

The City of Oviedo announces a City Council public meeting to which all persons are invited.

DATE AND TIME: June 15, 2020, 6:30 p.m.

PLACE: City of Oviedo, 400 Alexandria Blvd, Oviedo, FL 32765. This meeting will be held in accordance with the principles, practices, and procedures established in Executive Order 2020-08.

PROCEDURES: The agenda will contain only those crucial items for which time is of the essence.

The City Council, City staff and general public may follow social distancing recommendations as published by the State of Florida and Seminole County, Florida. These include, but are not limited to, maintaining social distancing protocols, discouraging groups of people greater than fifty (50) persons from congregating, and utilizing technological means to view and/or participate in the meeting.

The public may participate in the meeting by submitting comments prior to the meeting which will be read aloud by the Presiding Officer during the Public Comments portion of the meeting. Anyone wishing to submit comments to be read at the meeting should email their comments to the Acting City Clerk at [erivera@cityofoviedo.net](mailto:erivera@cityofoviedo.net) by 2:00 PM on June 15, 2020. Any person wishing to deliver comments personally at the meeting may do so, under the following procedures:

Seating in the chambers will be limited to 50 members of the public. Overflow seating, with video streaming, will be available in the lobby of city hall and on the city hall veranda, to allow for appropriate social distancing. Members of the public who wish to offer comment, and are in the overflow areas, will be allowed to enter chambers to deliver his/her comments on a one (1) person at-a-time basis in so that they may practice desired social distancing recommendations.

Members of the public who wish to participate shall stage on the exterior veranda of City Hall, be given a number in the order that their request is received and be allowed to enter one (1) at-a-time, in numerical order, to give his/her public comments.

At the completion of the 3 minutes allowed for his/her comments, each person will be allowed to exit chambers and City Hall.

**VIEWING THE MEETING AT CITY HALL:** If the public wishes to view the public meeting at City Hall, it will be shown on video monitors located on the veranda outside the main entrance to City Hall. The meeting will also be streamed via communications media technology over the internet, and broadcast on Spectrum Channel 496.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** City Council Regular Session: City Council members will meet to discuss general matters. A copy of the agenda is posted on the City Hall Bulletin Board, City website [www.cityofoviedo.net](http://www.cityofoviedo.net) or by contacting the City Clerk at (407) 971-5500.

Pursuant to Section 286.0105, Florida Statutes, any person desiring to appeal any decision made by the City Council, with respect to any matter considered at any meeting or hearing, will need a record of the proceedings and may need to ensure that a verbatim record of the processing is made which includes the testimony and evidence upon which the appeal is to be based. This record is not provided by the City of Oviedo.

All services, programs and activities of the City of Oviedo are offered and solicited without regard to race, color, national origin, age sex, religion, disability or family status. For information regarding the City's Title VI nondiscrimination policy, plan and procedures please visit [www.cityofoviedo.net](http://www.cityofoviedo.net).

In accordance with the Americans with Disabilities Act, persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at (407) 971-5500 at least 48 hours in advance of the meeting.

**CITY COUNCIL AGENDA  
REGULAR MEETING  
Monday, June 15, 2020  
6:30 PM  
CITY HALL**

**CALL TO ORDER**

**ORDER OF BUSINESS**

**CEREMONIAL ITEMS AND PRESENTATIONS**

1. **None.**

**APPROVAL OF MINUTES**

2. **Approval of Minutes for the May 13, 2020 Special Session and May 18, 2020, Regular Session.**

**PUBLIC COMMENT**

This is the time for the public to come forward with any comments they may have on any subject related to City business not listed under Public Hearings.

Complete a request to speak form and provide it to the City Clerk prior to the meeting.

State your Name and Address for the record.

Please Limit Your Comments to 3 Minutes or Less.

3. **Citizen Comment.**

**CONSENT AGENDA**

4. **Resolution No. 3918-20, Sale of Police K-9.**
5. **Resolution No. 3919-20, Intent to Reimburse Certain Capital Expenditures from Future Tax Exempt or Taxable Financing.**
6. **Resolution No. 3920-20, Smithson Electric, Inc. Piggyback Agreement.**
7. **Resolution No. 3921-20, Piggyback Agreement with TAW Orlando Service Center, Inc.**
8. **Resolution No. 3922-20, Piggyback Agreement with Shenandoah General Construction, LLC.**
9. **Resolution No. 3926-20, Vacating Portions of Geneva Drive and Railroad Street and Conveyance of City Property.**

**PUBLIC HEARINGS**

10. **Ordinance No. 1690, Comprehensive Plan Future Land Use Map Amendment for the Ellis at Oviedo.**

11. **Ordinance No. 1691**, Zoning Map Amendment for the Ellis at Oviedo.

