CITY OF ORLANDO **COUNCIL AGENDA ITEM**

HRG/OD 240 RD #4
[M (12-4)

Items Types:

Hearings/Ordinances/2nd Read

District: 5 Contract ID: Exhibits: Yes

Grant Received by City?: No

For Meeting of:

December 5, 2022

From:

Document Number:

On File (City Clerk): Yes

Draft Only: No

Subject:

Ordinance No. 2022-70 Annexing Property Located North of Barley Street, South of Edgemoor Street, East of S. Fanfair Avenue, West of S. Ivey Lane, and addressed as 10 S. Ivey Lane, Amending the City's Adopted Growth Management Plan to Designate the Property as Office Low Intensity on the Official Future Land Use Map, and Amending the City's Official Zoning Maps to Designate Property as O-1 (ANX2022-10008, GMP2022-10023 & ZON2022-10020) (10 S. Ivey Lane Annexation)(Economic Development)

Summary:

Ordinance No. 2022-70 applies to ±1.85 acres for property located north of Barley Street, south of Edgemoor Street, east of S. Fanfair Avenue and west of S. Ivey Lane and addressed as 10 S. Ivey Lane.

The ordinance will:

- 1. Annex the subject property;
- 2. Amend the Growth Management Plan by assigning the Office Low Intensity future land use designation to the subject property
- 3. Assign the O-1 zoning designation to the subject property.

City Council accepted the petition for the voluntary annexation for this property on August 15, 2022. The Municipal Planning Board (MPB) recommended approval of the annexation (ANX2022-10008), and the GMP amendment (GMP2022-10023), and initial zoning (ZON2022-10020) on September 20, 2022.

The applicant is requesting annexation in order to facilitate a multi-family residential development by combining the property to the south which is currently within the City limits.

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 thirty-one (31) days after adoption.

The first reading of this ordinance was on November 7, 2022.

Fiscal & Efficiency Data:

Fiscal impact statement is attached.

Recommended Action:

Adopting Ordinance No. 2022-70 and authorizing the Mayor and City Clerk to execute the same, after final review and approval by the City Attorney's Office.

Annexation Ordinance

Received by: Clerk of BCC December 27, 2022 gh

c: Planning, Environmental, & Development Services Director Jon Weiss

https://orlando.novusagenda.com/AgendaIntranet/CoverSheet.aspx?ItemID=61743&MeetingID=2493 | tem; 12-4 | Documentary: 22.12.0512.64 | Planning II Nicholas Thalmueller

City Council Meeting: 12-5-2022

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

Approved By:

Department

Budget Outside Routing Approval

City Clerk

Date and Time

11/16/2022 10:59 AM 11/17/2022 1:17 PM

ATTACHMENTS:

Name:	Description:	Type:
10 S. Ivey Lane Final Ordinance.pdf	10 S. Ivey Lane Annexation Ordinance	Ordinance
Exhibit A - 10 S Ivey Lane Verified Legal Description.pdf	Exhibit A - Verified Legal Description	Exhibit
Exhibit B - 10 S Ivey Lane Annexation Map.pdf	Exhibit B - 10 S Ivey Lane ANX Map	Exhibit
Exhibit C - 10 S Ivey Lane GMP.pdf	Exhibit C - 10 S Ivey Lane GMP	Exhibit
Exhibit D - 10 S Ivey Lane ZON,pdf	Exhibit D - 10 S Ivey Lane ZON	Exhibit
Fiscal Impact Statement for 10 S Ivey Lane.pdf	FIS - 10 S Ivey Lane Annexation	Fiscal Impact Statement

