

**CITY COUNCIL AGENDA  
REGULAR MEETING  
Thursday, September 5, 2019  
6:30 p.m.**

**City Hall  
400 Alexandria Boulevard  
Oviedo, Florida**

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 INSURE 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.

**CALL TO ORDER / ROLL CALL**

**ORDER OF  
BUSINESS**

**BUDGET PUBLIC HEARING TO ADOPT FY 18-19 TAX RATES AND BUDGET**

- 1. Resolutions No. 3797-19 and 3798-19, First Public Hearing to Adopt the FY 2019-20 Millage Rates and Budget.**

**CEREMONIAL ITEMS AND PRESENTATIONS**

- 2. None.**

**COUNCIL BUSINESS**

- 3. Approval of Minutes for the August 19, 2019 Regular Session.**

**PUBLIC COMMENT**

- 4. Citizen Comment.**

**CONSENT AGENDA**

- 5. Resolution No. 3794-19, FY 2019-2020 Addendum to the Inter-local Agreement with the Seminole County Sheriff's Office for Police Dispatching Service.**
- 6. Resolution No. 3799-19, Agreement with Seminole County School Board for School Resource Officers.**
- 7. Resolution No. 3800-19, Piggyback Agreement and Work Order with Leesburg Concrete Company, Inc.**
- 8. Resolution No. 3801-19, Authorization to hold a General Election – November 5, 2019.**

9. **Resolution No. 3803-19**, Oviedo Participation in BFF Program.
10. **Resolution No. 3804-19**, Architectural Design Order No. 048-19 for the Learning Center (Castle Rock Realty LLC).
11. **Resolution No. 3805-19**, B&D Enterprises Piggyback Agreement.
12. **Resolution No. 3806-19**, USSI, LLC Piggyback Agreement.
13. **Resolution No. 3810-19**, Florida Job Growth Grant Fund Application in the amount of \$940,785.82 for the completion of the Geneva Drive Realignment project.

#### **PUBLIC HEARINGS**

14. **Ordinance No. 1686**, Puppy Mill.
15. **Resolution No. 3802-19**, Approval of the Amended Certificate of Vesting for Oviedo Pharmacy and Drugstore, LLC.

#### **FIRST READING OF ORDINANCES**

16. **None.**

#### **RESOLUTIONS**

17. **Resolution No. 3795-19**, Non-Statutory Development Agreement (NSDA) with an Associated Master Land Use Plan (MLUP) for the Pharmacy on the Park.
18. **Resolution No. 3809-19**, Buck Creek Pre-Annexation Agreement (Principal Senior Living Group, LLC).

#### **DISCUSSION ITEMS**

19. **None.**

#### **CITY MANAGER'S REPORT**

#### **CITY ATTORNEY'S REPORT**

#### **COMMUNICATIONS/REPORTS**

- Councilman Jeff Chudnow
- Councilman Keith Britton
- Mayor Dominic Persampiere
- Councilman Bob Pollack
- Councilman Steve Henken

#### **FUTURE MEETING DATES**

- Monday, September 16, 2019, 5:30 p.m. CRA Governing Board (Tentative)
- Monday, September 16, 2019, 6:30 p.m. Regular Session

- Monday, September 30, 2019, 6:00 p.m. Work Session
- Monday, October 7, 2019, 6:30 p.m. Regular Session
- Monday, October 21, 2019, 5:30 p.m. CRA Governing Board
- Monday, October 21, 2019, 6:30 p.m. Regular Session

## Adjournment

**PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COUNCIL MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 407-971-5500 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.**

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** **Resolution Nos. 3797-19 and 3798-19**, First Public Hearing to Adopt the Tentative FY 2019-20 Millage Rates and Budget.

**Procedure:** Mayor Calls Up Item  
City Manager Provides Background  
Mayor Opens the Public Hearing  
Public Comment  
Mayor States the Tentative Millage Rate  
Mayor asks Attorney to Read Resolution No. 3797-19 by Title Only  
Council Motion to Adopt Resolution No. 3797-19  
Council Discussion and Action  
Mayor Announces the Tentative Millage Rates Separately and in Total  
Mayor asks Attorney to Read Tentative Budget Res. No. 3798-19 by Title Only  
Council Motion to Adopt Tentative Budget Resolution No. 3798-19  
Council Discussion and Action  
Mayor Closes the Public Hearing  
Council Motion to schedule the second public hearing for September 16, 2019, at 6:30 p.m., City Hall, 400 Alexandria Boulevard, Oviedo Florida 32765.  
Council Discussion & Action

**Introduction:** This is a request for City Council to conduct a public hearing to adopt the tentative millage rates and the tentative FY 2019-20 Budget, and take the following actions **PRIOR TO CLOSING THE PUBLIC HEARING** in accordance with Sections 200.065 (2)(c) and (e), *Florida Statutes*, **and in the following order:**

1. *Open the Meeting as a Public Hearing on the FY 2019-20 Budget.* State that the tentative millage rate of 5.1145 mills is a tax increase of 5.10% compared to the rolled back tax rate of 4.8663 mills.
2. Allow members of the public to speak and to ask questions prior to adoption of the tentative millage rates and tentative budget.
3. Have the City Attorney read the title of the Tentative Millage-Levy Resolution No. 3797-19.
4. Move to adopt the Tentative Millage-Levy Resolution No. 3797-19, discuss the motion, and vote on it. Upon adoption, publicly announce that the “the tentative operating millage rate is set at 5.1145 mills, which is 5.10% higher than the rolled back millage rate

of 4.8663 mills and combined with the General Obligation Bond Issue of 0.1675 mills the overall millage rate is 5.2820 mills”.

5. Have the City Attorney read the title of the Tentative Budget Resolution No. 3798-19.
6. Move to adopt Resolution No. 3798-19 adopting the FY 2019-20 Tentative Annual Budget of \$76,483,552 (net of interfund transfers).
7. Close the public hearing.
8. Move to schedule a second public hearing for Monday, September 16, 2019, Oviedo City Hall, 400 Alexandria Boulevard, at 6:30 p.m.

**Discussion:** The Tentative FY 2019-20 Budget is balanced using the recommended tentative millage rate of 5.1145 mills or \$5.1145 per \$1,000 of assessed valuation for the City’s operations. The debt service for the 2003 General Obligation Bond Issue will be set at the tentative millage rate of 0.1675 mills or 16.75 cents per \$1,000 of assessed valuation. Utilizing the recommended millage rate, a summary of the combined millage rates proposed for FY 2019-20 is as follows:

General Fund	5.1145
GOB Rate	0.1675
<b>Total</b>	<b>5.2820</b>

The tentative millage rate of 5.1145 mills will result in \$14,242,469 in revenue to support the General Fund. Budgeting at the 95% level as allowed in Section 200.065(2)(a)1, Florida Statutes, the General Fund budget will increase by \$1,056,947 as compared to the FY 2018-19 Adopted General Fund budget. Setting the tentative millage rate for the General Fund at 5.1145 mills will result in a citywide tax increase of 5.10% above the rolled back rate of 4.8663 mills.

