

ACCEPTED FOR FILING BY
THE BOARD OF COUNTY
COMMISSIONERS AT ITS
MEETING ON

CITY OF ORLANDO COUNCIL AGENDA ITEM

HRG/ORD 2ND RD # 5

BCC Mtg. Date: May 24, 2022

Items Types:

Hearings/Ordinances/2nd Read

District: 1

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

April 25, 2022

From:

Document Number:

On File (City Clerk) : Yes

Draft Only: No

Subject:

Ordinance No. 2022-26 Annexing Property Located East of Conway Road, South of Cove Drive and North of Judge Road, and addressed as 5827 Conway Road, Amending the City's Adopted Growth Management Plan (GMP) to Designate the Property as Industrial on the Official Future Land Use Map, and Amending the City of Orlando's Official Zoning Maps to Designate Property as I-P/AN/SP (ANX2021-10024, GMP2021-10026 & ZON2021-10026) (Lee Vista Business Park Annexation)(Economic Development)

Summary:

Ordinance No. 2022-26 applies to ±4.72 acres for property located east of Conway Road, south of Cove Drive and north of Judge Road, and addressed as 5827 Conway Road. The ordinance will:

1. Annex the subject property;
2. Amend the Growth Management Plan by assigning the Industrial future land use designation to the subject property.
3. Assign the I-P/AN/SP zoning designation to the subject property.

City Council accepted the petition for the voluntary annexation for this property on January 24, 2022. The Municipal Planning Board (MPB) recommended approval of the annexation (ANX2021-10024), and the GMP amendment (GMP2021-10026), and initial zoning (ZON2021-10026) on February 15, 2022.

The applicant is requesting annexation to have the property to be part of the larger Lee Vista Business Park industrial development.

The subject property is contiguous to the City limits. If annexed, the property will not create an enclave. The proposed annexation meets all requirements under Chapter 171, Florida Statutes. Unless appealed, all actions will be effective 31 days after adoption. The first reading of this ordinance went before the City Council on April 4, 2022.

Fiscal & Efficiency Data:

Fiscal impact statement attached.

Received by: Clerk of BCC 4/26/2022 JK
c: Planning, Environmental, & Development Services Director
Jon Weiss
Planning Division Manager Alberto Vargas
Planner II Nicolas Thalmueller

Recommended Action:

Adopting Ordinance No. 2022-26 on the second reading and authorizing the Mayor and City Clerk to execute the same, after review and approval by the City Attorney's Office.

Agenda Item attachment(s) on file in the City Clerks Office.

City Council Meeting: 4-25-22
Item: 12-5 Documentary: 2204251205

Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

Contact: Colandra Jones, colandra.jones@orlando.gov, (407) 246-3415; Melissa Clarke, melissa.clarke@oralndo.gov, (407) 246-3477

Approved By:

Department

Budget Outside Routing Approval
City Clerk

Date and Time

4/13/2022 2:23 PM
4/13/2022 2:51 PM

ATTACHMENTS:

Name:	Description:	Type:
Lee Vista Business Park ANX Ordinance Final.pdf	Lee Vista Business Park Annexation Map	Ordinance
Exhibit A - Lee Vista Verified Legal Description.pdf	Exhibit A - Verified Legal Description	Exhibit
Exhibit B - Lee Vista BP Annexation Map.pdf	Exhibit B - Lee Vista Business Park Annexation Map	Exhibit
Exhibit C - Lee Vista BP GMP Map.pdf	Exhibit C - Lee Vista Business Park GMP	Exhibit
Exhibit D - Lee Vista BP Initial Zoning.pdf	Exhibit D - Lee Vista Business Park Zoning	Exhibit
Fiscal Impact Statement for Lee Vista Business Park.pdf	FIS - Lee Vista Business Park Annexation	Fiscal Impact Statement

"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED EAST OF CONWAY ROAD, SOUTH OF COVE DRIVE AND NORTH OF JUDGE ROAD AND COMPRISED OF 4.72 ACRES OF LAND, MORE OR LESS; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS INDUSTRIAL ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS INDUSTRIAL PARK WITH THE AIRCRAFT NOISE AND CONWAY ROAD SPECIAL PLAN OVERLAY DISTRICTS ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER AND AN EFFECTIVE DATE.

