

**DOWNTOWN SOUTH
NEIGHBORHOOD IMPROVEMENT DISTRICT EXPLORATORY COMMITTEE
FINAL REPORT**

**CITY OF ORLANDO, FLORIDA
September 20, 2010**

COMMITTEE MEMBERS

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CITY STAFF

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**DOWNTOWN SOUTH
NEIGHBORHOOD IMPROVEMENT DISTRICT EXPLORATORY COMMITTEE
FINAL REPORT**

CITY OF ORLANDO, FLORIDA

This report was prepared to satisfy the requirements of a Resolution adopted by the Orlando City Council on June 7, 2010 (the "Resolution") relating to Neighborhood Improvement Districts ("NID"). The Resolution created the South Downtown Neighborhood Improvement District Exploratory Committee (the "Committee") and directed the Committee to advise City Council regarding the viability of a Downtown South NID, providing specific recommendations regarding nine (9) items more particularly described below (the "Items for Consideration"). The Resolution directed the Committee to provide a written report of its findings to City Council on or before October 1, 2010.

I. Executive Summary

In accordance with the Safe Neighborhoods Act of 1987, Florida Statutes §§ 163.501—163.522, the Committee recommends that the City of Orlando proceed as follows:

1. Adopt an ordinance authorizing the future formation of "local government neighborhood improvement districts" in the City of Orlando, in accordance with the provisions and procedures set forth in Florida Statutes 163.506.
2. Adopt an ordinance approving the Downtown South NID in accordance with the provisions of and procedures set forth in Florida Statutes § 163.506 and under the terms and conditions stated in this report (the "Downtown South NID").
3. Approve a Resolution appointing the members of the South Downtown NID Advisory Council.

The recommendations provided in this report are presented in the same order as the Items for Consideration outlined in the Resolution creating the Committee.

II. Public Hearings

Pursuant to the requirements set forth in the Resolution, the Committee held four (4) meetings, as follows:

<u>Meeting</u>	<u>Date</u>	<u>Location</u>	<u>Type</u>
1.	July 13, 2010	Agenda Conference Room	Public Meeting
2.	August 9, 2010	Conference Room R	Public Meeting
3.	August 26, 2010	Agenda Conference Room	Public Hearing
4.	September 13, 2010	Harvard Conference Room	Public Hearing

All four meetings were posted on the City's public meeting schedule and were open to the public. Meetings 2, 3 and 4 were also advertised in the *Orlando Sentinel*. Courtesy notices regarding Meetings 3 and 4 were mailed to approximately 433 property owners within the proposed district on August 16, 2010. Meeting dates, agendas and minutes were posted on the City of Orlando's South Downtown Vision Plan web site at:

www.cityoforlando.net/planning/cityplanning/south%20downtown%20VisionPL.htm.

The meeting agendas, minutes and documentation utilized by the Committee are provided as **Exhibit "A"** attached hereto.

III. **Items for Consideration**

A. **A description of the purpose and goals of the proposed district.**

The Downtown South NID is hereby established to provide an "umbrella" organization for monitoring, supporting, promoting and making recommendations regarding development and redevelopment within the Downtown South area, as described in the City of South Downtown Vision Plan approved by the Orlando City Council on October 6, 2008 and in the City of Orlando Growth Management Plan Future Land Use Element Subarea Policies S.12.7, S.12.8, S.12.9 and S.12.9.1., adopted by the Orlando City Council on February 2, 2009. The goals of the Downtown South NID are:

1. To accommodate future development and redevelopment within the district boundary by encouraging a variety of uses including, but not limited to: mixed use development in proximity to the commuter rail station.
2. Promote the advantages of the district so as to attract new businesses and encourage the expansion of existing businesses.
3. Preserve existing property rights.
4. Facilitate improvements to infrastructure within the district boundary.
5. Reduce crime within the district boundary.

B. **Which of the districts authorized by the Safe Neighborhoods Act, Part IV, Chapter 163, Florida Statutes, is most advisable.**

The Committee considered each of the four (4) different types of NIDs described in the Safe Neighborhoods Act, Part IV, Chapter 163, Florida Statutes; reviewed the distinctions and differences between the four (4) NIDs; and agreed that the Local Government NID was most suitable and advisable.