- FY 2019-20 Proposed Budget: \$14,242,469 – at 5.1145 millage rate “Balanced Budget”
- FY 2018-19 Adopted Budget \$13,185,522 – at 5.0970 millage rate
- FY 2017-18 Adopted Budget: \$11,648,412 – at 5.0770 millage rate
- FY 2016-17 Adopted Budget: \$10,919,347 – at 5.0566 millage rate \*\*
- FY 2015-16 Adopted budget: \$10,546,895 – at 5.0434 millage rate

\*\* Has been adjusted to exclude the General Fund’s contribution to the CRA.

At City Council’s March 25, 2019, May 29, 2019, June 24, 2019, and August 26th, 2019 Work Sessions, staff presented a series of potential obligations and commitments resulting in a prioritizing of funding in the General Fund for FY 2019-20. Some of the obligations and commitments reflected funding adjustments, while others affect the operations and maintenance of the City. Staff developed a priority list based on the direction provided by the City Council at the work sessions and the director’s prioritization workshop.

The FY 2019-20 Budget is balanced using the recommended tentative millage rate of 5.1145 mills with sufficient revenues to accomplish the following:

- ✓ Maintains FY 2018-19 Service Levels,
- ✓ Funds debt service for FY 2019-20,
- ✓ Funds increases in fixed costs,
- ✓ Funds increases in benefits costs,
- ✓ Funds a 3% salary increase for General Employees,
- ✓ Funds the Police bargaining contract,
- ✓ Funds the Fire bargaining contract,
- ✓ Funds a full year of salary and benefits for the Event Marketing Coordinator position,
- ✓ Funds the following new positions: School Resource Officer, Police Officer, Fire Inspector, Building Custodian and Parks Ranger,
- ✓ Funds the promotion of a Police Officer to a Police Sergeant,
- ✓ Funds an increase in overtime costs,
- ✓ Funds the Vehicle Replacement Plan,
- ✓ Funds a replacement Fire Rescue Unit,
- ✓ Funds the replacement of 22 police radios,
- ✓ Funds the following capital items for public safety:
  - ◆ Fire: vehicle extrication equipment, EMS cardiac monitors, hose tester, firefighter rapid escape system bags, AED's, and thermal imaging cameras,
  - ◆ Police: taser replacement, armored plates, replacement of lasers, replacement of SRT and night vision equipment,
- ✓ Funds the replacement of Parks equipment to include: 2 Toro Reelmaster 5510-D's, Toro Workman HD, 4 Toro Workman's with bench seat, 2 Toro Sand Pro's, and a Toro Workman HDX,
- ✓ Funds capital purchases for IT as recommended by the IT Infrastructure & Organizational Assessment Plan,
- ✓ Funds the Comprehensive Plan Update,
- ✓ Maintains 15% Reserve Fund Balance as per the Budget and Financial Policy of the City.

The City Council provided feedback on the items presented during the work sessions, approved the required adjustments for the FY 2019-20 budget, and provided direction on those items spanning multiple funds and fiscal years.

Attachment No. 1 represents the Total Budget Summary that will be advertised in a public newspaper on September 12, 2019 detailing the budgets allocated by fund.

At the August 26, 2019 Budget Work Session, Staff presented the FY 2019-20 Proposed Fee Schedule for review and consideration. Annually, Staff reviews all fees associated with a revenue stream, analyzing the current fee and readjusting as necessary. In some cases, the City has introduced a new service. Therefore, a fee needs to be established for the service and a revenue code added and budgeted. The proposed FY 2019-20 Fee Schedule provided in Attachment No. 2 is based on the staff review and details proposed changes including new fees, adjustments to current fees, and the reduction or deletion of other fees.

**Budget Impact:** Establish the Tentative Fiscal Year 2019-20 Annual Budget as per the City Charter, Section 4.08.06 Adoption of Annual Budget.

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

**Recommendation:** It is recommended that City Council conduct a public hearing on the tentative millage rates and tentative budget; read Resolution Nos. 3797-19 and 3798-19 by title only; adopt the tentative millage rates and tentative budget; and schedule a second (2nd) public hearing for Monday, September 16, 2019.

Under the TRIM statutes, all property owners must be notified of the tentative millage levies by a mailing from the Seminole County Property Appraiser in August. The City Council may subsequently reduce the tentative millage rate. City Council cannot increase the tentative millage rate without another public notification to all City property owners. For practical purposes, the proposed resolution establishes the maximum property tax millage rate for the next fiscal year.

Attachment:      1. Total Budget Summary  
                         2. FY 2019-20 Proposed Fee Schedule

Prepared by:      Kelly Jones, Assistant Finance Director  
Reviewed by:      Jerry Boop, Finance Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** **Resolution No. 3794-19**, FY 2019-2020 Addendum to the Inter-local Agreement with the Seminole County Sheriff's Office for Police Dispatching Service

**Introduction:** This is a request for City Council to approve the FY 2019-2020 Addendum to the Inter-local Agreement with the Seminole County Sheriff's Office for Police Dispatching Services.

**Discussion:** On June 4, 2012, City Council adopted Resolution No. 2523-12 approving an inter-local agreement with the Seminole County Sheriff's Office for Police Dispatching Services. The term of the agreement was for three (3) years from January 8, 2013, until September 30, 2016, and is renewable in single or multiple year increments upon mutual agreement by both parties. On July 18, 2016, City Council adopted Resolution No. 3221-16, which extended the terms of the agreement through September 30, 2020. The agreement includes a provision for an annual reassessment of cost for the Sheriff's Office to provide dispatching services to the City. A copy of the inter-local agreement is provided in Attachment 1. A copy of the 2017-2018 and 2018-2019 addendums are provided in Attachment 2.

A copy of the FY 2019-2020 Addendum, is provided in Exhibit 1 of Resolution No. 3794-19. The FY 2019-2020 Addendum amends Paragraph 6(1) of the inter-local agreement and establishes the City's annual cost for the police dispatching services at \$356,400, which is an increase of 7.4% or \$26,400 over last year's contract pricing of \$330,000. It also divides the cost into four (4) equal quarterly payments. All provisions of the inter-local agreement except for those amended by the FY 2019-2020 Addendum remain in force and effect.