WHEREAS, on January 24, 2022, the City Council of the City of Orlando, Florida (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the "petition") bearing the signatures of all owners of property in an area of land generally located east of Conway Road, south of Cove Drive and north of Judge Road, such land comprised of approximately 4.72 acres of land and being precisely described by the legal description of the area by metes and bounds attached to this ordinance as **Exhibit A** (hereinafter the "property"); and

WHEREAS, the petition was filed with the Orlando City Council pursuant to section 171.044, Florida Statutes; and

WHEREAS, at its regularly scheduled meeting of February 15, 2022, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the following applications relating to the property:

1. Annexation case number ANX2021-10024, requesting to annex the property into the jurisdictional boundaries of the city; and
2. Growth Management Plan (hereinafter the "GMP") case number GMP2021-10026, requesting an amendment to the city's GMP to designate the property as "Industrial" on the city's official future land use map; and
3. Zoning case number ZON2021-10026, requesting to designate the property as Industrial Park with the Aircraft Noise and Conway Special Plan overlay districts on the city's official zoning maps (hereinafter referred to as the "applications"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case numbers ANX2021-10024, GMP2021-10026, ZON2021-10026 (entitled "Lee Vista Business Park Annexation"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance in accordance therewith; and

ORDINANCE NO. 2022-26

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WHEREAS, the MPB found that application GMP2021-10026 is consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (the “State Comprehensive Plan”); and
2. 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 (the “Strategic Regional Policy Plan”); and
3. 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 (the “GMP”); and

WHEREAS, the MPB found that application ZON2021-10026 is consistent with:

1. The GMP; and
2. The City of Orlando Land Development Code, Chapters 58 through 68, Code of the City of Orlando, Florida (the “LDC”); and

WHEREAS, sections 3 and 4 of this ordinance are adopted pursuant to the process for adoption of a small-scale amendment as provided by section 163.3187, Florida Statutes; and

WHEREAS, the Orlando City Council hereby finds that:

1. As of the date of the petition, the property was located in the unincorporated area of Orange County; and
2. As of the date of the petition, the property is contiguous to the city within the meaning of subsection 171.031(11), Florida Statutes; and
3. As of the date of the petition, the property is reasonably compact within the meaning of subsection 171.031(12), Florida Statutes; and
4. The petition bears the signatures of all owners of property in the area to be annexed; and
5. Annexation of the property will not result in the creation of enclaves within the meaning of subsection 171.031(13), Florida Statutes; and
6. The property is located wholly within the boundaries of a single county; and
7. The petition proposes an annexation that is consistent with the purpose of ensuring sound urban development and accommodation to growth; and
8. The petition, this ordinance, and the procedures leading to the adoption of this ordinance are consistent with the uniform legislative standards provided by the Florida Municipal Annexation and Contraction Act for the adjustment of municipal boundaries; and

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NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. ANNEXATION. Pursuant to the authority granted by section 171.044, Florida Statutes, and having determined that the owner or owners of the property have petitioned the Orlando City Council for annexation into the corporate limits of the city, and having determined that the petition bears the signatures of all owners of property in the area proposed to be annexed, and having made the findings set forth in this ordinance, the property is hereby annexed into the corporate limits of the City of Orlando, Florida, and the boundary lines of the city are hereby redefined to include the property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area is clearly shown on the map attached to this ordinance as **Exhibit B**.

SECTION 2. CITY BOUNDARIES. Pursuant to section 171.091, Florida Statutes, the charter boundary article of the city is hereby revised in accordance with this ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a revision of the City Charter with the Florida Department of State. The city planning official, or designee, is hereby directed to amend the city's official maps in accordance with this ordinance.

