

**CITY OF ORLANDO
COUNCIL AGENDA ITEM**

H/O 2nd Rd
#1

BCC Mtg. Date: Dec. 14, 2021

Items Types:

Hearings/Ordinances/2nd Read

District: 3

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

November 8, 2021

From:

Document Number:

On File (City Clerk) : Yes

Draft Only: No

Subject:

Ordinance No. 2021-61 Annexing to the Corporate Limits of the City Certain Land Generally Located North of Lake Breeze Drive, South of Rosamond Drive, West of N. Orange Blossom Trail and East of N. Lake Orlando Parkway and Comprised of 7.72 Acres of Land, More or Less (ANX2021-10006, RoseArts)(Economic Development)

Summary:

Ordinance No. 2021-61 is for a voluntary annexation of ±7.72 acres of property located North of Lake Breeze Drive, South of Rosamond Drive, West of N. Orange Blossom Trail and East of N. Lake Orlando Parkway. It is addressed as 5189 Rosamond Drive. The property is currently designated Industrial and IND-2/IND-3 per the Orange County future land use and zoning designations, respectively. It is part of the proposed development, known as RoseArts, for up to five thousand five hundred-sixty (5,560) residential units, with up to 350,000 square feet of non-residential uses, along with preservation of wetlands and conservation areas. The subject property is contiguous to the City limits and is reasonably compact. If annexed, the property will not create an enclave.

The Municipal Planning Board (MPB) recommended approval of the annexation (ANX2021-10006) and the other associated RoseArts cases for a Growth Management Plan (GMP) amendment to change the future land use designation to Urban Village, the creation of Subarea Policy S.1.4 with development criteria and a rezoning to Planned Development (PD), (GMP2021-10010, and GMP2021-10011, ZON2021-10008) on July 20, 2021. The cases were subsequently appealed.

The Legislative Appeal was denied at the August 23, 2021 Council meeting, with acceptance of the MPB minutes and first reading of the subject ordinance occurring at the same meeting. Second reading of the associated GMP amendment is on the same agenda as is first reading of the PD ordinance.

Fiscal & Efficiency Data:

Fiscal impact statement attached.

Recommended Action:

Adopting Ordinance No. 2021-61 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.

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: Michalle Petion, michaelle.petion@orlando.gov and Melissa Clarke; melissa.clarke@orlando.gov.

Approved By:

Department

Budget Outside Routing Approval
City Clerk


Date and Time

10/27/2021 9:56 AM
10/28/2021 12:13 PM

City Council Meeting: 11-8-21
Item: 12-1 Documentary: 211081201

ATTACHMENTS:

Name:	Description:	Type:
<input type="checkbox"/> RoseArts ANX2021-10006.pdf	Ordinance 2021-61	Ordinance
<input type="checkbox"/> ANX2021-10006 Lake Orlando Signed VLD.pdf	Exhibit A	Backup Material
<input type="checkbox"/> ANX2021-10006 map.pdf	Exhibit B	Backup Material

 [Fiscal Impact Statement-
5189_Rosamond.pdf](#)

Fiscal Impact Statement

Backup Material

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

Received by: Clerk of BCC 11/11/2021 JK
c: Planning, Environmental, & Development Services Director Jon Weiss
Planning Division Manager Alberto Vargas
Planner II Nicolas Thalmueller

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED NORTH OF LAKE BREEZE DRIVE, SOUTH OF ROSAMOND DRIVE, WEST OF N. ORANGE BLOSSOM TRAIL AND EAST OF N. LAKE ORLANDO PARKWAY AND COMPRISED OF 7.72 ACRES OF LAND, MORE OR LESS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, on August 10, 2020, 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 north of Lake Breeze Drive, south of Rosamond Drive, west of N. Orange Blossom Trail and east of N. Lake Orlando Parkway, such land comprised of approximately 7.72 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 July 20, 2021, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered annexation application case number ANX2021-10006, requesting to annex the Property into the jurisdictional boundaries of the city; 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 ANX2021-10006, GMP2021-10010, and GMP2021-10011, (entitled "RoseArts District Mixed-Use Redevelopment"), the MPB recommended that the Orlando City Council approve said application and adopt an ordinance in accordance therewith; 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