**FIRST READING OF ORDINANCES**

12. **None.**

**RESOLUTIONS**

13. **None.**

**DISCUSSION ITEMS**

14. **None.**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**COMMUNICATIONS AND REPORTS**

- Council Member Judith Dolores Smith
- Mayor Megan Sladek
- Council Member Keith Britton
- Deputy Mayor Bob Pollack
- Council Member Jeff Chudnow

**FUTURE MEETING DATES**

- Monday, June 29, 2020, 5:30 p.m. Work Session
- Monday, July 6, 2020, 6:30 p.m. Regular Session
- Monday, July 20, 2020, 6:30 p.m. Regular Session
- Monday, July 20, 2020, 5:30 p.m. CRA Governing Board

**ADJOURNMENT**

**PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. This record is not provided by the City of Oviedo.**

**ALL SERVICES, PROGRAMS AND ACTIVITIES OF THE CITY OF OVIEDO ARE OFFERED AND SOLICITED WITHOUT REGARD TO RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, RELIGION, DISABILITY OR FAMILY STATUS. FOR INFORMATION REGARDING THE CITY'S TITLE VI NONDISCRIMINATION POLICY, PLAN AND PROCEDURES PLEASE VISIT [WWW.CITYOFOVIEDO.NET](http://WWW.CITYOFOVIEDO.NET).**

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT 407-971-5500 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.**

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** June 15, 2020  
**SUBJECT: Resolution No. 3918-20, Sale of Police K-9**

**Introduction:** This is a request for the City Council to approve the sale of a Police canine for one dollar to his handler, K-9 Police Officer Joseph Bologna.

**Discussion:** In August of 2013, the City of Oviedo purchased Police canine Kass. Due to K-9 Kass' age (seven years) and deteriorating medical condition, his usefulness as a working Police K-9 officer has come to an end. During the past six years, K-9 Kass and his handler were responsible for numerous tracks that led to felony and narcotics arrests. In addition, they have represented the City at numerous City functions and the annual K-9 competition. Since K-9 Kass is technically considered a fixed asset, City Council approval for disposition and sale is required.

**Budget Impact:** There is no budget impact with the sale of this asset.

**Strategic Impact:** There is no strategic impact associated with the sale of this asset.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3918-20.

Attachment(s):Memo from K-9 Officer Joe Bologna

Prepared by: Denise Zwicker  
Reviewed by: Chief Coleman  
Kelly Jones, Assistant Finance Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** June 15, 2020  
**SUBJECT:** **Resolution No. 3919-20**, Intent to Reimburse Certain Capital Expenditures from Future Tax Exempt or Taxable Financing.

**Introduction:** This is a request for the City Council to establish a mechanism to facilitate reimbursement of certain budgeted capital expenditures in regard to the design, acquisition, construction and erection of improvements to the City's Utility System, including improvements to the Public Works Complex and removal of certain percolation ponds, with the proceeds of a future tax-exempt or taxable financing issued by the City.

**Discussion:** The City's Financial Advisor, First Southwest and the City's bond counsel, Bryant Miller Olive represented by George Smith, recommend that the City Council adopt a reimbursement resolution as authorized by Section 1.150-2 of the Income Tax Regulations that will allow for reimbursement of costs related to current capital expenditures from the proceeds of a future tax exempt or taxable financing issued by the City.

Resolution No. 3919-20 constitutes a "declaration of official intent" within the meaning of Section 1.150 2 of the Income Tax Regulations which were promulgated pursuant to the Internal Revenue Code of 1986, as amended, with respect to the debt incurred, in one or more financings, to finance capital improvement projects as described herein.

Resolution No. 3919-20 is not an approval of expenditures and does not constitute an approval of any financing. The proposed Resolution is solely intended to provide a level of prudence, options, and financial flexibility to the City Council should the necessity arise in the future. Many times, significant costs related to capital projects are spent prior to the "declaration of official intent" which results in unintended financial burdens to funding sources and or fund balances.

Section 3(b) of Resolution 3919-20 identifies the types of capital expenditures intended to be authorized for reimbursement with a future financing as follows:

The City, as Issuer, hereby expresses its intention to be reimbursed from proceeds of a future tax-exempt or taxable financing for capital expenditures to be paid by the Issuer for the purpose of designing, acquiring, installing, constructing, reconstructing and equipping the City's Utility System ("Project").

Pending reimbursement, the City expects to use funds on deposit in its water and sewer utility funds, general funds and other funds legally available to pay a portion of the cost of the Utility Project(s).

