

October 11, 2017

Phil Diamond
Orange County Comptroller
P.O. Box 38
Orlando, FL 32802

Re: City of Orlando Ordinance No. 2017-52

Dear Comptroller Diamond:

Pursuant to section 171.044, Florida Statutes, the City Council of the City of Orlando, Florida adopted Ordinance No. 2017-52 on October 9, 2017 annexing certain land into the corporate limits of the City of Orlando. The City is required to furnish a copy of the ordinance to the Orange County Chief Administrative Officer and the Orange County Clerk of Court, which has been done.

The enclosed copy is intended for the files of the Orange County Board of County Commissioners and not for recording in the Official Records.

Sincerely yours,

Denise Aldridge

City Clerk

Enclosure

ACCEPTED FOR FILING BY THE BOARD OF COUNTY COMMISSIONERS AT ITS MEETING ON 1

BCC Mtg. Date: November 14, 2017

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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 SOUTH OF HOFFNER AVENUE, EAST OF CONWAY ROAD AND WEST OF KEMPSTON DRIVE AND COMPRISED OF 0.713 ACRES OF LAND, MORE OR LESS; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN DESIGNATE THE PROPERTY AS OFFICE LOW INTENSITY ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS THE O-1 LOW INTENSITY OFFICE-RESIDENTIAL DISTRICT ALONG 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.

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WHEREAS, on June 19, 2017, 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 south of Hoffner Avenue, east of Conway Road, and west of Kempston Drive, such land comprised of approximately 0.713 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

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

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WHEREAS, at its regularly scheduled meeting of July 18, 2017, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the following applications relating to the property:

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1. Annexation case number ANX2017-00001, requesting to annex the property into the jurisdictional boundaries of the city; and

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2. Growth Management Plan (hereinafter the "GMP") case number GMP2017-00001, 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

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3. Zoning case number ZON2017-00002, requesting to designate the property as the O-1 "Low Intensity Office-Residential" district, along with the "Aircraft Noise" and "Conway Road Special Plan" overlay districts, on the City's official zoning maps (together, hereinafter referred to as the "applications"); and

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50 51 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 ANX2017-00001, GMP2017-00001, and ZON2017-00002, (entitled "Item #1A., B. &

C-4900 Hoffner Avenue"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance in accordance therewith; and

#### WHEREAS, the MPB found that application GMP2017-00001 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 ZON2017-00002 is consistent with:

- 1. The GMP; and
- 2. 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 comprehensive plan 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

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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

- 9. The petition proposes an annexation that is consistent with the purpose of ensuring the efficient provision of urban services to areas that become urban in character within the meaning of subsection 171.022(8), Florida Statutes; and
- 10. The petition proposes an annexation that is consistent with the purpose of ensuring that areas are not annexed unless municipal services can be provided to those areas; and

WHEREAS, the Orlando City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, and the city's GMP and LDC; and

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 "Office Low Intensity" 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 City's Land Development Code, the zoning designation for the property is hereby established as the "Low Intensity Office-Residential District" along with the "Aircraft Noise" and "Conway Road Special Plan" overlay districts (denoted on the City's official zoning maps as the "O-1/AN/SP" district), as depicted in Exhibit D to this ordinance.

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0	SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP. The City zoning
1	official, or designee, is hereby directed to amend the city's official zoning maps in accordance
2	with this ordinance.
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4	SECTION 7. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes,
5	the issuance of this development permit does not in any way create any right on the part of the
5	applicant to obtain a permit from a state or federal agency, and does not create any liability on the
7	part of the City for issuance of this permit if the applicant fails to obtain requisite approvals or
3	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.
	colors commenced the development duties and of this development
	SECTION 8. 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 9. 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 10. EFFECTIVE DATE. This ordinance is effective upon adoption, except
	for sections one and two, which take effect on the 30 <sup>th</sup> day after adoption, and sections three, four,
	five, and six, which take effect on the 31 <sup>st</sup> day after adoption unless this ordinance is lawfully
	challenged pursuant to section 163.3187(5), Florida Statutes, in which case sections three, four,
	five, and six shall not be effective until the state land planning agency or the Administration
	•
	Commission issues a final order declaring this ordinance "in compliance" as defined at sections
	163.3184(1)(b) and 163.3187(5)(d), Florida Statutes.
	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
	September, 2017.
	DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at
	a regular meeting, this <u>25</u> day of <u>Septembor</u> , 2017.
	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 day of
	<u>October</u> , 2017.
	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 day of
	October, 2017.
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#### UKUINANUE NO. 2017-52