**Budget Impact:** Sufficient funding has been budgeted in the Adopted FY 2019-2020 budget.

**Strategic Impact:** Be one of the safest communities in the region.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3794-19.

Attachments: 1. Inter-local Agreement for Police Dispatching Services  
2. FY 2017-2018 and 2018-2019 Addendums

Prepared by: Mike Beavers, Deputy Police Chief  
Reviewed by: Kelly Jones, Assistant Finance Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** Resolution No. 3799-19, Agreement with Seminole County School Board for School Resource Officers.

**Introduction:** This is a request for City Council to approve the annual, inter-agency agreement between the City of Oviedo and the Seminole County School Board to provide ten (10) School Resource Officers for the term beginning July 1, 2019 and ending June 30, 2020.

**Discussion:** In prior years, the City has agreed to provide law enforcement personnel to perform the duties and responsibilities of School Resource Officers and Focus on Safety Officers at the seven (7) Oviedo campuses of Seminole County Public Schools. The program has been very effective in providing positive role models to the City's youth while ensuring a reasonable law enforcement presence at educational sites in the City. These sites represent a concentration of the largest number of people at a single location in the City during the weekday daytime hours. Continuing this program maintains the City's commitment to protect the interests and the welfare of the children and young adults of the City and insures compliance with Section 1006.12, Florida Statutes, for a School Resource Officer Program. It is an important aspect of the Police Department's comprehensive community policing effort.

The inter-local agreement requires the School Board to pay the City fifty percent (50%) of the cost for the seven (7) assigned officers' salaries and benefits and one hundred percent (100%) of the cost for three (3) additional officers' salary and benefits. The total compensation due the City is approximately \$555,277, remitted on a quarterly basis in the amount of \$138,819.19, for four (4) quarters.

**Budget Impact:** The costs associated with this agreement are included in the FY 2019-20 Budget within the Community Relations/School Resource program of the Police Department. The General Fund budget includes the fifty percent (50%) revenue share for the original seven (7) SRO's and the one hundred percent (100%) share for the additional three (3) SRO's added in the agreement to be paid by the School Board in the Intergovernmental Section of Revenue.

**Strategic Impact:** Be one of the safest communities in the region.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3799-19

Prepared by: Mike Beavers, Deputy Chief of Police  
Reviewed by: Kelly Jones, Assistant Finance Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** **September 5, 2019**  
**SUBJECT:** **Resolution No. 3800-19**, Piggyback Agreement and Work Order with Leesburg Concrete Company, Inc.

**Introduction:** This is a request for City Council to approve a piggyback agreement with Leesburg Concrete Company, Inc. to provide and install pre-cast concrete restrooms and other buildings, piggybacking the Lake County Bid #16-0214. City Council is also requested to approve a Work Order with Leesburg Concrete Company, Inc., for the purchase, delivery and installation of a pre-cast concrete 6-user restroom with a 12-foot concession extension that will replace the existing restroom building located on the north end (softball) of the Oviedo Sports Complex in the amount of \$178,873.

**Discussion:** The proposed restroom and concession building are part of the OSC capital improvement program and is an element of the Land and Water Conservation Fund Development (LWCF #0647) with the Florida Department of Environmental Protection (FDEP). The cost of proposed restroom and concession building is \$178,873. The proposed pre-cast concrete restroom and concession building, to be located at the Oviedo Sports Complex, includes the purchase, delivery and installation, along with additional amenities for daily operations. The project needs to be completed by May 19, 2020 to meet LWCF requirements.

Staff recommends that City Council approve the piggyback agreement with the Lake County Bid #16-0214, currently in place with Leesburg Concrete Company, Inc., to provide and install a pre-cast concrete restroom/concession building. A copy of the piggyback agreement is provided in Exhibit 1 of Resolution No. 3800-19. Staff also recommends City Council approving a Work Order with Leesburg Concrete Company, Inc., for the purchase, delivery and installation of a pre-cast concrete 6-user restroom with a 12-foot concession extension that will replace the existing restroom building on the north end of the Oviedo Sports Complex, is provided in Exhibit 2 of Resolution No. 3800-19.

The City's purchasing policy allows for piggybacking existing competitively bid contracts of other government entities without need to obtain formal or informal quotations, proposals, or bids. Such procurements require the approval of the Department Director, City Manager or the City Council based on the dollar value of the purchase. If piggybacking the Counties' contracts is approved, requests for purchases will go through the normal purchasing process in accordance with City's Purchasing Policy and budget.

**Budget Impact:** The FY2018-19 Budget and Recreation & Parks Capital Improvement Projects have sufficient funding established for the new restroom and concession building at the Oviedo Sports Complex.

**Strategic Impact:** The purchase of the restroom/concession building is consistent with the Recreation Master Plan goal of the “Recreation, Arts and Culture” strategic focus area.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3800-19.

Attachment: Lake County Agreement #16-0214

Prepared by: Paul Belden, Recreation Business Manager

Reviewed by: Dru D. Boulware, Recreation & Parks Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** **September 5, 2019**  
**SUBJECT:** **Resolution No. 3801-19**, Authorization to hold a General Election – November 5, 2019

**Introduction:** This is a request for the City Council to authorize a General Election for the positions of Mayor and of City Council member Group I on November 5, 2019.

**Discussion:** Under the City Charter of the City of Oviedo, which became effective November, 2006, it is necessary to elect a Mayor and Council member for Group I for a 2-year term commencing on December 1, 2019. Qualifying was held from August 12, 2019, until noon on August 16, 2019. A General Election will be held to elect a Mayor – qualified candidates Randy Core, Emma L. Reichert and Megan Sladek; and a City Council Member for Group I – qualified candidates, Barry W. Cammack and Judith Delores Smith.

Polling locations will be Live Oak Reserve Community Center, Oviedo Presbyterian Church, and Oviedo City Hall. Voters will be notified of their polling location change via U.S. Mail in accordance with procedures outlined in Florida Statute.

Early Voting will be held at Oviedo City Hall, 400 Alexandria Boulevard, and in Sanford, Florida at the Office of the Supervisor of Elections, 1500 E. Airport Boulevard. Voting polls will open at 10:00 a.m. and close at 6:00 p.m., on Saturday, November 2, 2019.

The Seminole County Canvassing Board will serve as the City of Oviedo Canvassing Board for this election.

Campaign finance reports from candidates will be completed on the Seminole County Supervisor of Elections automated system.

**Budget Impact:** There are sufficient funds in the FY 2019-2020 Budget to pay for the advertising, ballot language translation, and poll workers required by a general election.

**Strategic Impact:** Provide leadership on critical local and regional issues.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3801-19.

