

CITY OF ORLANDO COUNCIL AGENDA ITEM

BCC Mtg. Date: Dec. 14, 2021

H/O 2nd Rd
#6

Items Types:

Hearings/Ordinances/2nd Read

District: 1

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

November 8, 2021

From:

Document Number:

On File (City Clerk) : No

Draft Only: No

Subject:

Ordinance No. 2021-69 Annexing the Subject Properties, Assigning the Urban Village Future Land Use Designation and Initial Zoning of Planned Development (PD), and Creating Subarea Policy S.40.12 for Approximately 24.7 Acres of Property Generally Located North of the Novel Nona Planned Development (PD), East of Narcoossee Road, South of Kirby Smith Road, and West of Lake Whippoorwill (2nd Wave Apartments) (Economic Development)

Summary:

Ordinance No. 2021-69 will annex 11747, 11749, 11751, 11757, 11763, 11809, and one unaddressed parcel on Narcoossee Road; assign the Urban Village future land use designation and initial zoning of Plan Development (PD); and create Future Land Use Subarea Policy S.40.12. The properties currently contain single-family homes and docks, and are being annexed to develop up to 30,000 sq. ft. of commercial uses and up to three hundred seventy-seven (377) apartments.

The subject properties are contiguous to the City limits and are reasonably compact. If annexed, the properties will not create an enclave. Council accepted the petition for annexation on July 19, 2021. The Municipal Planning Board (MPB) recommended approval of the annexation (ANX2021-10008), GMP amendments (GMP2021-10014 and GMP2021-10015), initial zoning (ZON2021-10010) on August 17, 2021.

Fiscal & Efficiency Data:

Fiscal impact statement attached.

Recommended Action:

Adopting Ordinance No. 2021-69 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: Megan Barrow, megan.barrow@orlando.gov, 407.246.3363; Melissa Clarke, melissa.clarke@orlando.gov

Approved By:**Department**

Budget Outside Routing Approval

City Clerk

Date and Time

10/27/2021 9:59 AM

10/28/2021 12:14 PM

City Council Meeting: 11-8-21

Item: 12-6 Documentary: 211081206

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

ATTACHMENTS:

Name:	Description:	Type:
D Ord 2021-69 2nd Wave Apartments updated.pdf	Ordinance 2021-69	Backup Material
D Ord 2021-69 Exhibits A-E.pdf	2021-69 Exhibits	Backup Material
D Fiscal Impact Statement - 2nd Wave ANX.pdf	Fiscal Impact Statement	Fiscal Impact Statement

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

BCC Mtg. Date: Dec. 14, 2021

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, ANNEXING TO THE
3 CORPORATE LIMITS OF THE CITY CERTAIN LAND
4 GENERALLY LOCATED NORTH OF THE NOVEL NONA
5 PLANNED DEVELOPMENT, EAST OF NARCOOSSEE
6 ROAD, SOUTH OF KIRBY SMITH ROAD, AND WEST OF
7 LAKE WHIPPOORWILL AND COMPRISED OF 24.7
8 ACRES OF LAND, MORE OR LESS; AMENDING THE
9 CITY'S GROWTH MANAGEMENT PLAN TO DESIGNATE
10 THE PROPERTY AS URBAN VILLAGE, IN PART AND
11 CONSERVATION, IN PART; AMENDING THE CITY'S
12 GROWTH MANAGEMENT PLAN TO CREATE FUTURE
13 LAND USE SUBAREA POLICY S.40.12; DESIGNATING
14 THE PROPERTY AS PLANNED DEVELOPMENT ON THE
15 CITY'S OFFICIAL ZONING MAPS; PROVIDING A SITE
16 PLAN AND SPECIAL LAND DEVELOPMENT
17 REGULATIONS FOR THE PLANNED DEVELOPMENT;
18 PROVIDING FOR CONSENT TO THE MUNICIPAL
19 SERVICES TAXING UNIT FOR LAKE WHIPPOORWILL;
20 PROVIDING FOR AMENDMENT OF THE CITY'S
21 OFFICIAL FUTURE LAND USE AND ZONING MAPS;
22 PROVIDING FOR SEVERABILITY, CORRECTION OF
23 SCRIVENER'S ERRORS, PERMIT DISCLAIMER AND AN
24 EFFECTIVE DATE.

25
26 **WHEREAS**, on July 19, 2021, the City Council of the City of Orlando, Florida (the
27 "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
28 "petition") bearing the signatures of all owners of property in an area of land generally
29 located north of the Novel Nona Planned Development, east of Narcoossee Road, south
30 of Kirby Smith Road, and west of Lake Whippoorwill, such land comprised of
31 approximately 24.7 acres of land and being precisely described by the legal description
32 of the area by metes and bounds attached to this ordinance as **Exhibit A** (hereinafter
33 the "property"); and
34

35 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
36 section 171.044, Florida Statutes; and
37

38 **WHEREAS**, at its regularly scheduled meeting of August 17, 2021, the Municipal
39 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the
40 following applications relating to the property:
41

42 1. Annexation case number ANX2021-10008, requesting to annex the property
43 into the jurisdictional boundaries of the city; and
44

45 2. Growth Management Plan (hereinafter the "GMP") case number GMP2021-
46 10014, requesting an amendment to the city's GMP to designate the property as "Urban
47 Village," in part, and "Conservation," in part on the city's official future land use map; and
48

49 3. GMP case number GMP2021-10015, requesting to create subarea policy
50 S.40.12 in the City's Future Land Use Element; and
51

4. Zoning case number ZON2021-10010, requesting to designate the property as Planned Development on the city's official zoning maps (hereinafter referred to as the "applications");

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 ANX2021-10008, GMP2021-10014, GMP2021-10015 and ZON2021-10010 (entitled "2ND Wave Apartments Annexation"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance in accordance therewith; and

WHEREAS, the MPB found that applications GMP2021-10014 and GMP2021-10015 are consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (the "State Comprehensive Plan"); and

2. The *East Central Florida 2060 Plan* adopted by the East Central Florida Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (the "Strategic Regional Policy Plan"); and

3. The *City of Orlando Growth Management Plan*, adopted as the city's "comprehensive plan" for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (the "GMP"); and

WHEREAS, the MPB found that application ZON2021-10010 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, 4 and 5 of this ordinance are adopted pursuant to the "expedited state review process for adoption of comprehensive plan amendments" as provided by section 163.3184, Florida Statutes; and

WHEREAS, the Orlando City Council hereby finds that:

1. As of the date of the petition, the property was located in the unincorporated area of Orange County; and

2. As of the date of the petition, the property is contiguous to the city within the meaning of subsection 171.031(11), Florida Statutes; and

3. As of the date of the petition, the property is reasonably compact within the meaning of subsection 171.031(12), Florida Statutes; and

4. The petition bears the signatures of all owners of property in the area to be annexed; and

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

6. The property is located wholly within the boundaries of a single county; and

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

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

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 171.031(8), or 171.021 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 "Urban Village" in part and "Conservation" in part as depicted in **Exhibit C** to this ordinance.

