



City Commission Regular Meeting Minutes

October 25, 2023 at 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada and Todd Weaver; Assistant City Manager Michelle del Valle; City Attorney Kurt Ardaman and City Clerk Rene Cranis.

1. Meeting Called to Order

Mayor Anderson called the meeting to order at 3:30 p.m.

2. Invocation - Pastor Mark Tutschulte, Action Church

3. Pledge of Allegiance

4. Approval of Agenda

5. Mayor's Report

Mayor Anderson announced the city's Veterans Day Celebration is Friday, November 10th and spoke about the freedoms as citizens and service to the community.

6. City Manager's Report

Ms. del Valle reviewed the changes to the upcoming work session schedule. The topic for November 9th will be parking and the December 14th topic will be the IRP. The EDAB retail strategies report will be placed on an upcoming regular commission agenda.

Commissioner Weaver asked that Agenda Item 12 be moved after Item 13. Agreed to by consensus.

7. City Attorney's Report

Attorney Ardaman reported that the OAO litigation resulted in judgments in favor of the city. final summary judgement in the OAO litigation in favor of the city.

8. Non-Action Items

9. Public Comments (heard before Commission reports)

10. Consent Agenda

- a. Approve the minutes of the regular meeting, October 11, 2023
- b. Approve the minutes of the work session, October 12, 2023
- c. Approve the following piggyback contracts:
 1. Fausnight Stripe & Line, Inc. - Seminole County #IFB-604562-23LNF - Roadway Markings, Striping, and Brick Texture Surfacing; For services on an as-needed basis during the term of the Agreement through August 28, 2026; Amount: \$150,000
 2. Hill Manufacturing Company, Inc. - Kentucky Educational Development Corporation (KEDC) #10100169-CLS2022.002 - Custodial Equipment, Supplies, and Services; For goods and services on an as-needed basis during the term of the Agreement through December 31, 2023; Amount: \$125,000
 3. Fisher Scientific Company LLC - University of California/OMNIA Partners #2021002889 - General Lab Supplies; For goods on an as-needed basis during the term of the Agreement through June 30, 2025; Amount: \$110,000
 4. Odyssey Manufacturing Company - Bay County #20-55 - Sodium Hypochlorite; For goods on an as-needed basis during the term of the Agreement through September 30, 2024; Amount: \$375,000
 5. Tesla, Inc. - GSA #4800.21 OGP - Vehicle Purchasing; For vehicle purchases during the term of the Agreement through November 14, 2023; Amount: \$220,000
- d. Approve the following contracts:
 1. Seminole County Sheriff's Office - Criminal Justice Software; Term of the Agreement is through September 30, 2024; Amount: \$87,106.22

Motion made by Commissioner Sullivan to approve the Consent Agenda; seconded by Commissioner Cruzada. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

11. Action Items Requiring Discussion

- a. Move to a 4-Day Work Week (Open 5 days)

Mayor Anderson views this as a flex time policy. He has requested staff to clarify the hours and work schedules to provide essential customer service operations Monday through Friday.

Motion made by Mayor Anderson to table; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

b. Adaptive Flood Management Guide – Interim Plan

Director of Public Works and Sustainability Gloria Eby provided the background of revisions to the flood management guide leading to this final plan.

Motion made by Commissioner DeCiccio to approve the Adaptive Flood Management Guide; seconded by Commissioner Sullivan.

Bud Crossman, 625 S. Phelps Avenue, asked for the schedule for cleaning out the inverts and outlets to the lakes. Director of Public Works and Transportation Charles Ramdatt reported on projects and increased inspections, in particular the improvements on Douglas Avenue. He said residents can report issues on the city's website "At Your Request," phone or e-mail.

Motion carried unanimously with a 5-0 vote.

13. Public Hearings: Non Quasi-Judicial Matters

- a. ORDINANCE 3286-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2022 – 2023 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sullivan to adopt the ordinance; seconded by Commissioner Cruzada. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

- b. Ordinance - Repealing and substituting Article II, Chapter 22, of the City Code to incorporate the Florida Building Code. (1st reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weaver to approve the ordinance on first reading; seconded by Commissioner Cruzada.

Director of Building and Permitting Gary Hiatt advised updates are mandated every three years and that the Construction Board of Adjustments and Appeals unanimously recommended approval.

There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- c. Request of the City of Winter Park for: An Ordinance to adopt a new revised Comprehensive Plan. (1st reading)

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Anderson to approve the ordinance on first reading; seconded by Commissioner Cruzada.

Director of Planning and Zoning Jeff Briggs noted this is first reading of the ordinance with second reading targeted for December 14th after the required review and report by the State. He noted the attendance of several residents of the Lake Bell area who are concerned about the redevelopment of the city tree farm and advised that the policy that would have allowed the redevelopment of the tree farm has been removed from the recommended changes.

Mr. Briggs reviewed the changes resulting from commission discussion: renaming park land as green space and more precisely defining what is counted toward the level of service calculation, deleting "low density" from the goal to maintain the city's character. adding a policy to promote, assist and encourage economic growth and longevity of local businesses, extending Aloma Avenue gateway to Balfour Drive, establishing a maximum of 60% FAR on Rollins College to provide on-campus parking structures which provides more flexibility for Rollins as they determine and plan for future need. providing for variances to allow lot splits of lakefront properties when obtaining historic designation of structures, adding policies for the area south of Fairbanks Avenue (SOFA) District to guide redevelopment. The revisions also incorporate charter changes approved by the voters in 2020 and the recently passed Live Local Act and commitment to look at accessory dwelling units. He responded to questions regarding Rollins College 60% FAR for parking garages and discussion followed. Mr. Briggs will revise the language to clarify that the FAR applies to the campus, not just parking garages.

Mayor Anderson amended the motion to state that Policy 1-k-2 relating to the tree farm reverts to the existing language. Accepted by Commissioner Cruzada.

J. Marie Bailey, 949 Turner Road, and Anthony Chase, 926 Colfax Avenue, acknowledged the decision to remove the policy relating to the tree farm.

Craig Kotlinek, 2000 Galen Avenue, spoke about the Lake Bell neighborhood and asked the commission to help preserve community values and commit not to change or sell the tree farm.

Amy Tatum, 1010 Turner Road, thanked the commission for considering the residents' concerns and suggested community meetings be held on any plans for the tree farm.

David Johnston, Chair of the Board of Trustees for United Methodist Church, expressed his concern about the R-4 zoning and reduction of FAR under the revised Comp Plan which reduces the property value and is a taking of the property value without just compensation. He questioned the legality of such action and if action is taken, they may have to take legal action in order to maintain the property value and asked to retain R-4 zoning.

Mr. Briggs responded to Mr. Johnston's comments explaining a prior commission repealed R-4 zoning from the code and this revised comp plan reflects that change; however, staff will talk to the city attorney to consider language for second reading to protect existing R-4 zoned properties.

Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

A recess was held from 4:30 to 4:39 p.m.

12. Public Hearings: Quasi-Judicial Matters

a. Request of Metro Winter Park LLC to:

1. Amend the Comprehensive Plan Future Land Use designation from Institutional to Medium Density Residential to be consistent with the R-3 zoning of the properties, and for
2. Conditional Use approval for a two-story, 53-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave.

Attorney Ardaman read the ordinance by title. Mr. Briggs explained this ordinance establishes the future land use to match the underlying R-3 zoning established when Patmos Chapel ceased operating. This request encompasses five parcels in the area of Webster, Swoope and Capen Avenues. He showed site plans for a rental community with seven individual houses along Capen and townhouses on the interior of the property. He reviewed conditional use standards of approval regarding compatibility of building size and character with the surrounding area and tree preservation. To address the concerns of Planning and Zoning Board, the developer has agreed to almost double the stormwater capacity to almost 4 inches, which should hold a significant amount of water on-site before it is connected off-site. There was also discussion regarding the ingress/egress to Webster due to traffic and safety concerns.

The Planning and Zoning Board recommended approval with six conditions: the five parcels must be combined into one replat; the seven single-family units lots on Capen must be platted individually, no physical improvements are permitted within the 20-foot radius of three existing live-oak trees, use of at least four of the architectural styles provided, landscape plans for the two surface retention areas must include new cypress trees and perimeter landscaping, a 6-foot vinyl fence is required to screen the dumpster and vehicle headlights from the adjacent houses; and the design engineer must provide as-built inspections of the retention systems.

In response to questions regarding stormwater capacity and run off, Director of Public Works and Transportation Charles Ramdatt explained the water flow and said post-development conditions cannot exceed the impact of pre-development conditions. The code requires 2" of water to be retained onsite and this plan provides 3.9" inches. He spoke about the basin studies underway in this area and potential outcomes.

Discussion followed on the studies and issues exposed by Hurricane Ian and the storm following and the city's efforts to address known issues and plan for moving forward based on the results of the studies.

Becky Wilson, attorney representing the property owner, stated the townhouses are not fee simple lots, with the intent for those to be rental units, although that could be

changed. She reviewed the current conditions on the property and surrounding areas and said the plan was developed for the overall site to be compatible with the varied surrounding uses/zoning. The plan shows the effort to save existing tree canopy and exceed retention requirements. She noted that the developer is not asking for any waivers of code and reviewed code requirements as compared to the proposed project. She requested approval and agreed to conditions outlined by staff.

Bill Cole, representing Swoope Avenue Homeowners Association, 794, W. Swoope Avenue, spoke in opposition. The 3-story units along Swoope (Building 8) should be converted to single family houses to be compatible with houses across Swoope. The condition and width of Capen and Swoope is narrow for on-street parking and is also the location of a school bus stop. Ingress/egress on Webster is a safety hazard due to the high volume of traffic and the right-only exit forces traffic to Swoope which is more narrow and may limit emergency vehicle access in the area. On-street parking is limited and he feels new residents, who won't use their garage for parking, will use the on-street parking which will reduce the spaces available to current residents. He asked that the developer be required to provide additional parking.

The following spoke in opposition due to reasons cited by Mr. Cole:

- Sheila Reid, 780 Carver Street
- Linda Faye Washington, 321 N. Capen
- Barbara Chandler, 937 S. Pennsylvania
- Endell Williams 176 Oak Grove Road

The following agreed with Mr. Cole and provided additional comments:

- Willie Clark, Jr., on behalf of his father, Willie Clark, Sr., 820 Webster Avenue (suggested traffic study of Webster)
- Dr. Brenda Martin Smith, 831 W. Webster (would prefer single-family homes with ownership, not transient housing).
- Martha Bryant Hall, 331 W Lyman Avenue, (concern about flooding that increases with new construction. Infrastructure is not ready for this development).
- Mary Daniels, 650 Canton Avenue, (stormwater retention, basin study needs to be completed)
- Anjali Vaya, 521 N. Capen Avenue (does not retain city character and will change the future of the area; stormwater study should be completed first.)
- Roda Carter, 840 W. Canton (Fix existing infrastructure before moving forward)
- Linda Walker, 794 Comstock Avenue (mold inspection and remediation of the existing chapel must be done before building is demolished; properties along Capen should be rezoned R-1 since they are single-family)

Mrs. Wilson pointed out that these properties are zoned R-3 and as such is not a change from single-family zoning or removal of single-family homes. Part of the conditional use request is to create seven single-family lots so they can be sold. She responded to questions stating the intent of owner to use it as a rental project although the project is designed so the owner can sell lots in the future.

Mr. Briggs pointed out that the city cannot control the type of ownership, but can control the use; however, the applicant may, at a later date, convert the rental units to condos under separate ownership.

Commissioner Weaver said the ordinance makes the future land use consistent with the existing R-3 zoning. He spoke about the site plan configuration, with the tallest building being adjacent to the existing apartment building; however, he believes Building 9 is not compatible due to its proximity to a single-family home next door. He feels the 21-foot right-of-way of Swoope will be a problem for large vehicles and on-street parking and suggested a condition to widen the road to the standard 24 feet. He expressed concern about mold and asbestos impact and removal.

Mayor Anderson recapped items for discussion: Webster traffic and access, Swoope Avenue width, rental versus ownership, number of rental units, stormwater retention, and hazardous materials remediation. Discussion was held on the width of and options to widen Swoope Avenue along the property line with on-street parking on one or both sides of Swoope and options for improving the safety of the Webster access.

Mayor Anderson addressed stormwater retention and concerns that development of this parcel will exacerbate a flood situation. He suggested obtaining pre and post development data for stormwater to determine how the system will respond to 2-4" rainstorms. He asked about the number of units and building height. Mr. Briggs provided code requirements for building height and stories. Regarding dwelling size, Mr. Briggs said square footage of the units will lend itself to future sale as a condo.

Commissioner Cruzada said while R-3 zoning comes with certain rights, he understands residents' concern about the proximity to existing single-family homes, and suggested changing the house on the edge of the site to single-family units to be more compatible outside the development.

Mayor Anderson said he believes changing the number of units is a desire but should not have a bearing on how this application is processed and feels this should move forward with this number of units with additional information on current and future function of the stormwater system. He feels the proposed retention will perform better in the future than it does today.

Commissioner DeCiccio stated the city needs to work in conjunction with the developer to make infrastructure improvements, to improve traffic/access, and change location of single-family units. Mrs. Wilson agreed to work with the city to widen Swoope between Capen and Denning (in front of this property).

Commissioner Weaver explained stormwater run-off and flooding from Hurricane Ian and based on his research, the proposed system for this project will be significantly better than the existing system. Discussion followed on the studies and the city's commitment to making improvements.

Mayor Anderson asked the applicant comment on stormwater now on the property, widening of Swoope, and changing to single-family units in other areas of the project. Mrs. Wilson said their engineer can comment on stormwater and Swoope, but they are unwilling to change those units as it will resulting loss of units.

A recess was held from 7:12 - 7:26 pm.

Jeff Swisher, Kimley Horn, project design engineer, explained the process for researching and analyzing the stormwater storage and run-off under the current and proposed conditions and reported on the anticipated decrease in run-off due to underground vaults. Discussion followed on the calculations and capacity. Mayor Anderson said while this will not fix the city-wide problem, it contributes less to the problem of stormwater retention.

Discussion returned to the location and proximity of the single-family lots and changing to single-family homes in the areas adjacent to current single-family homes. (Buildings 8, 9 and 15). Mayor Anderson suggested passing comp plan amendment on first reading and then looking at options for the site plan and approving the comp plan amendment on November 8th.

Mrs. Wilson agreed to widening of Swoope Avenue and options for the Webster Avenue entrance. She displayed an area zoning map, noting that some neighboring properties are zoned R-3 which would allow multi-family units if the property owner chose. She spoke about the adverse impact of reducing density on this project.

Commissioner DeCiccio suggested looking at on-street parking to provide more spaces. Mayor Anderson reviewed code requirements and Mrs. Wilson said they would look at additional on-street parking and clarified that there are 135 parking spaces including 29 guest parking spaces.

Motion made by Mayor Anderson to approve the Ordinance amending the comp plan and to continue the conditional use request and discussion of the site plan to November 8th; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

9. Public Comments | 5 p.m. or soon thereafter

Gigi Papa, 1440 Hibiscus Avenue spoke about the city's previous allowance of Winter Park Pride banners and about the City of Orlando's Come out with Pride Festival this past Saturday. She understood it was to be a political event in preparation of next year's elections and urged the city to not endorse it. She reported that October 28th is First Responders Day.

Lawanda Thompson, 664 W. Lyman, expressed concern about ADA and the city's requirement that comments on quasi-judicial matters be made in person. She expressed her disappointment about the decision on the project on the former Patmos Chapel site and continued disregard for the west side community. She asked the city to consider a policy to require community meetings and notification of certain projects.

14. City Commission Reports

Commissioner Sullivan –

- Asked staff to determine what projects should require community meetings, how broad notification should be, and how it should be done. Mr. Briggs Mr. Briggs said

staff would prepare a policy and bring before the Planning and Zoning Board and then to the Commission in December.

Commissioner Weaver –

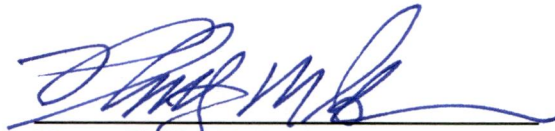
- Expressed the commission's empathy on the impact of Hurricane Ian in his neighborhood where properties are on septic tanks and stopped working for a week after the storm.

15. Summary of Meeting Actions

- Noted Veterans Day Event is Friday, November 10th.
- Revised the Work Session meeting schedule.
- Received report from the city attorney on OAO litigation.
- Approved the Consent Agenda.
- Tabled flex work schedule.
- Approved the Adaptive Flood Management Guide.
- Approved first reading of the Comp Plan amendment for Metro Winter Park LLC and continued the conditional use.
- Adopted ordinance amending the FY 23 budget.
- Approved ordinance on the Florida Building Code.
- Approved ordinance amending compressive plan.
- Staff to look at community presentations for projects and bring back in December.

16. Adjournment

The meeting adjourned at 7:58 p.m.



Mayor Phillip M. Anderson

ATTEST:



City Clerk Rene Cranis