Prepared by: Barbara Barbour, City Clerk

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** Resolution No. 3803-19, Oviedo Participation in BFF Program

**Introduction:** This is a request for the City Council to approve the City participation in the Best Foot Forward (BFF) for Pedestrian Safety Program. Resolution No. 3803-19 also approves the BFF Program's use of the City's logo and Police Department logo on the BFF website and other informational materials.

**Discussion:** Best Foot Forward for Pedestrian Safety, which was launched in June 2012 and is administered by Bike/Walk Central Florida, is a community-wide grassroots initiative to change roadway behavior by getting drivers to comply with Florida's right-of-way laws. It is an initiative to make walking safer by changing drivers' behaviors by utilizing the "3E" methodology: low-cost Engineering, high-visibility Enforcement and dynamic public Education, measured by increasing driver yield rates at marked crosswalks.

The BFF Program complements the City's transportation goals of balancing the mobility needs of all transportation mode users, including pedestrians and bicyclists. Participation in the BFF Program includes the use of the City's logo and Police Department logo on BFF website and informational materials to show the City's support of the program as well as the involvement of the City's Police Department for Enforcement, Public Works Department for Engineering, and the Development Services Department for Education. As a start of the City's participation, two (2) marked crosswalks have been identified for implementation of the program, which includes monitoring and enforcement and any needed low-cost engineering to improve the safety and function of the crosswalk. As the program continues, additional marked crosswalks could be identified for monitoring, enforcement and needed engineering improvements.

The City Attorney has reviewed Resolution No. 3803-19 and offers no objection.

**Budget Impact:** No budgetary impacts are anticipated as a result of adoption of Resolution No. 3803-19.

**Strategic Impact:** Promote a transportation system that will foster the health and safety of residents while increasing the ability of people to move around the City. Pursue strategies to be one of the safest communities in the region.

**Recommendation:** It is recommended that the City Council adopt Resolution No. 3803-19.

Prepared by: Anoch Whitfield, Planning Manager

Reviewed by: Teresa Correa, Development Services Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** **Resolution No. 3804-19**, Architectural Design Order No. 048-19 for the Learning Center (Castle Rock Realty LLC)

**Introduction:** This is a request for the City Council to approve Architectural Design Order (ADO) No. 048-19 for the Learning Center development in Oviedo Point.

**Discussion:** The proposed development is located on the south side of Mitchell Hammock Road, approximately a thousand and eighty-five feet (1,085') east of SR 426, on lot 5 of the Oviedo Point plat. The total land area is approximately one point two four (1.24) acres. The applicant is Pate Foshee, of Castle Rock Realty LLC. The property owner is Ryan Stahl of Oviedo Point Investors, LLC. The architect of record is Steve Vinci of ARC3 Architecture.

Per LDC Section 2.5 (A)(18), the City Council shall have final approval authority to issue Architectural Design Orders associated with a Site Development Order or Building Permit application associated with a Mixed Use Development, Multifamily Development, Townhome Development, Office Development, and Commercial Development in all zoning districts.

The subject property is designated as Commercial (CM) on the City's Future Land Use Map and C-2 on the City's Official Zoning Map. The applicant proposes to develop the property with ten thousand (10,000) square feet of day care facility.

Staff reviewed the architectural design of the proposed development according to the standards of the City's Land Development Code (LDC) Article VIII, Architectural and Urban Design Standards and the Comprehensive Plan. The project consists of a one-story building with a gable roof and entrances well defined with columns with a differentiated roof. The building is finished with stacked siding and brick. Colored elevations of the proposed building are provided in Attachment 3. A 3D rendering of the proposed building is provided in Attachment 4.

The Applicant requests the following deviation to the LDC minimum architectural standards. Staff's comments, when applicable, are underlined.

**ARCHITECTURAL DESIGN DEVIATION:** The following deviations relate to Article VIII of the City of Oviedo Land Development Code (LDC):

**1. West Elevation (Secondary Façade):**

Fenestration:

- a. **LDC Article VIII, Section 8.7(C)(4) Fenestration**, a 95 square foot deviation to the requirement that a secondary façade shall have a minimum of 20% of the façade area for fenestration (168 sq. ft.), to allow 73 square feet of fenestration on the west secondary façade (**56% deviation**).

Per LDC Section 8.3(C), Number of Mitigation Techniques, deviations greater than fifty percent (50%), relating to Article 8 shall require to provide three (3) mitigation techniques. The only deviation requested by the applicant is a 56% deviation. The mitigation provided by the Applicant is the following:

1. The same architectural treatment is given to all façades, including the use of brick on the east elevation (rear façade).
2. The applicant proposes to have an increased amount of the minimum requirement of brick on the north elevation (primary façade).
3. The applicant proposes to have an increased amount of the minimum requirement of brick on the west elevation (primary façade).

The applicant complies with the mitigations required by LDC Article VIII as described above. Staff is reviewing the site development order/final engineering plans for the Learning Center development as well as a re-plat impacting the lot 5 of Oviedo Point plat. A copy of the proposed plan is provided in Attachment 2. Staff recommends approval of ADO No. 048-19.

**Budget Impact:** There is no impact to the budget as a result of the approval of the proposed Site Architectural Design Order No. 048-19.

**Strategic Impact:** The proposed development of the Learning Center is consistent with the Economic and Vitality strategic goal.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3804-19.

Attachments:     1. Location Map  
                      2. Proposed Site Plan  
                      3. Colored Façade Elevations  
                      4. 3D Rendering  
                      5. Letter from the Applicant

Prepared by:     Teresa Correa, Development Services Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** **Resolution No. 3805-19**, B&D Enterprises Piggyback Agreement

**Introduction:** This is a request for City Council to approve a piggyback agreement with B & D Waterblasting Company, Inc./dba B&D Enterprises Company, Inc. (D&B Enterprises) to provide video inspection and cleaning of City Stormwater Facilities on an as-needed basis.

**Discussion:** B&D Enterprises is a provider of video inspection and cleaning services for stormwater facilities via a competitively bid City of Orlando contract. The agreement provides the ability to fix faults and joints in storm pipe by pressure grouting which is more cost effective than replacing or lining the entire pipe. The City's purchasing policy allows for piggybacking existing competitively bid contracts of other government entities. This piggyback will ensure that the services are readily available when the need arises, but all work performed under this piggyback agreement will still require the appropriate procurement process as outlined in the City's purchasing policy.

A copy of the Orlando contract is included with the proposed piggyback agreement attached to Resolution No. 3805-19. B&D Enterprises has agreed to offer the same pricing, terms and conditions as exists in City of Orlando Contract No. IFB17-0194 to the City of Oviedo. The current contract is for a period of 12 months, expiring July 31, 2020, but may be renewed for three (3) additional twelve (12) month periods.

