



CITY OF ORLANDO

MEMORANDUM

Vista Park Appeal: GMP2015-00036 and GMP2015-00037

DATE: February 9, 2016

TO: Mayor Dyer and City Commissioners

FROM: Dean Grandin, City Planning Division Manager

SUBJECT: City staff position statement

A handwritten signature in black ink, appearing to read "Dean Grandin".

Overview of the Request: The Vista Park project was submitted under three applications, GMP2015-00036, GMP2015-00037 and ZON2015-00032. The applicant proposes to amend the existing future land use designations, amend the existing subarea policy S.39.3 which currently allows for 2,955 residential units, 55,000 sq. ft. of office and 166,000 sq. ft. of retail and apply for Planned Development zoning. The requested amendments are to allow for 4,300 residential units (at least 2,000 of the single family units will be age restricted), 20,000 sq. ft. of office and 20,000 sq. ft. of retail.

Appeal Process: The two GMP cases are the subject of a legislative appeal. The zoning case has been appealed through the quasi-judicial appeal process. If the GMP legislative appeal is upheld, the cases will be denied and there will be no need for a quasi-judicial appeal for the zoning application. If the GMP legislative appeal is denied, the quasi-judicial hearing will be scheduled, and a recommended order will be placed on a future City Council agenda.

Case Schedule:

- Applications submitted on 8/24/15
- 1st Community Meeting held by the applicant on 11/12/15 (150 residents participated)
- Deferred at the 11/17/15 MPB
- Two small resident group meetings on 12/6/15 and 1/5/16
- 2nd Community Meeting held by the applicant on 1/13/16 (70 residents participated)
- MPB held on 1/19/16 (15 residents testified, all opposed)

Public Comment: Staff received 37 emails and an online change.org petition prior to the November MPB meeting. A second change.org petition was discovered on Facebook on 1/18/16 (this was never delivered to the City) asking to delay the 1/19/16 MPB meeting. Fifteen people spoke at the MPB meeting, all in opposition.

Results of the MPB Meeting: On January 19, 2016, the Municipal Planning Board recommended approval subject to the following conditions:

- Conditions in the staff report
- The addendum to the staff report, which is a summary of the public comment received.

- An added condition requested by OCPS, which states “Because the project includes approval for age-restricted, the developer shall include in its conditions, covenants, and/or restrictions (CC&Rs) that restrict occupancy to senior adults and that comply with the requirements of the Housing for Older Persons Act [42 U.S.C. §3607(b).] Such CC&Rs shall be recorded in the public records of Orange County, Florida and shall run with the land. The CC&Rs shall include language that at least one owner/resident shall be at least 55 years of age and in no case shall there be any residents aged 18 years or under. No permanent residency by school-aged children shall be generated as a result of any development on this development. Any proposed future conversion of the senior housing to unrestricted housing or any proposal to add permanent residency by school-aged children shall constitute a substantial change that must be approved by the Municipal Planning Board and the City Commission at a public hearing. If the substantial change is approved, school impact fees in effect at that time shall be paid and the project shall comply with any school capacity and school concurrency regulations in effect at that time.”

Summary of Concerns of Area Residents: At the various meetings and in letters, the major concerns are:

- **Traffic.** The roads are currently constrained and this new development will cause that to be even worse. The residents do not want the new development to have a connection to Passaic Parkway. There are concerns that this will cause an unsafe situation for the children crossing Passaic Parkway to go to Odyssey Middle School and make it hard for residents of the Warwick subdivision to leave their neighborhood.
Staff Response: This development will be constructing portions of new regional roadways to assist in traffic distribution. Passaic Parkway has always been planned to be an entrance to this community; it was included in the annexation staff report from 2004. Crosswalks are present at Passaic Parkway and Lee Vista Boulevard to aid pedestrian accessibility and safety for the school and neighborhood center.
- **Drainage.** There are current drainage issues and street flooding events. If this new development drains into the same basin they may reach capacity and flooding will be worse.
Staff Response: The Vista Park development will be required to accommodate all stormwater impacts caused by new development. A detailed stormwater plan will undergo review from the City as well as other agencies after approval of the land use applications.
- **Remediation of the property.** There are concerns about the remediation process and the experience of the company being used for the remediation. There are questions about what will happen to the wildlife and the natural environment as well as the timing of the blasting because one resident has PTSD.
Staff Response: The remediation is necessary in order to create a safe environment for current and future residents. The remediation will be done in stages and the natural environment will be re-created following the completion of the remediation. The Florida Department of Environmental Protection is the regulatory agency that will oversee the remediation process, and the City will rely on their expertise in ensuring compliance with state and federal regulations.
- **Schools.** There is a current need for new schools in the area and this development will create even more demand. The school district has not agreed to have a school on this site so where will the new students go?
Staff Response: The applicant must complete a school agreement prior to the adoption of the PD ordinance. OCPS is still in negotiations with this property and Starwood on the location and types of schools needed.

- **Maintaining green space and quality of life.** There is a desire to keep this property as green space, as well as the medians in Lee Vista. There is a belief that the increase of development and new people in the area will cause the quality of life to diminish.

Staff Response: *There are no plans to remove the medians within Lee Vista Blvd. This property has always been planned for development and is not planned to remain as open space. The new development is compatible to the existing neighborhoods, which are primarily single family or townhome developments.*

Staff Recommendation: Staff recommends denial of the legislative appeal. Staff recommends approval of GMP2015-00036 and GMP2015-00037 subject to the conditions in the staff report, the addendum, and the additional OCPS condition, consistent with the January 19, 2016 MPB recommendation.