197	BY THE MAYOR/MAYOR PRO TEMPORE
198	OF THE CITY OF ORLANDO, FLORIDA:
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202	Mayor/Mayor Progremore
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206	ATTEST, BY THE CLERK OF THE
207	CITY COUNCIL OF THE CITY OF
208	ORLANDO, FLORIDA:
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210	- Elevise alduoval
211	City Clerk
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213	Denise Aldridge
214	Print Name
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216	APPROVED AS TO FORM AND LEGALITY
217	FOR THE USE AND RELIANCE OF THE
218	CITY OF ORLANDO, FLORIDA:
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220	Kelisa Call
221	Assistant City Attorney
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223	Melissa Clarke
224	Print Name
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226	**[Remainder of page intentionally left blank.]**
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### VERIFIED LEGAL DESCRIPTION FORM



(APPENDIX C)

following legal description has been prepared by  William Menard PSM #5625  submitted to the City Planning Bureau for verifica-  ature  6/8/2017	reviewed by the Bureau of Engineering and is acceptable based on a comparison with:  RECOLO PLAT, HLSM  BISOF 5/22/17, RAW  TRAVERSE & CLOSURE.  BY ALLEL Date 6.14.2017	
lication Request (Office Use Only)	File No.  ANXZ017-00001  GMP2017-00001	
al Description Including Acreage (To be typed by Applica	Z0N2017-00002	
lication Request (Office Use Only)  4900 Hoffner Ave.	File No.  ANX2017-0  GMP2017-0  Z0V2017-0	

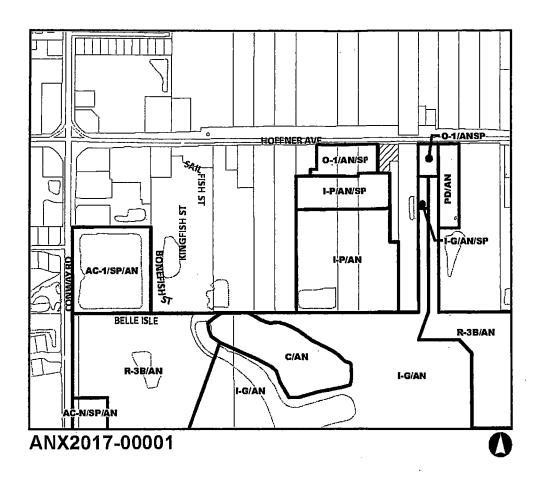
EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID SECTION N89°48'15"E A DISTANCE OF 1166.84 FEET; THENCE DEPARTING THE NORTH LINE OF SECTION 21. TOWNSHIP 23 SOUTH, RANGE 30 EAST, SO0°02'19"E A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE N89°48'15"E A DISTANCE OF 166.70 FEET; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 23 SOUTH, RANGE 30 EAST, SOO° 00'00"E A DISTANCE OF 134.00 FEET; THENCE N90° 00'00"W A DISTANCE OF 70.00 FEET; THENCE SOO OOOO E A DISTANCE OF 91.00 FEET; THENCE S89 48'15"W A DISTANCE OF 96.62 FEET; THENCE NOO O2'19"W A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING.