SECTION 4. CREATING FUTURE LAND USE SUBAREA POLICY S.40.12.
The City's Growth Management Plan, Future Land Use Element, is amended to add Subarea Policy S.40.12, to read as follows:

Policy S.40.12. The properties within the boundary of this Subarea Policy are located within the Southeast Orlando Sector Plan area and shall be zoned Planned Development (PD). The provisions specified in Future Land Use Policy 2.4.4, Goal 4 and associated objectives and policies shall apply within this area.

The maximum development capacity of this area shall be as follows:

<u>2ND Wave Apartments</u>	<u>377 residential units and 30,000 sq. ft. commercial or an equivalent amount of other non-residential uses allowed by the Village Center designation. Single-family dwelling units existing at the time of annexation shall be considered legal and conforming.</u>
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Any increase in development capacity beyond that allowed by this subarea policy shall require a GMP amendment and shall be supported by data and analysis that demonstrates adequate facilities and services are available to accommodate the proposed density and intensity of development. Prior to development, each development site shall be reviewed by the Southeast Town Design Review Committee (SETDRC) as part of a specific parcel master plan that addresses building layout, parking, and other site planning issues as identified in the Land Development Code.

Transportation

The proposed roadway network within the project shall conform to the City of Orlando's Major Thoroughfare Plan, as may be amended from time to time. Each Specific Parcel Master Plan shall include typical street cross sections if new streets are proposed.

SECTION 5. AMENDMENT OF GROWTH MANAGEMENT PLAN. The city planning official, or designee, is hereby directed to amend the city's adopted growth management plan in accordance with this ordinance.

SECTION 6. ZONING DESIGNATION. Pursuant to the LDC, the zoning designation for the property is hereby established as the "Planned Development District" (denoted on the city's official zoning maps as the "PD" district), as depicted in **Exhibit D** to this ordinance.

SECTION 7. AMENDMENT OF OFFICIAL ZONING MAP. The city zoning official, or designee, is hereby directed to amend the city's official zoning maps in accordance with this ordinance.

SECTION 8. SPECIAL LAND DEVELOPMENT REGULATIONS. The Property is subject to the following special land development regulations:

A. General

1. Minor Modification. Minor modifications and design changes including but not limited to signs, landscaping, driveway locations, and other minor changes that are required beyond those previously reviewed by the Municipal Planning Board, may be approved by the Planning Official without further review by the Municipal Planning Board. Major changes shall require additional review by the Municipal Planning Board.
2. General Code Compliance. Development of the proposed project shall be consistent with the conditions herein. Conditions herein shall supersede conflicting provisions in all codes and ordinances of the City of Orlando. The project shall comply with applicable requirements of the State of Florida, and all other applicable regulatory agencies. All other applicable state or federal permits must be obtained before commencing development.
3. Framework Map. Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the framework map attached to this ordinance as **Exhibit E** ("the Framework Map"). In the event of a conflict between the text of this ordinance and the Framework Map, the text of this ordinance controls.
4. Conformance with PD. Construction and development must conform to approved site plans, elevations, and landscaping plans on file with the City Planning Division and all conditions contained herein.
5. Zoning. For any requirements not specifically addressed herein, Chapter 68 of the Land Development Code (the Southeast Sector Plan) shall apply. For any requirements not specifically addressed in the Southeast Sector Plan, the AC-1 zoning district shall apply.
6. Specific Parcel Master Plans. The properties within this subject area are required to submit Specific Parcel Master Plans (SPMPs) to the Southeast Town Design Review Committee (SETDRC) prior to the issuance of building permits. The SETDRC may approve minor modifications to the design standards.
7. Village Center Standards. To provide flexibility of development and based on site-specific constraints, the standard for Village Center composition of mix can be determined at the time of SPMP review. The development must adhere to Chapter 68 of the Land Development Code.
8. Existing Uses. Uses existing as of the effective date of this ordinance are legally conforming uses. Minor alterations that meet the AC-1 standards are allowed. Any substantial improvements or enlargements must meet the PD standards.
9. Prohibited Uses. Prohibited Uses shall be consistent with Subarea Policy S.40.6.
10. Maximum Intensity. The maximum development intensity shall not exceed 30,000 sq. ft. of commercial uses and 377 multifamily units, or an equivalent amount of other uses allowed by the Village Center designation.