**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. 3805-19.

Prepared by: Susan Sheikh, Operational Resources Manager  
Reviewed by: Bobby Wyatt, Public Works Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** **Resolution No. 3806-19**, USSI, LLC Piggyback Agreement

**Introduction:** This is a request for City Council to approve the piggyback of a City of Cape Coral contract currently in place with USSI, LLC for sanitary sewer collection system in-flow abatement services.

**Discussion:** The City has the need from time to time for sanitary sewer in-flow abatement services. These services are needed to identify problems existing in the collection system such as broken clean-out caps or other breaches which affects the flow levels, especially during heavy rain events. Utilizing smoke-testing, USSI will be able to identify breaches in the system and will enable the City to tighten-up the sanitary sewer system effectively resolving issues in an as-needed priority-based manner based on findings.

USSI, LLC was awarded a competitively bid contract by the City of Cape Coral under ITB-UT17-29/KR. The City's purchasing policy allows for piggybacking existing competitively bid contracts of other government entities without the need to formally or informally request proposals or bids. All work performed under this piggyback agreement will still require the appropriate procurement process as outlined in the City's purchasing policy.

A copy of the City of Cape Coral bid and contract is included with the proposed piggyback agreement attached to Resolution No. 3806-19. The initial agreement was entered into on April 10, 2017 and is effective for a period of three (3) years. The agreement may be renewed for two (2) additional (2) year periods by mutual agreement. As such, the agreement could be in place as long as April 9, 2024 for use by the City.

**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. 3806-19.

Prepared by: Susan Sheikh, Operational Resources Manager  
Reviewed by: Bobby Wyatt, Public Works Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** **Resolution No. 3810-19**, Florida Job Growth Grant Fund Application in the amount of \$940,785.82 for the completion of the Geneva Drive Realignment project.

**Introduction:** This is a request for City Council to approve the preparation and submittal of an application for a Florida Job Growth Grant Fund grant in the amount of \$948,785.82 to construct the realignment of Geneva Drive.

**Discussion:** At its August 20, 2018, meeting, City Council adopted Resolution No. 3597-18 authorizing staff to make an application for a Florida Job Growth Grant Fund grant. The City's subsequent application was not funded amongst the 2018-2019 requests.

The Florida Job Growth Grant Fund is an economic development program designed to build on Florida's success and economic prosperity since 2010. The Florida Job Growth Grant Fund has provided millions of dollars for public infrastructure and job training projects that support growth and employment in Florida's diverse industries. During the 2019 State Legislative Session, \$40 million was appropriated for public infrastructure and job training projects. Public infrastructure projects can include transportation and utilities needed to support economic development.

City staff identified the Geneva Drive realignment as a public infrastructure project which will support economic development within the City by promoting the redevelopment of the old downtown area. An estimated 230,000± square feet of office, retail, restaurant and residential space will either be renovated or may be constructed contiguous to the newly realigned Geneva Drive.

Authority to approve such funding requests through the Florida Job Growth Grant Fund lies with the Governor, as noted in Florida Statute 288.101. Although the previous request was not funded, the new administration and staff in Tallahassee may evaluate applications differently. City staff is also working with the City's State Lobbyist, Gray Robinson to improve upon the application.

Additionally, the realignment of Geneva Drive will afford property owners improved or restored access to their facilities following blockages which have or will occur as part of the Phase 1 and Phase 2 widening of the SR 426/CR 419 widening. This improved access will provide the impetus for the City to execute a substantial portion of its Downtown Master Plan. In particular, expansion of the Citizens Bank of Florida campus, a Florida Targeted Industry and the Nelson and Company Property.

Currently, the Geneva Drive Re-alignment design is incorporated into the project scope of the SR 426/CR 419 Phase 2 widening which is scheduled to begin in FY 20/21 and is budgeted to be paid for out of the 3rd generation sales tax fund (304).

**Budget Impact:** The Florida Job Growth Grant Fund does not require matching funds. However, community investment is an important determining factor and any matching funds could be taken out of the budgeted 3rd generation sales tax fund.

**Strategic Impact:** Execute the Downtown Master Plan, creating a transportation system that will foster economic development and creating a diverse and strong local economy that brings good jobs and profitable businesses while contributing to the economic health of the City.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3810-19.

Attachment: Florida Job Growth Grant Fund FAQ

Prepared by: Patrick Kelly, Assistant City Manager

**AGENDA  
MEMORANDUM**

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

**FROM:** Bryan Cobb, City Manager

**DATE:** September 5, 2019

**SUBJECT: Ordinance No. 1686, Puppy Mills**

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

**Introduction:** This is a request for City Council to approve Ordinance No. 1686 relating to the retail sale of dogs and cats.

**Discussion:** At its July 17, 2019, meeting, the City Council discussed enacting an ordinance requiring an adoption-based business model for the retail sale of dogs and cats. Thereby prohibiting the retail sale of dogs and cats from “puppy mills” and “kitten factories.”

The practice of commercial breeding facilities, not including medical research, sometimes referred to as “puppy mills” and “kitten factories” is said to contribute to domestic animal overpopulation. These facilities have been found to house animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization thereby allowing the spread of heritable and congenital disorders, infectious diseases and potentially causing environmental contamination all of which may present immediately after a sale or not until several years later. The practices used by these mass-breeders may be cruel, inhumane, or at least considered unreasonable to most pet owners, and detrimental to the pets used for breeding.

The Humane Society of the United States estimates there are over 10,000 puppy mills in the United States selling approximately two (2) million puppies annually. It has been determined that a useful tool to eliminate the retail market for domestic dogs and cats bred through “puppy mills” and “kitten factories” is to require that pet shops utilize an adoption-based business model, which ensures that the animals sold by retail outlets are sourced from shelters and animal rescue organizations thereby encouraging the adoption of homeless pets and reducing the financial and emotional toll on consumers who purchase mill-bred pets with latent physical and behavioral problems.

To reduce the number of animals that come from puppy mills, several area communities and the Seminole County Board of County Commissioners have enacted ordinances which require pet

shops to offer only dogs and cats which have been obtained from animal shelters or rescue organizations.

Ordinances such as this also ban the sale of dogs or cats on public thoroughfares, parks, flea markets, festivals, yard sales, outdoor markets, and parking lots. The sales ban in public places doesn't apply to animal shelters or animal rescue organizations. Nor does it place any restriction on a consumer's ability to obtain a dog or cat from a reputable local breeder.