The Local Government NID has the following characteristics:

1. The Governing Board is typically the City Council.
2. The Mayor may appoint an Advisory Council of property owners in the NID (3 to 7 members), with confirmation by the City Council.
 - (a) Advisory Council must own property and be subject to ad valorem taxation.
4. The Advisory Council can be granted significant authority.
5. The NID has no automatic sunset.
6. The NID may levy a special assessment tax and an ad valorem tax of up to 2 mills annually.
 - (a) Referendum is required for special assessment tax and ad valorem tax.

The three other kinds of NIDs authorized by the statute are the property owners' association neighborhood improvement district, the special residential or business neighborhood improvement district, and the community redevelopment agency neighborhood improvement district.

The CRA NID was quickly eliminated from consideration because the statute requires that this kind of NID be wholly contained within an existing CRA. Part of the Downtown CRA area is within the proposed Downtown South NID, but the majority of the NID is outside of a CRA and would therefore not qualify as a CRA NID.

A special neighborhood improvement district was considered by the Committee and rejected primarily because the district automatically sunsets after 10 years and board members must reside within the district. Because the proposed Downtown South district is primarily commercial, institutional, and industrial in nature, the committee concluded that this limitation on the board membership unfairly excluded too many district stakeholders.

The property owners' association NID was rejected primarily because this kind of district has no authority to levy an ad valorem tax.

C. Whether, and if so, to what extent, the City's Growth Management Plan must be amended to accommodate the establishment of the proposed district.

Discussion regarding this item took place on both July 14 and August 9, and it was determined that growth management plan amendments would **NOT** be necessary for purposes of creating and establishing a proposed district. Attached hereto as **Exhibit "B"** is a letter from Dean J. Grandin, Jr., AICP, Planning Official for the City of Orlando providing an official determination regarding the Downtown South NID and the Growth Management Plan.

D. The proposed district's boundaries and size.

The Committee recommends the formation of a Downtown South NID that includes the area addressed by the South Downtown Vision Plan, as identified in the Resolution establishing the Committee; plus properties fronting on the eastern boundary of S. Orange Avenue and the southern boundary of W. Michigan Street; plus the Downtown South Mainstreet Area. The Committee also recommends, however, that the Mainstreet Area be allowed to opt out of the Downtown South NID Referendum Area thirty (30) days prior to the date in which a referendum is issued.

The Vision Plan Area and the property fronting S. Orange Avenue and E. Michigan Street are together identified as the Primary District. The Primary District and the Orange/Michigan Mainstreet Area are depicted on the map attached hereto as **EXHIBIT "C."** The entire district, as depicted on the map attached hereto as **EXHIBIT "D,"** includes approximately 655 acres of property.

The Committee considered the following components before making a recommendation regarding the boundaries of the Downtown South NID:

1. **Vision Plan Area**

The Vision Plan Area is generally defined as 408 to the North, Orange Avenue to the East, I-4 to the West, and Michigan Avenue to the south (approximately 532 acres).

2. **Orange & Michigan Frontage.**

The Orange & Michigan Frontage includes property along the east side of Orange Avenue and along the south side of W. Michigan Street adjacent to the Primary District Boundary. The Committee determined that this area would be affected by and benefit from improvements and promotion conducted within the Primary District Boundary. Therefore, the Committee recommended that the Downtown South NID include these additional properties (approximately 42 acres).

3. **Downtown South Mainstreet Area.**

The Downtown South Mainstreet Area is generally located along E. Michigan Street, from S. Orange Avenue to Luther Lane and along S. Orange Avenue from E. Michigan Street to Suddath Drive, plus the adjacent area bound by E. Pineloch Avenue and S. Osceola Avenue (approximately 81 acres).

Since the Downtown South Mainstreet Area is established and currently operates its own budget and strategic plan, the Committee recommends that the Downtown South Mainstreet Corridor property owners have the opportunity to participate in the Downtown South NID and provide input regarding the establishment of its bylaws, goals and strategic planning.