11. Maximum Impervious Surface Ratio (ISR). The maximum ISR is 0.85 for the Village Center area and 0.60 for the Residential Neighborhood area. An overall ISR of 0.70 is permissible subject to approval by the South Florida Water Management District and the City Engineer at time of permitting. This shall not be construed as requiring changes to single-family lots existing at time of annexation.
12. Site Plan. The site plan shall indicate FEMA flood zone boundaries and types.
13. Street Connection. A street connection to Pioneers Way is required.
14. Lighting
 - a. All utilities, including street light poles, shall be kept out of the pedestrian path.
 - b. Site lighting must comply with the City outdoor lighting code, section 63.400 of the Land Development Code.
 - c. Light-emitting diode (LED) lamps are encouraged.
15. Signage. A Master Sign package for each phase or parcel is subject to review and approval by the City Planning Official, or designee, prior to the issuance of any building permit for the respective phase or parcel. The Property must be developed and maintained in accordance with the final approved sign package. Signs on the property must comply with the City's generally applicable sign code, and the following:
 - a. Campus signs are allowed; the multifamily development may locate its entrance sign along Narcoossee Road.
 - b. Pole Signs are prohibited.
 - c. Monument signs are encouraged.
16. Setbacks. The required setbacks are as follows:
 - a. The Narcoossee Road setback is 32.5 feet, which includes the 15-foot utility easement, 7.5-foot street tree area and a 10-foot landscaped area.
 - b. A 100-foot buffer and an additional 20-foot setback is required from the mean high water line of Lake Whippoorwill.
 - c. Proposed setbacks will be reviewed as part of the SPMP.
17. Bufferyards. The development must be consistent with the bufferyard requirements in Chapter 60, Orlando City Code. While the bufferyards adjacent to existing uses shall be established at the SPMP, the bufferyard from Orange County properties located within the rural settlement shall be 25 feet per Subarea Policy S. 40.6. If the adjacent property is annexed or removed from the rural settlement, the buffer may be eliminated, but may be subject to further site plan review or a PD amendment.
18. Building Height. The building height shall be between one and four stories. The maximum building height within 400 feet of Lake Whippoorwill is two stories. Only residential uses are allowed within 400 feet of Lake Whippoorwill.
19. Pedestrian Connections. Minimum 5-foot wide pedestrian connections shall be provided from the public street to the principal building.

20. Lakefront Trail Development. An ADA accessible trail shall be developed near Lake Whippoorwill as specified in the S.40.6. The trail must be privately maintained and shall be located in such a manner as to facilitate reasonable, pedestrian-friendly connections with future segments. If it is publicly accessible, a portion may be used to meet park requirements consistent with Chapter 68, Section 68.500 and Fig. 68-M, Orlando City Code.
21. Dock and Boat Restrictions. Neither additional docks nor boat ramps can be built within the PD. Existing docks may be maintained and rehabilitated but not expanded.
22. Water Reclamation. The sanitary sewer and reclaimed water design must be coordinated with and reviewed by Orange County Utilities.
23. Transportation
- a. Proposed sidewalks and driveways on Narcoossee Road will require a permit from Orange County Engineering, which must be provided to the City with the permitting application.
 - b. Due to the narrow frontage that the development has on Narcoossee as well as adjacent off-site curb cuts, only one curb cut to Narcoossee is permitted. All access to individual parcels must be from the proposed east-west roadway/driveway or via Pioneers Way.
 - c. The final location and design of the cutout on Narcoossee Road must be determined at time of SPMP. Given operational concerns at the intersection, a directional median opening is recommended. Should off-site improvements be required, the developer must enter into discussions with the City on possible cost-sharing for required off-site improvements.
 - d. Cross Sections must be consistent with other segments.
 - e. Pioneers Way must be a public right of way and be dedicated as such on the plat. Publicly accessible connections to the north and south must be provided by the property owner. An existing third-party fence easement may prevent full connection to the north. At the time of development, access must be constructed up to the fence easement. If the easement is terminated, access to the north property line must be constructed within one year of the easement's termination. Any east-west roadways may be privately owned and maintained and must be designated accordingly on all plats.
 - f. Any street sidewalks and trails not located within a public or private right-of-way must be dedicated to the public through an easement at time of platting.
 - g. The 87-foot cross section must be amended to reflect 7-foot wide on-street parking spaces with a maximum of 1 foot of the parking lane located in the gutter pan. Where on-street parking is not provided, then that area between the sidewalk or trail and curb must be maintained as a landscape area.
24. Fire
- a. Fire Department Access to Buildings. The design of all buildings must account for fire department access. The access road must extend 50 feet from an exterior doorway that allows access to the building's interior via a

common hall or common lobby area, or the largest tenant area if the building does not have a common interior area.

- b. Manual Suppression. Any portion of the building or exterior wall of the first story shall be located not more than 150 feet from the fire department access road as measured by an approved route around the exterior of the building or facility. The distance can be increased to 450 feet if the building is protected by an automatic sprinkler system.
- c. Approved Turnaround. An approved turnaround shall be provided for fire apparatus where an access road is a dead end in excess of 150 feet. When a dead end road will not accommodate an approved t-turn or turnabout, a minimum width of 25 feet is required. The turnabout shall be the minimum 20-foot width of the fire department access road and sized for the dimensions of the largest Orlando Fire Department apparatus. Use of areas subject to obstruction by vehicles such as loading docks and parking garages are prohibited. Acceptable turnarounds can include T-turn, Y-turn or cul-de-sac.
- d. Fire Department Access Road. All fire department access roadways shall have an all-weather driving surface capable of supporting the load of fire apparatus, an unobstructed width of not less than 20 feet and a minimum vertical clearance of at least 13 feet 6 inches. The minimum required widths and clearances shall be maintained at all times. The minimum required width of a fire department access road shall not be obstructed by parking spaces or reduced in any manner, and entrances to fire department access roads that have been closed with gates and barriers shall not be obstructed by parked vehicles.

SECTION 9. CONSENT TO MUNICIPAL SERVICES TAXING UNIT (MSTU).

Pursuant to section 125.01(1)(q), Florida Statutes, the Orlando City Council hereby consents to the boundaries of the Lake Whippoorwill MSTU for aquatic weed control, general maintenance, and improvements of the lake including that certain part of the corporate territory of the City of Orlando as annexed by this ordinance. The City's consent expires on the date on which Orange County discontinues the MSTU levy. This consent applies only with respect to levies lawfully existing as of the effective date of this ordinance. Additionally, the City's consent is hereby conditioned on the City maintaining its full constitutional authority to levy ad valorem taxes of up to 10 mills for municipal purposes. Therefore, the City's consent provided by this section shall terminate as of the date the Orlando City Council levies an ad valorem millage rate that when added to the existing MSTU levy would, if the City's consent to the MSTU was not terminated, exceed the constitutional 10 mill cap. The purpose of this term and condition is to maintain the City's ability, if ever necessary, to levy its full constitutional allotment of ad valorem taxes without restriction by virtue of the County's MSTU.