SECTION 3. FLUM DESIGNATION. Pursuant to section 163.3187, Florida Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land Use Map designation for the property is hereby established as "Industrial" as depicted in **Exhibit C** to this ordinance.

SECTION 4. AMENDMENT OF FLUM. The city planning official, or designee, is hereby directed to amend the city's adopted future land use maps in accordance with this ordinance.

SECTION 5. ZONING DESIGNATION. Pursuant to the LDC, the zoning designation for the property is hereby established as the "Industrial Park" district with the Aircraft Noise and Conway Special Plan overlay districts (denoted on the city's official zoning maps as the "I-P/AN/SP" district), as depicted in **Exhibit D** to this ordinance.

SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP. The city zoning official, or designee, is hereby directed to amend the city's official zoning maps in accordance with this ordinance.

SECTION 7. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 8. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 9. DISCLAIMER. In accordance with Section 166.033(6), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency and does

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not create any liability on the part of the City for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

SECTION 10. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption, and sections three, four, five, and six, which take effect on the 31st day after the state land planning agency notifies the city that the plan amendment package is complete. If timely challenged, this ordinance does not become effective until the state land planning agency or the Administration Commission enters a final order determining this amendment to be "in compliance" as defined at section 163.3187, Florida Statutes.

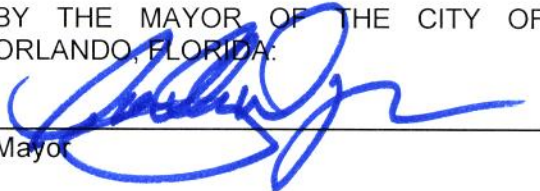
DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 4th day of April, 2022.

DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 10th day of April, 2022.

DONE, THE SECOND PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 17th day of April, 2022.

DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this 25th day of April, 2022.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:



Mayor

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

Laurie E Nossair

City Clerk
Deputy
Laurie E. Nossair

Print Name

ORDINANCE NO. 2022-26

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

208 *Melissa Clarke*
209
210 Assistant City Attorney

211 *Melissa Clarke*
212
213 Print Name

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[Remainder of page intentionally left blank.]

City Council Meeting: 4-25-22
Item: 12-5 Documentary: 2204251205



EXHIBIT
"A"

VERIFIED LEGAL DESCRIPTION FORM

MUNICIPAL PLANNING BOARD

The following legal description has been prepared by Jeffrey D. Hofius and submitted to the City Planning Division for verification.

Signature: [Handwritten Signature]
Date: 11/10/2021



"This Description has been reviewed by the Engineering Division and is acceptable based on a comparison with:

SURVEY, DEEDS & GIS INFO

By: KBrown Date: 3/14/2022
Ken Brown

Application Request (Office Use Only):

File No. ANX2021-10024

Lee Vista Business Park Annexation

Legal Description Including Acreage (To be Typed By Applicant):