It is not reasonably expected that the total amount of debt to be incurred by the City to reimburse itself for expenditures paid with respect to the Utility Project(s) will exceed \$15,000,000.00.

**Budget Impact:** There are no impacts to the budget by approving the declaration of official intent to reimburse certain capital expenditures incurred with proceeds of future tax-exempt or taxable financings.

**Strategic Impact:** Continue high levels of customer service, productivity, and efficiency while maintaining fiscal and organizational health.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3919-20.

Attachments: Utilities CIP Schedule  
Prepared by: Jerry Boop, Finance Director

Reviewed by: George Smith, Bond Counsel  
David Hall, City Attorney  
Mark Galvin, Financial Advisor  
Kelly Jones, Assistant Finance Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** June 15, 2020  
**SUBJECT:** **Resolution No. 3920-20**, Smithson Electric, Inc. Piggyback Agreement

**Introduction:** This is a request for City Council to approve the piggyback of a City of Winter Park agreement currently in place with Smithson Electric, Inc. for Electrician Services.

**Discussion:** The City's facilities, utilities and plant operations are often in need of licensed electricians to perform electrical maintenance and repair services. This work is normally of an emergency nature, requiring a quick response in order to avoid lengthy outages and delays. Most recently, this work has been performed by obtaining three (3) quotes in accordance with the City's Purchasing Policy. Prior to that, the City piggybacked a contract Smithson Electric had with the City of Casselberry. That contract has since expired.

The City of Winter Park advertised for Electrician Services in the Spring of 2019, and a contract was awarded to Smithson Electric on July 4, 2019. A copy of the Winter Park contract is provided as an exhibit to the piggyback agreement provided in Exhibit 1 of Resolution No. 3920-20.

The proposed piggyback agreement has been approved for use by the Purchasing Agent and is also approved by Risk Management as to the appropriate insurance lines and limits in place with Winter Park.

**Budget Impact:** There is no impact to the Budget related to the piggyback agreement. Electrician Services will be deducted from the appropriate budget category on a work order/purchase order basis as the need for such services arises.

**Strategic Impact:** Approval of this item facilitates the goals and objectives of the City's Natural and Built Systems Strategic Focus Area.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3920-20.

Prepared by: Susan Sheikh, Operational Resources Manager  
Reviewed by: Bobby Wyatt, Public Works Director  
Kelly Jones, Assistant Finance Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** June 15, 2020  
**SUBJECT:** **Resolution No. 3921-20** Piggyback Agreement with TAW Orlando Service Center, Inc.

**Introduction:** This is a request for City Council to approve the piggyback of an Orange County, Florida agreement currently in place with TAW Orlando Service Center Inc. (TAW) for electric motor and pump repair on as-needed basis.

**Discussion:** The City has the need from time to time for electric motor and pump repair services for repair of faulty equipment at the City's water and wastewater treatment facilities. Staff recommends procuring the necessary repairs in a cost-effective and efficient manner with pre-selected vendors who are reliable, competent and qualified to perform the work. By contracting with suppliers of these goods and services in advance, the City is able to respond quickly in order to avoid lengthy interruptions in service and to limit the amount of "down-time" when problems occur.

TAW was awarded a competitively bid contract on May 12, 2017 with Orange County. The City's purchasing policy allows for piggybacking existing competitively bid contracts of other government entities without need to formally or informally request proposals or bids. There are no current repairs or projects scheduled, however it is advantageous to have the piggyback in place so services may be readily available when the need arises. All work performed under this piggyback agreement will still require the appropriate procurement process as outlined in the City's purchasing policy.

The proposed piggyback agreement has been approved for use by the Purchasing Agent and is also approved by Risk Management as to the appropriate insurance lines and limits in place with Orange County. A copy of the Orange County contract is included with the proposed piggyback agreement provided in Exhibit 1 of Resolution No. 3921-20.

**Budget Impact:** There are no current impacts to the budget by approving this piggyback agreement. All work will be procured in accordance with the City's Purchasing Policy and will be budgeted accordingly

**Strategic Impact:** Ensures that the infrastructure meets the capacity needs of the City by eliminating infrastructure deficits.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3921-20.

Prepared by: Susan Sheikh, Operational Resources Manager

Reviewed by: Bobby Wyatt, Public Works Director  
Kelly Jones, Assistant Finance Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** June 15, 2020  
**SUBJECT:** **Resolution No. 3922-20**, Piggyback Agreement with Shenandoah General Construction, LLC

**Introduction:** This is a request for City Council to approve a piggyback agreement with Shenandoah General Construction, LLC (Shenandoah) via Broward College's contract under RFP-2018-167-EH to address stormwater infrastructure repairs on an as-needed basis.