SECTION 10. 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 11. 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 12. DISCLAIMER. In accordance with Section 166.033(6), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the City for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

SECTION 13. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption, and sections three, four, five, six, and seven which take effect on the 31st day after the state land planning agency notifies the city that the plan amendment package is complete. If timely challenged, this ordinance does not become effective until the state land planning agency or the Administration Commission enters a final order determining this amendment to be "in compliance" as defined at section 163.3187, Florida Statutes.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 25 day of OCTOBER, 2021.

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 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

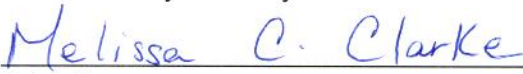
Stephanie Herdocia
Print Name

City Council Meeting: 11-8-21
Item: 12-6 Documentary: 2111081206

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



Assistant City Attorney



Print Name

[Remainder of page intentionally left blank.]

EXHIBIT
A



VERIFIED LEGAL DESCRIPTION FORM

The following legal description has been prepared by
Mike Baerhold **Leading Edge Land Services**

and submitted to the City Planning Division for verification.

Mike Baerhold
Signature

9/30/2021
Date



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

By: R. Allen Date: 10/06/2021

Application Request (Office Use Only)

File No. ANX2021-10008
GMP2021-10015
ZON2021-10010

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

HEFFERNAN PARCEL

PARCEL 1: (FEE ESTATE)

LOT 1, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION DEED OUT IN THAT WARRANTY DEED RECORDED UNDER OFFICIAL RECORDS INSTRUMENT NUMBER 20170667632, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL 2: (FEE ESTATE)

A PORTION OF LOT 2, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 2, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN N 89°34'08" E, ALONG THE NORTH BOUNDARY LINE OF LOT 2, 594.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH BOUNDARY LINE N 89°34'08" E, 20.00 FEET; THENCE DEPARTING SAID NORTH BOUNDARY LINE S 00°00'00" E, 110.00 FEET; THENCE S 89°34'08" W, 614.00 FEET TO THE WEST BOUNDARY LINE OF LOT 2; THENCE N 00°00'00" ALONG SAID WEST BOUNDARY LINE, 20.00 FEET; THENCE DEPARTING THE WEST BOUNDARY LINE N 89°34'08" E, 594.00 FEET; THENCE N 00°00'00" W, 90.00 FEET

TO THE POINT OF BEGINNING.

PARCEL 3: (EASEMENT ESTATE)

TOGETHER WITH A NON-EXCLUSIVE, PERPETUAL EASEMENT FOR INGRESS AND EGRESS BENEFITTING OF THE ABOVE DESCRIBED PARCELS 1 AND 2, BEING CREATED BY AND SET-FORTH IN THAT CERTAIN RECIPROCAL ACCESS EASEMENT AGREEMENT BY AND BETWEEN MARILYN P. HEFFERAN, AND WHIPPOORWILL REAL ESTATE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND BOTH OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, RECORDED UNDER OFFICIAL RECORDS INSTRUMENT NUMBER 20180429404, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

RICHGELS PARCEL

PARCEL 1:

A PORTION OF LOT 2, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE(S) 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE(S) 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. THENCE RUN NORTH 89° 34' 08" EAST ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 958.03 FEET; THENCE CONTINUE ALONG THE SOUTH LINE OF LOT 2 NORTH 80° 51' 55" EAST A DISTANCE OF 989.36 FEET TO THE SOUTHEAST CORNER OF LOT 2; THENCE LEAVING SAID SOUTH LINE RUN NORTH 00° 11' 25" EAST ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 100.29 FEET TO THE NORTHEAST CORNER OF LOT 2; THENCE LEAVING SAID EAST LINE RUN SOUTH 80° 51' 55" WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 859.60 FEET; THENCE CONTINUE ALONG SAID NORTH LINE OF LOT 2 SOUTH 89° 34' 08" WEST A DISTANCE OF 473.10 FEET; THENCE RUN SOUTH 00° 00' 00" EAST A DISTANCE OF 110.00 FEET; THENCE RUN SOUTH 89° 34' 08" WEST A DISTANCE OF 614.00 FEET TO THE EASTERLY RIGHT OF WAY OF S.R. 15 (NARCOOSSEE RD); THENCE RUN SOUTH 00° 00' 00" WEST ALONG THE EASTERLY RIGHT OF WAY LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

TOGETHER WITH NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 ABOVE, AS SET FORTH IN THAT CERTAIN RECIPROCAL ACCESS EASEMENT AGREEMENT BY AND BETWEEN MARILYN P. HEFFERAN AND WHIPPOORWILL REAL ESTATE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, RECORDED JULY 20, 2018 IN OFFICIAL RECORDS INSTRUMENT NO. 20180429404, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

MEEKS PARCEL

LOT 3, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE(S) 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. SUBJECT TO AN EASEMENT OVER THE WEST 15 FEET.

GEISLER PARCEL

LOT 4, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS THE WEST 570.46 FEET THEREOF, TOGETHER WITH AN EASEMENT FOR REGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 OF THE PLAT OF LAKE WHIPPOORWILL ESTATES, AS RECORDED IN PLAT BOOK 12, PAGE 16 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N00°00'00"E ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 23.16 FEET; THENCE RUN N89°34'08" EAST A DISTANCE OF 14.29 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 54.79 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°43'56" AN ARC DISTANCE OF 23.65 FEET TO THE POINT OF TANGENCY, THENCE RUN N64°50'12"E A DISTANCE OF 27.00 FEET TO THE TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°35'52" AN ARC DISTANCE OF 70.86 FEET TO THE POINT OF TANGENCY, THENCE RUN S74°33'56"E A DISTANCE OF 67.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 200.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°51'56" AN ARC DISTANCE OF 55.38 FEET TO THE POINT OF TANGENCY, THENCE RUN N89°34'08"E A DISTANCE OF 284.19 FEET; THENCE RUN S00°00'00"E A DISTANCE OF 18.69 FEET TO THE SOUTH LINE OF AFORESAID LOT 3; THENCE RUN S89°34'08"W, ALONG SAID SOUTH LINE OF LOT 3, A DISTANCE OF 535.02 FEET TO THE POINT OF BEGINNING.

STRASBERG PARCEL

THE WEST 570.46 FEET OF LOT 4, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE(S) 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. SUBJECT TO AN EASEMENT OVER THE WEST 15 FEET THEREOF.