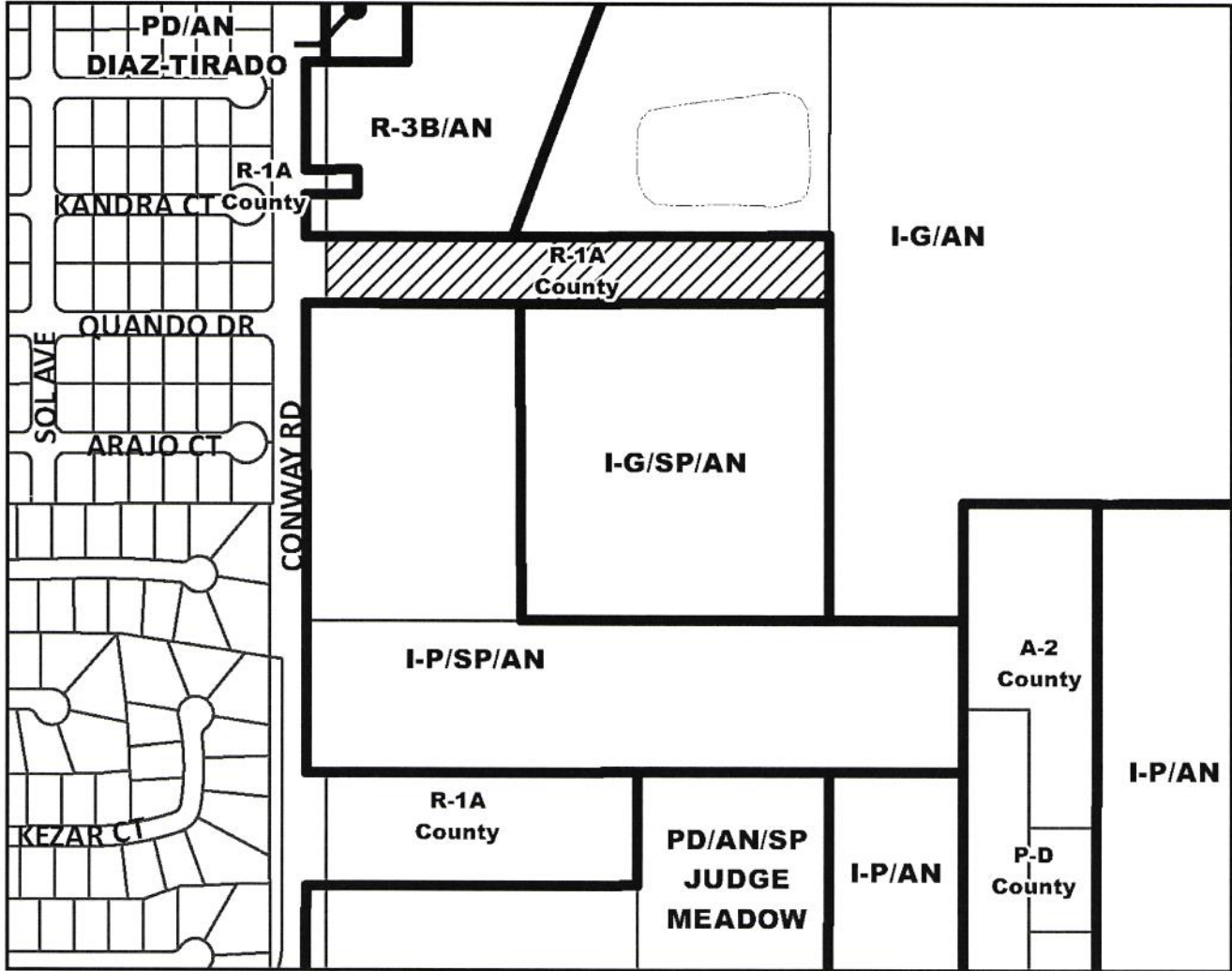
A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, BEING ALL OF THE LANDS CONVEYED BY DEED TO MADISON LAND MANAGEMENT, LLC, AS DESCRIBED IN OFFICIAL DOCUMENT NUMBER 20200069758, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 20; THENCE ALONG THE SOUTH LINE OF SAID SECTION 20, S89°53'03"W, A DISTANCE OF 1323.89 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 20; THENCE DEPARTING THE SOUTH LINE OF SAID SECTION 20, ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 20, N00°01'24"E, A DISTANCE OF 1825.35 FEET; THENCE DEPARTING THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 20, S89°58'36"E, A DISTANCE OF 78.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF CONWAY ROAD (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND TO THE POINT OF BEGINNING;

THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CONWAY ROAD, N00°01'24"E, A DISTANCE OF 165.00 FEET; THENCE DEPARTING THE EAST RIGHT-OF-WAY LINE OF SAID CONWAY ROAD, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL DOCUMENT NUMBER 20200069758, N89°52'27"E, A DISTANCE OF 1246.90 FEET TO THE EAST LINE OF SAID SECTION 20 AND TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL DOCUMENT NUMBER 20200069758; THENCE DEPARTING SAID NORTH LINE, ALONG THE EAST LINE OF SAID SECTION 20 AND THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL DOCUMENT NUMBER 20200069758, S00°03'10"W, A DISTANCE OF 165.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL DOCUMENT NUMBER 20200069758; THENCE DEPARTING SAID EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL DOCUMENT NUMBER 20200069758 AND THE EAST LINE OF SAID SECTION 20, ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL DOCUMENT NUMBER 20200069758, S89°52'27"W, A DISTANCE OF 1246.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.723 ACRES (205732 SQUARE FEET) OF LAND, MORE OR LESS.