**Discussion:** Failures in the City's stormwater infrastructure occur from time to time and can cause extensive road damage or damage to private property if not addressed quickly. Sometimes these pipes are not accessible by heavy equipment necessary for repair and replacement or may be extremely deep, making traditional pipe repair and replacement unrealistic.

Shenandoah is a provider of storm drain cleaning, repairs and maintenance. They provide a stormwater slip lining rehabilitation process which allows for the renewal of damaged underground stormwater pipe without excavation. The cured-in-place pipe (CIPP) technology used by Shenandoah involves the use of a felt sleeve, saturated with resin and coated with a waterproof layer that is inserted into the pipe. Hot water (or air) is then circulated through the sleeve which cures the resin, thus serving as a barrier between the damaged pipe and the water that flows through it. This technology is used by many communities as a viable option to salvage pipe, rather than replacing it. It is designed to withstand continuous service in corrosive environments for up to fifty (50) years or longer.

Broward College awarded a competitively bid contract under RFP-2018-167-EH to Shenandoah General Construction, LLC on November 27, 2018. The City desires to piggyback the contract which is provided as an exhibit to the piggyback agreement provided in Exhibit 1 of Resolution No. 3922-29. The contract will remain active for a period of three years and may be renewed for three additional one-year periods.

This piggyback contract will be in addition to the existing piggyback agreement with Granite Inliner who has performed these services in the past for the City. Staff desires to engage a second contractor to ensure work can be done in a timely manner when the need arises.

The City's purchasing policy allows for piggybacking existing competitively bid contracts of other government entities without need to formally or informally request proposals or bids. There is no current rehabilitation project scheduled. However, but it is advantageous to have the piggyback in place in advance so that services may be readily available when the need arises

The proposed piggyback agreement has been approved for use by the Purchasing Agent and is also approved by Risk Management as to the appropriate insurance lines and limits in place with Broward College.

All work performed under this piggyback agreement will still require the appropriate procurement process as outlined in the City's purchasing policy, but the contracting process will be already in place.

**Budget Impact:** There are no current impacts to the budget by approving this piggyback agreement. All work will be procured in accordance with the City's Purchasing Policy and will be budgeted accordingly.

**Strategic Impact:** Ensures that the infrastructure meets the capacity needs of the City by eliminating infrastructure deficits.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3922-20.

Prepared by: Susan Sheikh, Operational Resources Manager  
Reviewed by: Bobby Wyatt, Public Works Director  
Kelly Jones, Assistant Finance Director

**AGENDA**  
**MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** June 15, 2020  
**SUBJECT:** Resolution No. 3926-20 Vacating Portions of Geneva Drive and Railroad Street and Conveyance of City Property

**Introduction:** This is a request for City Council to vacate portions of Geneva Drive and Railroad Street, approve and authorize the execution of deeds conveying the City Property related to the vacated rights-of-way, approve a wastewater services easement, and approve a vested rights determination for property located at 110 Geneva Drive pursuant to the Geneva Drive Realignment Agreement and the First Amendment to the Geneva Drive Realignment Agreement.

**Discussion:** The Geneva Drive Realignment Agreement (Agreement) was approved by City Council on November 18, 2019, with the adoption of Resolution No. 3862-19. On March 2, 2020, City Council approved the First Amendment to the Geneva Drive Realignment Agreement (First Amendment) with the adoption of Resolution 3899-20. The First Amendment amended Agreement Sections 3.1, 3.2, and 3.4 to read as follows:

Section 3.1. Geneva Drive Section. The City shall consider for approval, on or before July 20, 2020 the following actions, as determined applicable, to vest title in the Property Owners to that part of Geneva Drive west of Realigned Geneva Drive as reflected in Exhibit “1” attached hereto and described in Exhibit C of the Agreement: (A) vacation and abandonment and/or (B) conveyance via deed. In connection with such actions, the Property Owner will grant to the City the Wastewater Services Easement as set forth in the Agreement.

Section 3.2. City Railroad Street Section. The City shall consider for approval, on or before July 20, 2020, the following actions, as determined applicable, to vest title in the Property Owner to that part of Railroad Street as reflected in Exhibit “2” attached hereto and described in Exhibit D-1 of the Agreement: (A) vacation and abandonment and/or (B) conveyance via deed.

Section 3.4 Vested Rights Determination. The City shall consider for approval, on or before July 20, 2020, a Vested Rights Determination confirming the use of the remainder of the Property Owner’s property located at 110 Geneva Drive for a convenience store with gas pumps. No separate application or fee shall be required in connection with such determination.