ORDINANCE NO. 2021-61

51 5. Annexation of the Property will not result in the creation of enclaves within the
52 meaning of subsection 171.031(13), Florida Statutes; and
53

54 6. The Property is located wholly within the boundaries of a single county; and
55

56 7. The petition proposes an annexation that is consistent with the purpose of
57 ensuring sound urban development and accommodation to growth; and
58

59 8. The petition, this ordinance, and the procedures leading to the adoption of
60 this ordinance are consistent with the uniform legislative standards provided by the
61 Florida Municipal Annexation and Contraction Act for the adjustment of municipal
62 boundaries; and
63

64 9. The petition proposes an annexation that is consistent with the purpose of
65 ensuring the efficient provision of urban services to areas that become urban in
66 character within the meaning of subsection 171.031(8), Florida Statutes; and
67

68 10. The petition proposes an annexation that is consistent with the purpose of
69 ensuring that areas are not annexed unless municipal services can be provided to those
70 areas; and
71

72 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
73 best interest of the public health, safety, and welfare, and is consistent with the
74 applicable provisions of Florida Statutes and the city's GMP and LDC; and
75

76 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
77 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
78

79 **SECTION 1. ANNEXATION.** Pursuant to the authority granted by section
80 171.044, Florida Statutes, and having determined that the owner or owners of the
81 Property have petitioned the Orlando City Council for annexation into the corporate limits
82 of the city, and having determined that the petition bears the signatures of all owners of
83 property in the area proposed to be annexed, and having made the findings set forth in
84 this ordinance, the Property is hereby annexed into the corporate limits of the City of
85 Orlando, Florida, and the boundary lines of the city are hereby redefined to include the
86 Property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
87 is clearly shown on the map attached to this ordinance as **Exhibit B**.
88

89 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida
90 Statutes, the charter boundary article of the city is hereby revised in accordance with this
91 ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a
92 revision of the City Charter with the Florida Department of State. The city planning
93 official, or designee, is hereby directed to amend the city's official maps in accordance
94 with this ordinance.
95

96 **SECTION 3. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
97 errors found in this ordinance by filing a corrected copy of this ordinance with the city
98 clerk.
99

100 **SECTION 4. SEVERABILITY.** If any provision of this ordinance or its
101 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 5. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption.

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 24 day of OCTOBER, 2021.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 23 day of AUGUST, 2021.

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 31 day of OCTOBER, 2021.

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 8 day of NOVEMBER, 2021.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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

City Clerk

Print Name

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

Assistant City Attorney

Print Name



VERIFIED LEGAL DESCRIPTION FORM

EXHIBIT

A

The following legal description has been prepared by

Joseph K. Lek, PSM GAI, Consultants, Inc.

and submitted to the City Planning Division for verification.

Joseph K. Lek

Joseph K Lek

Digital signature of Joseph K. Lek
DN: cn=Joseph K. Lek,
ou=GIS, email=jlek@psmgaiconsultants.com,
c=US
Location: Florida
Reason: I attest to the accuracy and integrity of
this document.
Created on: 2020.11.02 14:11:35-0500

Signature

Nov. 2, 2020

Date



"This Description has been
reviewed by the Engineering
Division and is acceptable
based on a comparison with:
Survey, plats,
GIS Mapping

