

RESOLUTION NO. 4345-23

A RESOLUTION OF THE CITY OF OVIEDO, FLORIDA, APPROVING ARCHITECTURAL DESIGN ORDER NO. 073-23 FOR CENTRAL SQUARE LOT OP-1; AUTHORIZING THE MAYOR TO EXECUTE SAID ARCHITECTURAL DESIGN ORDER; AND PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, SCRIVENER'S ERRORS, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Property Owner is the fee simple owner of certain real property located in the City of Oviedo, Seminole County, Florida, which property is assigned Tax Parcel Identification Number 22-21-31-528-0000-0010; and

WHEREAS, the Property is approximately 0.64 acres located approximately 515 feet south of W. Mitchell Hammock Road and on the west side of Alafaya Trail (SR 434); and

WHEREAS, the applicant submitted an Architectural Design Order (ADO) application for Central Square Lot Op-1 development on April 11, 2023 for the above described property, which plans are provided in Exhibit 1; and

WHEREAS, per LDC section 2.5(A) (18), the City Council shall have final approval authority to issue Architectural Design Orders; and

WHEREAS, the applicant proposes to construct a 6,000 square foot (SF) Commercial Retail establishment and associated infrastructure; and

WHEREAS, the applicant requests the following deviations to the LDC minimum architectural standards, which are listed in the Architectural Design Order provided in Exhibit 1; and

East Elevation:

- **LDC Section 8.7(C)(5)(g)(i), Materials:** A 68 SF deviation to the minimum requirement of 20% of area for Brick and/or Stone on a primary façade to allow for 206 SF of Brick and/or Stone on the east elevation instead of the minimum required 274 SF of Brick and/or Stone required, resulting in a **25% deviation**.
- **LDC Section 8.7(C)(5)(g)(ii), Materials:** A 214 SF deviation over the maximum requirement of 40% of area for stucco material on a primary façade to allow for 762 SF of stucco material on the east elevation instead of the maximum required 548 SF of stucco material, resulting in a **39% deviation**.

North Elevation:

- **LDC Section 8.7(C)(4)(ii), Fenestration:** A 105 SF deviation to a minimum requirement of 20% of area for fenestration on a secondary façade to allow for 160 SF of fenestration on the north elevation instead of the minimum required 265 SF of fenestration, resulting in a **40% deviation**.

- **LDC Section 8.7(C)(5)(g)(ii), Materials:** A 250 SF deviation over the maximum requirement of 50% of area for stucco material on a secondary façade to allow for 798 SF of stucco material on the north elevation instead of the maximum required 549 SF of stucco material, resulting in a **45% deviation**.

South Elevation:

- **LDC Section 8.7(C)(4)(ii), Fenestration:** A 105 SF deviation to the minimum requirement of 20% of area for fenestration on a secondary façade to allow for 160 SF of fenestration on the south elevation instead of the minimum required 265 SF of fenestration, resulting in a **40% deviation**.
- **LDC Section 8.7(C)(5)(ii), Materials:** A 217 SF deviation over the maximum 50% requirement of area for stucco material on a secondary façade to allow for 798 SF of stucco material on the south elevation instead of the maximum required 582 SF of stucco material, resulting in a **37% deviation**.

WHEREAS, the LDC requires deviations to the minimum LDC requirements to be accompanied by mitigative techniques; and

WHEREAS, since the highest deviation requested by the applicant is 45%, two (2) mitigative techniques are required, and

WHEREAS, the applicant proposes the following two (2) mitigative techniques:

1. **(11) Public Art Contribution:** \$2,500 donation
2. **(11) Public Art Contribution:** \$2,500 donation

WHEREAS, City Staff reviewed the project per the requirements of the City's Land Development Code and Comprehensive Plan, and recommends approval; and

WHEREAS, the City Council of the City of Oviedo, Florida, finds that the project is consistent with the City's Comprehensive Plan and Land Development Code; and

WHEREAS, the City Council of the City of Oviedo, Florida, considered the Architectural Design Order No. 073-23 at its Monday, July 17, 2023 meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

SECTION 1. Approval of Architectural Design Order. The City Council approves Architectural Design Order No. 073-23 provided in Exhibit 1.

SECTION 2. Authorization to Execute Architectural Design Order. The City Council authorizes the Mayor to execute the Architectural Design Order No. 073-23 provided in Exhibit 1.

SECTION 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney may be corrected.

SECTION 5. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 7. Effective Date. This Resolution shall take effect immediately upon its passage by the City Council of the City of Oviedo, Florida.

PASSED AND ADOPTED this 17th day of July, 2023

ATTEST:

MEGAN SLADEK
MAYOR of the City of Oviedo, Florida

ELIANNE RIVERA
CITY CLERK