The First Amendment also amended Section 3.8 of the Agreement. However, the revisions to this Section are not relevant to the actions addressed in Resolution No. 3926-20. All other terms and conditions of the Agreement not modified by the First Amendment remain in full force and effect.

Section 3.5 of the Agreement addresses the timing for the conveyance of the City Properties to the Property Owner in exchange for the City acquiring the realigned Geneva Drive right-of-way. Section 3.5 of the Agreement provides as follows:

Timing and Structure of Transactions. The City actions to convey and/or vacate and abandon the City Conveyed Sections will be structured or otherwise approved in such manner as to provide that the Property Owner will not take legal title to the City Conveyed Sections until such time as Realigned Geneva Drive is open for public traffic (so as to avoid any Property Owner liability as to the continued use of Old Geneva Drive by the public and to maintain the public's use of Old Geneva Drive Section, in particular, during the construction period.

Therefore, upon execution of the deeds conveying the Geneva Drive and Railroad Street rights-of-way from the City to the Property Owner, such deeds will be held in escrow by the City Attorney until such time as the Realigned Geneva Drive is open to public traffic.

Section 2.2 of the Agreement requires the Property Owner to grant to the City a Wastewater Services Easement at the Second Closing [as defined in Article VI of the Agreement]. Section 3.1 of the First Amendment requires that "In connection with such actions, the Property Owner will grant to the City the Wastewater Services Easement as set forth in the Agreement." The Wastewater Services Easement encompasses the existing Geneva Drive right-of-way which is to be vacated and conveyed to the Property Owner. It will provide the City the ability to maintain the existing wastewater lines within the existing Geneva Drive right-of-way. A copy of the Easement document is provided in Exhibit 5 of Resolution No. 3926-20.

Section 3.4 of the First Amendment requires the City to consider a Vested Rights Determination confirming the use of the Property Owner's remaining property located at 110 Geneva Drive for a convenience store with gas pumps. A convenience store with gas pumps has existed on the 110 Geneva Drive property for many years. The Realigned Geneva Drive right-of-way will encompass the eastern portion of the 110 Geneva Drive property and the construction of the roadway will cause the demolition of a portion, and possibly all, of the building presently located on the 110 Geneva Drive property. The Vested Rights Determination provided in Exhibit 6 of Resolution No. 3926-20 vests the convenience store with gas pumps use on the portion of the 110 Geneva Drive property that will remain after construction of the Realigned Geneva Drive.

Resolution No. 3926-20 facilitates the City's obligations required by the Agreement and the First Amendment, and specifically includes the following:

- (a) the vacation of the Geneva Drive and Railroad Street's Rights of Way;
- (b) authorization for the execution of the Deed conveying the City owned property on Geneva Drive, in accordance with Section 3.1 of the Agreement and First Amendment;
- (c) authorization for the execution of the Deed conveying the City owned property on Railroad Street, in accordance with Section 3.2 of the Agreement and First Amendment;
- (d) authorization for the execution of a Wastewater Services Easement;
- (e) confirmation of a Vested Rights Determination that confirms the use of the remainder of the Property Owner's property located at 110 Geneva Drive for a convenience store with gas pumps; and
- (f) providing for the escrowing of the Resolution, Deeds, and Wastewater Services Easement until such time as the realigned Geneva Drive is open to public traffic.

**Budget Impact:** There is no budget impact associated with adoption of Resolution 3926-20.

**Strategic Impact:** Resolution 3926-20 includes provisions that will help facilitate the realignment of Geneva Drive, meeting the goals of the Mobility and Transportation Strategic Focus Area of the City's Strategic Plan.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3926-20.

Prepared by: Bobby Wyatt, Public Works Director

Reviewed by: David W. Hall, Assistant City Attorney

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members

**FROM:** Bryan Cobb, City Manager

**DATE:** June 15, 2020

**SUBJECT:** **Ordinance No. 1690**, Comprehensive Plan Future Land Use Map Amendment for the Ellis at Oviedo

**Procedure:** Call Up Item  
Mayor Asks Attorney to Read Ordinance by Title Only  
City Manager Background  
Applicant Comments  
Public Hearing  
Council Motion & Discussion  
Council Action

**Introduction:** This is a request for City Council to adopt an amendment the City's Comprehensive Plan Future Land Use Map changing the future land designation for approximately twelve point thirty-six (12.36) acres located on the south side of Mitchell Hammock Road and the west side of Clara Lee Evans Way from the Downtown Mixed-Use South of Mitchell Hammock Road Subarea and Commercial future land use designations to the Mixed Use future land use designation. The applicant is Michael Hoath, Brand Properties.

