

RESOLUTION NO. 4347-23

A RESOLUTION OF THE CITY OF OVIEDO, FLORIDA, APPROVING ARCHITECTURAL DESIGN ORDER NO. 070-23 FOR ACE HARDWARE OVIEDO; 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 10-21-31-506-0000-0060; and

WHEREAS, the ~ 2.48 acres property is located within the City of Oviedo, at the intersection of Central Avenue and Franklin Street; and

WHEREAS, the applicant submitted an Architectural Design Order (ADO) application for Ace Hardware Oviedo development on January 10, 2023 for the above described property, which plans are provided in Exhibit 1 (cont); 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 proposed to construct a 9,971 SF Commercial Retail establishment and associated infrastructure development; and

WHEREAS, the applicant is requesting the following deviations in connection to the LDC minimum architectural standards, which is listed in the Architectural Design Order; as provided in Exhibit 1; and

West Elevation

- **LDC Section 8.7(C)(4)(ii), Fenestration:** A 378 Sq. Ft. deviation to a minimum 30% of area for fenestration on a primary façade to allow for 240 Sq. Ft. of fenestration on the west elevation instead of the minimum 378 Sq. Ft. of fenestration required, resulting in a 37% deviation.
- **LDC Section 8.7(C)(3)(d)(ii), Articulation:** Two (2) articulation deviation from the required three (3) articulation on a primary façade to allow one (1) articulation on the west elevation, resulting in a 67% deviation.

North & South Elevation:

- **LDC Section 8.7(C)(4)(ii), Fenestration:** A 304 Sq. Ft. deviation to a minimum 30% of area for fenestration on a primary façade to allow for 476 Sq. Ft. of fenestration on

the north & south elevation instead of the minimum 780 Sq. Ft. of fenestration required, resulting in a 39% deviation.

- **LDC Section 8.7(C)(3)(d)(ii), Articulation:** One (1) articulation deviation from the required three (3) articulation on a primary façade to allow two (2) articulations on the north & south elevation, resulting in a 33% deviation.

East Elevation

- **LDC Section 8.7(C)(3)(d)(ii), Articulation:** One (1) articulation deviation from the required one (1) articulation on a rear façade to allow zero (0) articulations on the east elevation, resulting in a 100% deviation.

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

WHEREAS, the highest deviation requested by the applicant is 100%, therefore, three (3) mitigative techniques are required, and

WHEREAS, the applicant is proposing the following three (3) mitigative techniques:

1. **(12) Other:** Brick wrap around.
2. **(11) Public Art Contribution:** \$1,500 donation
3. **(11) Public Art Contribution:** \$1,500 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. 070-23 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. 070-23 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. 070-23 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