By: *Pat O.* Date: 12/21/2020

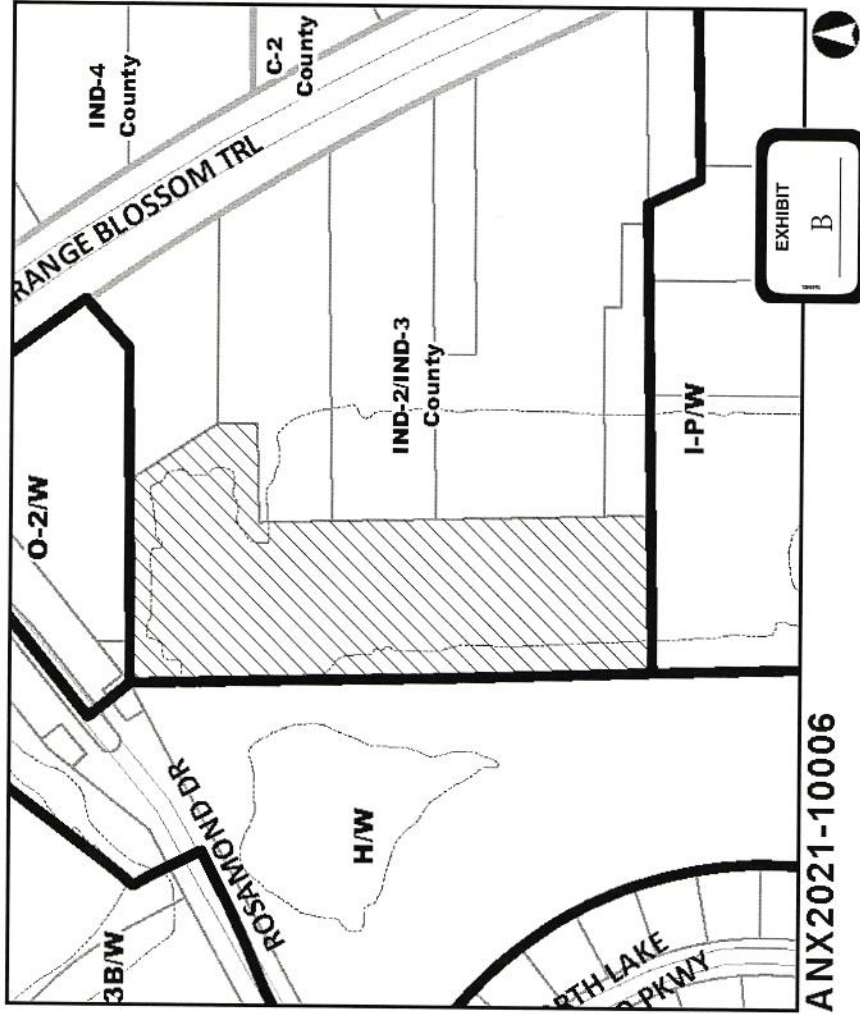
Application Request (Office Use Only)

File No. **ANX2021-10006**

Legal Description Including Acreage (To be typed by Applicant):

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 22 SOUTH, RANGE 29 EAST, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ROSAMOND DRIVE; RUN SOUTH 01°02'32" EAST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 4, A DISTANCE OF 997.0 FEET; THENCE NORTH 88°57'28" EAST, A DISTANCE OF 300.00 FEET; THENCE NORTH 01°02'32" WEST, PARALLEL TO THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 4, A DISTANCE OF 746.92 FEET; THENCE NORTH 88°57'28" EAST, A DISTANCE OF 189.41 FEET; THENCE NORTH 01°02'32" WEST, A DISTANCE OF 75.87 FEET; THENCE NORTH 32°44'00" WEST, A DISTANCE OF 200.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 4; THENCE SOUTH 89°39'46" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 384.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.72 ACRES MORE OR LESS.



Orlando Sentinel

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 an Advertising
Representative of the ORLANDO SENTINEL, a DAILY newspaper
published at the ORLANDO SENTINEL in ORANGE County, Florida;
that the attached copy of advertisement, being a Legal Notice in the matter
of 11220-2 Column Legals, November 8, 2021 at 2:00 p.m., Ord #2021-61
was published in said newspaper in the issues of Oct 24, 2021; Oct 31,
2021.