However, in the event that through this process, the vision of the Downtown South NID and the Downtown South Mainstreet Corridor are not in alignment, the Downtown South Mainstreet Corridor may opt out of the Downtown South NID Referendum Area thirty (30) days prior to the date in which a referendum is issued to raise funding through a special assessment or a millage increase within the Downtown South NID. Notice of any such referendum issuance shall be provided to property owners within the Downtown South Mainstreet Corridor prior to the thirty day time period described herein.

4. **Southwest Industrial Area.**

The Southwest Industrial Area is a subarea within the Primary District Boundary. The Southwest Industrial Area includes approximately 20 parcels under the following ownership (approximately 106 acres):

- (a) Trademark Metals Recycling, LLC
- (b) Yelvington Orlando, LLC
- (c) V-F Investors
- (d) Waste management Inc. of Florida
- (e) Brent C. Creaseman

- (f) Yelding-Tyson, Inc.
- (g) Lowrie Brown Investment, Inc.
- (h) Division Avenue, LLC
- (i) Rinker Materials Corp.
- (j) Tiffany Rash
- (k) Central Wholesale, Inc.
- (l) Mijeta Investments, LLC

In response to concerns expressed at Committee Meeting #3 regarding the compatibility of existing heavy industrial uses and new redevelopment, the first draft of this report was written to exclude the Southwest Industrial Area from the district boundary, but allow properties to opt into the Downtown South NID if they were located within the Southwest Industrial Area and contiguous to the district boundary. Property owners could opt into the Downtown South NID by submitting a written request for inclusion prior to the second reading of the City of Orlando Ordinance creating the Downtown South NID. After discussion at Committee Meeting #4, the Committee rejected this proposal.

E. The proposed district's name.

It is recommended that the district's formal name be the Downtown South Neighborhood Improvement District. In the event that the Downtown South Mainstreet Corridor should ever separate from the Downtown South Neighborhood Improvement District pursuant to item D. above, the Downtown South Neighborhood Improvement District shall distinguish its name in an appropriate manner from the Downtown South Mainstreet Corridor.

The Downtown South NID may utilize a different name for branding purposes at some point in the future if it so chooses to do so. Utilization of a separate name or logo for branding purposes shall not modify the formal name of the Downtown South NID.

F. The composition of the proposed district's governing board, and if applicable, the composition of an advisory council to the governing board.

and

G. The duties, responsibilities, and powers of the district's governing board, and if applicable, of the advisory council to the governing board.

1. Governing Board:

- (a) The Governing Board for the Downtown South NID shall be the City Council for the City of Orlando.
- (b) The Mayor of the City of Orlando shall serve as the Chair of the Downtown South NID Governing Board.

- (c) The Chair of the Governing Board shall appoint the Advisory Council (defined below), which shall be confirmed by the Governing Board.
- (d) The Governing Board shall be responsible for all “Major Decisions” (or the ratification of all Major Decisions).

2. **Major Decisions:**

- (a) Taxation
 - (1) Administration of referendum of any taxation of the district
 - (i) Special Assessment
 - (ii) Levy Ad Valorem tax on real and personal property (up to 2 mills annually),¹
 - (2) If tax is approved through referendum – levying the tax approved by the district
- (b) Eminent Domain
- (c) District Boundary Modification
- (d) Approve Annual Budget
- (e) Approve Contracts in excess of \$250,000
- (f) Approve Capital Improvements Plan for South Downtown NID
- (g) Apply for and receive grants (not to be confused with the Advisory Council’s ability to do the same)
- (h) Financing
 - (1) Traditional / Bonding (if applicable)

3. **Advisory Council:**

The Advisory Council for the Downtown South NID shall consist of five (5) members appointed by the Governing Board. One of the members shall represent Orlando Health and one of the members shall represent the owner of a parcel that is currently designated for an industrial use that is within the District. The Advisory Council shall be responsible for all “Minor Decisions.”