PANCHAL PARCEL (RESIDENTIAL)

A PARCEL OF LAND LOCATED IN SECTION 17, TOWNSHIP 24 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 5, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE WEST LINE OF SAID LOT 5 AND ALONG THE EAST RIGHT-OF-WAY LINE OF NARCOOSSEE ROAD (VARIABLE-WIDTH PUBLIC RIGHT OF WAY), N00°10'26"E, A DISTANCE OF 104.57 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH LINE OF SAID LOT 5 THE FOLLOWING TWO (2) COURSES: 1) N89°43'40"E, A DISTANCE OF 700.13 FEET; 2) N81°01'27"E, A DISTANCE OF 443.12 FEET; THENCE LEAVING SAID NORTH LINE, S10°00'43"E, A DISTANCE OF 173.97 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE ALONG SAID SOUTH LINE, S89°43'11"W, A DISTANCE OF 1168.39 FEET TO THE POINT OF BEGINNING.

PANCHAL PARCEL (COMMERCIAL)

A PARCEL OF LAND LOCATED IN SECTION 17, TOWNSHIP 24 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING A PORTION OF LOT 5, LAKE WHIPPOORWILL ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE WEST LINE OF SAID LOT 5 AND ALONG THE EAST RIGHT-OF-WAY LINE OF NARCOOSSEE ROAD (VARIABLE-WIDTH PUBLIC RIGHT OF WAY), N00°10'26"E, A DISTANCE OF 104.57 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH LINE OF SAID LOT 5 THE FOLLOWING TWO (2) COURSES: 1) N89°43'40"E, A DISTANCE OF 700.13 FEET; 2) N81°01'27"E, A DISTANCE OF 443.12 FEET; THENCE LEAVING SAID NORTH LINE, S10°00'43"E, A DISTANCE OF 173.97 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE ALONG SAID SOUTH LINE, S89°43'11"W, A DISTANCE OF 1168.39 FEET TO THE POINT OF BEGINNING.

SAID LANDS ARE FURTHER DESCRIBED AS FOLLOWS:

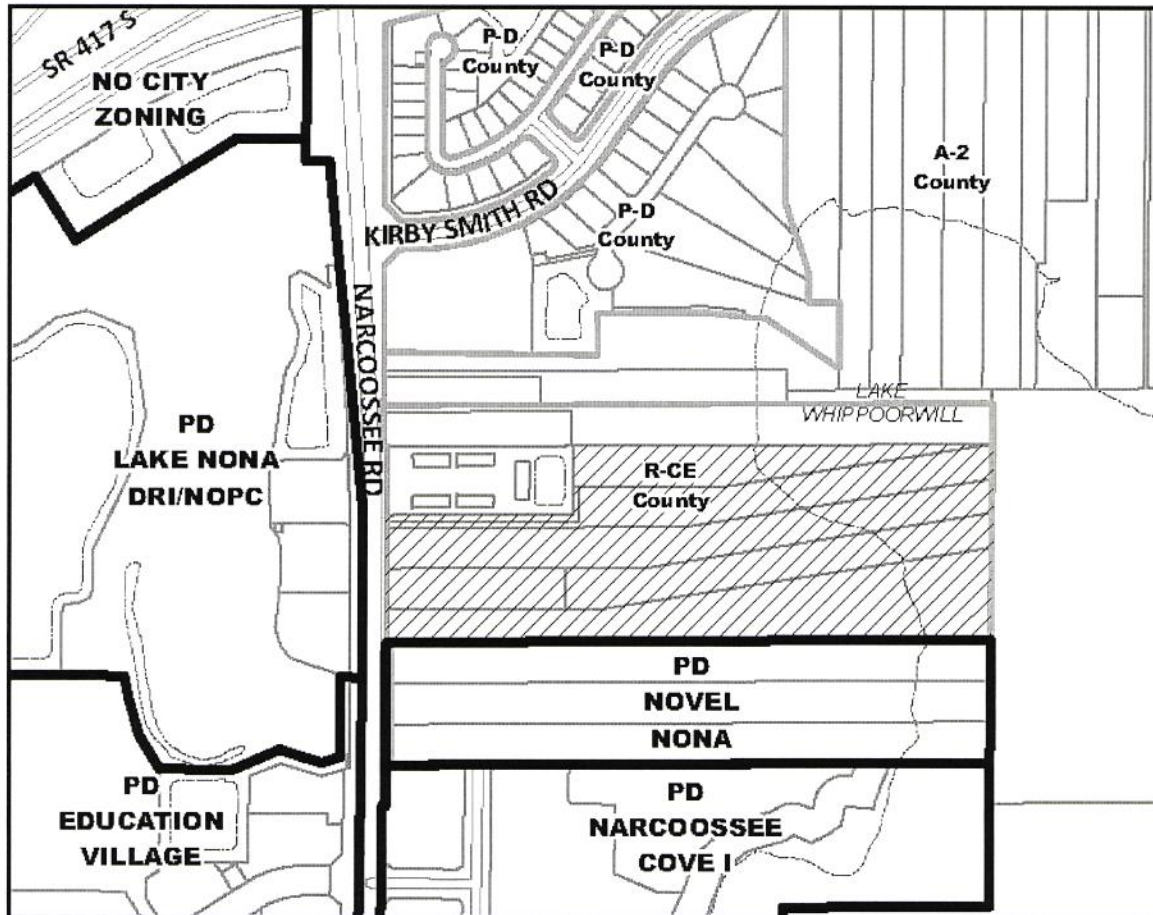
A PARCEL OF LAND LOCATED IN SECTION 17, TOWNSHIP 24 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING LOTS 1-5, LAKE WHIPPOORWILL ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS LANDS CONTAINED IN ORLANDO MEDICAL OFFICE CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 97, PAGE 63, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 5 OF SAID LAKE WHIPPOORWILL ESTATES, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NARCOOSSEE ROAD (VARIABLE-WIDTH PUBLIC RIGHT OF WAY); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N00°10'26"E, A DISTANCE OF 404.60 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID ORLANDO MEDICAL OFFICE CENTER; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, N89°43'40"E, A DISTANCE OF 594.00 FEET; THENCE ALONG THE EAST LINE OF SAID LOT 1, N00°05'38"E, A DISTANCE OF 220.20 FEET TO THE NORTH LINE OF LOT 1 OF SAID LAKE WHIPPOORWILL ESTATES; THENCE ALONG SAID NORTH LINE, N89°45'00"E, A DISTANCE OF 1341.52 FEET TO THE NORTHEAST CORNER OF SAID LAKE WHIPPOORWILL ESTATES; THENCE ALONG THE EAST LINE OF SAID LAKE WHIPPOORWILL ESTATES, S00°21'45"W, A DISTANCE OF 624.03 FEET TO THE SOUTHEAST CORNER OF LOT 5 OF SAID LAKE WHIPPOORWILL ESTATES; THENCE ALONG THE SOUTH LINE OF SAID LOT 5, S89°43'11"W, A DISTANCE OF 1933.17 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 24.727 ACRES OF LAND, MORE OR LESS.