**Discussion:** Per Section 163.3174(4)(a), Florida Statutes, the Local Planning Agency is responsible for the preparation of the comprehensive plan and plan amendments, and shall make recommendation to the City Council regarding adoption and/or amendment of said plan. The subject map amendment qualifies as a large scale comprehensive plan amendment. Per Chapter 163, Florida Statutes, a large scale comprehensive plan amendment requires one (1) public hearing before the Local Planning Agency and two (2) public hearings before the City Council. Upon adoption, a copy of the amendment will be provided to the Florida Department of Economic Opportunity (FDEO). The subject amendment will become effective thirty-one (31) days after adoption, provided that FDEO does not review the amendment and/or no one files an appeal with the State Division of Administrative Hearings. This is the last of the three (3) required public hearings for Ordinance No. 1690.

On February 17, 2020, City Council conducted a transmittal public hearing and directed staff to transmit the proposed future land use map amendment to FDEO and other state and regional review agencies per the requirements of Section 163.3184, Florida Statutes. The FDEO and other review agencies identified no concerns.

The subject property currently has two (2) future land use map designations and three (3) zoning districts as shown in Table 1 below:

**Table 1: Summary of Future Land Use Designations and Zoning Districts**

Parcels	Acres	Existing FLU	Proposed FLU	Existing Zoning	Proposed Zoning
22-21-31-300-0110-0000	2.09	DMU- SMH1	MU3	MUD-DS4	PUD7
22-21-31-300-011F-0000	2.32	DMU- SMH	MU	MUD-DS	PUD
22-21-31-300-012A-0000	3.35	DMU- SMH	MU	MUD-CHR5	PUD
22-21-31-300-0100-0000	3.32	CM2	MU	C-26	PUD
22-21-31-300-010C-0000	1.28	CM	MU	C-2	PUD

Notes:

1. DMU-SMH= Downtown Mixed-Use South of Mitchell Hammock Road Sub-Area
2. CM= Commercial
3. MU= Mixed Use
4. MUD-DS= Mixed-Use District Division Street
5. MUD-CHR= Mixed-Use District City Hall Retail
6. C-2=Commercial
7. PUD=Planned Unit Development

The purpose of the proposed future land use map amendment is to allow for a mixed-use development on the subject property to include multifamily residential and various retail, office, and commercial uses with one (1) future land use designation, Mixed Use, and one (1) zoning district, Planned Unit Development. The proposed Mixed Use future land use designation is compatible with the surrounding future land use designations, zoning districts and existing uses as shown in the table below:

**Table 2: Land Use Adjacency Evaluation**

Direction	2025 FLU Designations	Zoning Districts	Existing Land Use
<b>North:</b>	Downtown Mixed Use (DMU) – New Downtown Sub-Area and East of Central Sub-Area	MUD – Village Core (MUD-VC) and MUD City Hall Retail	Panera and West of Eden Shopping Center
<b>South:</b>	PUD	PUD (Alafaya Woods)	Kid City USA, University Performing Arts, Professional Professional Office Buildings, Vacant Bank of America
<b>East:</b>	Downtown Mixed Use (DMU) – South of Mitchell Hammock Sub-Area and Public (P)	MUD- Division Street and Public Lands and Institution (PLI)	Percolation Ponds and City Hall Complex
<b>West:</b>	DMU – South of Mitchell Hammock Road; Commercial (CM)	MUD – City Hall Retail and Commercial (C-2)	Discount Auto Parts, Wilken Storage

Source: City of Oviedo Planning & Development Division, 2020

A portion of the subject property, more specifically parcel 22-21-31-300-012A-0000, was previously approved for a 186,412 square feet mixed use development consisting of 15,241 square feet of commercial use, 17,308 square feet of office use; and 153,863 square feet of residential use with 50 units on 3.35 acres. The mixed-use development was approved by the

order approving authority, the Development Review Committee, on July 31, 2008 with the approval of Site Development Order 401-08. Site Development Order 401-08 expired on July 31, 2018.

The proposed development includes a mixed-use development consisting of 12,000 square feet of commercial use and 297 multifamily units. The proposed Planned Unit Development zoning district requires the approval of a Development Agreement (DA) and Conceptual Development Plan (CDP). The DA and CDP are attached to Ordinance No. 1691, Zoning Map Amendment for the subject property.

The applicant intends to develop the following mixed-use development program. It should be noted that a traffic analysis was conducted based on the proposed development program.