4. **Minor Decisions:**

- (a) Monitor, refine and recommend changes to the South Downtown Vision Plan.
- (b) Monitor and provide comments regarding proposed development within the South Downtown NID.
 - (1) In addition to or in conjunction with the City’s Technical Review Committee/Municipal Planning Board development review processes.
- (d) Provide comments, assistance and guidance to the City of Orlando regarding the modification or creation of any overlay zoning district within the Downtown South NID.

¹ For purposes of making such assessments, the terms “municipality” and “governing board of the municipality” used in Chapter 170, Florida Statutes shall mean the Downtown South NID and the Governing Board respectively.

- (1) In participation with the City's Technical Review Committee and development review processes.
- (f) Prepare a Capital Improvements Plan for approval by Governing Board.
- (g) Prepare a Financing Plan to support the Capital Improvements Plan
- (h) Prepare Annual Budget for approval by Governing Board
- (i) Approve of Contracts under \$250,000, subject to Annual Budget.
- (j) Approve staffing (as appropriate)
- (k) Apply for and receive grants.
- (l) Provide recommendations to Governing Board regarding all Major Decisions

H. **Which of the powers authorized by section 163.514, Florida Statutes, should be granted or prohibited to the proposed district.**

The Downtown South NID shall have the powers set forth in this report.

I. **Other information that the Committee finds would be useful to the Council in making a determination of whether to authorize the formation of a neighborhood improvement district.**

1. **Timeline and Schedule:**

The Downtown South NID shall engage in the following time line and schedule following the approval of an ordinance by the City of Orlando creating the district.

(a) ***Within One Hundred Twenty (120) Days from the Date of Formation of the Downtown Orlando NID:***

- (1) Appoint five (5) member Advisory Council
- (2) Adopt articles and bylaws for the Downtown South NID consistent with this report and to be ratified by the Governing Board
- (3) File any necessary documentation regarding the formation of the Downtown South NID with the State of Florida Department of Community Affairs.

(b) ***Within One (1) Year from the Date of Formation of the Downtown Orlando NID:***

- (1) Advisory Council shall conduct a detailed review the South Downtown Vision Plan (accepted by the City of Orlando City Council on February 2, 2009) and the Orange/Michigan Vision Plan (accepted by the Orlando City Council on June 21, 2010) and prepare a Capital Improvements Plan for the Downtown South NID. To the extent possible, the Advisory Board should

utilize project and cost data and other financial analysis already prepared as part of the Vision Plan process.

- (2) Advisory Council shall prepare a Financing Plan to support the Capital Improvements Plan for the Downtown South NID, which shall include a short term or preliminary financing plan to support the Downtown South NID prior to funding sources becoming available through special assessment and/or ad valorem revenue. To the extent possible, the Advisory Board should utilize project and cost data and other financial analysis already prepared as part of the Vision Plan process.
- (3) Advisory Council may apply for and receive certain grants, which would include, but not be limited to planning grants from the State of Florida Department of Community Affairs.

(c) ***Following Eighteen (18) months from the Date of Formation of the Downtown Orlando NID and after successful completion of the items set forth above:***

- (1) The Downtown South NID may initiate a referendum to determine the suitability of a special assessment and/or ad valorem tax to support the Capital Improvements Plan for the Downtown South NID.

EXHIBIT A:
Meeting Agendas, Minutes and Memoranda

EXHIBIT B:
Planning Official Determination



CITY OF ORLANDO

September 9, 2010

PLANNING OFFICIAL DETERMINATION

To: Downtown South Neighborhood Improvement District Exploratory Committee

From: Dean J. Grandin, Jr., AICP
Planning Official

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

Subject: Downtown South Neighborhood Improvement District

Background. On June 7, 2010, the Orlando City Council approved a resolution establishing the Downtown South Neighborhood Improvement District Exploratory Committee. Section 4.c of that resolution provides that the Exploratory Committee shall determine whether, and if so, to what extent, the City's Growth Management Plan must be amended to accommodate the establishment of a Neighborhood Improvement District. The following determination is provided in response to section 4.c of the resolution.

Analysis. Comprehensive planning in Florida is regulated under Chapter 163, Part II, Florida Statutes. Consistent with these regulations, the City of Orlando has an adopted comprehensive plan, known locally as the Growth Management Plan (GMP). The GMP does not identify special taxing districts within the City. In addition, Florida Statutes do not require that the GMP identify special taxing districts in the City.