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

> 45 46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY ORLANDO, FLORIDA, ANNEXING TO CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED NORTH OF BARLEY STREET. SOUTH OF EDGEMOOR STREET, EAST OF S. FANFAIR AVENUE, WEST OF S. IVEY LANE, AND COMPRISED OF 1.85 ACRES OF LAND, MORE OR LESS, AND AMENDING THE CITY'S BOUNDARY DESCRIPTION; **AMENDING** THE CITY'S **ADOPTED GROWTH** MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS OFFICE-LOW INTENSITY ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS LOW INTENSITY OFFICE RESIDENTIAL 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 August 15, 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 north of Barley Street, east of S. Fanfair Avenue, south of Edgemoor Street, and west of S. Ivey Lane, comprised of approximately 1.85 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 September 20, 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 ANX2022-10008 requesting to annex the property into the jurisdictional boundaries of the city; and
- 2. Growth Management Plan (hereinafter the "GMP") case number GMP2022-10023 requesting an amendment to the city's GMP to designate the property as Office-Low Intensity on the City's official future land use map; and
- 3. Zoning case number ZON2022-10020 requesting to designate the property as "Low Intensity Office-Residential District" (O-1) on the City's official zoning maps (together, hereinafter referred to as the "applications"); and

17
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87

88

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 ANX2022-10008, GMP2022-10023, and ZON2022-10020 (entitled "10 S. Ivey Lane"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance or ordinances in accordance therewith; and

WHEREAS, the MPB found that application GMP2022-10023 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 ZON2022-10020 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 small-scale comprehensive plan amendment" as provided by section 163.3187, Florida Statutes; and

WHEREAS, the Orlando City Council hereby finds that:

- 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

90	4.	The petition bears the signatures of all owners of property in the area to be annexed; and
91		
92	5.	Annexation of the property will not result in the creation of enclaves within the
93		meaning of subsection 171.031(13), Florida Statutes; and
94		
95	6.	The property is located wholly within the boundaries of a single county; and
96		
97	7.	The petition proposes an annexation that is consistent with the purpose of
98		ensuring sound urban development and accommodation to growth; and
99		
100	8.	The petition, this ordinance, and the procedures leading to the adoption of
101		this ordinance are consistent with the uniform legislative standards provided
102		by the Florida Municipal Annexation and Contraction Act for the adjustment of
103		municipal boundaries; and
104		
105	9.	The petition proposes an annexation that is consistent with the purpose of
106		ensuring the efficient provision of urban services to areas that become urban
107		in character within the meaning of section 171.021, Florida Statutes; and
108		
109	10	. The petition proposes an annexation that is consistent with the purpose of
110		ensuring that areas are not annexed unless municipal services can be
111		provided to those areas; and
112	10/1	IEDEAC the Orlande City Council beachy finds that this ordinance is in the
113		HEREAS, the Orlando City Council hereby finds that this ordinance is in the
114	And the second s	est of the public health, safety, and welfare, and is consistent with the provisions of Florida Statutes, the State Comprehensive Plan, the Strategic
115 116		Policy Plan, and the City's GMP and LDC.
117	Regionali	Folicy Flant, and the Oity's Olvin and EDO.
118	NC	OW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY
119		NDO, FLORIDA, AS FOLLOWS:
120	OI OILLA	into, i comba, ao i occorro.
121	SE	CTION 1. ANNEXATION. Pursuant to the authority granted by section
122		Florida Statutes, and having determined that the owner or owners of the
123		have petitioned the Orlando City Council for annexation into the corporate limits
124		, and having determined that the petition bears the signatures of all owners of
125		n the area proposed to be annexed, and having made the findings set forth in
126		ance, the property is hereby annexed into the corporate limits of the City of
127		Florida, and the boundary lines of the City are hereby redefined to include the
128		In accordance with subsection 171.044(3), Florida Statutes, the annexed area
129		shown on the map attached to this ordinance as Exhibit B.
130		

