adopted August 20, 2012

LAND USE PLAN

Proposed June 2012



CITY OF ORLANDO

MEMORANDUM

To: Paul S. Lewis, AICP
Chief Planning Manager

From: Kyle Shephard
Assistant City Attorney

Date: May 5, 2013

Subject: Regulating ownership in multi-family and residential mixed use projects

Question

You have asked whether the City may regulate the manner of ownership of attached residential dwelling units, or, in other words, whether the City may, as a condition of development approval, either (1) restrict the percentage of units that may be rented, as opposed to owner-occupied, or (2) entirely prohibit the units in an attached unit project from being rental units.

Short Answer

No. The City may incentivize home ownership, and may adopt goals, objectives, and policies within the City's comprehensive plan that seek to encourage home ownership, but the City may not directly regulate the manner by which a multifamily project is either offered for rent or owner-occupied.

Background

Developers seeking City development approval for attached dwelling unit projects may disclose to the City that their project is intended, at least initially, as either a wholly rental product or an "ownership" product such as a condominium. As you know, neighbors and other interested members of the public frequently oppose land development applications for multifamily developments based on a variety of land use compatibility concerns, including traffic impacts, noise, school capacity impacts, building aesthetics, diminished open space, environmental impacts, and crime. These concerns are often heightened by perceptions that rental products, or more directly, renters, are more likely to produce these impacts than are owner-occupants. The result of this view is that opponents of apartment developments will often oppose the development primarily based on the end-users status as a renter or will request that planning staff, the planning board, or City Council condition approval of the development application on a requirement that the development be owner-occupied.

Discussion

Section 718.507, Florida Statutes – Zoning and Building Laws, Ordinances, and Regulations, provides that “all laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of use of such property, without regard to the form of ownership.”

In general, zoning and land use regulations that limit the use of land based on the identity or socio-economic status of the owner or occupant are held invalid by the courts. “Zoning regulation that limits the use of land based on race, economic status, age, blood relationship, or identity of the user or owner may be held invalid on either due process or equal protection grounds as an arbitrary restriction unrelated to any legitimate public purpose.” Arden H. Rathkopf and Daren A. Rathkopf, *Rathkopf's The Law of Zoning and Planning* Sec. 81:4 (West 2012) (2005).

The consensus in the land use law literature is that this general prohibition against attempting to regulate the identity of a property owner or occupant of the land rather than the identified land use impacts of a development “would likely be held to apply to invalidate zoning provisions distinguishing between owner-occupied and rental housing.” Id, at section 81:7. (Citing e.g., *Gangemi v. Zoning Bd. Of Appeals of Town of Fairfield*, 255 Conn. 143, 763 A.2d 1011, 1015 (2001) holding that a development condition that prohibited the rental of a residential property was invalid because it violated a “strong public policy against restrictions on the free alienability of property;” and *Kulak v. Zoning Hearing Bd. Of Bristol Tp.*, 563 A.2d 978 (1989) holding that a development condition requiring that the property owner occupy one of the residential units did not serve a valid zoning purpose and that “the personal identity of an apartment occupant obviously has no relationship to public health, safety or the general welfare.”)

In *Fox v. Town of Bay Harbor Islands*, 450 So.2d 559 (Fla. 3rd DCA 1984), the court struck down an ordinance restricting the occupancy of a ground floor apartment to a family headed by a person in charge of maintenance of the property. In this case, the Florida court found that “[i]t is clear to us that in the ordinance under consideration the identity of the person who occupies the ground floor apartment has not the slightest bearing upon the health, safety, morals or welfare of the public at large.” Citing a California case, the court pointed out that “zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users.”

The basic rule of law on this question is that land use regulations must substantially relate to identifiable, rationale, and legitimate land use impacts rather than the perceived socio-economic characteristics of the purported end-users of the residential development.

Recommendation

For the reasons stated above, I recommend that when reviewing land development applications planning staff not consider whether a proposed multifamily development will be renter-occupied or owner-occupied. Further, I advise against enforcing any provisions or conditions of approval that may be part of previous land development approvals requiring a certain ownership mix based on Section 718.507, Florida Statutes – Zoning and Building Laws, Ordinances, and Regulations.