The GMP does include policies, maps and figures that address the future use, intensity and character of development throughout the City. Specifically, the Future Land Use Element of the GMP assigns future land use designations to all property in the City. The Future Land Use Element also includes four subarea policies that specifically address future development within the Downtown South area, defined in subarea policy S.12.7 as the area generally bound by the East/West Expressway, South Orange Avenue, Michigan Street and I-4. The four subarea policies (S.12.7, S.12.8, S.12.9 and S.12.9.1 establish general parameters for a zoning overlay district that may be adopted in the future to encourage redevelopment and accommodate existing development within the Downtown South area. The following excerpts from subarea policy S.12.7 are related to the Exploratory Committee's analysis of Neighborhood Improvement Districts:

- (c) *Special Plan Overlay Zoning.* To implement the recommendations of the Vision Plan, the City may adopt one or more Special Plan Overlay zoning designations. Any application for adoption of the Special Plan Overlay zoning designations contemplated under this Subarea policy must include a detailed proposal for funding any public infrastructure needed to accommodate increased densities and intensities.

- (e) *Public Outreach.* Business and property owners within the South Downtown Subarea are encouraged to participate in discussions regarding area-wide public infrastructure needs and funding alternatives; methods for sharing the cost of public infrastructure improvements; and a comprehensive yet compassionate course of action to deal with the transient and homeless issues within the district.

The proposal to create a Neighborhood Improvement District and the Exploratory Committee process are both consistent with these subarea policies.

Determination. Upon review, we have determined that:

1. The approval of a Neighborhood Improvement District is not inconsistent with the City of Orlando GMP.
2. A Neighborhood Improvement District may be approved without amending the GMP.