Affiant further says that the said ORLANDO SENTINEL is a newspaper
Published in said ORANGE County, Florida, and that the said newspaper
has heretofore been continuously published in said ORANGE County,
Florida, each day and has been entered as periodicals matter at the post
office in ORANGE County, Florida, in said ORANGE County, Florida, for
a period of one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or she has neither
paid nor promised any person, firm or corporation any discount, rebate,
commission or refund for the purpose of securing this advertisement for
publication in the said newspaper.



Signature of Affiant

Rose Williams

Name of Affiant

Sworn to and subscribed before me on this 9 day of November, 2021,
by above Affiant, who is personally known to me (X) or who has produced identification ().



Signature of Notary Public

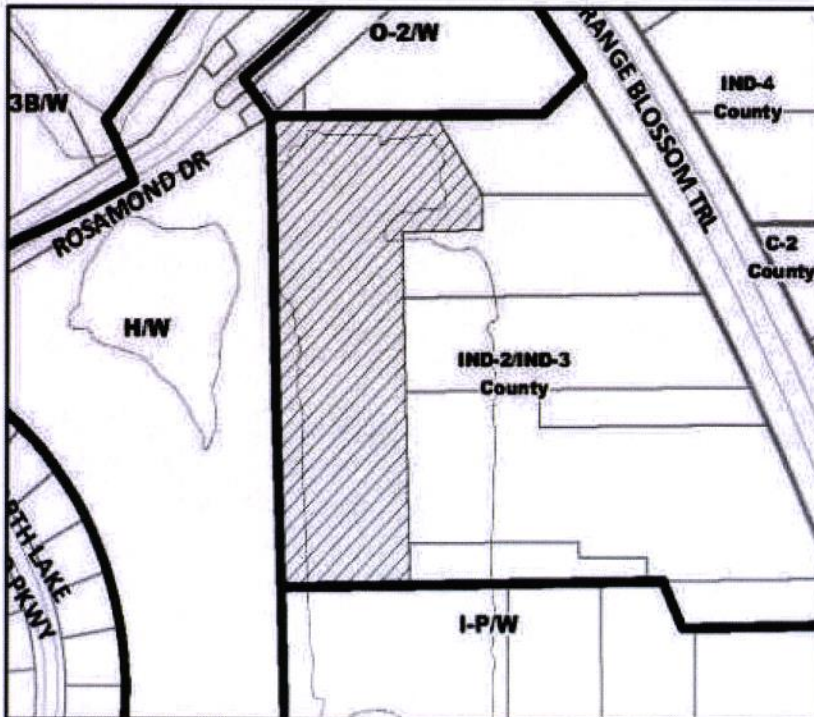


Name of Notary, Typed, Printed, or Stamped

7062551

Notice of Proposed Enactment

On Monday, November 8, 2021, the Orlando City Council will consider proposed Ordinance #2021-61, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED NORTH OF LAKE BREEZE DRIVE, SOUTH OF ROSAMOND DRIVE, WEST OF N. ORANGE BLOSSOM TRAIL AND EAST OF N. LAKE ORLANDO PARKWAY AND COMPRISED OF 7.72 ACRES OF LAND, MORE OR LESS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.



ANX2021-10006

A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chamber, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All pertinent information about meeting access and participation instructions will be available on orlando.gov/councilmeeting at least 3 days prior to the meeting. Additionally, interested parties are invited to watch the meeting live and may participate by providing public comment during the meeting or submitting written public comment in advance regarding the proposed ordinance. The opportunity to provide public comment is available until the designated public comment portion of the item is closed. All items received are public record. The proposed ordinance may be inspected at the Office of the City Clerk located on the 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida, or online at orlando.gov. Anyone who desires to appeal an official decision made at this meeting, if an appeal is permitted by law, may need to obtain a verbatim record of the proceedings that includes the testimony and evidence upon which the appeal is based. The City of Orlando is committed to reasonably accommodating the communication needs of persons with disabilities. Persons with disabilities who need reasonable accommodations to participate in this meeting, contact no later than 24 hours in advance of the meeting, the Office of the City Clerk at 407.246.2251 or cityclerk@orlando.gov.

ORG7062551

10/24, 10/31/2021

7062551