End of Description

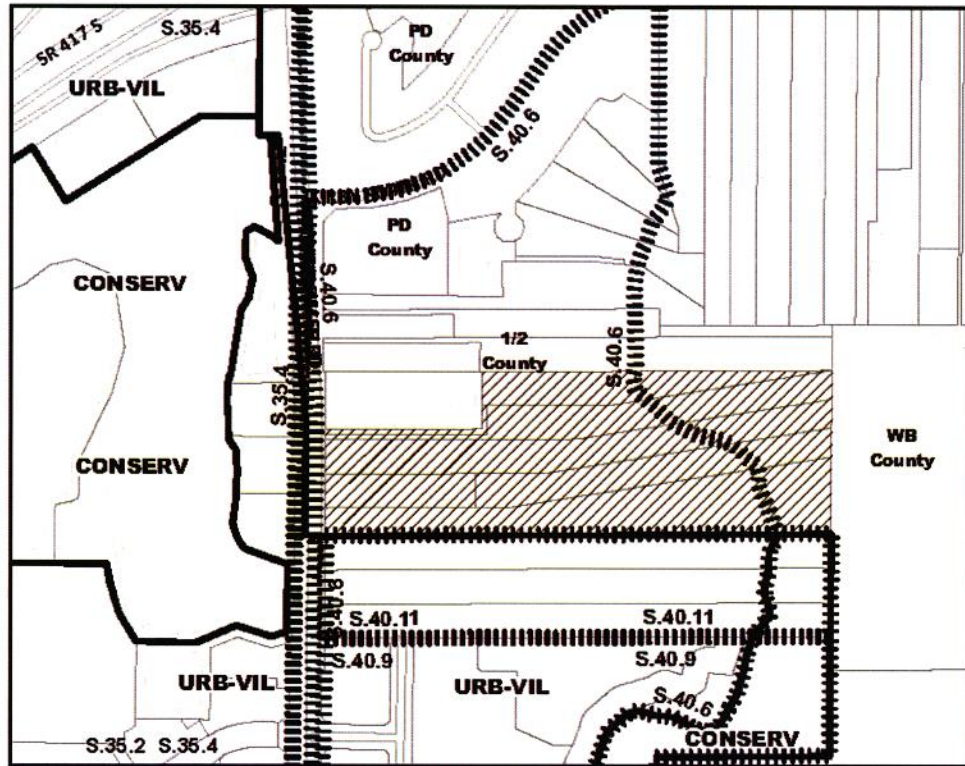
EXHIBIT
B



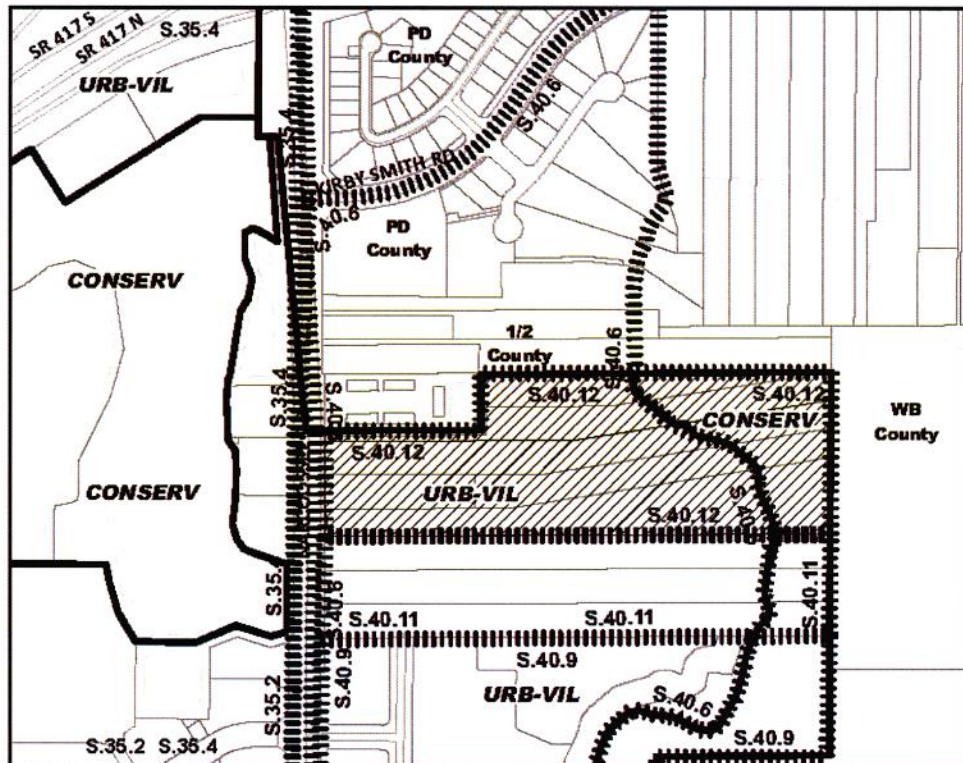
ANX2021-10008



EXHIBIT C



