

**This Document Prepared by:**  
Harris Berns-Cadle, Development Review Manager  
City of Oviedo  
400 Alexandria Boulevard  
Oviedo, FL 32765

EXHIBIT 1

**Return Recorded Document to:**  
Elianne Rivera, City Clerk  
City of Oviedo  
400 Alexandria Boulevard  
Oviedo, FL 32765

CITY OF OVIEDO

ARCHITECTURE DESIGN DEVELOPMENT ORDER NO. 070-23

Tax Parcel Identification Number(s): 10-21-31-506-0000-0060

On the date set forth below, the City of Oviedo issued this Architecture Design Development Order relating to and touching and concerning the following described real property located within the City of Oviedo: Near the intersection north Central Avenue and east Franklin Street (Assigned Seminole County Property Appraiser Tax Parcel Identification Number(s): 10-21-31-506-0000-0060 (Hereinafter the “subject property”).

**FINDINGS OF FACT:**

**Tax Parcel Number(s):** 10-21-31-506-0000-0060

**Property Address:** 262 N. Central Avenue  
Oviedo, Florida 32765

**Property Owners:** Sanford Ace Hardware, Inc.  
Greg Parcell  
207 E. 25<sup>th</sup> Street  
Sanford, FL 32771

**Applicant:** Dap Design, LLC  
Joel Setzer  
1800 N. Orange Avenue  
Orlando, FL 32804

**Architecture/Consultant:** Joel Setzer  
Dap Design, LLC  
1800 N. Orange Avenue  
Orlando, FL 32804

**Project Name:** Ace Hardware Oviedo

**Project #:** 23-0024-ADO

**Request:** Approval of Architecture Design Plans

**CONCLUSIONS OF LAW:**

The development approval sought, as conditioned in this Architecture Design Development Order, is consistent with the *City of Oviedo Comprehensive Plan* and development of the property will be subject to and consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances as set forth in the *Land Development Code of the City of Oviedo*.

**ORDER:**

**NOW, THEREFORE,** it is **ORDERED** and **AGREED** that:

1. The aforementioned application for development approval is **GRANTED** and the architectural design for the subject property is approved as set forth in the attached architectural plans (the plans may not be recorded due to their size, but a copy is maintained in the public records of the City as maintained by the City Clerk which copy may be reviewed and copies obtained by contact the City Clerk).
2. All development of the subject property shall fully comply with all of the codes and ordinances in effect in the City of Oviedo at the time of issuance of any and each development order or development permit.
3. The following deviations relate to Article VIII of the Land Development Code (LDC) and shall run with or continue to run with and perpetually burden the subject property in addition to the matters set forth in the attached architectural design plans:
  - a. **West Elevation**
    1. **LDC Section 8.7(C)(4)(ii), Fenestration:** A 138 SF deviation to a minimum requirement of 30% of area for fenestration on a primary façade to allow 240 SF of fenestration on the west elevation instead of the minimum required 378 SF, resulting in a **37% deviation**.
    2. **LDC Section 8.7(C)(3)(d)(ii), Articulation:** Two (2) articulation deviation from the minimum requirement of three (3) articulations on a primary façade to allow one (1) articulation on the west elevation, resulting in a **67% deviation**.
  - b. **North & South Elevation:**
    1. **LDC Section 8.7(C)(4)(ii), Fenestration:** A 304 SF deviation to a minimum requirement of 30% of area for fenestration on a primary façade to allow 476 SF of fenestration on the north & south elevations instead of the minimum required 780, resulting in a **39% deviation**.
    2. **LDC Section 8.7(C)(3)(d)(ii), Articulation:** One (1) articulation deviation from the minimum required three (3) articulations on a primary façade to allow two (2) articulations on the north & south elevation, resulting in a **33% deviation**.
  - c. **East Elevation**
    1. **LDC Section 8.7(C)(3)(d)(ii), Articulation:** One (1) articulation deviation from the minimum required one (1) articulation on a rear façade to allow zero (0) articulations on the east elevation, resulting in a **100% deviation**.
4. Conditions of Approval.
  - a. The following mitigation techniques are required.
    1. **(12) Other Mitigation:** Brick wrap around
    2. **(11) Public Art Contribution:** \$1,500 donation
    3. **(11) Public Art Contribution:** \$1,500 donation
5. This Architecture Design Development Order touches and concerns the subject property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the subject property and shall be a servitude upon and binding upon the subject property unless released in whole or part by action of the City of Oviedo by virtue of a document of equal dignity herewith. The Property Owner of the subject property has expressly covenanted and agreed to this provision and all other terms and provisions of this Architecture Design Development Order.

6. The terms and provisions of this Architecture Design Development Order are not severable and in the event any portion of this Architecture Design Development Order shall be found to be invalid or illegal then the entire Architecture Design Development Order shall be null and void.

Done and Ordered on the date set forth below.

ATTEST: CITY OF OVIEDO, FLORIDA

Elianne Rivera Megan Sladek  
City Clerk Mayor  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

CONSENT AND AGREEMENT OF PROPERTY OWNER(S):

COMES NOW, \_\_\_\_\_, on behalf of Ace Hardware, Inc. and their heirs, successors, assigns or transferees of any nature whatsoever, and acknowledges that the City and the Property Owners desire to set forth certain terms, conditions, and agreements with respect to the development of the Project. Accordingly, the Property Owners consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this document.

WITNESSES: PROPERTY OWNER(S):  
Witness # 1 Signature Date Signature Date  
Witness # 1 Printed Name Printed Name, Title  
Witness # 2 Signature Date Company Name  
Witness # 2 Printed Name

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ by \_\_\_\_\_ He/she is personally known to me or has produced \_\_\_\_\_ as identification.

(SEAL) Name: \_\_\_\_\_  
Title: Notary Public