* * *

**EXHIBIT C:
Sub District Map**

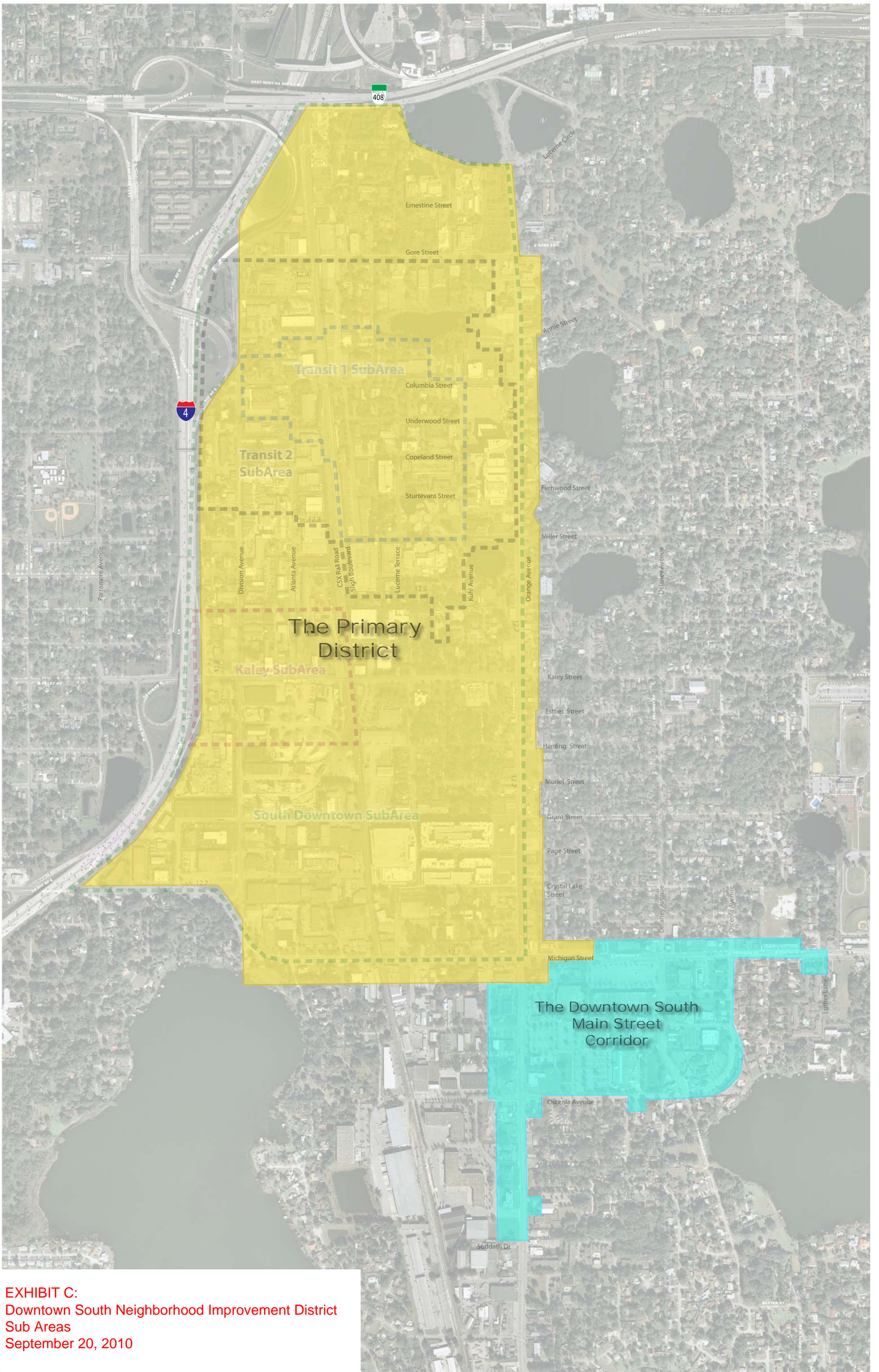


EXHIBIT C:
Downtown South Neighborhood Improvement District
Sub Areas
September 20, 2010