131	SECTION 2. CITY BOUNDARIES. Pursuant to section 171.091, Florida Statutes,
132	the charter boundary article of the city is hereby revised in accordance with this
133	ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a
134	revision of the City Charter with the Florida Department of State. The city planning
135	official, or designee, is hereby directed to amend the city's official maps in accordance
136	with this ordinance.
137	
138	SECTION 3. FLUM DESIGNATION. Pursuant to section 163.3187, Florida
139	Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land
140	Use Map designation for the Property is hereby established as "Office-Low Intensity" as
141	depicted in Exhibit C to this ordinance.
142	
143	SECTION 4. AMENDMENT OF FLUM. The city planning official, or designee, is
144	hereby directed to amend the city's adopted future land use maps in accordance with
145	this ordinance.
146	
147	SECTION 5. ZONING DESIGNATION. Pursuant to the LDC, the zoning
148	designation for the property is hereby established as "Low Intensity Office-Residential"
149	district (denoted on the city's official zoning maps as the "O-1" district), as depicted in
150	Exhibit D to this ordinance.
151	
152	SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP. The city zoning
153	official, or designee, is hereby directed to amend the city's official zoning maps in
154	accordance with this ordinance.
155	
156	SECTION 7. SEVERABILITY. If any provision of this ordinance or its application
157	to any person or circumstance is held invalid, the invalidity does not affect other
158	provisions or applications of this ordinance which can be given effect without the invalid
159	provision or application, and to this end the provisions of this ordinance are severable.
160	
161	SECTION 8. SCRIVENER'S ERROR. The city attorney may correct scrivener's
162	errors found in this ordinance by filing a corrected copy of this ordinance with the city
163	clerk.
164	
165	SECTION 9. DISCLAIMER. As provided by subsection 166.033(6), Florida
166	Statutes, issuance of a development permit by a municipality does not in any way create
167	any right on the part of an applicant to obtain a permit from a state or federal agency and
168	does not create any liability on the part of the municipality for issuance of the permit if
169	the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a
170	state or federal agency or undertakes actions that result in a violation of state or federal
171	law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a
172	condition of this ordinance that all other applicable state or federal permits be obtained
173	before commencement of the development.

174	
175	SECTION 10. EFFECTIVE DATE. This ordinance is effective upon adoption,
176	except for sections one and two, which take effect on the 30th day after adoption, and
177	sections three, four, five and six, which take effect on the 31st day after adoption unless
178	this ordinance is lawfully challenged pursuant to subsection 163.3187(5), Florida
179	Statutes, in which case sections three, four, five and six shall not be effective until the
180	state land planning agency or the Administration Commission issues a final order
181	declaring this ordinance "in compliance" as defined at sections 163.3184(1)(b) and
182	163.3187(5)(d), Florida Statutes.
183	
184	DONE, THE FIRST READING, by the City Council of the City of Orlando,
185	Florida, at a regular meeting, this, day of, 2022.
186	,
187	DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in
188	the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
189	13 th day of November, 2022.
190	
191	DONE, THE SECOND PUBLIC NOTICE, in a newspaper of general circulation in
192	the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
193	20th day of November, 2022.
194	
195	DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON
196	FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City
197	Council of the City of Orlando, Florida, at a regular meeting, this day of
198	December, 2022.
199	
200	BY THE MAYOR OF THE CITY OF
201	ORLANDO, FLORIDA:
202	
203	
204 205	Mayor
206	A Secretary was a second to the second to th
207	
208	ATTEST, BY THE CLERK OF THE
209	CITY COUNCIL OF THE CITY OF
210	ORLANDO, FLORIDA:
211	Smill
212 213	City Clerk
214	C
215	Stephanie Herdocia
216	Print Name
217	
218	
219	

220	APPROVED AS TO FORM AND LEGALITY
221	FOR THE USE AND RELIANCE OF THE
222	CITY OF ORLANDO, FLORIDA:
223 /	
224	Kelise C. Clarke
225	Assistant City Attorney
226	MI O OI V
227	Melissa C. Clarke
228	Print Name
229	
230	**[Remainder of page intentionally left blank]**



VERIFIED LEGAL DESCRIPTION FORM



The following legal description has been prepared by

ANDREW PERRY and submitted to the City Planning Division for verification. Southeastern Surveying and Mapping

Signature Signature

6-29-2022

Date

Application Request (Office Use Only)

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

PLATS, GLS MAPPING

By: Date: 9-28

File No. ANX2022-10008

10 S. Ivey Lane Annexation

Legal Description Including Acreage (To be typed by Applicant): Created from updated fieldwork and previous survey

