

Quasi-Judicial Hearing
Petitioner: 480 N. Orange Apartment Investors, LLC
Applicant: XSC Acquisitions, LLC
Owner: Midtown Opportunities XIII B, LLC
Property Address: 434 N. Orange Avenue
Case No. QJ 2018-009 (ARB2018-10011 Phase 2 & 3)

STIPULATED LAND DEVELOPMENT ORDER

Respondent, the CITY OF ORLANDO, by and through its undersigned counsel, files this Stipulated Land Development Order (this "Order") and states as follows:

PROCEDURAL BACKGROUND

1. On March 14, 2018, Applicant, XSC ACQUISITIONS, LLC, a Delaware limited liability company, filed an application with the City of Orlando ("MPB 2018-10017") to amend Master Plan 2012-00027, and requested framework Master Plan approval for a three-phase, three tower development that would include 889 units and a multi-family complex with up to 120,000 square feet of commercial space. XSC also requested approval of a density bonus. Collectively, the project is referred to as the "Golden Sparrow Project".
2. On May 15, 2018, the CITY OF ORLANDO'S MUNICIPAL PLANNING BOARD (the "MPB") recommended approval of the framework Master Plan in MPB 2018-10017.
3. On January 14, 2019, the Orlando City Council approved the framework Master Plan in MPB 2018-10017.
4. On August 30, 2018, the CITY OF ORLANDO'S APPEARANCE REVIEW BOARD (the "ARB") recommended approval of Applicant's first application requesting Major Certificate Appearance Approval for the Golden Sparrow Project (the "ARB 1 Application") with conditions.
5. On January 14, 2019, the Orlando City Council approved the ARB 1 Application.

6. On or before October 12, 2018, Applicant submitted a second application requesting Major Certificate Appearance Approval for Phases 2 and 3 of the Golden Sparrow Project (the "ARB 2 Application").

7. On November 15, 2018, the ARB recommended approval of the ARB 2 Application with conditions (the "ARB 2 Approval").

8. On or about November 21, 2018, Petitioner, 480 NORTH ORANGE AVENUE APARTMENTS INVESTORS, LLC, a Delaware limited liability company, filed its Request for a Hearing Officer (Quasi-Judicial Appeal) relating to the ARB 2 Approval.

9. On December 11, 2018, Petitioner filed its Petition in Opposition to the ARB 2 Approval.

10. Since Petitioner commenced the above-styled matter, the parties and their representatives have discussed the issues presented in the above-styled matter in an effort to accommodate each other's concerns and settle their disputes amicably. This Order resulted from the good-faith efforts by each party to compromise.

11. 480 NORTH ORANGE AVENUE APARTMENTS INVESTORS, LLC withdraws its pending Request for a Hearing Officer (Quasi-Judicial Appeal) relating to the ARB 2 Approval and stipulates to the approval provided in this Order.

ORDER

12. Accordingly, the ARB 2 Application is hereby approved, subject to the conditions of approval contained in the ARB Minutes as amended as follows and the additional conditions set forth as follows:

- a. Applicant withdraws its request for a Green Wall System. Applicant shall submit final facade treatment for approval by the City Planning Official.

b. The Golden Sparrow Project shall be developed in accordance with **Exhibit A** hereto, which reduces Phase 3 by three floors and increases Phase 2 by three floors, and creates indentations on Phase 3's east and west facade.

c. Additionally, the City Planning Official approves the Administrative Master Plans for Phases 2 and 3 of the Golden Sparrow Project (MPL2019-10016).

WHEREFORE, having stated the above, City Respondent, the Applicant, and the Petitioner, by and through their undersigned counsel, request that the Orlando City Council adopt this Stipulated Land Development Order as its Final Order in this matter; so filed this _____ day of _____, 2019.

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