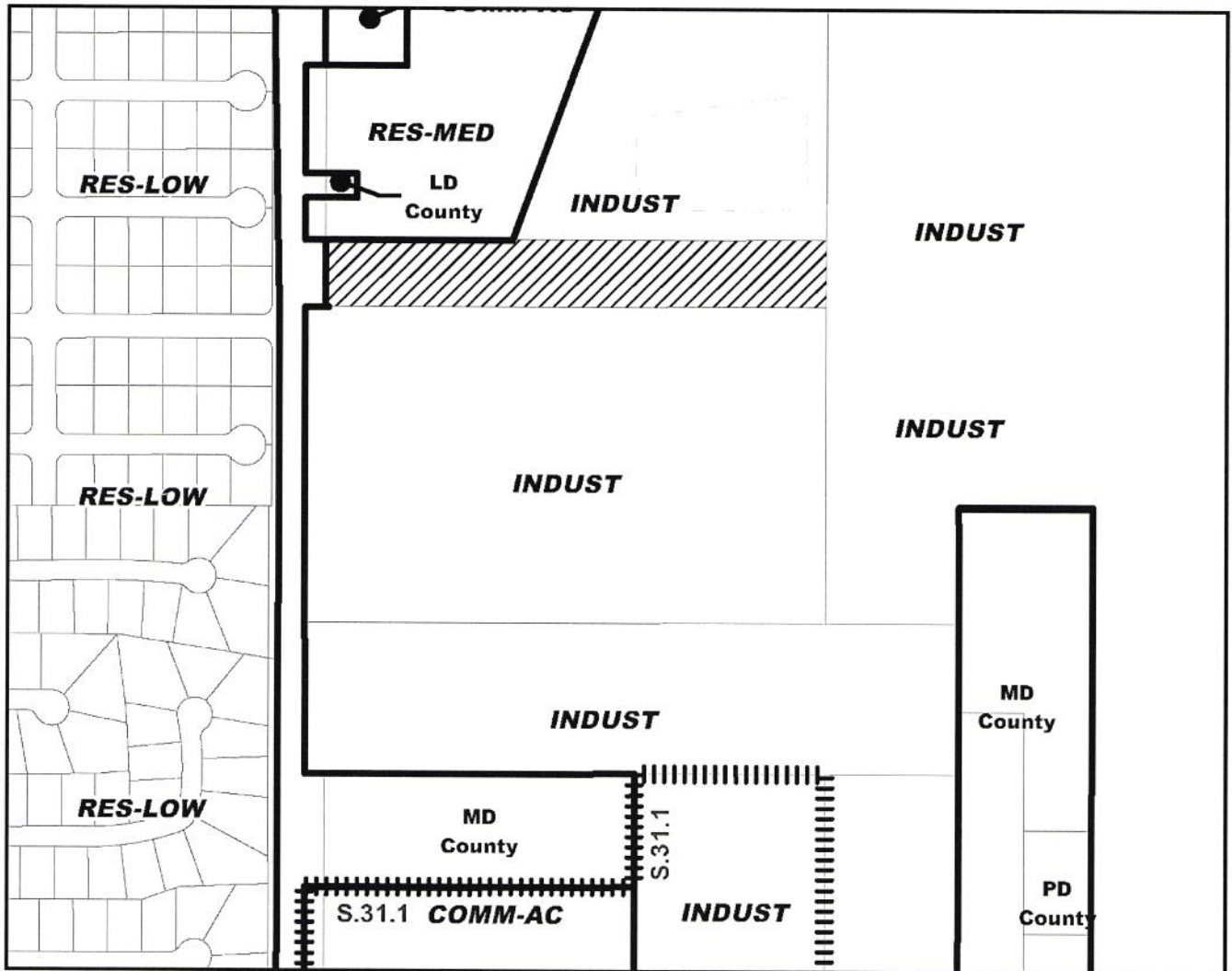
EXHIBIT
"B"