**Table 3: Maximum and Proposed Development Program**

Proposed Development	Acreage	% of Acreage	Max Density/ Intensity Allowed/	Max Dus/ SqFt allowed	Proposed Development Totals
Multi-family	9.89 acres	80%	24 du/acre	237 dus	231 Units
Mixed-Use	2.47 acres	80% Residential 60% Nonresidential	40 du/acre Up to 1.0 FAR	79 dus 323,040 sqft	66 units 12,000 sqft

There is adequate capacity for recreation, water, sewer, solid waste, and transportation to accommodate the proposed use. The Applicant proposes the following improvements that are provided in the development agreement.

- Two lane, two way access road, which will connect Clara Lee Evans Way with Alafaya Trail/SR 434; and
- Eastbound right-turn deceleration lane on Mitchell Hammock Road at the project driveway

The Applicant has agreed to make best efforts to work with the owner of tax parcel number 22-21-31-300-009B-0000 (property to the south) on a cross access easement at a mutually agreeable location and with terms and conditions agreeable to both parties and in a form acceptable to the City Attorney.

Staff recommend approval of Ordinance No. 1690. The City Attorney reviewed Ordinance No. 1690 and identified no concerns relative to content and accuracy. The City followed all the proper notification and advertisement requirements for the public hearings per the Florida Statute 163. The Local Planning Agency conducted a public hearing on Tuesday, February 4, 2020, and thereat, recommended transmittal of Ordinance No. 1690.

**Budget Impact:** There are no budgetary impacts arising from approval of Ordinance No. 1690.

**Strategic Impact:** Promote diversification of the local economy.

**Recommendation:** It is recommended that the City Council read Ordinance No. 1690 by title only, conduct a public hearing, and adopt Ordinance No. 1690.

Attachment(s): 1. Supporting Data Inventory and Analysis  
2. Applicant's Presentation

Prepared by: Debra M. Pierre, Planning Manager

Reviewed by: Teresa Correa, Development Services Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** June 15, 2020  
**SUBJECT:** **Ordinance No. 1691**, Zoning Map Amendment for the Ellis at Oviedo.

**Procedure:** Call Up Item  
Mayor Asks Attorney to Read Ordinance by Title Only  
City Manager Background  
Applicant Comments  
Public Hearing  
Council Motion & Discussion  
Council Action

**Introduction:** This is a request to amend the City’s Official Zoning Map to change the zoning districts for approximately twelve point thirty-six (12.36) acres located on the south side of Mitchell Hammock Road and the west side of Clara Lee Evans Way from Mixed Use District – Division Street (MUD-DS), Mixed Use District – City Hall Retail (MUD-CHR) and Commercial (C-2) to Planned Unit Development (PUD). The applicant is Michael Hoath, Brand Properties.

**Discussion:** Per Section 166.041(3)(a), Florida Statutes, a privately-initiated ordinance to change the official zoning map of a parcel must be read by title on at least two (2) separate days and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the City. LDC Sections 2.4(E) and 2.5(B) require a public hearing before the Local Planning Agency (LPA) and a public hearing before the City Council for an amendment to the Official Zoning Map. Thus, the proposed Zoning Map Amendment (ZMA) will undergo two (2) public hearings: one (1) before the LPA and one (1) before City Council. Per Land Development Code (LDC) Section 2.5(A)(3), the City Council shall have final approval authority over amendments to the official zoning map.

The subject property consists of approximately 12.36 acres and currently has two (2) future land use map designations and three (3) zoning districts as shown in Table 1 below:

**Table 1: Summary of Future Land Use Designations and Zoning Districts**

<b>Parcels</b>	<b>Acres</b>	<b>Existing FLU</b>	<b>Proposed FLU</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
22-21-31-300-0110-0000	2.09	DMU- SMH	MU	MUD-DS	PUD
22-21-31-300-011F-0000	2.32	DMU- SMH	MU	MUD-DS	PUD
22-21-31-300-012A-0000	3.35	DMU- SMH	MU	MUD-CHR	PUD
22-21-31-300-0100-0000	3.32	CM	MU	C-2	PUD
22-21-31-300-010C-0000	1.28	CM	MU	C-2	PUD

DMU-SMH= Downtown Mixed-Use South of Mitchell Hammock Sub-Area, CM= Commercial, MU= Mixed Use, MUD-DS= Mixed-Use District Division Street, MUD-CHR= Mixed-Use District City Hall Retail, C-2=Commercial, PUD=Planned Unit Development

The purpose of the proposed zoning map amendment is to allow for a mixed-use development on the subject property to include multifamily residential and various retail, office, and commercial uses with one (1) future land use designation, Mixed Use and one (1) zoning district, Planned Unit Development. The proposed Planned Unit Development (PUD) zoning district is compatible with the surrounding future land use designations, zoning districts and existing uses as shown in the table below:

**Table 3: Land Use Adjacency Evaluation**

Direction	2025 FLU Designations	Zoning Districts	Existing Land Use
<b>North:</b>	Downtown Mixed Use (DMU) – New Downtown Sub-Area and East of Central Sub-Area	MUD – Village Core (MUD-VC) and MUD City Hall Retail	Panera and West of Eden Shopping Center
<b>South:</b>	PUD	PUD (Alafaya Woods)	Kid City USA, University Performing Arts, Professional Office Buildings, Vacant Bank of
<b>East:</b>	Downtown Mixed Use (DMU) – South of Mitchell Hammock Sub-Area and Public (P)	MUD- Division Street Public Lands and Institution (PLI)	Percolation Ponds and City Hall Complex
<b>West:</b>	DMU – South of Mitchell Hammock Road; Commercial (CM)	MUD – City Hall Retail and Commercial (C-2)	Discount Auto Parts, Wilken Storage

Source: City of Oviedo Planning & Development Division, 2020

The proposed development includes a mixed-use development consisting of 12,000 square feet of commercial use and 297 multifamily units. The proposed Planned Unit Development zoning district requires the approval of a Development Agreement (DA) and Conceptual Development Plan (CDP). The DA and CDP are attached to Ordinance No. 1691, Zoning Map Amendment for the subject property.

The applicant intends to develop the following mixed-use development program (it should be noted that a traffic analysis was conducted based on the proposed development program):

**Table 4: Maximum and Proposed Development Program**

Proposed Development	Acreage	% of Acreage	Max Density/ Intensity Allowed	Max Du’s/ Sq.Ft. Allowed	Proposed Development Totals
Multi-family	9.89 acres	80%	24 du/acre	237 dus	231 Units
Mixed-Use	2.47 acres	80% Residential 60% Nonresidential	40 du/acre Up to 1.0 FAR	79 dus 323,040 sqft	66 units 12,000 sqft

The Development Agreement includes the following:

1. Principal Uses include multifamily residential and C-2 zoned permissible uses to include but not limited to shopping center, restaurants, retail sales, and bank uses;
2. Maximum Building Height is 60 feet;
3. Transportation: The Project is estimated to generate 3,039 gross daily trips as calculated using the trip generation values defined in the Institute of Transportation Engineers Trip Generation Manual, 10th Edition. The project is estimated to generate 181 net new PM Peak hour trips and is therefore required to provide 3 mobility strategies in accordance with the Comprehensive Plan. The Developer may propose the following; a ride share lobby, car share for residents, increased sidewalk widths, enclosed bike storage, and payment into the City's mobility fund as mobility strategies.
4. The Applicant proposes the following improvements that is within the development agreement: two lane, two way access road which will connect Clara Lee Evans Way with Alafaya Trail/SR 434; and an Eastbound right-turn deceleration lane on Mitchell Hammock Road at the project driveway.

The Applicant has agreed to make best efforts to work with the owner of tax parcel number 22-21-31-300-009B-0000 (property to the south vacant Bank of America) on a cross access easement at a mutually agreeable location and with terms and conditions agreeable to both parties and in a form acceptable to the City Attorney. This cross-access easement would allow a connection to the signal at Alexandria Boulevard.

There is adequate capacity for recreation, water, sewer, solid waste, and transportation to accommodate the proposed use.

The City followed all the proper notification and advertisement requirements for the public hearings per Florida Statute 166. Staff recommend approval of Ordinance No. 1691. The City Attorney reviewed Ordinance No. 1691 and identified no concerns relative to content and accuracy.

The Local Planning Agency conducted a public hearing on February 4, 2020, and thereat, recommended approval of Ordinance No. 1691 with an amendment to Section 5. **City of Oviedo Conditions of Approval** (c)(v)(h) to state, "The Applicant will address the installation of down lighting at the time of Site Development Order Review." The Applicant agreed to the proposed language during the LPA public hearing. Staff has incorporated the language into the Development Agreement.

**Budget Impact:** There are no budgetary impacts arising from approval of Ordinance No. 1691.

**Strategic Impact:** Promote diversification of the local economy.

**Recommendation:** It is recommended that the City Council read Ordinance No. 1691 by title only, conduct a public hearing, and adopt Ordinance No. 1691.

Attachment(s): 1. Supporting Data Inventory and Analysis

## 2. LDC Table of Permissible Land Uses

Prepared by: Debra Pierre, Planning Manager  
Reviewed by: Teresa Correa, Development Services Director