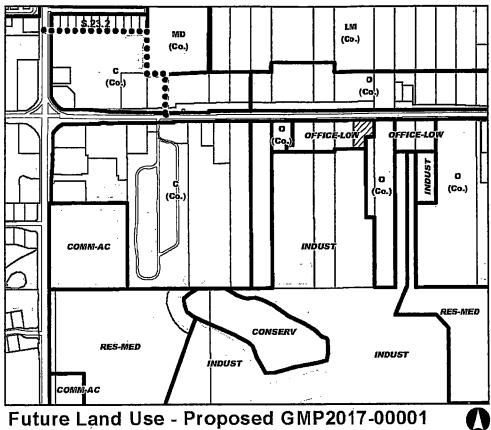
CONTAINING 0.713 ACRES MORE OR LESS

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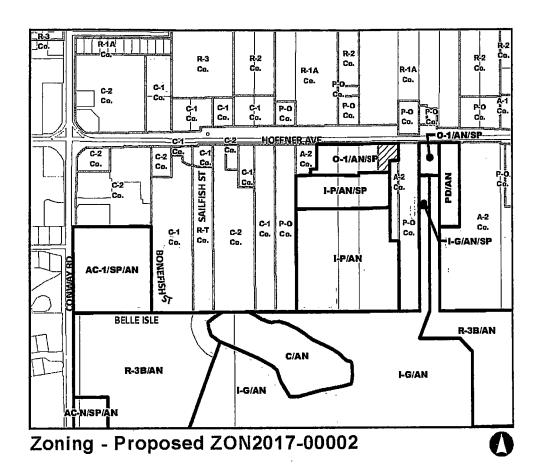
# Exhibit B



# Exhibit C



## Exhibit D



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

1. **DESCRIPTION:** Annexation of a +/-0.713 ac. undeveloped property which is generally located east of Conway Road, south of Hoffner Avenue, and west of Kempston Drive (4900 Hoffner Ave.).

Costs:				
	ce of this action require t		al or new personnel or the use of ov	/ertime?
Yes No If No, by the City please inc	how will this item be funde	ed?PLEASE NO anding award, grantor	eallocation of existing Department resorts. If the action is funded by a grant rename, granting agency or office name of the control of the c	eceived
Did this item require I	BRC action? 🗌 Yes 🔀 No	If Yes, BRC Date:	BRC Item #:	
4. This item will be ch	arged to Fund/Dept/Program	n/Project: <u>Not Applica</u>	ı <u>ble</u> .	
5.	(a) Current <u>Year Estimate</u>	(b) Next Year <u>Annualized</u>	(c) Annual Continuing <u>Costs Thereafter</u>	
Personnel Operating Capital Total	\$0 — <u><u>\$0</u></u>	\$ 	\$ 	
6. If costs do not conti	nue indefinitely, explain na	ture and expiration dat	e of costs:	
7. OTHER COSTS				
	re costs, one-time payments ted above: ☐ Yes ☑ No	, lump sum payments,	or other costs payable for this item at a	ı later
(b) If yes, by Fiscal Ye	ear, identify the dollar amou	int and year payment is	s due: \$ Payment due date	_
(c) What is the nature	of these costs:		·	
REVENUE:			•	
	ed increase in "valuation" ac tangible personal property,		40,000.00. Tax roll increase is:).	
9. What is source of the	e revenue and the estimated	l annual recurring reve	nue? Source: Ad Valorem Tax \$ 266.0	<u>0</u>
	hat is the estimated Fiscal Y		n-recurring revenue that will be realize	d?
11. What is the Paybac	ck period? N/A years			

13. APPROVED: <u>Dean Grandin, Division Manager</u> (Submitting Director or authorized Division Mgr Only) FIS 3/14/08

annexation will add to the City's ad valorem tax base.

12. JUSTIFICATION: Document justification for request. Include anticipated economies or efficiencies to be realized by the City, including reductions in personnel or actual cost (cash flow) reductions to be realized in your budget. The



#### **Published Daily ORANGE County, Florida**

#### STATE OF FLORIDA

#### COUNTY OF ORANGE

Before the undersigned authority personally appeared Maria Torres / Jennifer Carter /, 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 11150-Public Hearing Notice, Ordinance No. 2017-52, September 25, 2017 at 2:00 p.m. was published in said newspaper in the issues of Sep 24, 2017; Oct 01, 2017.