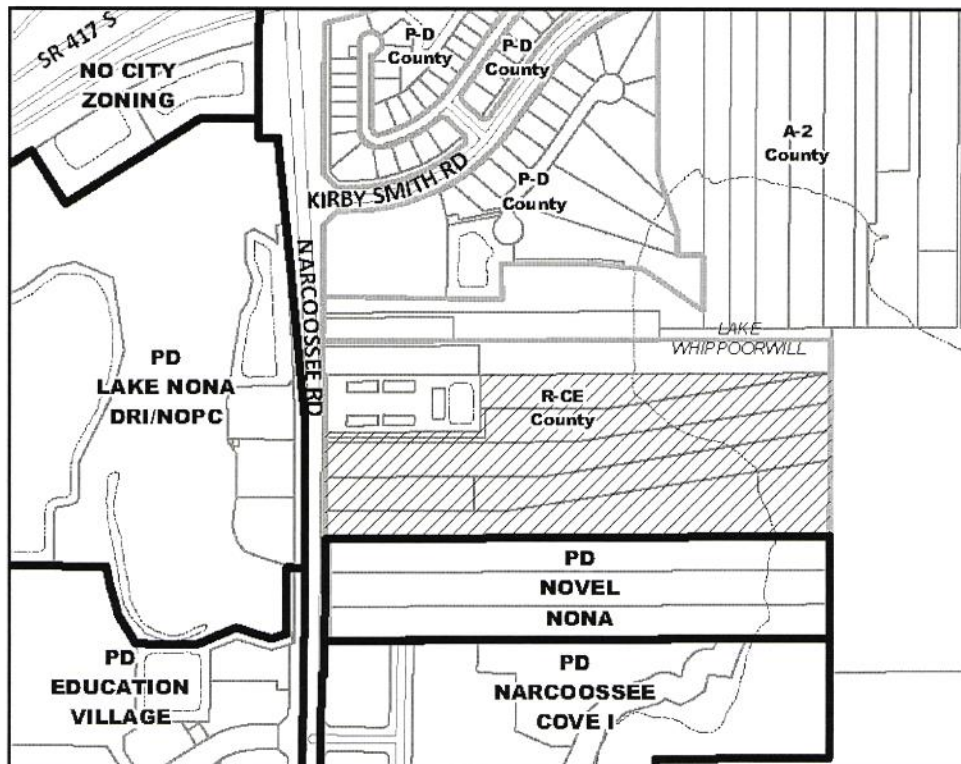
Future Land Use - Existing GMP2021-10014



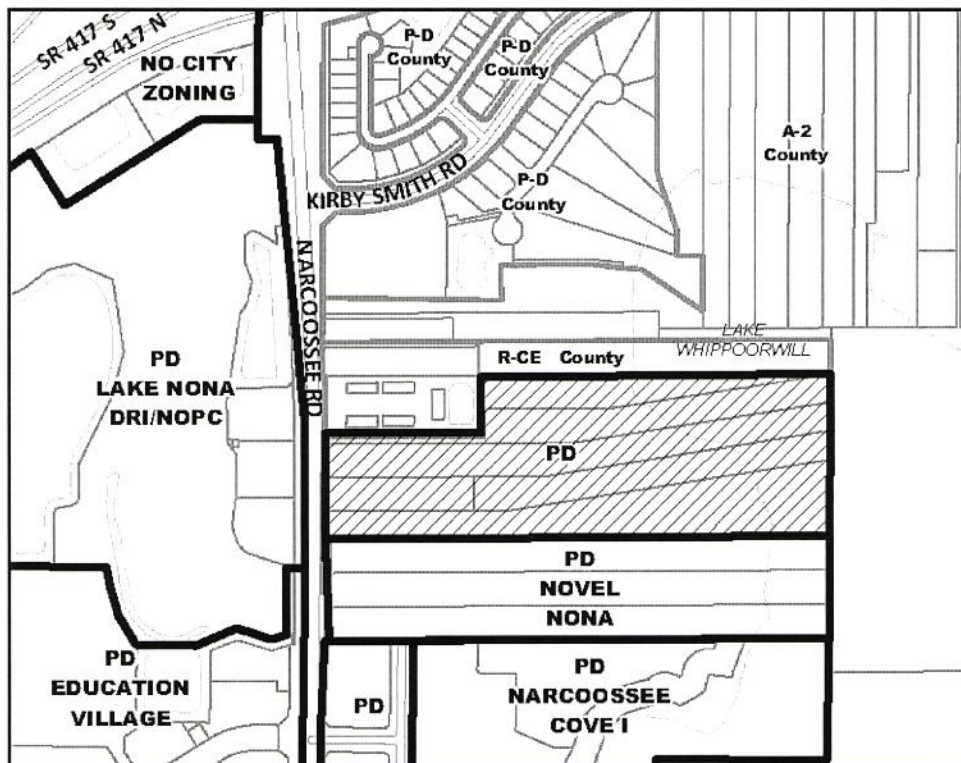
Future Land Use - Proposed GMP2021-10014