**EXHIBIT D:
Proposed Neighborhood Improvement District Boundary**

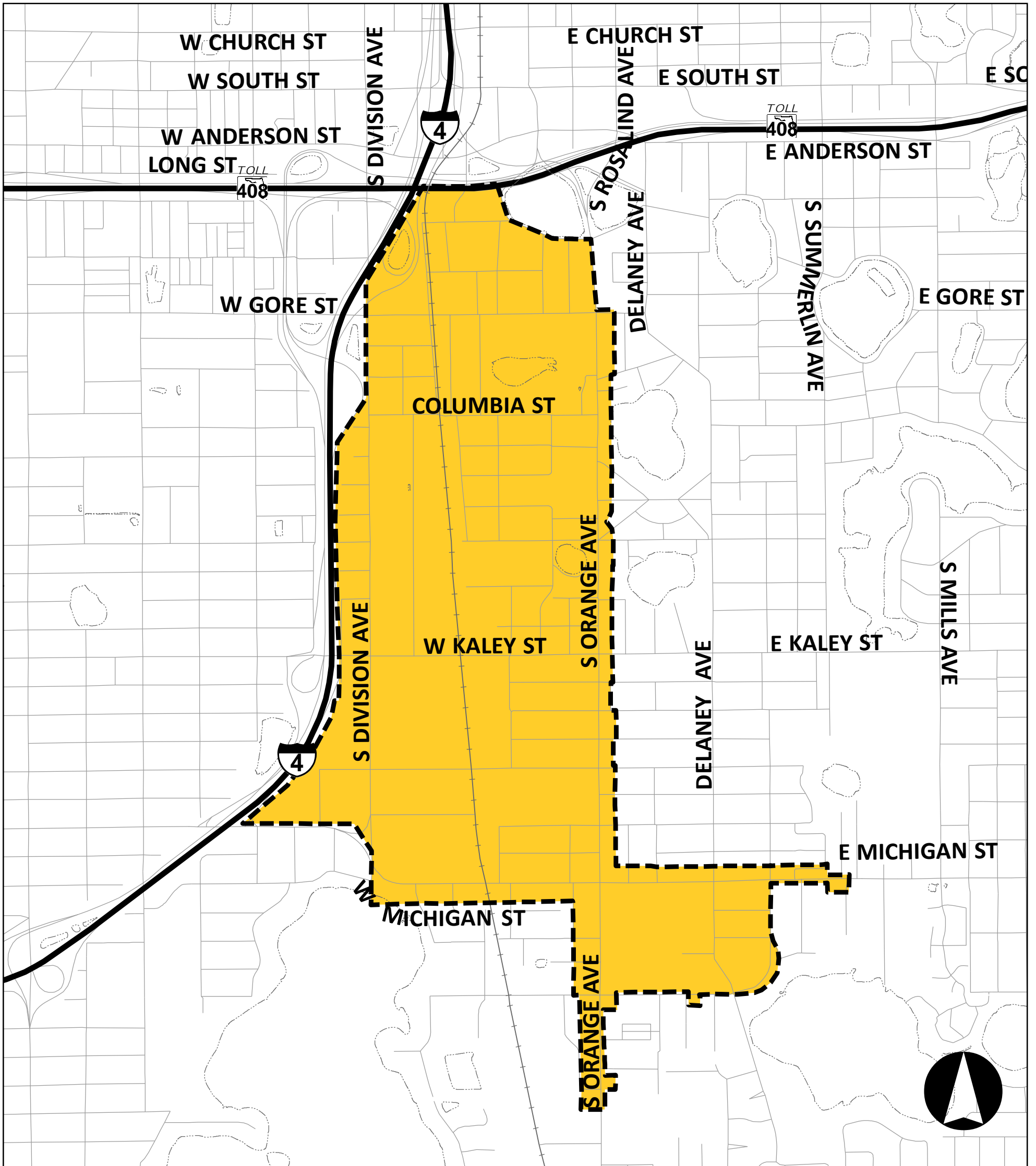


EXHIBIT D:
Downtown South Neighborhood Improvement District
Proposed Boundaries
September 20, 2010

EXHIBIT E:
Resolution Establishing Exploratory Committee

1 **A RESOLUTION OF THE CITY OF ORLANDO, FLORIDA,**
2 **RELATING TO NEIGHBORHOOD IMPROVEMENT**
3 **DISTRICTS; CREATING AN EXPLORATORY**
4 **COMMITTEE FOR A PROPOSED DOWNTOWN SOUTH**
5 **NEIGHBORHOOD IMPROVEMENT DISTRICT;**
6 **PROVIDING FOR DUTIES OF THE COMMITTEE,**
7 **SEVERABILITY, REPEAL OF CONFLICTING**
8 **RESOLUTIONS, CORRECTION OF SCRIVENER'S**
9 **ERRORS, AND AN EFFECTIVE DATE.**

10
11 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORLANDO,**
12 **FLORIDA:**

13
14 **SECTION 1. EXPLORATORY COMMITTEE CREATED.** There is hereby created
15 a Downtown South Neighborhood Improvement District Exploratory Committee (hereinafter the
16 "Committee") comprised of seven members. Members of the Committee must be either a
17 resident within the district study boundaries, an owner of real property within the district study
18 boundaries, an owner, director, or officer of a business located within the district study
19 boundaries, a representative of one of the foregoing, or a person with a recognizable and
20 substantial stake in the future of the proposed district.

21
22 Members of the Committee shall be appointed by the Mayor and approved by Council.
23 At least one of the committee members must be a representative of Orlando Health and at least
24 one other member must be an owner, or a representative of an owner, of real property within the
25 district study boundaries and that is currently designated for industrial use on the City's future
26 land map.

27
28 The Committee must conduct its business in accordance with applicable state and local
29 laws and policies. The chief administrative officer shall provide the Committee with reasonable
30 administrative support and may assign City staff to act as a recording secretary. The City
31 attorney may provide legal advice to the Committee, and the chief financial officer should
32 provide the Committee with advice on financial matters.

33
34 **SECTION 2. DISTRICT STUDY BOUNDARIES.** For purposes of the exploratory
35 committee, the study boundaries for the Downtown South Neighborhood Improvement District
36 (the "Proposed District") are the southern right-of-way boundary of the East-West Expressway
37 on the north, the centerline of Michigan Street to the south, the centerline of Orange Avenue to
38 the east, and the eastern right-of-way boundary of Interstate-4 to the west.