ANX2021-10024



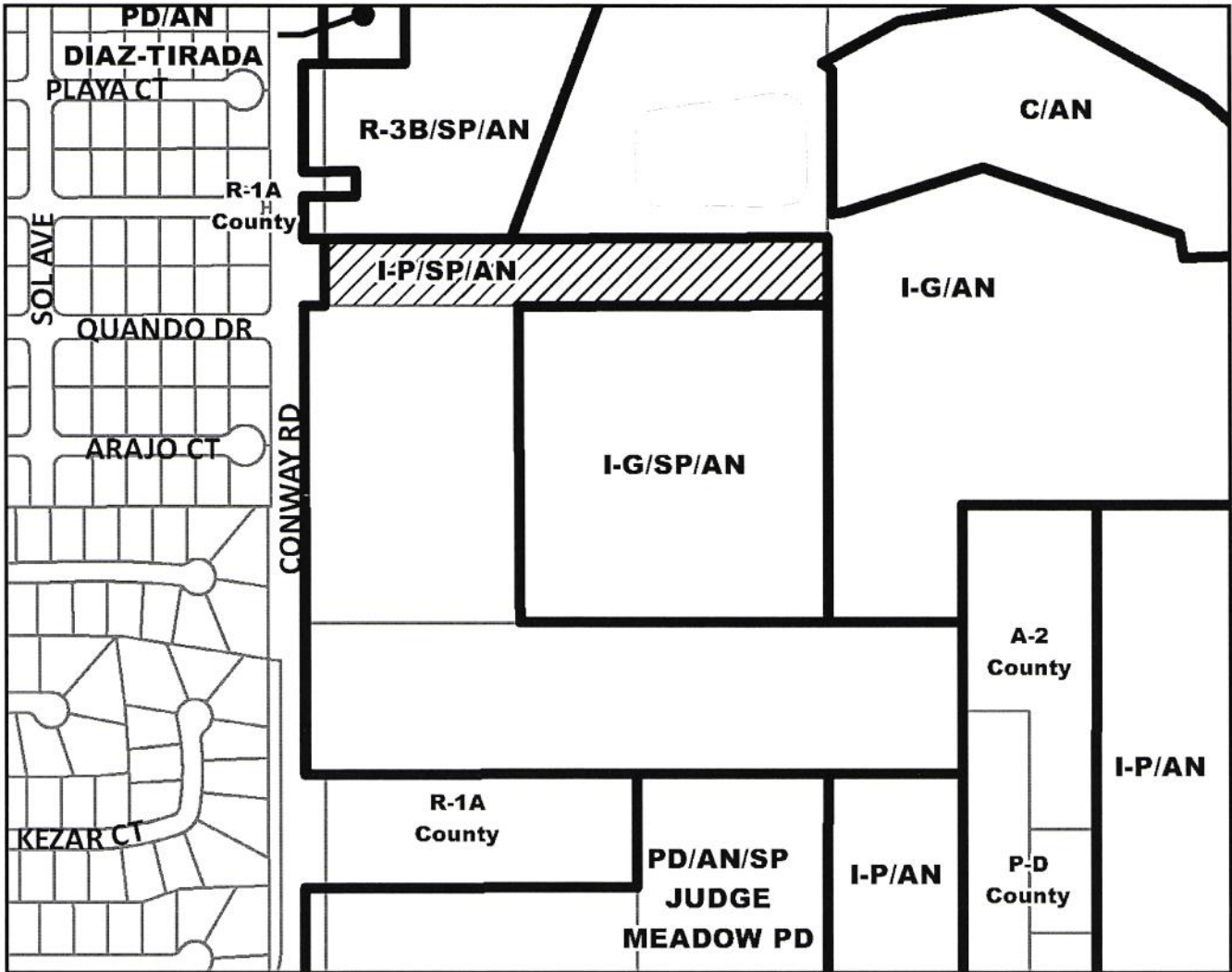
EXHIBIT
"C"