**EXHIBIT
D**

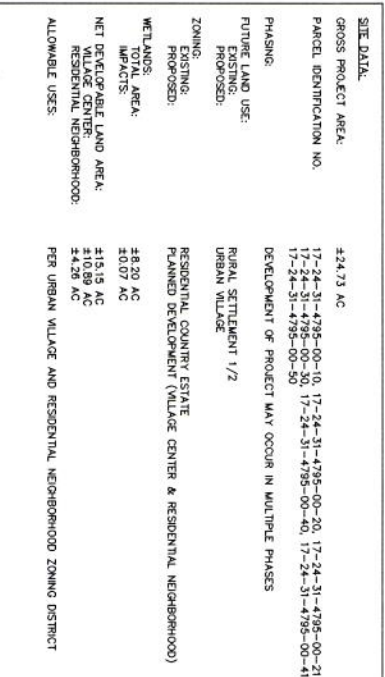


Zoning - Existing ZON2021-10010

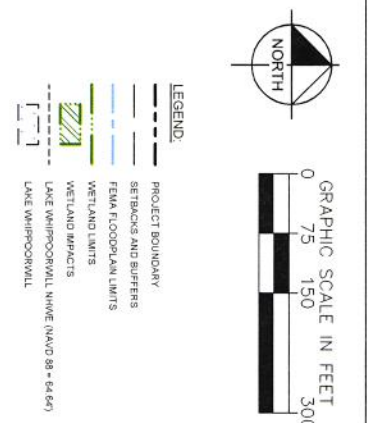


Zoning - Proposed ZON2021-10010





1. PER IDMA FIRM PANEL NO. 12095050465 DATED JUNE 20, 2018, THE SUBJECT PROPERTY IS DESIGNATED WITHIN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AND ZONE X AREAS WITH NO BASE FLOOD ELEVATION DETERMINED.
2. STORMWATER RUNOFF GENERATED ON SITE SHALL BE TREATED USING AN ON SITE STORMWATER MANAGEMENT SYSTEM.
3. ON SITE STORMWATER MANAGEMENT SYSTEMS SHALL BE DESIGNED TO MEET CITY OF ORLANDO AND SWFWMD REQUIREMENTS.
4. RECLAIMED WATER AND SANITARY SEWER SERVICES ARE TO BE PROVIDED BY ORANGE COUNTY UTILITIES.
5. POTABLE WATER SERVICE IS TO BE PROVIDED BY ORLANDO UTILITIES COMMISSION.
6. SHARED MAINTENANCE OF ANY SHARED IMPROVEMENTS SHALL BE EITHER BY A PROPERTY OWNER'S ASSOCIATION, OR VIA PRIVATE MAINTENANCE, AND COST SHARING AGREEMENTS BETWEEN PARTIES.
7. DEVELOPMENT STANDARDS SHALL BE IN ACCORDANCE WITH THE PD ORDINANCE AND ANNEXATION AGREEMENT.
8. PARCEL ADJOACENTS AND BOUNDARY LIMITS ARE PRELIMINARY AND SUBJECT TO SPECIFIC PARCEL MASTER PLAN APPROVAL.
9. LOCATIONS OF INTERNAL AND EXTERNAL ACCESS LOCATIONS ARE APPROXIMATE AND SUBJECT TO SPECIFIC PARCEL MASTER PLAN APPROVAL.
10. ALIGNMENT OF INTERNAL ACCESS ROADS ARE CONCEPTUAL. INTERNAL ROADWAY MAY BE A DEDICATED PUBLIC HIGHWAY OR -WAY, A PRIVATE ACCESS TRAIL AND/OR ACCESS EASEMENT.



SHEET NUMBER PDA	2ND WAVE APARTMENTS	FRAMEWORK PD PLAN	KHA PROJECT 049670000	LICENSED PROFESSIONAL	<div>Kimley»Horn</div> <div>• 2021 KIMLEY-HORN AND ASSOCIATES, INC. 186 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801 PHONE: 407-888-1511 WWW.KIMLEY-HORN.COM REGISTRY No. 696</div>				
			DATE 06/17/2021						
			SCALE AS SHOWN						
			DESIGNED BY JGE						
			DRAWN BY JGE						
			CHECKED BY (BAL)	DATE:					
ORLANDO	FLORIDA								
			</						

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., Ordinance #2021-
69 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 1 day of November, 2021,
by above Affiant, who is personally known to me (X) or who has produced identification ().



Signature of Notary Public



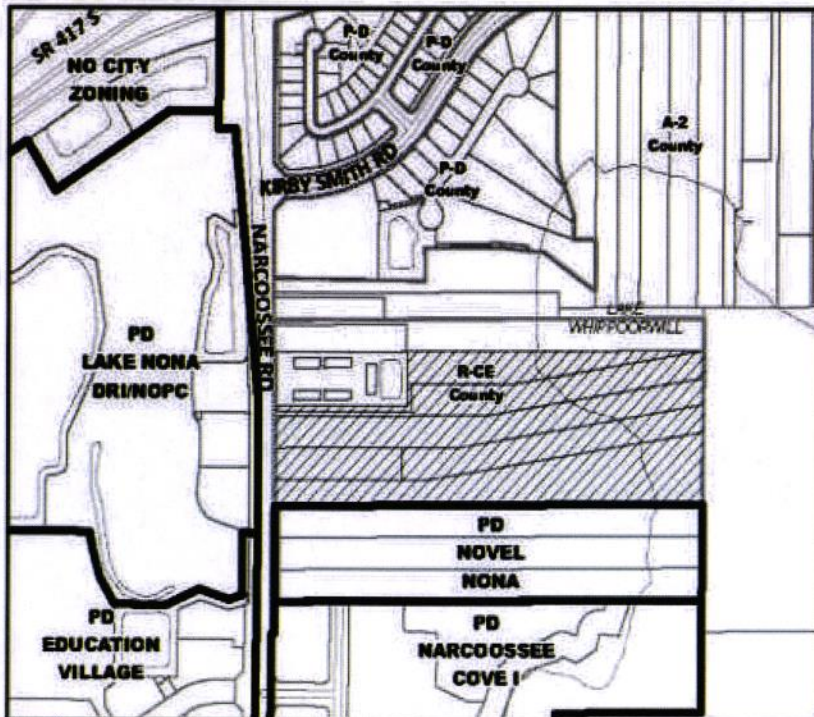
Name of Notary, Typed, Printed, or Stamped

7064229

Orlando Sentinel

Notice of Proposed Enactment

On Monday, November 8, 2021 the Orlando City Council will consider proposed ordinance #2021-69, 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 THE NOVEL NONA PLANNED DEVELOPMENT, EAST OF NARCOOSSEE ROAD, SOUTH OF KIRBY SMITH ROAD, AND WEST OF LAKE WHIPPOORWILL AND COMPRISED OF 24.7 ACRES OF LAND, MORE OR LESS; AMENDING THE CITY'S GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS URBAN VILLAGE, IN PART AND CONSERVATION, IN PART; AMENDING THE CITY'S GROWTH MANAGEMENT PLAN TO CREATE FUTURE LAND USE SUBAREA POLICY S.40.12; DESIGNATING THE PROPERTY AS PLANNED DEVELOPMENT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING A SITE PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS FOR THE PLANNED DEVELOPMENT; PROVIDING FOR CONSENT TO THE MUNICIPAL SERVICES TAXING UNIT FOR LAKE WHIPPOORWILL; 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.



ANX2021-10008

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.