Though the City and the County have entered an interlocal agreement which provides for County enforcement of animal control matters when City and County codes do not conflict, this agreement only applies to Parts I and II of Chapter 20 of the Seminole County Code. The "puppy mill" ordinance is contained in part V of Chapter 20, excluding it from the interlocal agreement.

Thus, matters of enforcement will fall to City Code Enforcement Staff and Police Department. As the ordinance calls for the implementation of a particular business model, and there is no requirement for capture or impoundment of animals, staff possesses the capability to enforce the ordinance.

There will be a negligible impact, if any, on businesses with the City. Only one retail establishment resides within the City which engages in the sale of puppies or kittens. The Pet Supermarket, located at 1080 Alafaya Trail, offers a limited number of cats sourced from local shelter organizations for sale. No dogs are offered for sale at this store. The business model utilized by Pet Supermarket complies with the standard as established by Ordinance 1686. Staff conducted an on-site visit and confirmed the animals for sale were marketed as sourced from an animal shelter.

**Budget Impact:** There is no budget impact associated with the adoption of Ordinance No. 1686.

**Strategic Impact:** Provide leadership on critical local and regional issues. Continue to pursue mutually beneficial strategies and partnership with other local governments and regional agencies.

**Recommendation:** It is recommended that City Council read Ordinance No. 1686 by title only, conduct a public hearing, and adopt Ordinance No. 1686.

Attachment: Humane Society of the United States Pet Store Bill Facts

Prepared by: Patrick Kelly, Assistant City Manager

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** **Resolution No. 3802-19**, Approval of the Amended Certificate of Vesting for Oviedo Pharmacy and Drugstore, LLC

**Procedure:** Call Up Item  
City Manager Background  
Applicant Comments  
Public Hearing  
Council Motion & Discussion  
Council Action

**Introduction:** This is a request for the City Council to approve an amended Certificate of Vesting (COV) application, associated solely to the extension of the expiration date, filed by Oviedo Pharmacy and Drugstore LLC, for property located at 784 South Central Avenue (SR 434) on the east side of SR 434 approximately 150 feet south of Boardwalk Avenue..

**Discussion:** The Property is designated as Downtown Mixed Use (DMU) on the City's Future Land Use Map and Mixed-Use District New Downtown Sub-District A (MUD/NDA) on the City's Official Zoning Map. Under such land use designation and zoning district, a pharmacy use would have been allowed to develop subject to all applicable development standards and requirements prior to September 7, 2017. On September 7, 2017, City Council adopted Ordinance No. 1655, approving amendments to the LDC to, among other things, address pharmacy, drugstore and apothecary and industrial uses. Ordinance No. 1655, in essence, eliminated the pharmacy, drugstore and apothecary as a permissible uses on the property.

Per the LDC, the property owner sustained the burden of demonstrating facts to support the vested rights application. The facts indicated the property owner is a pharmacist licensed under the laws of the State of Florida, and that the property owner engaged City staff well prior to the effective date of Ordinance No. 1655, indicating an intent to potentially develop a pharmacy on the property thereby utilizing his State license. The property owner asserted successfully at that time that the proposed pharmacy and drugstore use was vested against land development regulatory provisions of Ordinance No. 1655, which would prohibit such uses as proposed. City staff and the City Attorney recommended approval of the vesting certificate. At its October 2, 2017, meeting, City Council adopted Resolution No. 3477-17 approving a COV vesting a pharmacy use on property. The necessary Findings of Fact, Conclusion of Law and Conditions Imposed were included in the COV approved by City Council on October 2, 2017.

COV Section D(1)(b) states “The use vested as set forth herein as to the Property shall sunset and expire if a certificate of occupancy is not obtained on or before two (2) years from the date that this Certificate of Vesting is approved by the City Council.” Thus, the COV shall expire on October 2, 2019, if the City has not issued a certificate of occupancy for a pharmacy use on the property. Since November 2, 2018, the applicant has pursued the subject development, with the following actions, cooperating with staff guidance on how to complete the proposals in accordance with the City’s requirements:

1. Architectural Design Order (ADO) No. 039-19 was approved by the City Council for Lot 1 on April 1, 2019 with the adoption of Resolution No. 3710-19.
2. A Development Agreement and Master Land Use Plan (MLUP) application for Lots 1 and 2 was filed and reviewed by staff. The City Attorney reviewed the Development Agreement as well. Staff and the City Attorney recommended approval and forwarded the items to the LPA. The LPA reviewed the Development Agreement and MLUP at its August, 20, 2019 meeting, and recommended approval. The Development Agreement and MLUP will be considered by the City Council at its September 5, 2019, meeting.
3. A Site Development Order for an initial phase was filed. It is expected to proceed through the process, after the Development Agreement, MLUP and COV are approved. A building permit should be filed subsequent to approval of a site development order.

Since a Site Development Order and Building Permit have not been issued by the City, it is unlikely that a certificate of occupancy will be issued before October 2, 2019. Therefore, the property owner submitted an application to amend the COV.

The proposed, Amended COV revises Section (D)(1)(b) to read “The use vested as set forth herein as to the Property shall sunset and expire if a certificate of occupancy is not obtained on or before two (2) years from the date that this Amended Certificate of Vesting is approved by the City Council.” The proposed COV also amends other provisions to add the word “Amended” where the COV is referenced. Since the property owner has initiated the development review process and has proceeded in good faith, Staff recommends that that City Council approve the Amended COV as proposed.

**Budget Impact:** There is no budget impact arising from the approval of Resolution No. 3802-19.

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

**Recommendation:** It is recommended that the City Council conduct a public hearing and adopt Resolution No. 3802-19.

Attachments:     1. Location Map  
                      2. Proposed Site Plan  
                      3. Architectural 3D Rendering  
                      4. Strikethrough and underline version of the Certificate of Vesting

Prepared by:     J. Higbee, Development Review Manager  
Reviewed by:     Teresa Correa, Development Services Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** September 5, 2019  
**SUBJECT:** Resolution No. 3795-19, Non-Statutory Development Agreement (NSDA) with an Associated Master Land Use Plan (MLUP) for the Pharmacy on the Park

**Procedure:** Call Up Item.  
City Manager Background.  
Applicant Comments.  
Council Motion & Discussion.  
Council Action.

**Introduction:** This is a request for the City Council to approve a Non-Statutory Development Agreement (NSDA) with an associated Master Land Use Plan (MLUP) for the Pharmacy on the Park. The applicant and property owner is Ian Tasman.

**Discussion:** Section 3.2(F)(1) of the Land Development Code (LDC) states that the City Council shall review an application for a non-statutory development agreement, the recommendations of the Land Use Administrator, the Land Planning Agency and the City Attorney. The City Council shall act to approve, approve with revisions, or deny the proposed non-statutory development agreement.