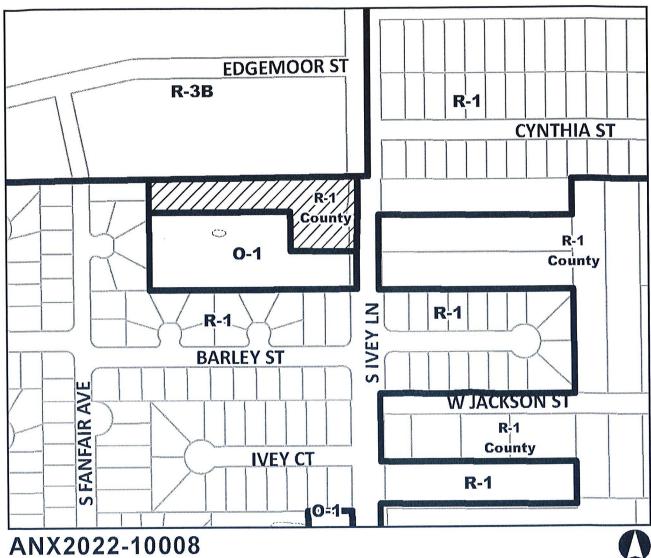
DESCRIPTION:

A portion of Parcel 2 as described in Orange County Document Number 20180238584, Public records of Orange County, Florida, being more particularly described as follows:

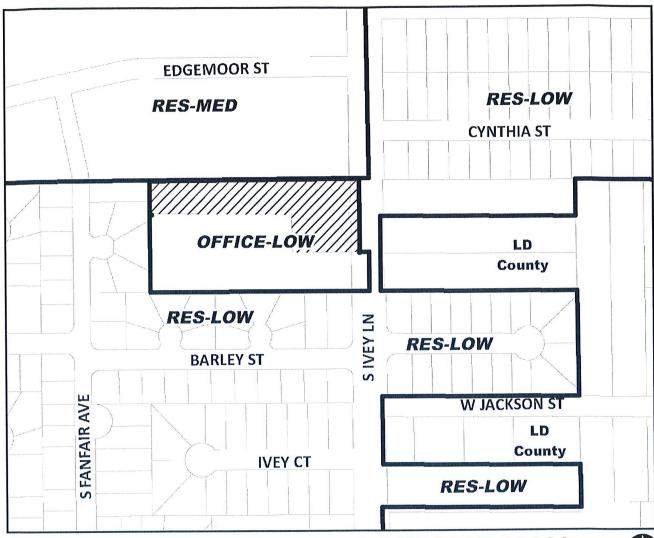
Begin at intersection of the Northerly line of Lot 1, Construct Two Office Complex according to the plat thereof recorded in Plat Book 40, Page 141 and the West right of way line of Ivey Lane per Official Records Book 4849, Page 285, Public Records of Orange County, Florida; thence along the Northerly line of said Lot 1 the following three (3) courses and distances: North 89°32'58" West, a distance of 181.11 feet; thence North 00°27'18" West, a distance of 115.60 feet; thence North 89°31′56" West, a distance of 430.72 feet to a point on the West line of Parcel 2 as described in Orange County Document Number 20180238584, Public Records of Orange County, Florida; thence North 00°25'45" West, a distance of 92.07 feet along the West line of said Parcel 2 to a point on the North line of said Parcel 2; thence North 89°25'09" East, a distance of 612.39 feet along the North line of said Parcel 2 to a point on the West right of way line of Ivey Lane as described in Official Records Book 4849, Page 285, Public Records of Orange County, Florida; thence along said West right of way line the following five (5) courses and distances : South 00°16'43" East, a distance of 44.60 feet; thence South 06°10'08" West, a distance of 67.15 feet; thence South 00°16'43" East, a distance of 13.00 feet; thence North 89°43'17" East, a distance of 7.54 feet; thence South 00'16'43" East, a distance of 94.49 feet to the POINT OF BEGINNING.

Containing 1.85 acres, more or less.





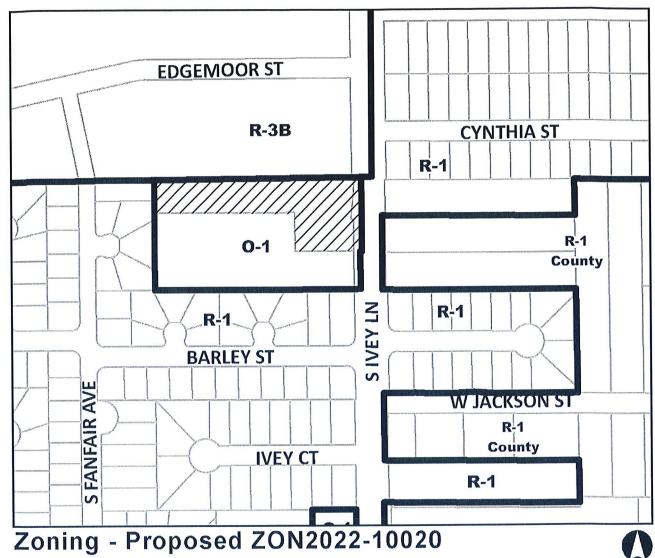




Future Land Use - Proposed GMP2022-10023









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: 10 S. Ivey Lane Annexation

Expenses

Will the action be funded from the Department's current year budget? \square Yes \square 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	\$ <u>0</u>	\$ <u>O</u>
Operating/Capital	\$ <u>0</u>	\$ <u>0</u>
Total Amount	\$0	\$0

Comments (optional): (enter text here)

Revenues

What is the source of any revenue and the estimated amount? Property Taxes Amount \$76.00

Is this recurring revenue? ⊠ Yes □ No

Comments (optional): According to the Orange County Property Appraiser, the assessed value for the subject site is \$11,435, therefore the calculation for property taxes is \$76.

Funding

Expenses/Revenues will be recorded to:

	Source #1	Source #2	Source #3
Fund	General Fund	(enter text here)	(enter text here)
Department /Division	Citywide	(enter text here)	(enter text here)
Cost Center/Project/Grant	Citywide	(enter text here)	(enter text here)
Total Amount	\$76.00	\$ <u>0</u>	\$ <u>0</u>



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 Nov 13, 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 17 day of November, 2022, by above Affiant, who is personally known to me (X) or who has produced identification ().

Signature of Notary Public

LEANNE ROLLINS
Notary Public - State of Florida
Commission # GG 982233
My Comm. Expires Apr 27, 2024
Bonded through National Notary Assn.

Name of Notary, Typed, Printed, or Stamped

Orlando Sentinel

Publication Date: 11/13/2022

Ad Number:

7320858-1

Client Name:

Insertion Number:

Advertiser:

City of Orlando

Size: Color Type:

2 x 10.5000 B&W

Section/Page/Zone: Orange Zone/J003/EST

Description:

Orlando Ordinance No. 2022-70 Displ



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 Nov 20, 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 November, 2022, by above Affiant, who is personally known to me (X) or who has produced identification ().

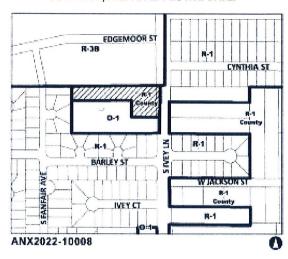
Signature of Notary Public

LEANNE ROLLINS
Notary Public - State of Florida
Commission # GG 982233
My Comm. Expires Apr 27, 2024
Bonded through National Notary Assn.

Name of Notary, Typed, Printed, or Stamped

ENACTMENT

On Monday, December 5, 2022, the Orlando City Council will consider proposed ordinance #2022-70, 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 BARLEY STREET, SOUTH OF EDGEMOOR STREET, EAST OF S. FANFAIR AVENUE, WEST OF S. IVEY LANE, AND COMPRISED OF 1.85 ACRES OF LAND, MORE OR LESS, AND AMENDING THE CITY'S BOUNDARY DESCRIPTION; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS OFFICE-LOW INTENSITY ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS LOW INTENSITY OFFICE RESIDENTIAL 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.



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