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

Printed Name of Affiant

Sworn to and subscribed before me on this 3 day of October, 2017, by above Affiant, who is personally known to me (X) or who has produced identification ().

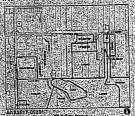
Signature of Notary Public

**WANDA W WIGGINS** MY COMMISSION # GG065341 EXPIRES January 24, 2021

Name of Notary, Typed, Printed, or Stamped

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:



public hearing on this ordinance bel held during Council's, regular meeting Joeginning at 2:00 p.m., in meeting beginning at 2:00 p.m., In Council chambers; 2rd 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. It a person decides no appeal any decision made by Council with respect to any matter considered at the hearing helor she will need a record of the proceedings, and that, for such purpose, helor she may need to ensure that a verbarim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The proposed ordinance may be inspected by the public of the Office of the City Clerk lacated on the 2rd floor of Orlando City Hall, 400 S. Orange Ave., Orlando, Flarida, Qualified persons with disabilities needing ouxillary aid or service, or other assistance, so they can participate equally in his meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible but no later than 48 hours before the meeting. Council Chambers, 2nd floor, Orla

OS5174219

9/24, 10/1/2017

## CITY OF ORLANDO COUNCIL AGENDA ITEM

Items Types:

For Meeting of:

Hearings/Ordinances/2nd Read

October 9, 2017

District: 1

From:

Contract ID:

**Document Number:** 

Exhibits: Yes On File (City Clerk): Yes

Draft Only: No

Grant Received by City?: No

### Subject:

Ordinance No. 2017-52 annexing and assigning the future land use designation of Office Low Intensity and zoning of O-1/AN/SP for land generally located south of Hoffner Avenue, east of Conway Road and west of Kempston Drive (4900 Hoffner Ave.) (Economic Development)

### Summary:

The attached ordinance will annex property at 4900 Hoffner Avenue (ANX2017-00001), assign the future land use designation of Office Low Intensity (GMP2017-00001) and a zoning classification of O-1 (Office and Residential Districts) with the Aircraft Noise (/AN) and Conway Road Special Plan (/SP) Overlays (ZON2017-00002).

The +/-0.713 ac. undeveloped subject property is generally located south of Hoffner Ave., east of Conway Road and west of Kempston Dr. The annexation is being requested in order to have the site within the same jurisdiction as the abutting Orlando Drum property, which is under common ownership.

No development plans have been submitted with this request and in the future may be use for parking. 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 these actions on July 18, 2017. Orlando City Council approved this recommendation on August 8, 2017.

The first reading of this ordinance was approved on September 25, 2017.

### Fiscal & Efficiency Data: See FIS attached.

#### Recommended Action:

Adopt the attached ordinance number 2017-52 and authorize the Mayor and City Clerk or Mayor Pro Tempore and City Clerk to execute on behalf of the City upon final review and approval by the City Attorney

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: Mary-Stewart Droege at 407-246-3276 or at mary-

stewart.droege@cityoforlando.net; Melissa Clarke at melissa.clarke@cityoforlando.net

Approved By:

Department

**Date and Time** 9/27/2017 1:39 PM

Budget Outside Routing Approval

Item: 12-1 Documentary: 1710091301

City Council Meeting: 10-9-17

ATTACHMENTS:				
Name:	Description:	Туре:		
D 4900 Hoffner Avenue ordinance .pdf	Ordinance	Ordinance		
Exhibit A VLD .pdf	Exhibit A_Verified Legal Description	Exhibit		
Exhibit B ANX2017-00001 .pdf	Exhibit B	Exhibit		
Exhibit C GMP2017-00001.pdf	Exhibit C	Exhibit		
Exhibit D ZON2017-00002.pdf	Exhibit D	Exhibit		
100001 FIS .pdf	FIS_4900 Hoffner Ave_	Exhibit		

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