The subject property consists of two vacant lots totaling 0.85 acre. It is located on the east side of South Central Avenue (SR 434) approximately 930 feet North of Mitchell Hammock Road. The property is designated Downtown Mixed Use (DMU) and New Downtown Mixed Use Subarea on the 2025 Future Land Use Map and Mixed Use New Downtown Subdistrict A (MUD-NDA) on the Official Zoning Map.

The NSDA includes commercial uses permitted in the MUD-NDA District on both lots, also allowing a pharmacy as one of the uses on Lot 1. The pharmacy use is permitted, per a Certificate of Vesting (Resolution No. 3477-17), approved by City Council on October 2, 2017. The Certificate of Vesting expires on October 2, 2019 if a certificate of occupancy is not obtained by then. The applicant has a request pending at City Council, seeking an extension of the Certificate of Vesting, which will be considered at its September 5, 2019, meeting.

On April 1, 2019, City Council approved an Architectural Design Order for Lot 1. The applicant has a related Site Development Order on file, and could proceed with it, if the subject NSDA/MLUP request is approved.

The NSDA includes development standards for the proposed development, depicted in the MLUP. The proposed NSDA/MLUP requirements and standards include:

- Uses: Those commercial uses permissible under MUD-NDA zoning district, so long as no use is more intense than a retail use, and also may include a pharmacy on Lot 1 as described in the Certificate of Vesting.
- Shared Infrastructure: There would be a shared entrance for the two lots from South Central Avenue (SR 434) and a shared dry detention (stormwater) area in the rear, as shown in the MLUP.
- Potable Water and Wastewater: City water shall be provided. The use of septic systems is permitted. City sewer is not readily accessible.
- Traffic and Access: The City Transportation Consultant recommended an analysis of the access driveway at South Central Avenue (SR 434) to ensure the operations and geometrics would be acceptable. This was received, reviewed and found acceptable. The access point would need approval by FDOT.
  - The Project shall have only a single shared access point as illustrated on the MLUP. A cross-access easement agreement between the lots shall be provided in a form acceptable to and approved by the City Attorney and shall be implemented before the issuance of the first building permit.
  - All internal streets and drive aisles within the Project shall be private; provided, however, the Developer must construct streets and drive aisles per the City's Engineering Standards Manual and LDC.
- Floor Area: The maximum permitted Floor Area Ratio (FAR) in this zoning district is 1.0. The proposed gross floor area of the building on Lot 1, anticipated to be a pharmacy, is 2,356 sq. ft., and the maximum proposed gross floor area for Lot 2 is 5,000 sq. ft., as shown in the MLUP. These gross floor areas are beneath the maximum FAR.
- Open Space: Minimum open space for both lots meet or exceed the minimum 25% required open space.
- Building Setbacks: The lots meet or exceed minimum required building setbacks of 25' for the front, 15' for the rear, and 5' for the side property lines.
- Building Height: Since the Development Agreement does not state a building height, the applicable LDC requirement establishes a maximum of 60', since the site is along the South Central Avenue (SR 434) development corridor. The recently approved Architectural Design Order for Lot 1 indicated a building height of less than 30' for the building on Lot 1.
- Parking: Off-street parking shall meet LDC Table 6.5 parking standards. Parking space dimensions shall be a minimum of 9'x18', or if parallel spaces, a minimum of 8'x22'. Parking spaces may be shared within the project.
- Loading: One vehicular loading/unloading space with a minimum dimension of 10'x18' is required, and may be shared within the project.
  
- Landscaping and Buffers:

- For the shared interior side lot line within the Project, a landscaped buffer shall not be required.
- Because a portion in the rear of Lot 2 will be cleared during Phase I to allow for the construction of a shared detention pond between Lots 1 and 2, landscaping and buffering shall be installed on Lot 2 within the cleared area during Phase I. This area appears on the MLUP as “Limits of Construction Phase I.”
- Buffer Width. The minimum width of landscape buffer yards on the site perimeters (excluding along the shared interior lot line) shall be 10 feet.
- Landscape Trees. The minimum placement of large trees in required buffer yards shall be 3 large trees per 100 feet of buffer yard length. The minimum size of required large trees shall be 2.5” dbh.
- For Lot 1, the Northernmost vehicular terminal end island in the rear parking area may include the area from the curb of the parking stall to the property line, provided that the landscape requirements of LDC Article XII are adhered to.
- North Buffer Yard Landscape Trees. In the North buffer yard, 3 large trees shall be required, including the 24” oak proposed for preservation, provided that, should the preservation tree be removed, 5 large trees are required.
- East Buffer Yard Composition. In the East buffer yard, the dry detention area shall be allowed to occur in the required buffer yard, to the extent shown in the MLUP.
- Tree Preservation and Replacement: Parcels in the New Downtown Districts are exempt from LDC Sec. 15.2 tree replacement requirements. The applicant proposes the removal of one large tree and the preservation of a few large trees, as shown in the MLUP.
- Lighting:
  - The Developer shall provide internal and right-of-way lighting in accordance with the LDC’s lighting requirements.
  - Between Lots 1 and 2 along the shared interior lot line, “spillover” from exterior lighting is permissible.
  - If exterior light poles are proposed in the parking lot, a consistent pole style shall be required for the project. However, a fluted base, as otherwise required by LDC Sec. 8.8(A)(4)v.), does not have to be provided.
- Signs: A shared monument sign may be utilized between Lots 1 and 2 with a total maximum square footage of 60 feet. If a monument sign is not shared, then each sign shall be no more than the maximum area permitted by the LDC. Any such sign shall comply with all other LDC sign standards.
- Phasing: Although the NSDA does not establish a specific phase order, it is expected that the initial phase would include Lot 1, the portion of shared infrastructure noted above for Lot 2, and some landscaping on Lot 2 in the rear, as shown on the MLUP.

The City Attorney has reviewed the NSDA and recommends approval. Staff reviewed the NSDA/MLUP per the requirements of the LDC and the Comprehensive Plan and recommends approval. The Land Planning Agency considered Resolution No. 3795-19 at its August 20, 2019, meeting, and thereat, recommended approval.

**Budget Impact:** There is no budget impact as a result of the proposed NSDA/MLUP.

**Strategic Impact:** The proposed NSDA/MLUP is consistent with the Strategic Plan's Economic and Vitality Focus Area goal to foster redevelopment of business and commercial areas.

**Recommendation:** It is recommended that LPA recommend adoption of Resolution No. 3795-19.

Attachments:     1. Location Map  
                      2. MLUP Site Plan  
                      3. Color Architectural Renderings  
                      4. 3-D Color Architectural Rendering

Prepared by:     J. Higbee, Development Review Manager  
Reviewed by:     Teresa Correa, Development Services Director

**AGENDA  
MEMORANDUM**

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

**FROM:** Bryan Cobb, City Manager

**DATE:** September 5, 2019

**SUBJECT:** **Resolution No. 3809-19**, Buck Creek Pre-Annexation Agreement (Principal Senior Living Group, LLC)

**Procedure:** Call Up Item.  
City Manager Background  
Applicant Presentation  
Public Comment - Request to Speak Forms submitted prior to beginning of meeting  
Council Motion & Discussion  
Council Action

**Introduction:** This is a request for the City Council to approve a Pre-Annexation Agreement with Principal Senior Living Group, LLC. The subject agreement affects an unincorporated parcel totaling approximately five point thirty-one (5.31) acres located on the south side of County Road 419 approximately 2,000 feet west of the Sanctuary Drive/Twin Rivers Boulevard intersection.

The below property is the subject of the Pre-Annexation Agreement.

<b>Parcel ID</b>	24-21-31-300-0020-0000
<b>Acreage</b>	5.31
<b>Future Land Use Designation</b>	County Planned Development (PD)
<b>Zoning District</b>	County Planned Development (PD)
<b>Jurisdiction</b>	Seminole County

The property owner is C O D Holdings, LLC. The applicant is Dane Cates, Vice President of Principal Senior Living Partners, LLC. The consultant is Dave Axel, Axel Real Estate. The applicant is in the process of purchasing the subject property for purposes of developing an assisted living facility (ALF).

**Discussion:** Annexation is the legal process that occurs when a city incorporates new property into its municipal boundaries and is controlled by the provisions in Chapter 171, Florida Statutes. An annexation petition is required for a voluntary annexation. However, on occasion, private landowners prefer to work out a formal agreement with the annexing municipality to resolve utilities, services, zoning, density and other issues in concept prior to the annexation occurring by enactment of a pre-annexation ordinance.

A pre-annexation agreement is a contract between an incorporating municipality and the owner of the property being annexed. A pre-annexation agreement is not required in order for a municipality to annex property. A pre-annexation agreement is only able to fulfill certain limited purposes as the property that is proposed to be incorporated into the city limits is not within the jurisdictional limits of the city until the annexation finally occurs at the time of the enactment of the annexation ordinance. The city does not have jurisdiction to take any actions on amendments to the City's Comprehensive Plan, Land Development Code (LDC), development orders or development agreements relative to the subject property until after the annexation is finalized.

A pre-annexation agreement can address conceptual issues relating to land use matters and recognize circumstances when a property owner may have proceeded so far in the development process in the County such that the development approvals obtained while the property had the status of unincorporated property should be recognized. Also, a pre-annexation agreement can address land use matters from a conceptual framework in order that the annexing municipality will not be surprised by the scope, extent, configuration, style or other aspect of the development has, or will, occur.

On October 1, 2007, City Council adopted Resolution No. 1619-07 requiring developers of properties located in unincorporated Seminole County to annex property proposed for development into the City prior to initiating the development review process as a condition of receiving City utility services. Resolution No. 1619-07 also provides that “should the City Council agree to enter into a pre-annexation agreement with a developer of property located in unincorporated Seminole County, said agreement shall only address the facilitation of the development of the property utilizing the City’s development review process and other matters pertaining to the development of the property after the property is annexed.”

The subject property is undergoing Final Development Plan review and approval with the County for the Benton House of Oviedo ALF. Pursuant to Resolution No. 1619-07, utilities, water and sewer will be reviewed, permitted, approved and inspected by the City while the property is still within County jurisdiction.

A summary of the terms of the pre-annexation agreement follows:

- 1) The use and development of the subject property is presently governed by the County and will be reviewed, permitted and constructed within the County, except that utilities, water and sewer will be reviewed, approved and inspected by the City. The property owner shall be responsible for the cost of extension of the City potable water, reclaimed water and sewer services to serve the subject property. City fire, police protection and emergency medical services will be provided to the subject property upon annexation.
- 2) The property owner shall construct at the owner’s expense the left-turn lane on County Road 419 at a location approved by the County Engineer, substantially similar to the access/turn-lane depicted on the Final Development Plan.

- 3) The property owner shall notify the City Attorney two (2) days after closing on the Property and shall provide copies of all closing documents to the City Attorney within two (2) days after the closing. At such time, the City Attorney shall release the Pre-Annexation Agreement and deliver it to the City Clerk for recording in the Public Records of Seminole County, Florida. The Parties agree that the Agreement will not be released from escrow or recorded until the Owner owns the Property.
- 4) A Voluntary Annexation Petition has been submitted as Exhibit B to the pre-annexation agreement, and as such, the property owner will within thirty (30) days of the issuance of the final Certificate of Occupancy by the County notify the City so that the City can proceed with the voluntary annexation petition.
- 5) Within ten (10) days of annexation being finalized, the property owner will submit to the City, at the owner's expense, a Comprehensive Plan Amendment (CPA) and Zoning Map Amendment (ZMA) to the City to change the future land use designation from County PD to City Office and to rezone the property from County PD to City Office-Commercial.
- 6) The following development standards shall be maintained and in effect for the subject property following annexation:
  - a) Setbacks shall be as provided in the Final Development Plan
  - b) Landscaping buffers shall be as provided in the Final Development Plan. No buffer shall be required along the west boundary where the access and utility easement are located.
  - c) Minimum parking space size shall be 9' x 18'.
  - d) The primary frontage freestanding sign shall setback 4 feet and shall be permitted within the north buffer.
  - e) Light poles shall not be required to have fluted bases.
- 7) The City agrees that upon the issuance of the final Certificate of Occupancy, the subject property shall be deemed vested relative to the provisions of the City's Comprehensive Plan due to the progress of the development and based on the investment in the subject property by the property owner relative to the development of the property. Such vested status shall be incorporated into the CPA ordinance.

The Assistant City Attorney has reviewed the subject Pre-Annexation Agreement and has no legal objections. Staff recommends adoption of Resolution No. 3809-19.

**Budget Impact:** There is no budget impact arising from the approval of this Pre-annexation Agreement.

**Strategic Impact:** The proposed Pre-annexation Agreement is consistent with the goals and objectives of the Economic Vitality and Development Strategic Focus Area.

**Recommendation:** It is recommended that the City Council adopt Resolution No. 3809-19.

Attachments: 1. Location Map  
2. Resolution No. 1619-07

Prepared by: Anoch P. Whitfield, Planning Manager  
Reviewed by: Teresa Correa, Development Services Director