39
40 As described in section 4 of this resolution, if the Committee recommends the creation of
41 a neighborhood improvement district, the Committee shall recommend definitive district
42 boundaries, and should, to this end, consider whether commercial properties on the east side of
43 S. Orange Ave. should be included within a proposed district.

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45 **SECTION 3. DUTIES OF THE COMMITTEE.** The Committee must, at a minimum,
46 undertake the following activities:

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- a. Conduct at least three public meetings, either at City Hall, or within a publically owned and publically accessible hall within or nearby the district study boundaries.
- b. At least two of the public meetings must include the opportunity for a public hearing. The public hearings must afford a fair opportunity for affected persons to testify on the proposed district. Notice of the public hearings must be provided as directed by the Committee and as likely to apprise interested parties of the opportunity to be heard. Testimony and evidence provided by interested parties should be included within the Committee's report to Council.
- c. Gather or create information, data, maps, plans, studies, capital improvements plans, and other relevant material as necessary to adequately inform Council of the need for a district. The Committee should also review and analyze relevant existing plans and studies and include a summary of such material in its final report.
- d. Produce and issue a report to Council, as described hereinafter.

SECTION 4. REPORT. The Committee shall issue a report to Council that includes a recommendation of whether a neighborhood improvement district is desirable and useful. If the formation of a district is found to be desirable and useful, the following information and recommendations should be included within the report:

- a. A description of the goals and purposes of the proposed district.
- b. Which of the districts authorized by the Safe Neighborhoods Act, Part IV, Chapter 163, Florida Statutes, is most advisable.
- c. Whether, and if so, to what extent, the City's Growth Management Plan must be amended to accommodate the establishment of the proposed district.
- d. The proposed district's boundaries and size.
- e. The proposed district's name.
- f. The composition of the proposed district's governing board, and if applicable, the composition of an advisory council to the governing board.
- g. The duties, responsibilities, and powers of the district's governing board, and if applicable, of the advisory council to the governing board.
- h. Which of the powers authorized by section 163.514, Florida Statutes, should be granted or prohibited to the proposed district.

- 91 i. Other information that the Committee finds would be useful to the Council in making a
92 determination of whether to authorize the formation of a neighborhood improvement
93 district.
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95 **SECTION 5. REPORT DUE DATE.** The Committee shall issue its final report to
96 Council by no later than October 1, 2010.
97

98 **SECTION 6. SEVERABILITY.** If any provision of this resolution or its application to
99 any person or circumstance is held invalid, the invalidity does not affect other provisions or
100 applications of this resolution which can be given effect without the invalid provision or
101 application, and to this end the provisions of this resolution are severable.
102


103 **SECTION 7. REPEAL.** All resolutions or parts of resolutions previously adopted and
104 in conflict with this resolution are hereby repealed.
105

106 **SECTION 8. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
107 errors found in this resolution by filing a corrected copy of this resolution with the City Clerk.
108

109 **SECTION 9. EFFECTIVE DATE.** This resolution takes effect immediately upon
110 adoption.
111

112 **ADOPTED**, by an affirmative vote of a majority of a quorum present of the City Council
113 of the City of Orlando, Florida, at a regular meeting, this 7 day of
114 June, 2010.
115

116 BY THE MAYOR/MAYOR PRO TEMPORE OF
117 THE CITY OF ORLANDO, FLORIDA:
118

119 
120 _____
121 Mayor / Mayor Pro Tempore
122

123 ATTEST, BY THE CLERK OF THE
124 CITY COUNCIL OF THE CITY OF
125 ORLANDO, FLORIDA:
126

127 
128 _____
129 City Clerk

130 APPROVED AS TO FORM AND LEGALITY
131 FOR THE USE AND RELIANCE OF THE
132 CITY OF ORLANDO, FLORIDA:
133

134 
135 _____
136 City Attorney


Kyle Shephard

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EXHIBIT F:
PowerPoint Presentation Regarding Neighborhood Improvement Districts

**EXHIBIT G:
Advertisements and Notices**