Future Land Use - Proposed GMP2021-10026



EXHIBIT
"D"



Zoning - Proposed ZON2021-10026



Fiscal Impact Statement

Indicate the **Total Fiscal Impact** of the action requested, including personnel, operating, and capital costs. Indicate costs for the current fiscal year and annualized costs. Include all related costs necessary to place the asset in service.

Description: Lee Vista Business Park Annexation, 5827 Conway Road

Expenses

Will the action be funded from the Department's current year budget? Yes No

If No, please identify how this action will be funded, including any proposed Budget Resolution Committee (BRC) action(s). (enter text here)

	Current Fiscal Year Cost Estimate	Estimated Annualized Cost Thereafter
Personnel	\$0	\$0
Operating/Capital	\$0	\$0
Total Amount	\$0	\$0

Comments (optional): (enter text here)

Revenues

What is the source of any revenue and the estimated amount? Property Taxes Amount \$668.00

Is this recurring revenue? Yes No

Comments (optional): According to the Orange County Property Appraiser, the assessed value for the subject site is \$100,421, therefore the calculation for property taxes is \$668.

Funding

Expenses/Revenues will be recorded to:

	Source #1	Source #2	Source #3
Fund	<u>General Fund</u>	<u>(enter text here)</u>	<u>(enter text here)</u>
Department /Division	<u>Citywide</u>	<u>(enter text here)</u>	<u>(enter text here)</u>
Cost Center/Project/Grant	<u>Citywide</u>	<u>(enter text here)</u>	<u>(enter text here)</u>
Total Amount	\$668.00	\$0	\$0

Orlando Sentinel

MEDIA GROUP

Published Daily
ORANGE County, Florida

Sold To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL, 32801-3360

Bill To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL, 32801-3360

State Of Florida
County Of Orange

Before the undersigned authority personally appeared
Rose Williams, who on oath says that he or she is a duly authorized
representative of the ORLANDO SENTINEL, a DAILY newspaper
published in ORANGE County, Florida; that the attached copy of
advertisement, being a Legal Notice in:

The matter of 11200-Misc. Legal

Was published in said newspaper by print in the issues of, or by publication
on the newspaper's website, if authorized on Apr 10, 2022.

Affiant further says that the newspaper complies with all legal requirements
for publication in Chapter 50, Florida Statutes.

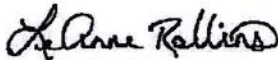


Rose Williams

Signature of Affiant

Name of Affiant

Sworn to and subscribed before me on this 14 day of April, 2022,
by above Affiant, who is personally known to me (X) or who has produced identification ().



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

7186280

Orlando Sentinel

MEDIA GROUP

Published Daily
ORANGE County, Florida

Sold To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL, 32801-3360

Bill To:

City of Orlando - CU00118969
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Orlando, FL, 32801-3360

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County Of Orange**

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published in ORANGE County, Florida; that the attached copy of
advertisement, being a Legal Notice in:

The matter of 11200-Misc. Legal

Was published in said newspaper by print in the issues of, or by publication
on the newspaper's website, if authorized on Apr 17, 2022.

Affiant further says that the newspaper complies with all legal requirements
for publication in Chapter 50, Florida Statutes.

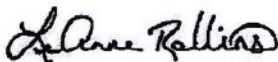


Rose Williams

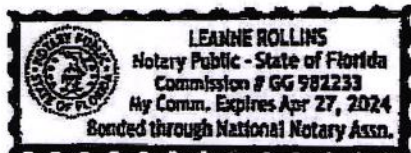
Signature of Affiant

Name of Affiant

Sworn to and subscribed before me on this 21 day of April, 2022,
by above Affiant, who is personally known to me (X) or who has produced identification ().



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped