



City Commission Regular Meeting

Agenda

January 22, 2025 @ 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

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assistance & appeals

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"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

1. Meeting Called to Order**2. Invocation - Jeff Briggs, Planning Director Emeritus****3. Pledge of Allegiance****4. Approval of Agenda****5. Mayor's Report**

- a. Proclamation for Jeffrey Briggs, Planning Director Emeritus 5 minutes

6. City Manager's Report**7. City Attorney's Report****8. Non-Action Items****9. Public Comments | 5 p.m. or soon thereafter**

(If the meeting ends earlier than 5 p.m., public comments will be at the end of the meeting. Three minutes are allowed for each speaker.)

10. Consent Agenda

- a. Approve the minutes of the regular meeting, January 8, 2025. 1 minute
- b. Approve the following piggyback contracts: 1 minute
1. Graybar Electric Company - OMNIA Partners Contract #EV2370 - Electrical, Communications & Security Solutions - Renewal; for services on an as-needed basis during the term of the agreement through January 31, 2029; Amount \$1,200,000
 2. Henderson Wilder Contracting, Inc. - City of Orlando Contract #RFQu24-0024-2 - Rapid Response Construction Services for General Grouting & Repair or Replacement of Drainage Wells; Lake Spier Drain Well and Boat Launch project; Amount: \$1,200,000
 3. CJ's Sales & Service of Ocala, Inc. - Pasco County Contract #IFB-KM-23-032 - As Needed and Ongoing Generator Repair and Maintenance Services; for services on an as-needed basis during the term of the agreement through March 10, 2026; Amount: \$450,000
- c. Approve the following contracts: 1 minute
1. RFQ31-22 - KZF Design LLC - Professional Architectural Services - Renewal; for services on an as-needed basis during the term of the

agreement through January 2, 2026

11. Action Items Requiring Discussion

- | | | |
|----|---|------------|
| a. | Transfer property located at 1401 Howell Branch Road to Utilities.
(Tabled on December 17, 2024) | 5 minutes |
| b. | 2025 Election
- Appointment of Canvassing Board
- Designation of Polling Places
- Authorizations for Orange County Supervisor of Elections | 5 minutes |
| c. | Community Rating System (CRS) Program - Research and
Consideration of Enrollment (Tabled on June, 26, 2024) | 15 minutes |

12. Public Hearings: Quasi-Judicial Matters

(Public participation and comment on these matters must be in-person.)

- | | | |
|----|--|------------|
| a. | APP #1-24. Request of the Winderweedle Law Firm on behalf of
Jonathan Cole for: An Appeal pursuant to City Code Section 58-94 (b)
of the determination that the landscaping currently in place is in
violation of a condition of approval for the redevelopment of the
property granted by the Planning and Zoning Board on May 4, 2021
on Lake Virginia, zoned R-1AAA. | 30 minutes |
|----|--|------------|

13. Public Hearings: Non Quasi-Judicial Matters

(Public participation and comment on these matters may be virtual or in-person.)

14. City Commission Reports**15. Summary of Meeting Actions****16. Adjournment**



City Commission

agenda item 5.a

item type

Mayor's Report

meeting date

January 22, 2025

prepared by

Craig O'Neil, Assistant Director of Communications

approved by

Randy Knight, City Manager

subject

Proclamation for Jeffrey Briggs, Planning Director Emeritus

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



City Commission

agenda item 10.a

item type

Consent Agenda

meeting date

January 22, 2025

prepared by**approved by**

Randy Knight, City Manager

subject

Approve the minutes of the regular meeting, January 8, 2025.

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

1. Minutes 1-08-25 DRAFT



City Commission Regular Meeting Minutes

January 8, 2025 at 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Mayor Sheila DeCiccio, Commissioners Marty Sullivan, Craig Russell, Kris Cruzada and Todd Weaver; City Manager Randy Knight; Assistant City Manager Michelle del Valle; City Attorney Dan Langley and City Clerk Rene Cranis.

- 1. Meeting Called to Order**
- 2. Invocation - Reverend Alison Harrity, St. Richards Episcopal Church**
- 3. Pledge of Allegiance**
- 4. Approval of Agenda**

Mr. Knight recommended withdrawal of the ordinance providing for a mail ballot election on the repeal of the ban on gas powered leaf blowers due to the high cost of a mail ballot election. Consensus was to withdraw the ordinance and have the question on the March 2025 ballot. Commissioner Weaver, as applicant for Item 12a, asked to table his request for historic designation to April 23rd after his term ends.

Motion made by Mayor DeCiccio to approve the agenda excluding Items 12a and 13a, seconded by Commissioner Sullivan. The motion carried unanimously by a 5-0 vote.

5. Mayor's Report

- a. Proclamation - National Certified Registered Nurse Anesthetists Week

Mayor DeCiccio read a proclamation for National Certified Registered Nurse Anesthetists Week, January 19-25. Mike Tran thanked the city for the recognition.

- b. Recognition - Winter Park High School Girls' Volleyball State Championship.

Mayor DeCiccio recognized the Winter Park High School Girls Volleyball team on becoming state champions. Coach Stephanie Gibson thanked the commission for this recognition and commended all team members on achieving all state academics.

6. City Manager's Report

- a. Meeting Schedule - FY 25, Q2

Mr. Knight noted the addition of a billboard swap to the February 13th work session. Commissioner Russell asked that work sessions be scheduled for 3:30 p.m. Agreed by consensus.

7. City Attorney's Report

8. Non-Action Items

9. Public Comments | 5 p.m. or soon thereafter Heard after Item 11b.

Gigi Papa, 1440 Hibiscus Avenue, expressed her disappointment that resolution for historic designation (Item 12a) was removed from the agenda at the request the applicant, Commissioner Weaver, and with it, the ability to make public comment. She expressed concern about the hearing before the Historic Preservation Board, feeling that advisory board members, with requests before the board, act in self-interest.

10. Consent Agenda

- a. Approve the minutes of the regular meeting, December 11, 2024
- b. Approve the following formal solicitations:
 1. American Janitorial, Inc. - RFP1-25 - Janitorial Services.
- c. Approve the following piggyback contracts:
 1. Alan Jay Fleet Sales - Sourcewell Contract #091521-NAF - Cars, Trucks, Vans, SUVs, Cab Chassis, and Other Vehicles; for vehicle purchases during the term of the agreement through November 8, 2025; Amount: \$175,000
 2. Ring Power Systems - Sourcewell Contract #092222- CAT - Electrical energy power generation equipment; for goods on an as-needed basis during the term of the agreement through November 22, 2026; Amount: \$1,000,000
 3. Bayside Dredging LLC - City of Tampa Contract #101100422 - Outfall Maintenance Services - Renewal; for services on an as-needed basis during the term of the agreement through December 14, 2025; Amount \$600,000
 4. Stuart C. Irby Company - OUC Contract #4670-OQ - Padmount Switchgears - Renewal; for services on an as-needed basis during the term of the agreement through December 31, 2025; Amount: \$300,000
 5. Core & Main, LP - City of St. Petersburg Contract #226467 - Water & Wastewater Supplies; for the annual SmartWorks Meter Software as a Service (SaaS) during the term the SaaS agreement through September 30, 2025; Amount: \$128,841.18
 6. Enco Utility Services - FMPA Contract RFP# 2024-209 - Utility Call Center Support Services; for services on an as-needed basis during the term of the agreement through December 31, 2029; Amount: \$250,000
 7. United Rentals - Sourcewell Contract #040924-URI - Rental Equipment; for services on an as-needed basis during the term of the agreement through June 11, 2028; Amount: \$450,000
- d. Approve the following contracts:
 1. FY06-1 - Elizabeth Morse Genius Foundation - Parking Garage Maintenance; for services on an as-needed basis during the term of the agreement through October 1, 2025; Amount: \$80,000

Item 10.d – In response to comments by Mayor DeCiccio, Mr. Knight said staff will check into maintenance, i.e. lighting and painting, of the parking garage. **Motion made by Commissioner Cruzada to approve the Consent Agenda. seconded by Commissioner Russell. The motion carried unanimously by a 5-0 vote.**

11. Action Items Requiring Discussion

- a. Consideration of request for reduction of code compliance fines - 1260 Whitesell Drive.

Director of Building and Permitting Services Gary Hiatt presented Gary Moore's request for a reduction in code enforcement fines. He reviewed code enforcement fines (\$90,300) and hard costs for maintenance performed by the city totaling more than \$118k which resulted in the city initiating foreclosure proceedings. Mr. Moore submitted payment for the fines and maintenance (approximately \$114k) but it did not include attorney fees of approximately \$94k. Staff is recommending no reduction in fines. If the commission desires to reduce the fines, staff recommends it be tied to the sale of the home.

Mr. Moore explained the circumstances (Hurricane Irma in 2017, COVID) that the caused the property, for which he took responsibility for after his mother passed in 2013 without a will, to be non-compliant which ultimately lead to demolition of the house and foreclosure. He requested reimbursement of costs not incurred by the city and forgiveness of new fines. Code Compliance Manager Susanne Porras reported on code compliance actions and staff efforts to assist Mr. Moore. Mr. Moore clarified that the property never went through probate and discussion was held on options for Mr. Moore to move forward with probate or allow foreclosure and receive a portion of the proceeds from the sale.

City Attorney Langley explained that Mr. Moore would have to get clear title to the property in order to sell. The commission could reduce the fine to a set amount and upon the sale of the property, the city would receive payment of the fines at closing.

Mr. Moore said he would like to speak with an attorney and tax consultant to determine best way to get title to property to enable him to sell. Discussion followed on options available to both the city and Mr. Moore.

Motion made by Commissioner Sullivan to proceed with foreclosure and maintain the fines levied from July 30, 2020 through April 19, 2023 (\$90,300) plus unpaid hard costs (\$3,683.88)

Motion made by Commissioner Weaver to amend the motion to reduce the fines to \$53,800 for the year beginning July 30, 2020 due to COVID. Accepted by Commissioner Sullivan, and motion as amended, seconded by Commissioner Weaver.

Further discussion was held on procedural issues, fines and the amount due to stop foreclosure proceedings. There were no public comments.

Mr. Langley explained that the foreclosure/complaint will have to be amended and refiled if the fines are reduced resulting in additional costs. **By consensus, the motion was amended to continue with the foreclosure without reduction in fines. The motion carried unanimously with a 5-0 vote.**

b. Purchase Agreement for Playhouse Property 711 N. Orange Ave.

Mr. Knight provided the background of the purchase funded through a TDT grant, which will also fund renovations to the building.

Motion made by Commissioner Weaver to approve the purchase agreement (contingent upon an executed final TDT grant agreement with Orange County), seconded by Mayor DeCiccio.

Judith A. Marlowe, Winter Park Playhouse, thanked the city for partnering with the Playhouse to retain the theater in Winter Park.

The motion carried unanimously by a 5-0 vote.

12. Public Hearings: Quasi-Judicial Matters

- a. Resolution 2294-25 - designating the property at 1051 Lake Bell Drive to the Winter Park Register of Historic Places.

Tabled to April 23, 2025 at the request of the applicant.

- b. Ordinance amending Article VIII Historic Preservation of Chapter 58, concerning the process and procedures for certificates of review subject to public notice and public hearing, and penalties for unauthorized significant alterations or demolitions. (1st reading)

Attorney Langley read the ordinance by title. City Planning Consultant Jeff Briggs explained the proposed changes to procedures to bring clarification when considering requests for historic designation and for demolition or alternations to designated historic homes, and changes to the roles of the Historic Preservation Board and Code Compliance Board.

Motion made by Commissioner Sullivan to approve the ordinance, seconded by Commissioner Cruzada. (Withdrawn after public comment)

Wendy Brandon, 318 Vitoria Avenue, supported changes that would result in homes that maintain the historic character of historic neighborhoods.

Suzanne Brandon, 218 Vitoria Avenue, supported increased safeguards and proposed penalties but feels the Historic Preservation Board should seek resident input on matters before the board.

Charlie Clayton, 940 Old England Avenue, suggested a work session and expressed that board members should have construction or architectural experience and understand historic preservation.

Margie Bridges, 767 Antonette Avenue, spoke about the need to engage residents/stakeholders/historic home owners to address disinformation among residents in

historic districts. She suggested this be tabled to hold community meetings and receive input from those home owners and other residents.

Trevor Vietor, 325 Vitoria Avenue, said he feels fines disincentivizes property owners to pursue historic designation and that this should be tabled to get input from residents.

Commissioners Cruzada Russell and Sullivan supported tabling to gain input through community workshops. Commissioners Sullivan withdrew his motion.

Motion made by Commissioner Russell to table to hold workshops hosted by city staff, seconded by Commissioner Cruzada.

Mr. Briggs suggested the workshops include all owners of historically designated property owners in addition to residents in the two historic districts. He suggested tabling for 60 days to allow ample time to prepare for and conduct workshops and include owners of historic homes. **The motion was revised to table for 60 days.** Workshops to include all owners of historic homes regardless of historic designation.

The motion as revised carried unanimously by a 5-0 vote.

13. Public Hearings: Non Quasi-Judicial Matters

- a. Ordinance 3327-25 - amending Section 6 of Ordinance 3292-24 to allow for mail in referendum on leaf blowing in the event that the general city election to be held on March 11, 2025 is not needed for the election of commissioners. (2nd reading)

This item was withdrawn under Approval of Agenda.

- b. RESOLUTION 2295-25 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING A REVISED REFERENDUM BALLOT STATEMENT AND BALLOT SUMMARY FOR THE REFERENDUM AUTHORIZED AND CALLED BY ORDINANCE 3292-24; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Langley read the resolution by title. There were no public comments. **Motion made by Commissioner Cruzada to adopt Resolution 2295-25, seconded by Mayor DeCiccio. Upon a roll call vote, Commissioners Sullivan, Russell, Cruzada and Weaver and Mayor DeCiccio voted yes. The motion carried unanimously by a 5-0 vote.**

14. City Commission Reports

Commissioner Sullivan –

- Mayor DeCiccio's Coffee Talk is tomorrow morning.

Commissioner Russell –

- Thanked the Parks and Recreation and Fire Departments for seasonal Santa experience.
- Suggested moving Commission Reports to the beginning of the agenda when there is typically a larger audience than at the end of the meeting.

Commissioner Cruzada –

- Echoed Commissioner Russell's appreciation for staff's work on the holiday events.

Commissioner Weaver-

- Asked that the work sessions on January 23rd and February 27th be scheduled for 3-5 p.m. Agreed by consensus

Mayor DeCiccio –

- Thanked everyone for a fabulous Christmas season.

15. Summary of Meeting Actions

- Approved modified agenda.
- Presented proclamation for National Certified Registered Nurse Anesthetists Week.
- Recognized Winter Park High School girls volleyball team as state champions.
Added billboard discussion to February 27th work session. Changed work sessions to begin at 3:30 except January 23 and February 27 to begin at 3:00 p.m.
- Approved Consent Agenda.
- Directed staff to work with Morse Genius Foundation on lighting and painting in the parking garage.
- Directed staff to move forward on foreclosure of 1260 Whitesell Drive.
- Approved purchase of Winter Park Playhouse, 711 N. Orange Avenue.
- Tabled historic designation of 1250 Lake Bell Avenue.
- Tabled ordinance amending historic preservation code for 60 days and directed staff to hold workshops.
- Withdrew ordinance providing for mail ballot election.
- Approved resolution modifying ballot language.

16. Adjournment

The meeting was adjourned at 6:32 p.m.

Mayor Sheila DeCiccio

ATTEST:

City Clerk Rene Cranis



City Commission

agenda item 10.b

item type

Consent Agenda

meeting date

January 22, 2025

prepared by**approved by****subject**

Approve the following piggyback contracts:

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



City Commission

agenda item 10.b.1

item type

Consent Agenda

meeting date

January 22, 2025

prepared by

Rebecca Watt, Procurement Agent

approved by

Randy Knight, City Manager

subject

1. Graybar Electric Company - OMNIA Partners Contract #EV2370 - Electrical, Communications & Security Solutions - Renewal; for services on an as-needed basis during the term of the agreement through January 31, 2029; Amount \$1,200,000
2. Henderson Wilder Contracting, Inc. - City of Orlando Contract #RFQu24-0024-2 - Rapid Response Construction Services for General Grouting & Repair or Replacement of Drainage Wells; Lake Spier Drain Well and Boat Launch project; Amount: \$1,200,000
3. CJ's Sales & Service of Ocala, Inc. - Pasco County Contract #IFB-KM-23-032 - As Needed and Ongoing Generator Repair and Maintenance Services; for services on an as-needed basis during the term of the agreement through March 10, 2026; Amount: \$450,000

motion | recommendation

Commission approve items as presented and authorize Mayor to execute.

background

1. The Cooperative Purchasing Agency (OMNIA) issued a formal solicitation to award this contract in FY18.
2. Lake Spier has historically been served by a drainwell to control the lake's elevation. In early 2023, the existing drainwell failed, eliminating the lake's only means of recovery after rain events. The design for a new drainwell have been finalized and this project will need to commence immediately to ensure the new well is in place prior to the next rainy season to address a threat to public health, safety, security, or essential services.
3. The Originating Agency (Pasco County) issued a formal solicitation to award this contract in FY23.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in the following approved budgets:

1. Water & Wastewater Fund
2. Stormwater Capital Fund
3. Water & Wasterwater Fund

attachments

None



City Commission

agenda item 10.c

item type

Consent Agenda

meeting date

January 22, 2025

prepared by**approved by****subject**

Approve the following contracts:

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



City Commission

agenda item 10.c.1

item type

Consent Agenda

meeting date

January 22, 2025

prepared by

Rebecca Watt, Procurement Agent

approved by

Randy Knight, City Manager

subject

1. RFQ31-22 - KZF Design LLC - Professional Architectural Services - Renewal; for services on an as-needed basis during the term of the agreement through January 2, 2026

motion | recommendation

Commission approve item as presented and authorize Mayor to execute.

background

1. A formal solicitation was issued in FY22 and has been renewed in accordance with the original executed agreement.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in the following approved budgets:

1. Each task order will be brought to the City Commission with the funding source listed.

attachments

None

**item type**

Action Items Requiring Discussion

meeting date

January 22, 2025

prepared by

Randy Knight, City Manager

approved by

Randy Knight, City Manager

subject

Transfer property located at 1401 Howell Branch Road to Utilities. (Tabled on December 17, 2024)

motion | recommendation

Approve the transfer of property located at 1401 Howell Branch Road from the Building Department to the Water and Electric utilities.

background

The City purchased the 1401 Howell Branch Road property in February 2022 for \$1,410,000 because of its proximity to our Howell Branch Operations Compound. The original thought was to remodel the building and move the Building Department to that location. Because of some structural issues, the estimated cost to remodeling the building turned out to be more than originally anticipated and after many attempts to bring that cost down, staff decided it was not worth saving the building. That left us with three options. Sell the property.

Demolish the building and build a new building instead of remodeling. Or, demolish the building and have the water, sewer and electric departments utilize the site for parking until it is needed for a different use in the future.

Staff has reviewed these options and determined that it is in the city's best interest to keep the property and use it for parking for now. This would free up other space in the compound for needed material storage. In order to do this, the Water and Electric funds will reimburse the General Fund and Building Permit Fee account for the original purchase price. This will be done 50/50 out of the reserves of the two utilities.

alternatives | other considerations

The city could sell the property for a commercial use and recoup the GF and Permit fee funds that way.

fiscal impact

Covered above.

attachments

None

**item type**

Action Items Requiring Discussion

meeting date

January 22, 2025

prepared by

Rene Cranis, City Clerk

approved by

Randy Knight, City Manager

subject

2025 Election

- Appointment of Canvassing Board
- Designation of Polling Places
- Authorizations for Orange County Supervisor of Elections

motion | recommendation

1. Appoint three members of the Commission to the Canvassing Board
2. Designate Polling Places
3. Allow Orange County Supervisor of Elections (SOE) to open and run all Vote by Mail ballots through the tabulator on March 11th after 9 a.m., and on April 8 if a run-off is necessary, that are not questionable without obtaining the results until 7:00 p.m.

background

1. City Charter states "For any city election, the city commission shall appoint three (3) of its members to be the canvassing board. No commissioner or mayor shall participate in the canvassing of the returns of an election for which said commissioner or mayor is a candidate or subject to recall. For any disqualified city commissioner or mayor, the city clerk shall act as the alternate canvassing board member."

A Canvassing Board meeting will be scheduled to adopt canvassing board criteria and designate a member to attend the following:

- Tuesday, March 11, 9:00 a.m. until complete - Open and process Vote by Mail ballots. Members may attend in shifts, although in prior years, this was completed by noon

Attendance by all Canvassing Board members is required:

- Thursday, February 27, 10:00 a.m. - Public Test/Certification of Accuracy
- Tuesday, March 11, Election Day, 4:00 p.m. until results are received from precincts - Canvass Vote by Mail ballots and any provisional ballots.

- Friday, March 14, 10:00 a.m. - Canvass provisional and Vote By Mail cure affidavit and Certification of Election Results.
- Monday, March 17, 10:00 a.m. (if recount is needed)
- Monday March 17, 2:00 p.m. Independent Audit and Post Logic and Accuracy Test

(Please check your calendars to determine your availability to attend these meetings - Dates/Times subject to change by SOE)

Per State Statute, each member of the Canvassing Board must complete a 2-hour signature verification training (offered online through Florida Institute of Government). Information and link will be provided to appointed members.

2.. Section 42-3 of the City Code states” the city commission shall designate the places of polling for all city elections.” The polling places (approved by the SOE) are the same as in previous years:

PRECINCT 91: University Club, 841 N. Park Avenue
 PRECINCT 92: St. Andrews Methodist Church, 100 St. Andrews Blvd.
 PRECINCT 93: Winter Park Presbyterian Church, 400 S. Lakemont Avenue
 PRECINCT 94: First Baptist Church, 1021 New York Avenue
 PRECINCT 95: Azalea Lane Recreation Center, 1045 Azalea Lane

3. Allowing the Supervisor of Elections to open and run Vote by Mail ballots will save Canvassing Board time as this will be completed prior to the Board’s arrival on election day. The Board will only need to accept or reject any Vote by Mail ballots that have issues based on the established/approved criteria.

alternatives | other considerations

fiscal impact

attachments

None



City Commission

agenda item 11.c

item type

Action Items Requiring Discussion

meeting date

January 22, 2025

prepared by

Charles Ramdatt, Director of Public Works

approved by

Randy Knight, City Manager

subject

Community Rating System (CRS) Program - Research and Consideration of Enrollment (Tabled on June, 26, 2024)

motion | recommendation

Direction Regarding Enrollment In The Program

background**Updated Background**

After receipt of advisory board comments, the City Commission sought professional guidance and subsequently received a presentation from Geosyntec Consultants, Inc., and from staff, on June 26, 2024, regarding the merits of the City of Winter Park joining the Community Rating System (CRS) Program. Staff and the consultant suggested that the City's stormwater mitigation program would be more targeted, more beneficial, and would be a much more effective expenditure than the development of a CRS Program for the City of Winter Park. The consultant bolstered that argument by presenting information that showed the limited number of beneficiary residents, of the City of Winter Park, as well as the very small premium reductions that would be derived from the establishing of such a program. The City Commission voted to table the decision pending the completion of the three ongoing stormwater basin studies.

Following a work session, on October 24, 2024, regarding the completed basin studies, staff presented a list and prioritization of stormwater mitigation projects at a Commission meeting on December 11, 2024. Staff remain confident that the stormwater mitigation plan, resulting from the completion of the basin studies, is a superior alternative to the establishing of a CRS program, at this time, for the City of Winter Park. However, staff believe it is prudent to monitor related federal legislation and federal CRS policy, on an annual basis, to determine whether there are changes that could favor reconsideration of the decision to establish a local CRS program.

Background from Previous Submittal

Following the passage of Hurricane Ian, numerous residents and business owners in the City of Winter Park have expressed heightened interest in many issues related to the prevention and mitigation of, as well as recovery from, severe storm events. Among those issues is the matter of flood insurance. A number of residents have specifically raised the issue of whether the City of Winter Park should participate in the Federal Emergency Management Agency's (FEMA's) Community Rating System (CRS) Program.

The CRS Program is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP). Communities that participate in the CRS are able to benefit from discounted flood insurance premiums based on the degree to which the communities' efforts address three specific goals of the program.

In response to the aforementioned concerns, the Winter Park City Commission directed staff to ensure a thorough review of the City of Winter Park's current stormwater and floodplain management programs and practices, compare them with the goals and actions detailed in FEMA's CRS Program, determine the administrative costs of participating in the program, assess the benefits of participating in the program, and document the number of current NFIP policy holders and their associated premium levels within the City of Winter Park.

To that end, staff enlisted the services of Continuing Stormwater Consultant, Geosyntec Consultants, Inc, to perform the requested research. Geosyntec is eminently qualified and has performed similar research, assisted with the development of a number of CRS programs, and continues to assist with the management and maintenance of many such programs.

After performing their research, Geosyntec made presentations to the Lake Killarney Board and to the Lakes and Waterways Board, and will now make the presentation (summary attached) to the Winter Park City Commission.

alternatives | other considerations

fiscal impact

attachments

1. Minutes 6-26-24
2. Geosyntec's Presentation from 6-26-24



City Commission Regular Meeting Minutes

June 26, 2024 at 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Mayor Sheila DeCiccio, Commissioners Marty Sullivan, Craig Russell, Kris Cruzada and Todd Weaver; City Manager Randy Knight; Assistant City Manager Michelle del Valle; City Attorney Dan Langley and City Clerk Rene Cranis.

1. Meeting Called to Order

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

2. Invocation - Reverend Alison Harrity, St. Richards Episcopal Church

3. Pledge of Allegiance

4. Approval of Agenda

Motion made by Commissioner Russell to approve the agenda; seconded by Commissioner Sullivan. The motion carried unanimously by a 5-0 vote.

5. Mayor's Report

a. Proclamation for Kiwanis Club of Greater Orlando / Winter Park

Mayor DeCiccio read and presented a proclamation to Kiwanis members declaring June 26, 2025 Kiwanis Club of Greater Orlando Winter Park Day in recognition of their contributions and on their 93rd anniversary. Shawn Casey thanked the city for their recognition and provided the background of the Kiwanis mission and efforts.

b. Proclamation for Lakes Appreciation Month

Mayor DeCiccio read a proclamation declaring July as Lakes Appreciation Month and presented the proclamation to Department of Natural Resources and Sustainability staff. Director of Natural Resources and Sustainability Gloria Eby thanked the commission for recognizing staff's work.

Mayor DeCiccio introduced a video of the Winter Park High School ladies crew team as they prepare for a competition in the Henley Royal Regatta and wished them good luck.

Mayor DeCiccio advised that Governor DeSantis vetoed the funding for the leaf blower study, thereby vetoing the proposed amendment that would have prevented cities from banning gas leaf blowers.

6. City Manager's Report

a. Confirmation of Electric Utility Director

Mr. Knight recommended the appointment of Mr. Jamie England as new Director of Electric Utilities. Approved by consensus.

He reminded everyone of the Strategic Planning Session tomorrow at 8:00 a.m. Winter Park Events Center.

7. City Attorney's Report

Mayor DeCiccio reported on an article in the Florida Bar Journal about a recent judgment in a golf cart accident and asked the city attorney to look into potential liability to protect the city and residents.

8. Non-Action Items

- a. Board Appointments: Mayor DeCiccio – none reported.

9. Public Comments | 5 p.m. or soon thereafter (Heard after Item 11d)

10. Consent Agenda

- a. Approve the minutes of the regular meeting, June 12, 2024
- b. Approve the following formal solicitations:
 - 1. Don Bell Signs, LLC - RFP16-24 - Park Avenue Gateway Arch Signs
- c. Approve the following piggyback contracts:
 - 2. Kompan, Inc. - OMNIA Partners Contract #2017001135 - Playground and Outdoor Fitness Equipment - Renewal; for services on an as-needed basis during the term of the agreement through June 30, 2026; Amount: \$100,000
 - 3. Konica Minolta Business Solutions USA, Inc. - NASPO Contract #187962 - Multi-Function Devices and Related Software, Services, and Cloud Subscriptions; for services on an as-needed basis during the term of the agreement through July 31, 2029; Amount: \$200,000
 - 4. Thompson Well & Pump, Inc. - Volusia County Contract #21-SQ-21SR - Well Field Services - Renewal; for services on an as-needed basis during the term of the agreement through April 23, 2026; Amount: \$100,000
- d. Approve the following contracts:
 - 1. RFQ7-22 - Patel, Greene & Associates, LLC - Transportation Planning & Engineering Services - Amendment 3; for services on an as-needed basis during the term of the agreement through July 7, 2025; Amount: \$500,000
 - 2. RFP15-19 - HDD of Florida - Underground Conduit/Pipe Installation Services; for services on an as-needed basis during the term of the agreement through September 30, 2024; Amount: \$2,000,000
- e. Approve the following purchase:
 - 1. OpenGov - Budget Solutions SaaS; Amount: \$60,000 for FY24, \$75,000 for FY25
- f. Forward Funding of \$200k for Habitat to Humanity for Affordable Housing Lot Purchase

Motion made by Commissioner Weaver to approve the Consent Agenda, seconded by Commissioner Sullivan. Commissioner Russell asked that the minutes be amended to attach Commissioner Weaver's presentation on the old library renovations. **The motion, as amended, carried unanimously by a 5-0 vote.**

11. Action Items Requiring Discussion

- a. Board Appointments:
 - Winter Park Firefighters' Pension Board (2)
 - Winter Park Police Officers' Pension Board (1)
 - Civil Service Board (1)

The following appointments to the Civil Service Board were recommended: Steve Stutzer (Commissioner Sullivan), Anne Mooney (Mayor DeCiccio) and Ainsley Butts (Commissioner Russell). Steven Stutzer was appointed by unanimous consent. Anne Mooney was appointed by a 3-2 vote. Commissioners Russell and Cruzada voted no. (Note: This was reconsidered at the July 10th meeting.)

- b. Stormwater Rate Assessment for FY25

Mr. Knight reviewed staff's recommendation to increase the stormwater assessment fee by one cent per square foot of impervious coverage which would generate an additional \$700k for stormwater projects. Staff responded to questions stating funds can be used anywhere in the city and the average annual increase is approximately \$48. There were no public comments.

Motion made by Mayor DeCiccio to approve raising the stormwater rate assessment as recommended. seconded by Commissioner Weaver. The motion carried unanimously by a 5-0 vote.

- c. Confirmation of continued SunRail participation.

Mayor DeCiccio said the question is whether to continue participation or opt out. The state will stop funding as of 1/1/2025 and the city's share of the funding will be \$350k. She noted that the City of Maitland opted out but are going to renegotiate with SunRail.

Mr. Knight clarified that this option is available every year going forward, and the contribution may increase by the CPI. He added that Maitland's decision is likely based on their financial situation where assessed property value and taxes will decrease for FY 25 and ridership is not as critical to their downtown area as Winter Park which has consistently been one of the top three stops on the line.

Motion made by Commissioner Cruzada to approve staff's recommendation to not exercise the City's right to terminate the commuter rail agreement, seconded by Commissioner Weaver. The motion carried unanimously by a 5-0 vote.

- d. Community Rating System (CRS) Program - Research and Consideration of Enrollment

Assistant Director of Public Works Don Marcotte provided the history of interest in participating in this voluntary program. Ahmed Hamed, Geosyntec Consultants, gave a

presentation on the CRS program and advised that based on their analysis of the city's participation, average annual flood insurance savings are estimated \$59 per policy. Discussion followed on the benefits of the program, potential grants, staff's ability to manage this program, and whether to table this until the basin studies are complete. Mr. Knight pointed out that while there is low cost, staff believes there is little benefit and funds are better spent on stormwater projects.

Jeanne Wall, 2110 Lake Drive, spoke in support of this program.

Gigi Papa, 1440 Hibiscus Avenue, feels there is no need for this program.

Motion made by Commissioner Russell to table to January 2026, seconded by Commissioner Weaver. The motion carried with a 4-1 vote. Commissioner Sullivan voted no.

9. Public Comments

Rosemary Culhane, 160 Sandlewood Trail, cited data regarding the increasing popularity of pickleball and the city Comp Plan policy to meet different recreation interests and local recreation demands and interests. She asked that the city add 12 pickleball courts instead of the recommended eight.

Rolesia Barton, 708 Margaret Square, asked the city's support by providing a fence for a community garden on Winter Park Housing Authority property (The Meadows). She spoke about the potential and benefits for its residents.

Lawanda Thompson, 664 W. Lyman, President of Equity Council Corp., supported the request for a fence at The Meadows and also for dedicated funding for the community garden and questioned whether those funds still exist.

12. Public Hearings: Quasi-Judicial Matters

- e. Request of Verax Lakemont, LLC for: Conditional Use approval to construct a two-story, 17,626-square foot medical office building on the vacant 1.213 acres of properties at the northwest corner of Aloma and Lakemont Avenue including the properties listed as 1851/1861/1871 Aloma Avenue and 443/453 N. Lakemont Avenue, zoned Office (O-2) and Parking Lot (PL) districts.

City Planning Consultant Jeff Briggs presented this request. He explained the location and function of each entrance with right-turn only in and out at Aloma and the Lakemont entrance located beyond the median to allow left turns in and out of the property. Due to traffic at peak hours, the city's intent is to install two left-turns from Lakemont to Aloma and the applicant has agreed to contribute land to create two left-turn lanes that will decrease the stacking of vehicles trying to make that left turn. The Planning and Zoning Board recommended approval with four conditions; shortening of parking spaces and shifting of building to the west to allow additional landscaping, right-of-way dedication prior to certificate of occupancy, cross access easement for adjacent properties to the west for future redevelopment and a six-foot wall to buffer along the northern property line. FDOT will have to approve the creation of two left-turn lanes but engineering and cost studies will begin with preliminary design and cost estimates in about six months.

Members of the commission expressed concern and discussed the turns in and out of the property on Lakemont Avenue and potential signage restricting movement during peak hours.

David Lamm, representing the applicant, addressed traffic movement concerns, peak hour trips and left-turns from the property on Lakemont. They have met with FDOT and plans do not impact FDOT's future plans for 426. He responded to questions about the wall height and the alternative for landscaping, height of building, and tower on the south side of the building. John Adams, project architect, said the taller tower height was increased to accommodate roof access, so opportunities to reduce the height may be limited. After additional discussion, Mr. Lamm agreed to a 41-foot height and a no-left turn sign exiting the property onto northbound Lakemont with the allowance for left turns entering the property from northbound Lakemont.

Motion made by Commissioner Russell to approve the request with the conditions of the Planning and Zoning Board and the additional condition of a "no left turn sign,

- 1. That the parking spaces along the western edge of the building be shortened in length from 20 feet to 18 feet (18 feet is code) in order to shift the building 2-feet to the west to allow 5-feet of landscape area up against the eastern wall of the building.**
- 2. That the right-of-way dedications described above be made prior to the certificate of occupancy for the building and that, in the interim until the road is widened, the applicant landscape and maintain such areas.**
- 3. That the property owner will grant the City a cross-access easement, to ensure cross access to adjacent properties is available for future redevelopment to the west.**
- 4. That there be a six-foot wall made of stone, concrete, or masonry along the northern property lines to provide an appropriate buffer to the residential properties. seconded by Commissioner Sullivan.**

Discussion returned to building height and consensus was to allow a 43-foot tower height. Motion seconded by Commissioner Sullivan.

The following spoke in opposition to the project citing traffic safety from left-turn lanes on to Lakemont and incompatibility with the neighborhood

Beth Hall, 516 Sylvan Drive

Laura LaBoda, 1765 Edwin

Barry LaBoda 1765 Edwin.

Vivien Hale, 1840 Edwin Blvd., (asked for additional landscaping around the property and for that a wall be constructed prior to building construction.

Eugene Stuccardo (suggested dimming lighting)

Jay Poppe, 1730 Edwin Blvd

Commissioner Weaver said he cannot support the project without a median and restricting both left turn movements to and from Lakemont.

Mr. Lamm agreed to no left-turns from property onto northbound Lakemont. Discussion followed on traffic patterns on Lakemont Avenue and restricting traffic movement and traffic safety due to left turns from this property and also the shopping center across Lakemont. Mr. Lamm pointed out that the city has control over the movement on Lakemont with the design of the median and drive lanes at Aloma. Commissioner Weaver suggested flexible bollards to restrict movements temporarily funded by transportation impact fees paid by this project.

Mr. Lamm said if the city issues an early permit for the wall, they will construct the wall during plan review.

Commissioner Russell amended his motion to include construction of the wall prior to permitting, seconded by Mayor DeCiccio. Upon a roll call vote, Commissioners Sullivan, Russell, Cruzada and Waver and Mayor DeCiccio. The motion carried unanimously with a 5-0 vote.

A recess was held from 6:42 to 6:53 p.m.

13. Public Hearings: Non Quasi-Judicial Matters

- a. Ordinance: Authorizing lease agreement for 460 East New England Avenue (old library site) (1st reading)

Attorney Langley read the ordinance by title.

Mayor DeCiccio provided the background leading to this draft lease of the old library to Blue Bamboo. She presented amendments to the city management and city attorney, which she feels were essential to protect the residents. Mr. Langley summarized the amendments relating, in part, to right of termination, vacation of premises, project changes, permitting and inspection, lease amount, city liability for defects, liquor liability, breach of lease, surveillance/recording devices, incident reporting, and personal guarantee for damages.

The Commission discussed the lease with the action noted:

- Page 1, last paragraph - change termination lease notification to two years. Approved.
- Page 3, third paragraph - changing approval deadline for comprehensive plan change or rezoning to 120 days. Approved.
- Page 3, fourth paragraph - allow lease of additional parking for a one-year term or longer, striking the text beginning "such as ensuring that the number of seats ..." and replacing it with language that the venue will provide parking in compliance with the parking requirements of the city code. Approved.
Page 3, last paragraph - Leave two-year requirement to bring premises up to code. Approved
- Page 3, last paragraph - In depth-discussion was held on requiring evidence of and determining financial viability. It was agreed to delete the language referencing and requiring evidence of financial viability and change language to state that if code compliance is not reached within two years, the lease may be terminated by the city upon giving 30 days' notice.

- Page 4, third paragraph - subleasing to not-for-profit organizations. Mr. Knight noted approval of organizations is the city's discretion.
- Page 4, third paragraph - inspection of property. Mr. Knight stated this was added to allow inspection by the city representatives. Consensus was for the city attorney to redraft to allow access and inspection by city employees or its representatives in compliance with established procedures.
- Page 4, last paragraph - Lease amount to remain be \$132k. Approved.
Page 5, third paragraph - Add language that brokerage or fees initiated by the city should be paid by the city. Agreed by consensus.
- Page 10, second paragraph - change vacation of the premises promptly to within 30 days of notification by the city.. Agreed by consensus.
- Page 12, subparagraph e - exclude proprietary recordings such as performance recordings that may be sold. After discussion on whether recordings are public record, consensus was for Mr. Langley to revise language to address public records laws and exemption for propriety recordings.
- Page 13, Paragraph 21 - Incident reporting within three business days (as recommended by the city's risk manager). Agreed by consensus.
- Page 15, Paragraph 31 - Personal Guarantee. Consensus was to delete.
- Page 11, Paragraph 13 - amount for holdover at the end of the lease. Mr. Knight clarified it is a monthly rate based on the annual lease amount, adjusted for inflation.

The following spoke in support of the lease:

Priscilla Purch, 100 S. Virginia Avenue
Mark Horn, Kellogg Drive, Tavares
Jaqueline Johnson, 1600 Alabama Drive
Alan Haughey, 315 E. New England
Judith Britt, Carriage Way Court, Oviedo
Eugene Stuccardo
Jack Graham
Elizabeth Chadwick, Longwood
Hattie Wolfe, 260 Carolina Avenue
Jim Denision, Orlando

Jeff Flowers, asked for clarification on surveillance recordings and said he does not want to be a custodian of public records. Mr. Knight said Blue Bamboo is a private entity and their records are not public records. However, recordings will become public records when received by the city and the city will comply with any exemptions to public records laws. Mr. Cortez said they will turn over security footage if they had it, although they currently do not have security cameras. Mr. Knight noted that Mr. Langley will make changes and bring back for the second reading.

Phil Anderson, 1621 Roundelay Lane, thanked the commission for making decisions that will protect the city and said in his experience, a letter from the bank saying an entity is good for the money is not unreasonable and ensures that the completion of the project.

John Reker, 1660 Joelene Court, said he feels the lease is one-sided in favor of the city and makes it easier for the city to terminate the lease.

Mr. Cortez said they are prepared to get a bid for Phase I and show that they have the funds for Phase I construction.

Motion made by Commissioner Weaver to the ordinance and attached lease agreement as amended, seconded by Commissioner Sullivan. Upon a roll call vote Commissioners Sullivan, Russell, Cruzada and Weaver and Mayor DeCiccio voted yes. The motion carried unanimously with a 5-0 vote.

- b. RESOLUTION 2287-24 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1259 ESSEX ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Langley read the resolution. Director of Planning and Zoning Allison McGillis reviewed the request.

Motion made by Commissioner Weaver to approve the resolution, seconded by Mayor DeCiccio.

Brian Berry, applicant, thanked the city and the Historic Preservation Board for their efforts. **Upon a roll call vote Commissioners Sullivan, Russell, Cruzada and Weaver and Mayor DeCiccio voted yes. The motion carried unanimously by a 5-0 vote.**

- c. Request of the City of Winter Park for an Ordinance establishing Chapter 58, "Land Development Code", Article III, "Zoning", Section 58-97 "Community Engagement". (1st Reading)

Attorney Langley read the ordinance by title. Mrs. McGillis reviewed the provisions requiring community meetings for specific requests.

Motion made by Commissioner Cruzada approve the ordinance, seconded by Commissioner Russell. There were no public comments. Upon a roll call vote, Commissioners Sullivan, Russell, Cruzada and Weaver and Mayor DeCiccio voted yes. The motion carried unanimously with a 5-0 vote.

- d. Request of City of Winter Park for:
- An Ordinance amending Chapter 58, "Land Development Code", Article I "Comprehensive Plan" Future Land Use Map so as to change the Future Land Use designation of Office to Institutional Future Land Use on the city-owned property located at 655 N. Wymore Road. (1st Reading)
 - An Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" and the official Zoning Map so as to change from Office (O-1) Zoning to Public, Quasi-Public (PQP) Zoning on the city-owned property at 655 N. Wymore Road. (1st Reading)

Attorney Langley read the ordinance by title. Mrs. McGillis reviewed the request to rezone the property on the city-owned property on Wymore Road.

Motion made by Commissioner Weaver to approve the ordinances, seconded by Mayor DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, Russell, Cruzada and Weaver and Mayor DeCiccio voted yes. The motion carried unanimously by a 5-0 vote.**

- e. Request of City of Winter Park for:
- An Ordinance amending Chapter 58, "Land Development Code", Article I "Comprehensive Plan" Future Land Use Map so as to change the Future Land Use designation of Office to Institutional Future Land Use on the city-owned property located at 1401 Howell Branch Road. (1st Reading)
 - An Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" and the official Zoning Map so as to change from Office (O-1) Zoning to Public, Quasi-Public (PQP) Zoning on the city-owned property at 1401 Howell Branch Road. (1st Reading)

Attorney Langley read the ordinances by title. A simultaneous public hearing was held. Mrs. McGillis reviewed the request to rezone the property for the future location of the city's Building and Permitting Services Department.

Motion made by Commissioner Russell to approve the ordinances, seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, Russell, Cruzada and Weaver and Mayor DeCiccio voted yes. The motion carried unanimously by a 5-0 vote.**

14. City Commission Reports

Commissioner Sullivan –

- Advised that the Museum of Black History Task Force will meet on Friday to reconsider its previous vote approving St. Augustine for the location for the museum. He asked for consensus for him to attend the meeting on behalf and present the resolution and speak in support of Eatonville. Agreed by consensus.

Commissioner Russell –

- Thanked the communications team and police department and Neighborhood Advisory Committee and encouraged residents to use social media to connect with staff.

Commissioner Cruzada –

- Asked for status of Quantum Fiber. Mr. Knight said completion is unknown and their central hub is on New York.

Commissioner Weaver –

- Thanked the staff for their work.
- Advised that the Denny's at Wymore Road has closed and will address in the strategic planning session tomorrow.

Mayor DeCiccio –

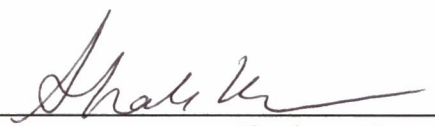
- Asked staff to contact the Housing Authority about funding for the community garden fencing. contact Ms. del Valle said she will reach out and suggested it could be an Eagle Scout project.

15. Summary of Meeting Actions

- Issued proclamation for Kiwanis Club of Greater Orlando and Winter Park
- Issued Proclamation for Lakes Appreciation Month
- Confirmed Jamie England as new Director of Electric Utility.
- Appointed two members to the Civil Service Board
- Approved Consent Agenda with amendment to the minutes.
- Approved a one-cent increase in the stormwater fee.
- Confirmed participation in Sunrail.
- Tabled decision to participate in the CRS to January.
- Approved Conditional Use request by Verax with conditions.
- Approved ordinance for the lease of the old library with revisions to the lease.
- Approved resolution designating 1296 Essex Road to the Winter Park Register of Historic Places.
- Approved ordinances changing land use and zoning on 665 Wymore Road and 1401 Howell Branch Roads
- Approved Commissioner Sullivan sending the resolution for Museum of Black History.
- Directed staff to contact the Housing Authority regarding fencing for the community garden

16. Adjournment

The meeting was adjourned at 9:02 p.m.



Mayor Sheila DeCiccio

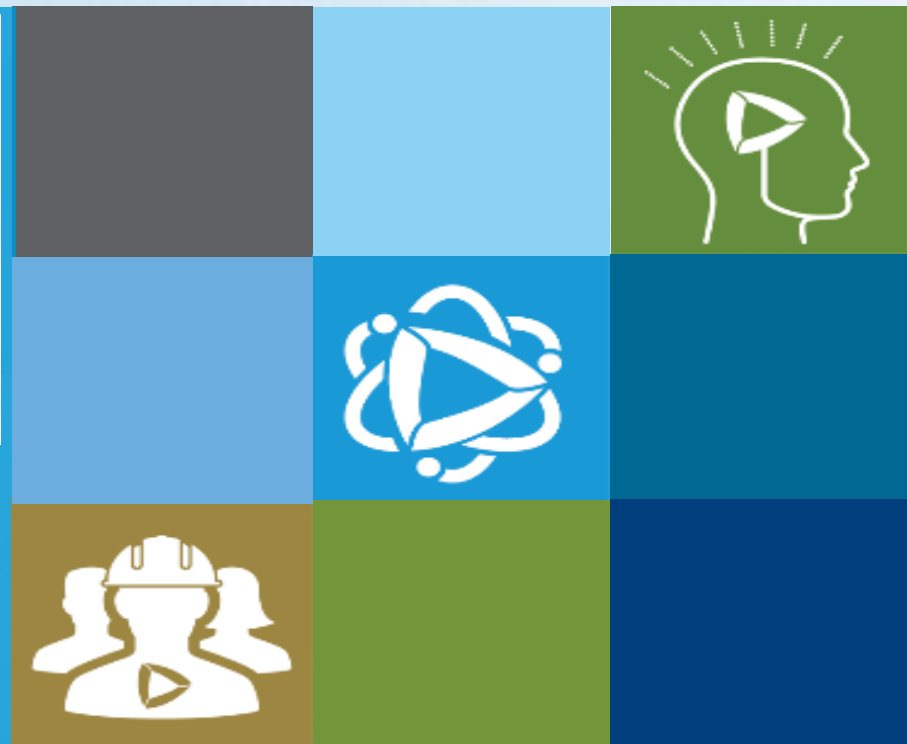
ATTEST:



City Clerk Rene Cranis



COMMUNITY RATING SYSTEM PARTICIPATION ANALYSIS



Presentation Outline

- What is CRS?
- CRS Participation Process
- CRS Data Collection
- CRS Participation Analysis, Costs & Benefits
- Participating Neighboring Communities

What is CRS?

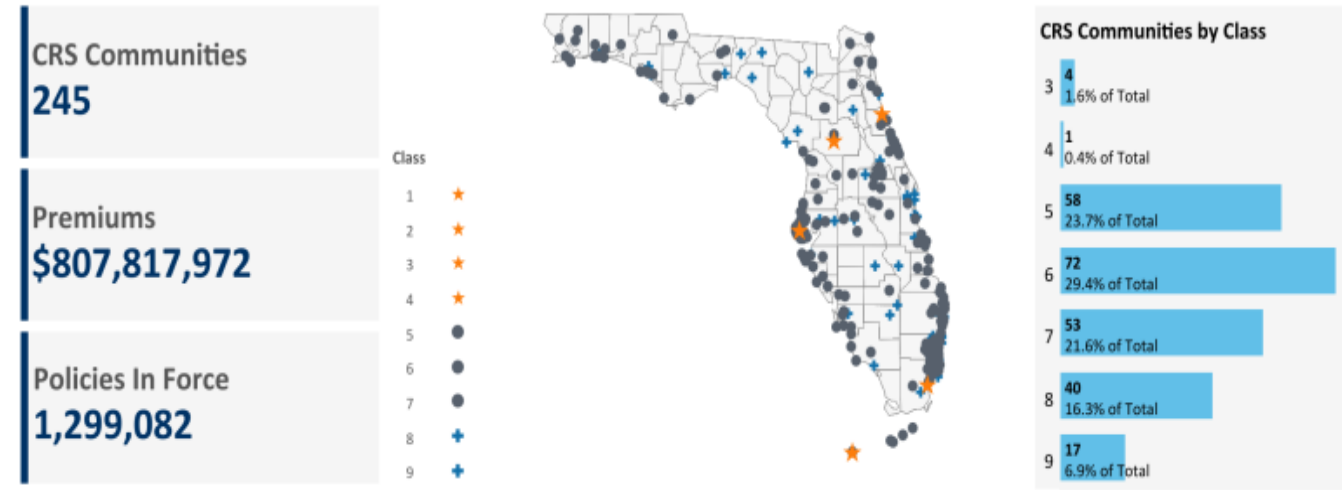
What is CRS?

- Program backed by FEMAs NFIP
- In Florida: 245 participating communities
- Benefits
- Premium Discounts participating communities
- Supports the NFIP
- Comprehensive floodplain management

The CRS in Florida

October 2023

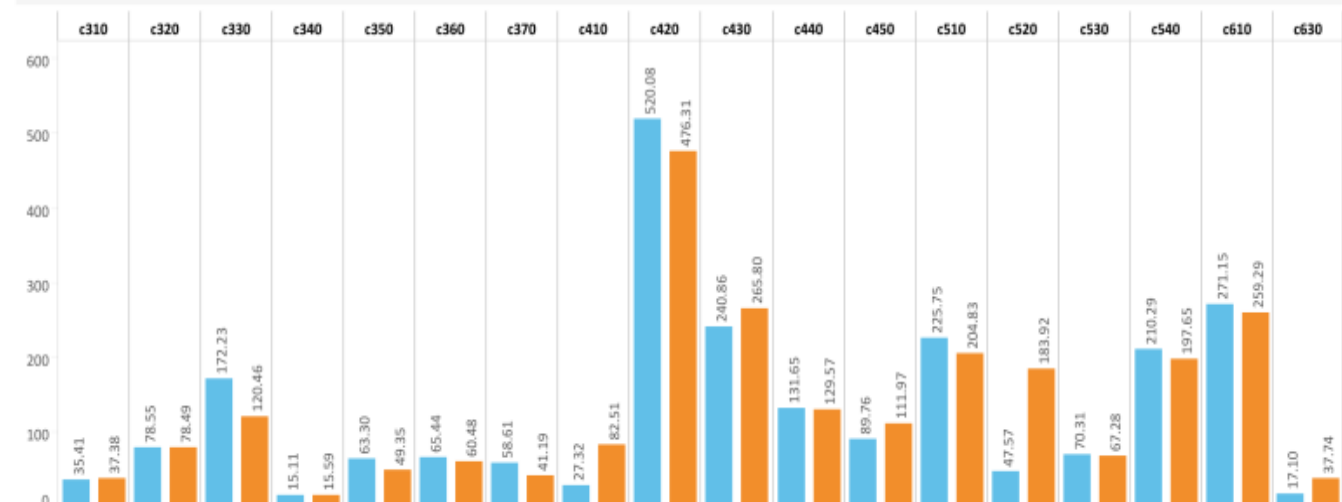
Insurance information pulled from FEMA's Community Information System



Florida vs. National

Average Credit

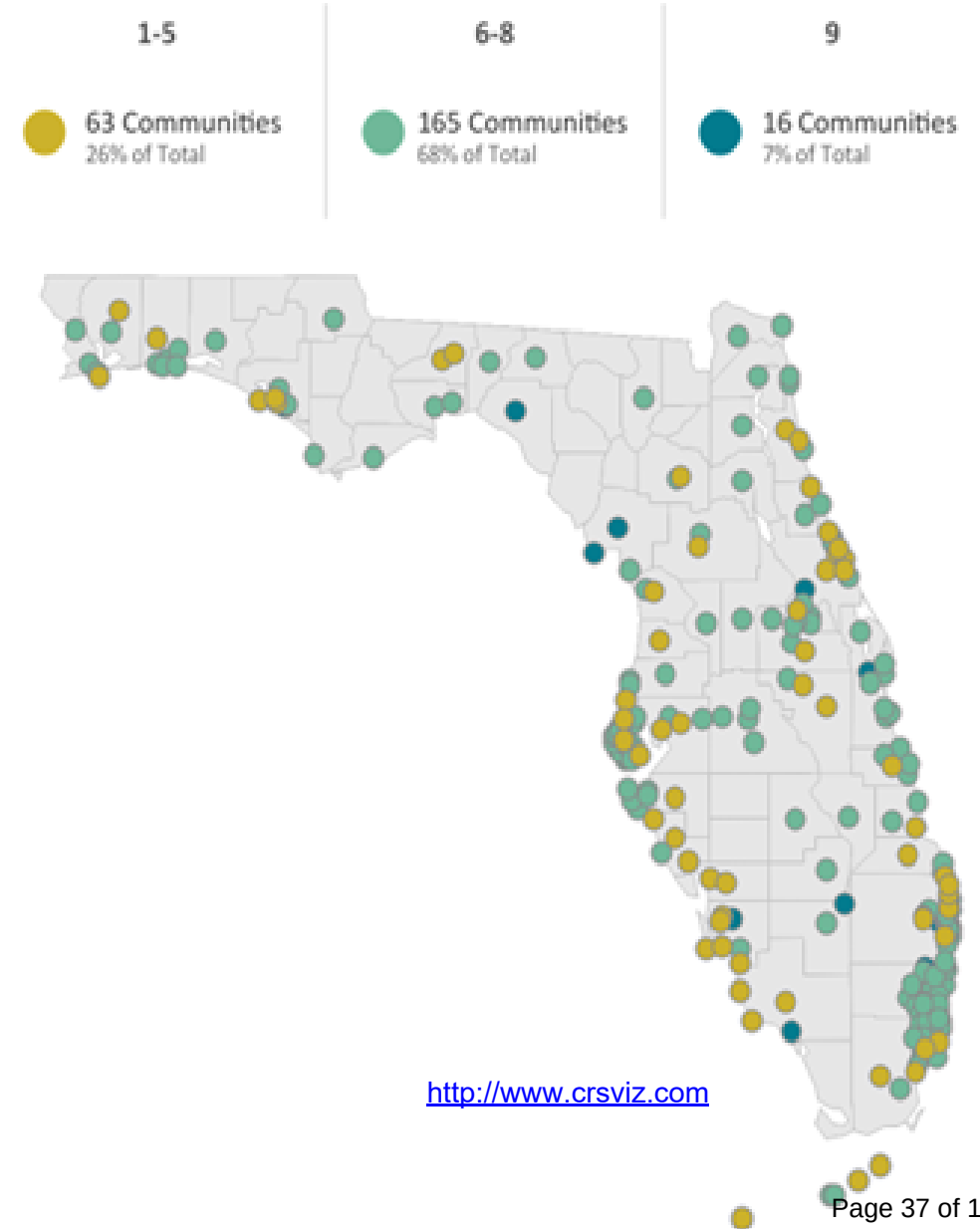
Hover for CRS Activity Glossary



What is CRS?



- Points assigned based on:
 - Relevant activities
 - Meeting metrics of the individual sub-activities
- Activity Examples:
 - Public Information
 - Mapping and Regulation
 - Flood Damages Reduction
- Participating communities' classification 1-10
- Lower classification results in a larger discount
- Per-Policy discounts 5-45% based on classification



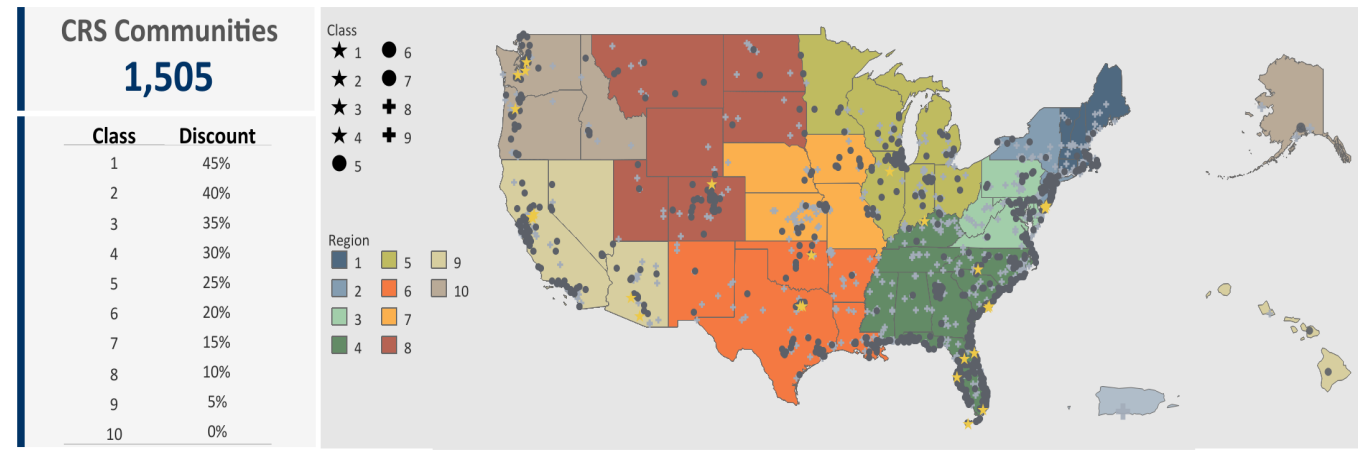
CRS Participation Process



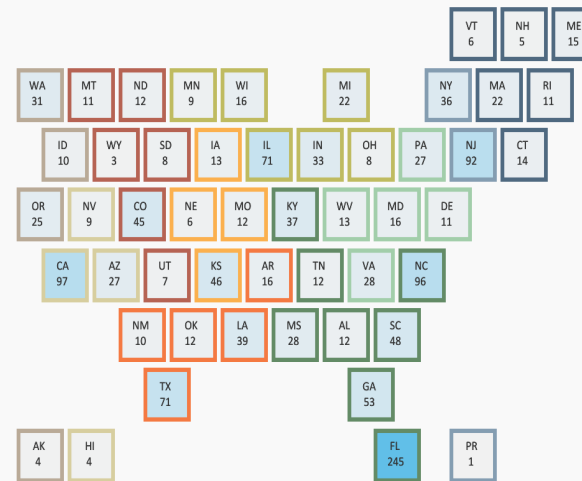
- **Initial Application/Startup**
 - Submitting a Letter of Interest
 - Community Verification Visit
- **Minimum Qualifications for Communities**
 - 500 verified credit points for Class 9
 - Part of the NFIP for at least 1 year
 - FEMA compliance – within 6 months of visit
 - Elevation Certificates for all new buildings/ substantial improvements in SFHA

Community Rating System (CRS) Participation

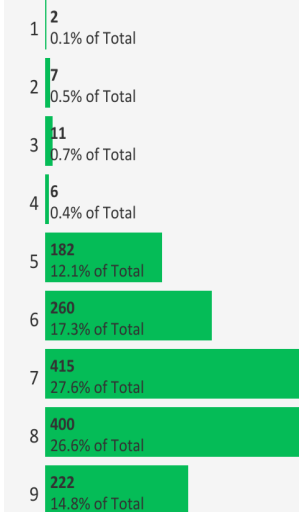
October 2023



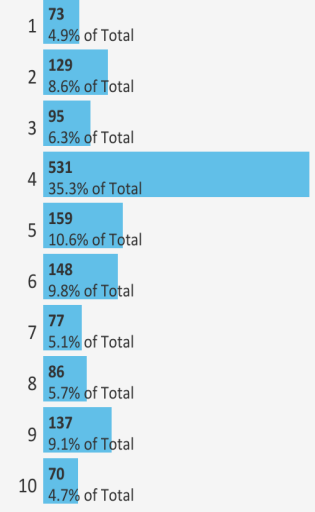
CRS Communities by State



CRS Communities by Class



CRS Communities by FEMA Region





- **Annual Recertification**
 - Confirm continued activity
 - Designated CRS Coordinator to manage CRS-related activities
 - Collaboration with Resource Specialist
 - Annual Recertification
 - Elevation Certs/ Floodproofing Certs, Engineered Opening Certs Reviews
- **Verification Cycle (3-5 years)**
 - Activities comply with CRS requirements
 - Flood protection projects
 - Drainage system maintenance
 - Environmental, and historic requirements
 - 5 years - class rating between 5 and 9
 - 3 years - class rating between 1 and 4

CRS Data Collection



- Data to establish current activities:
 - Estimating achievable points/ CRS score
 - Level of effort of the City
- Interviews with City staff
 - Building and Permitting
 - Communications
 - Emergency Management
 - Natural Resources & Sustainability
 - Public Works & Transportation
- Online Sources (FEMA, FDEM, SERT)

Special thanks to the staff who contributed to this effort: **Randy Knight, Michelle del Valle, Shannon Monahan, Charles Ramdatt, Don Marcotte, Gloria Eby, Gary Hiatt, Clarissa Howard, Anthony Braish**

Participation Analysis, Costs & Benefits



- Point Ranges were established through determining current activities
 - Interview responses
 - Estimated level of activity
 - Analysis of points achieved by other communities
 - Historic information and statistics
 - % of communities achieving points
 - % of points achieved by a community

Table 1: Winter Park Estimated Points by Activity (March 2024)

Activity Code	Activity Name	Maximum Credits Possible	Average Points Earned	Winter Park Estimated Point Range
300	Public Information Activities			
310	Elevation Certificates	116	36	35–40
320	Map Information Service	90	78	60–65
330	Outreach Projects	350	87	50–55
340	Hazard Disclosures	80	15	0
350	Flood Protection Information	125	48	30–35
360	Flood Protection Assistance	110	59	0–5
370	Flood Insurance Promotion	220	40	0
400	Mapping and Regulations			
410	Flood Hazard Mapping	850	78	40–45
420	Open Space Preservation	2,870	471	335–340
430	Higher Regulatory Standards	2,462	272	140–145
440	Flood Data Maintenance	222	127	85–90
450	Stormwater Management	755	110	105–110
500	Flood Damage Reduction Activities			
510	Flood Management Planning	762	197	180–185
520	Acquisition and Relocation	2,250	176	0
530	Flood Protection (Elevating and Floodproofing Buildings)	1,600	64	0
540	Drainage System Maintenance	470	203	280–285
600	Warning and Response			
610	Flood Warning and Response	365	266	95–100
620	Levees*	235	111	0
630	Dams*	160	38	0
	Total	14,092	2,476	1,435–1,495

*Levees and Dams do not apply to the City.

Flood Insurance Premium Benefits



- Points Range: 1,435 – 1,495
- Based on current City activities: CRS Classification Class 8
- 10% premium discount
- 388 NFIP Policies = \$230k Annual Premiums
 - \$23k in premium savings per year
 - Average annual savings per policy - \$59
- Increasing Future Savings
 - Flood insurance premiums are expected to increase (Risk Rating 2.0)
 - Total number of residents that choose to become insured is expected to increase

Table 2: CRS Credit Points, Classes, and Premium Discounts (FEMA: March 2024)

CRS Credit Points	CRS Class	CRS Discount (Premium Reduction)	Total Discount
4,500+	1	45%	\$103,500
4,000–4,499	2	40%	\$ 92,000
3,500–3,999	3	35%	\$ 80,500
3,000–3,499	4	30%	\$ 69,000
2,500–2,999	5	25%	\$ 57,500
2,000–2,499	6	20%	\$ 46,000
1,500–1,999	7	15%	\$ 34,500
1,000–1,499	8	10%	\$ 23,000
500–999	9	5%	\$ 11,500
0–499	10	0	-

These figures are based on the estimated points the City could receive upon participation in the program. Additional activities could improve this score. The potential for improvements was not evaluated.



- Initial verification or 5-year full verification, each
 - 325-375 hours of City staff time, -or-
 - \$55k -\$60k in consultant fees
 - Annualized costs: ~ \$12k - \$15k
- Annual recertification, preparation and submission
 - City's CRS Coordinator = 60-80 hours

Not a simple Cost analysis:

Over time, it is expected that the City's CRS Coordinator will increase efficiency and streamline certain tasks associated with their role, which should reduce effort. However, the City may also seek to improve its score by engaging in additional activities, resulting in additional time commitment and fees

Scope Breakdown (Initial & 5 Year Full Verification)

- Organize Documentation
- In-depth Interviews
- CRS Evaluation Report
- Prepare Documents
- Develop Internal Tracking
- Verification Visit
- Follow-up Documentation

Neighboring Communities

Participating Neighboring Communities



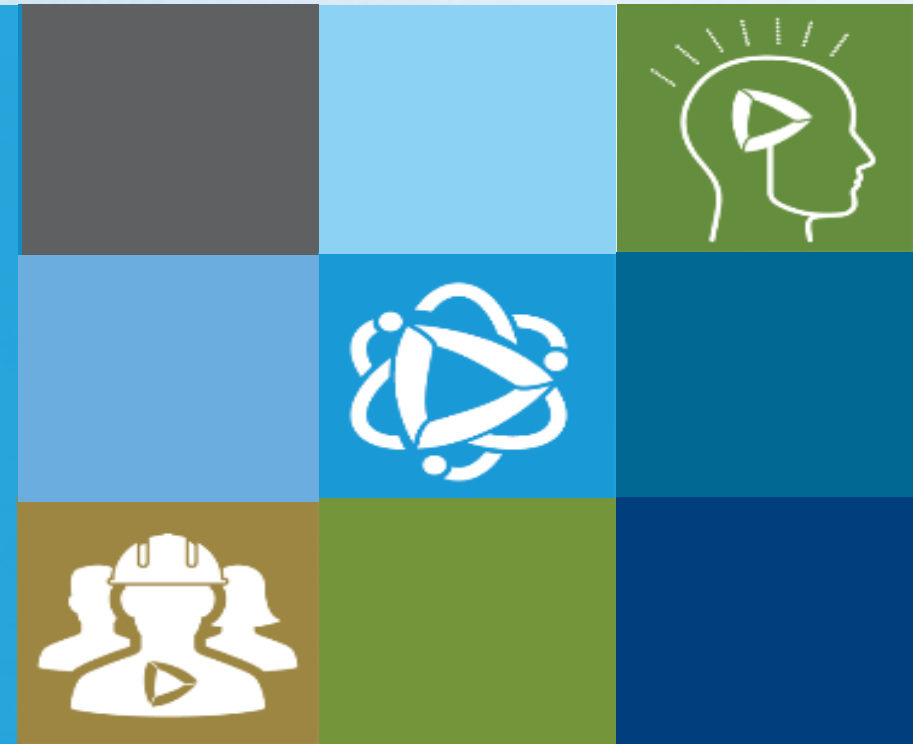
- Both larger and smaller communities participate
- Highest Rating: 5 (25% Discount)
 - Lake Mary & Orange County
- Lowest Rating: 8 (10% Discount)
 - Apopka & Casselberry
- Number of insurance policies
 - Lowest: 155 (Lake Mary)
 - Highest: 5,601 (Orange County)

Table 3: Neighboring Communities CRS Participation (FEMA: April 2022)

Community Name	Population	CRS Score	% Discount	CRS Entry Date	Total Number of Policies	Total Premium	Estimated Annual Savings
Orange County	1423000	5	25%	10/1/1991	5601	\$2,627,917	\$ 656,979
Orlando	309000	6	20%	10/1/1993	1665	\$841,306	\$ 168,261
Apopka	55000	8	10%	10/1/1993	159	\$90,412	\$ 9,041
Seminole County	470000	6	20%	10/1/1991	2668	\$1,436,488	\$ 287,298
Altamonte Springs	45000	7	15%	10/1/1994	399	\$186,992	\$ 28,049
Casselberry	29000	8	10%	10/1/2019	195	\$114,155	\$ 11,416
Lake Mary	17000	5	25%	10/1/2009	155	\$77,906	\$ 19,477
Sanford	61000	7	15%	10/1/2016	397	\$200,225	\$ 30,034
Winter Springs	38000	6	20%	10/1/1993	428	\$264,281	\$ 52,856



Questions?



Ahmed Hamed, PE, CFM – Senior Engineer
Ahmed.Hamed@geosyntec.com

12802 Tampa Oaks Blvd, Suite 151
Tampa, FL 33637
813.379.4385



Data Collected

- Elevation Certificates (EC)
- Letter of Map Amendments (LOMA)
- Flood Insurance Study (FIS)
- Stormwater Management Plans
- Past Capital Improvement Plans (CIP)
- FIRM Panels
- CIP 5-year plan
- Ordinance Information
- Building Codes & Standards
- Communication Information (Hurricane, Outreach, Education, etc.)
- Community Insurance Policy Information
- Geographic Data/ Maps
 - Structure Footprint
 - Green space
 - Special Flood Hazard Areas (SFHA)
 - Parcels
 - City Boundary
 - Topographic Data
- Hurricane Ian Damage Assessment
- Interim Adaptive Flood Management Guide

**item type**

Public Hearings: Quasi-Judicial Matters

meeting date

January 22, 2025

prepared by

Jeffrey Briggs

approved by

Randy Knight, City Manager

subject

APP #1-24. Request of the Winderweede Law Firm on behalf of Jonathan Cole for: An Appeal pursuant to City Code Section 58-94 (b) of the determination that the landscaping currently in place is in violation of a condition of approval for the redevelopment of the property granted by the Planning and Zoning Board on May 4, 2021 on Lake Virginia, zoned R-1AAA.

motion | recommendation

The Planning and Zoning Board recommendation is to confirm the determination of the zoning official that a violation now exists with landscaping over six feet in height in several locations on the lakefront portion of this property between the house down to the lake.

background

This public hearing is an "appeal" to the City Commission of the determination by the Planning and Zoning Board, that city's staff's finding that a violation has occurred to the conditions of approval for the new home at 721 Virginia Drive. In summary, the P&Z Board approved that new home on May 4, 2021 with conditions of approval, among which, was a limit on landscaping on the lakefront to no more than six feet in height. When taller landscape was planted, the city staff determined a violation had occurred. That determination was appealed to the P&Z Board. Then, following an advertised and noticed public hearing, the P&Z Board confirmed the city staff determination of a violation. Now that action by the P&Z Board has been appealed to the City Commission.

As background, the P&Z Board reviews and approves construction on all lakefront lots. That review is for tree preservation, stormwater control and "that views of the water from adjoining properties are not unduly impaired". Jonathan Cole (owner) requested approval from the Planning and Zoning Board on May 4, 2021 to construct a new, two-story, 6,303 square-foot, single-family home at 721 Virginia Drive, on Lake Virginia, zoned R-1AAA. This property is 19,318 square feet in size and adjacent to neighboring homes at 681 and 741 Virginia Drive.

The full P&Z minutes of that request are attached, as well as the P&Z minutes for this appeal. An issue during the May 4, 2021 meeting was the judgement to be made by the Planning and Zoning Board as to the effect on the adjacent neighbors to the east, of the placement of the

home in “unduly impairing” the lake views of such home. This was an unusual scenario due to the location of the homes in a cove in the southeast corner of Lake Virginia, such that the predominant lake view was not directly out in front of such homes but to a large degree across the lakefront portion of the subject property.

Mr. Cole was asking for an approval from the Planning & Zoning Board to build the home closer to the lake than the average lakefront setback. If the home had been required to locate at the average lakefront setback, then the two eastern neighbors agreed that their lake views would not be “unduly impaired”. However, Mr. Cole desired to build more square footage than could otherwise be done if the house was held to the average lakefront setback. As a result, the two neighbors to the east objected to the request due to their perceived diminishment of their predominant lakeview to the northwest by the extension of the new house into the average lakefront setback.

The Planning and Zoning Board approved the new home to protrude into the lakefront setback, and minimized that protrusion with a six-foot variance in the front to move the proposed house six feet closer to the street. The neighbors did not receive the changes to the building plans that were requested. However, to ameliorate the visual impact upon the two neighbors and in protection of the two neighbors' property values, the Planning and Zoning Board included Condition #2 (below), which was explained in much further detail by Mr. Briggs during his presentation. He explained the proposed Condition #2 would not allow the planting or growing of landscaping/trees on the lakefront downward from the house structure that would be over six feet in height. Otherwise, such landscaping at taller heights, in the conclusion of the Planning and Zoning Board would “unduly impair” the two neighbors' traditional and previously held views of Lake Virginia.

Mr. Briggs staff recommendation explained that “the worst-case scenario” for the neighbors would be no limit to the height of landscaping on the lakefront, which then could allow, for example, 30-foot tall bamboo that would completely block their view shed of the lake. As a result, a condition of approval was necessary and prudent in this particular case, given the unique characteristics of the lake views, to maintain the current open lakefront view shed, which had no vegetation in the view shed then over six feet in height.

May 4, 2021: Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- **That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.**
- **That any vegetation going down to the lakefront not exceed six feet in height.**
- **That bamboo screening be used along the side property lines for the length of home.**

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)

For the P&Z meeting, the staff reviewed the audio from the May 4, 2021 P&Z Board meeting

to refresh memories on the details of the landscaping condition discussion. During that oral report to the P&Z Board, Mr. Briggs indicated that there should be no landscaping going down the property line over six feet in height and that the area of the landscaping condition is down the property line from the end of the residential structure to the lake. Mr. Briggs indicated that the landscaping condition is to prohibit any landscaping expected to grow more than 6 feet in height. The applicant's attorney, Ms. Bonifay stated on the record during the May 4, 2021, hearing that the applicant was in agreement with the landscaping condition articulated by Mr. Briggs. It is the staff's position that the P&Z Board's condition of approval was to adopt Mr. Briggs' proposed condition as agreed to by the applicant's legal representative to prohibit any landscaping that is expected to grow any taller than 6 ft. at any point going down the property line starting from the end of the house all the way down to the lake.

Current Status

On August 28, 2024, it was reported to the City that landscaping was being installed on the lakefront of the subject property at 721 Virginia Drive taller than six feet in height. The City immediately emailed Mr. Cole of the violation, assuming that, perhaps in the intervening three years, the condition of approval had been forgotten. In response Mr. Cole continued to have additional landscaping installed and informed the City that the landscaping was "totally in compliance with all rules".

The City has determined that the landscaping over six feet in height is in violation of the Zoning Approval Condition #2. The Winderweede Law Firm, on behalf of Mr. Cole then filed an appeal of the determination that the landscaping over six feet in height is in violation of Condition #2. The basis for the appeal is the narrative and exhibits (attached) provided by the Winderweede Law Firm. After the advertisement and mailed notices, this matter was before the Planning and Zoning Board on December 3, 2024 for interpretation of whether a violation exists.

In a sense, this appeal is fortunate in that otherwise the matter would have proceeded to the Code Compliance Board. They would not have the insight and experience in such matters and may likely have wanted a recommendation from the Planning and Zoning Board/City Commission to see whether a violation exists. If this matter does eventually proceed to the Code Compliance Board, then this decision will be valuable.

Summary and Recommendation

In listening to the audio file from the May 4, 2021 P&Z meeting, it is clear that the staff was recommending that there be no landscaping any taller than 6 ft. at any point starting from the end of the house on that lakefront portion of the property. The motion reflected in the minutes was not as specific as the staff's recommendation during the hearing. It appears to be a reasonable interpretation that the Board's intent was to accept the staff's recommended landscaping conditions. That is further supported by the fact that the applicant's attorney (Ms. Bonifay) stated on the record during the May 4, 2021, meeting that the applicant had no objection to and would "happily agree to" your proposed landscaping condition. A seven-minute audio excerpt of that entire audio file will be played and entered into the record to support this position, which is the basis of the determination of the violation.

The action by the Planning on Zoning Board on December 3, 2024 was:

Motion made by Jason Johnson, seconded by Warren Lindsey, for denial of an Appeal pursuant to City Code Section 58-94 (b) of the determination that the landscaping currently in place is in violation of a condition of approval for the redevelopment of the property granted by the Planning and Zoning Board on May 4, 2021 on Lake Virginia, zoned R-1AAA. In addition, the Planning & Zoning Board interpreted and clarified the landscaping condition of approval at issue as follows:

- **There shall be no vegetation or landscaping planted or maintained such that it grows and is not trimmed back to no taller than six feet in height located anywhere on the property from the edge of the rear of the single-family home going down to the water's edge of Lake Virginia.**

The motion carried unanimously by a 6-0 vote.

alternatives | other considerations

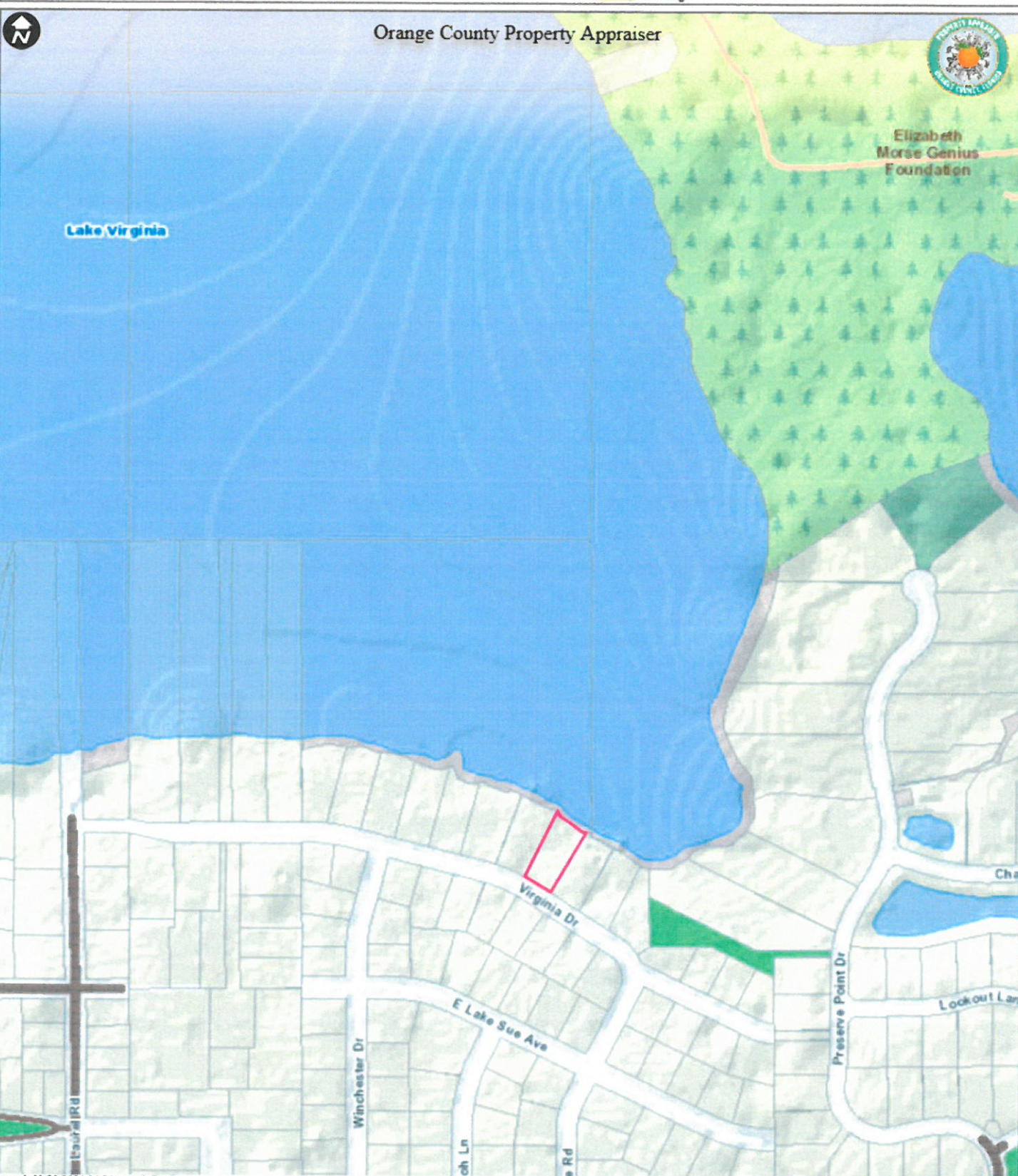
fiscal impact

attachments

1. Location map
2. View Shed Impact map from May 4, 2021
3. 721 Virginia 2
4. 721 Virginia 3
5. 721 Virginia Drive 4
6. 721 Virginia
7. 721 Virginia 5
8. 721 Virginia 6
9. 721 Virginia 7
10. May 4, 2021 P&Z approval minutes
11. August 29, 2024 email to Jonathan Cole
12. September 3, 2024 email to Jonathan Cole
13. November 23, 2024 email from Adjacent Neighbors
14. Appeal Narrative
15. Appeal Exhibits
16. December 3, 2024 Planning & Zoning Board Regular Meeting Minutes

OCPA Web Map

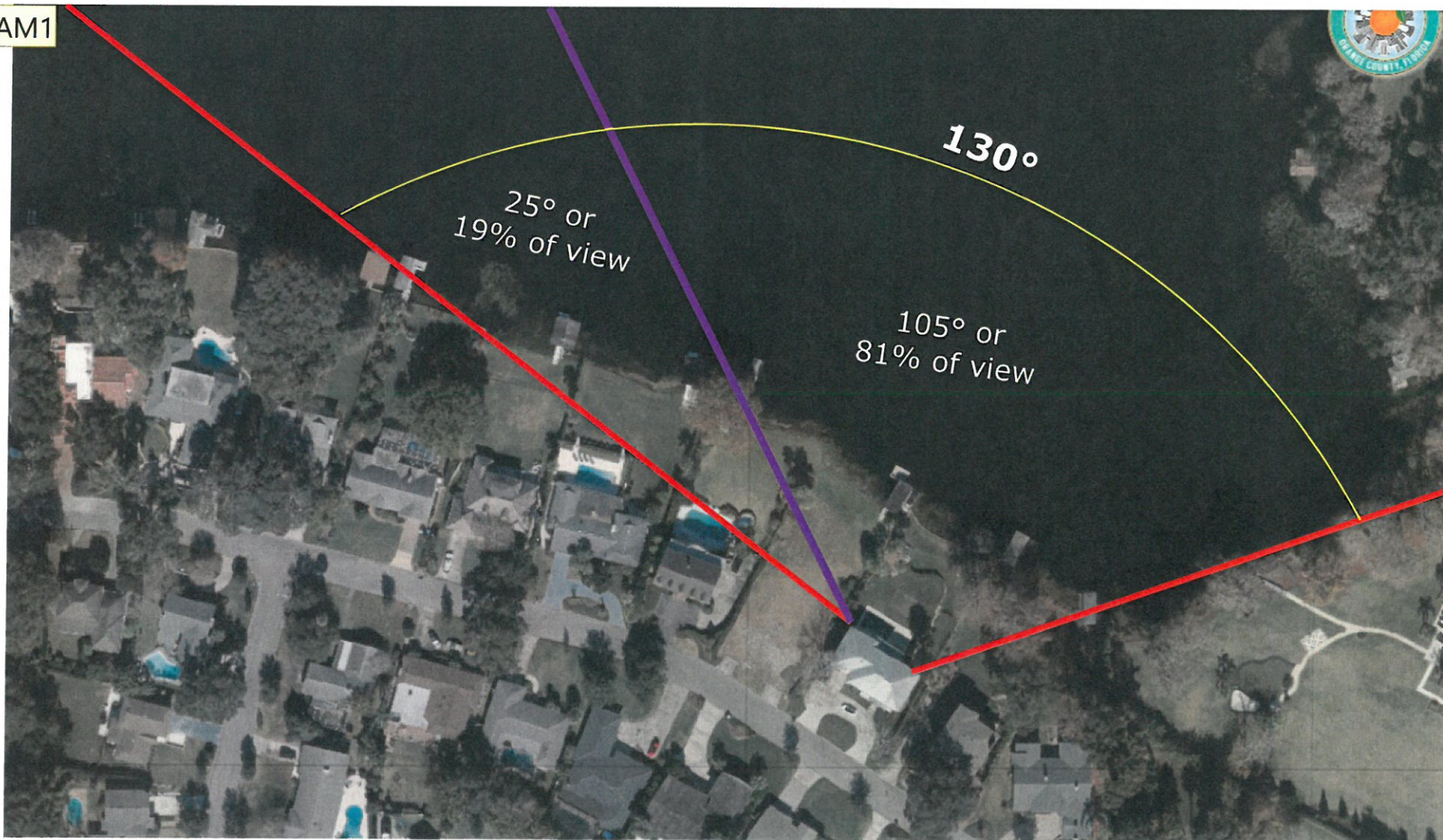
Florida turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital	



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This map is for reference only and is not a survey

AM1



AM1



















Planning and Zoning Board Minutes

May 4, 2021 at 6:00 p.m.

721 W. New England Avenue | Virtual | Winter Park, Florida

1. Present

City Attorney Dan Langley called the meeting to order at 6:00 p.m. Present: Jim Fitch, Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

Prior to the election of Chair and Vice Chair, Mr. Stephenson asked Staff and Board members to introduce themselves.

2. Election of Chairman and Vice-Chairman

Motion made by Michael Spencer to nominate Richard James as Chairman of the Board. Mr. James accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

Motion made by Richard James to nominate David Bornstein as Vice-Chair for the Board. Mr. Bornstein accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

3. Approval of Minutes

Motion made by Michael Spencer, seconded by David Bornstein, to approve the April 6, 2021 meeting minutes.

Motion carried unanimously with a 7-0 vote.

4. Public Hearing:

- SPR #21-06. Request of Jonathan Cole for: Approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA.

Mr. Briggs provided a brief summary of the SPR #21-06 request to the Board. Mr. Briggs presented aerial photos of the current vacant lot as well as the home that previously existed on the lot. He noted that the proposed home extends as far as the front edge of the pool deck of the neighbor's home to the east. Mr. Briggs reminded the Board that their review of the project was an environmental review and that they were only to consider tree preservation, stormwater retention, and how the applicant designs the home with respect to working with the grade of the lot. He also reminded the Board that the issue pertaining to the lake views of adjacent property owners led to the tabling and re-hearing of this particular item. Mr. Briggs advised that per City code, the Board must try to maintain the traditional views of the lake so that those views are not unduly impaired. He also advised that if the applicant were to utilize the total allowed setback, the views of the lake for the neighboring properties would then be significantly blocked and unduly impaired.

Mr. Briggs presented to the Board a depiction of the estimated impact to the views of the lake for the adjacent neighbors to the east. The estimated portion of their view that would be lost was 19% of the total view. Mr. Briggs noted that if the applicant installed plantings of significant height along the property line down to the lake, an estimated 58% of the view would be lost. Staff recommended a condition with approval that landscaping over six feet in height not be allowed along the property line and a bamboo screen be used along the side property lines for the length of home. Mr. Briggs explained the significance of an approval of the applicant's setback request not being considered a variance and the Board's ability to grant a variance to the front setback of the applicant's home. As a possible

compromise, Staff believes the home can be moved toward the street up to six feet without impairing the applicant's ability to build the home in the same manner and with the same square footage.

Staff recommendation was for approval with the following conditions:

- That the applicant be required to enhance the landscape privacy buffer with bamboo along the side property lines for the length of house structure but precluded and prohibited to planting down to the lakefront any landscaping expected to grow higher than six feet in height.

The Board discussed the item and inquired about the following:

- an estimate of the neighbors' view that would be gained back if the home was moved forward six feet to the street,
- the height of the finished floor compared to the adjacent neighbors' home,
- required tree plantings within the property lines of the project,
- the required side setbacks of the proposed home,
- variances to side setbacks permitted by the Planning and Zoning Board,
- the possibility of shifting the home parallel to the western side of the lot,
- the wording from City code regarding the average setback being preserved,
- and the rear setback of the original home.

Discussion ensued and Mr. Stephenson and Mr. Briggs addressed the Board's inquiries. Mr. Stephenson reminded the Board to follow the lakefront review criteria and process. Mr. Briggs noted that roughly 25% of the blocked view for the adjacent neighbors would be restored if the proposed home was moved forward six feet. He also noted that variances to side setbacks can be granted by the Planning and Zoning Board. Mr. Stephenson briefly reviewed with the Board the City code regarding setbacks for lakefront homes.

The applicant's attorney with Akerman Law Firm, Cecilia Bonifay at 1157 N. Pennsylvania Avenue, Winter Park, FL 32789 addressed the Board. Ms. Bonifay noted that being unduly impaired means excessively impaired or having a harsh remedy. She also noted that the applicant had taken steps such as creating staggered levels to the home and an opened balcony to avoid obstructing the neighbors' views. Ms. Bonifay added that based on the audio recording of the April 6, 2021 Planning and Zoning Board meeting, the applicant's statement regarding possibly moving the home forward was not spoken into a microphone and thus unclear. She indicated that the applicant's intended commitment at the time was to continue to work with the neighbors to see what could be done to accommodate them. Ms. Bonifay explained that the applicant had numerous exchanges and meetings with the neighbors but they were still adamant about requesting a 20 to 50-ft movement of the house toward the street. Ms. Bonifay presented detailed photos, diagrams, and 3D renderings of the current, proposed, and past layouts of the lot to depict the variations created by the proposed home. She also briefly reviewed the purpose of minimum setbacks and lakefront lots as well as Board authority on setbacks. Ms. Bonifay concluded her presentation, indicating that the applicant desired to stick to the proposed plans for the project and was willing to follow Staff's recommendation regarding the landscape privacy buffer restrictions.

Chairman James called for a recess at 7:12 p.m. and reconvened the meeting at 7:17 p.m.

The Board heard public comment from the following residents:

Attorney Alison Yurko with Alison Yurko, P.A. at P.O. Box 2286, Winter Park, FL 32789 addressed the Board. Ms. Yurko noted that she was representing the neighbors to the east of the applicant's property, Dr. John and Michelle Randolph. She also noted that after the April 6, 2021 Planning & Zoning Board meeting, she met with the Randolphs, the applicant, and the applicant's contractor in hopes of the applicant agreeing to tweak the project design and not request a 31-ft relief from the minimum lakefront setback. Ms. Yurko gave a brief presentation of objections to the applicant's site plan and lakefront setback deviations. She discussed various concerns that included the nonconformity of the lot, entitlement to deviations, the proposed house size exceeding house sizes on other lots, the required lakefront setback, the applicant's justification to grant the request, and overall adherence to code. Ms. Yurko called for the applicant's request to be denied and the applicant be required to scale back the home.

Christian Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Mr. Swann spoke on concerns regarding the requested deviations from the average lakefront setback and proposed site plan adjustments.

Michelle Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mrs. Randolph spoke on concerns regarding the portrayal of her and her husband in the matter, the deviations being requested by the applicant, and the footprint of the original home that was on the lot compared to the proposed home.

Dr. John Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Randolph presented depictions of and expressed his concerns with the estimated blockages to views of the lake from his home and neighboring homes. He also spoke on concerns regarding the requested deviations from the average lakefront setback.

Robin Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Ms. Swann noted that she was representing her mother who lives at 761 Virginia Drive, Winter Park, FL 32789. She spoke on concerns regarding enforcement and interpretation of the City code for lakefronts and referencing irregular shorelines.

Kevin Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mr. Cunningham expressed that the applicant was not requesting a variance, the plans should be accepted as is, the 3D renderings were accurate, and the proposed home was not causing an undue impairment.

Raquel Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mrs. Cunningham expressed that the applicant's plans met all of the City's requirements and the neighbors' views were not being unduly burdened.

No one else from the public wished to speak. The public hearing was closed.

The applicant's attorney, Cecilia Bonifay addressed the Board. She raised concerns regarding unfavorable portrayal of the applicant, issues raised relating to the boat house and dock, precedence for future restrictions, and references to an absolute standard in footage for lakefront setbacks. Ms. Bonifay asked the Board to support the recommendations made by Staff.

The applicant, Jonathan Cole of 721 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Cole noted that after the first Board meeting regarding his project, he was open to communicating and talking about the possibility of moving the home on the basis that there was an impact on the lake. He also noted that he had communicated but the impact on the neighbors' views was negligible and did not warrant moving the home closer to the street. Mr. Cole mentioned that concerns, which were not initially raised, were brought up by the neighbors regarding his boat house and dock. He added that his project complies with the City's requirements and that he was trying to build something reasonable and preserve the integrity of the lake.

The Board discussed the item and inquired about the following:

- how the setbacks of the original home were obtained,
- clarification of deviations granted along the lakefront,
- Staff's review of the finished floor elevations study,
- the applicant's willingness to move the home forward to the street and modify the driveway,
- moving of the home forward possibly encroaching the side setbacks or creating other issues,
- and requiring the applicant to consider canting the property.

Board discussion continued with their inquiries addressed by Mr. Stephenson, Mr. Briggs, and Mr. Cole. Mr. Stephenson reminded the Board that per City code the Board may, as conditions necessitate, reduce the height of structures, alter their locations, sizes, and designs and has limited authority to grant exceptions to the front and side setbacks when deemed necessary. Mr. Cole expressed that he did not want to consider committing to moving the home forward without first confirming the exact footage that was being requested for the move.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home.

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)

Chairman James called for a recess at 8:20 p.m. and reconvened the meeting at 8:26 p.m.

- SUB #21-02. Request of A&R Real Estate Development LLC for: Approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots.
- ZTA #21-01. Request of the City of Winter Park for: An Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Mr. Briggs provided a brief summary of the SUB #21-02 and ZTA #21-01 requests to the Board. Mr. Briggs noted that in 1980 Orange County adopted the Office Future Land Use designation for the entire neighborhood but the City has kept with a policy of using Single-Family Residential for the lots on Loch Lomond.

Staff recommendation was for approval.

Chairman James inquired about why the future land use designation of Office was not being changed for all of the neighborhood. Mr. Briggs noted the concerns that may arise with such a change and the anticipated City-wide notice.

The applicant, Shane Acevedo of 1817 Loch Berry Road, Winter Park, FL 32789 addressed the Board. Mr. Acevedo commented that he felt it was a fantastic redevelopment area. He added that he did not know about the zoning requirement until his attorney made him aware of it.

No one from the public wished to speak. The public hearing was closed.

Motion made by Michael Spencer, seconded by David Bornstein, for approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots and for approval of an Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Motion carried unanimously with a 7-0 vote.

5. New Business:

No new business.

6. Planning Director's Report:

No planning report. Mr. Stephenson welcomed all of the new members of the Board and reminded the Board about the upcoming mandatory Board Orientation.

7. Board Update and Comments:

Chairman James inquired about the next work session. Attorney Langley offered to cover half an hour of more detailed Board training at the work session. Chairman James recommended discussing Orange Avenue Overlay District updates as well at the work session.

Mr. Bornstein asked how a Board member can get a motion before the City Commission. Attorney Langley responded and noted that a Board member can individually go directly to each City Commissioner to discuss the motion or bring up items that relate to the Board's business in public discussion at a Planning and Zoning Board meeting for a recommended change. Mr. Stephenson suggested the Board request to have a joint work session with the City Commission. Chairman James suggested including at the next Planning and Zoning Board work session discussion on creating a list of items to present to the City Commission at a joint work session.

8. Upcoming Meeting Schedule:

The next regular meeting will be held on June 1, 2021 and the next work session will be on May 25, 2021.

Adjourn

Meeting adjourned at 8:47 p.m.

Respectfully Submitted,

Mary Bush

Recording Secretary

Approved by Board on July 6, 2021.

Jeffrey Briggs

From: Jeffrey Briggs
Sent: Thursday, August 29, 2024 9:34 AM
To: 'jonathan@core-finance.net'
Cc: Allison McGillis; Nicholas Lewis
Subject: 721 Virginia Drive
Attachments: May 4 P&Z Regular Meeting Approved Minutes Website Version.pdf

Jonathan:

It has come to our attention that, as part of the landscape package on the lakefront portion of your new home at 721 Virginia Drive, that trees have been added which exceed six feet in height. For your easy reference is the motion and conditions of approval (below) and the full minutes (attached).

I realize that it has been a long time since May, 2021 and who can remember everything from 3+ years ago. However, the conditions of approval are clear concerning "any" landscaping lakeward of the home cannot exceed six feet in height.

We would look for your compliance. Happy to discuss.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake View zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)

 City of Winter Park 401 Park Ave. South Winter Park, FL. 32789 cityofwinterpark.org	Jeffrey Briggs Planning Director Emeritus jbriggs@cityofwinterpark.org 407.599.3440
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Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

Jeffrey Briggs

From: Jeffrey Briggs
Sent: Tuesday, September 3, 2024 4:49 PM
To: 'jonathan@core-finance.net'
Cc: John Harbilas; Allison McGillis; Nicholas Lewis
Subject: 721 Virginia Drive

Jonathan:

Thank you for the invitation to visit the property. It is not necessary to take time away from your work related responsibilities or for city staff to visit the site. The City has been provided pictures that clearly demonstrate violation of the Zoning Approval Condition #2 by the Planning and Zoning Board (P&Z), with the planting of landscaping on the lakefront over six feet in height.

Given the multiple meetings/discussions prior to the lakefront approval in May, 2021, I expect that you recall the approval scenario at the P&Z Board meeting. You asked for a waiver from the Planning & Zoning Board to build your home closer to the lake than the average lakefront setback. That enabled you wanted to build more square footage than could otherwise be done, if the house was held to the average lakefront setback. Your neighbors to the east objected due to their perceived diminishment of their predominant lakeview to the northwest by the extension of your house into the average lakefront setback.

The P&Z approval provided to you everything that you asked for. The neighbor's received none of the changes to your building plans that they requested. All the Planning and Zoning Board required you to do....(in protection of the neighbor's property values) was not plant or grow trees or other landscaping on the lakefront over six feet in height that would block their views.

Your landscaping is not "totally in compliance with all rules". The City has determined that you are in violation of the Zoning Approval Condition #2 specified, below in the previous email. If you wish to contest that determination, you can appeal to the Planning and Zoning Board, the interpretation that your plantings violate Condition #2, by providing a written explanation of such and any other evidence that you may wish to provide. Then after advertisement and mailed notices, the Planning and Zoning Board will, at a public hearing, render a decision. Since 5 of the same 7 members from May 2021 are still on P&Z, they can be the best judges, if a violation of their motion and conditions has occurred on the lakefront.

You have 15 days (until Sept. 19th) to decide to appeal or remove the landscaping in violation. Failure to undertake either action will result in referral to the Code Compliance Board for action. That Board's ultimate authority under State Law, after a noticed public hearing, is to levy up to a \$500/day fine for each day a violation occurs.

I am winding down my career here at the City, with retirement very shortly. Most of my previous duties have been assigned to others. I no longer do lakefront reviews for P&Z or Zoning Code Enforcement. Since I was familiar with the May 2021 review by P&Z, I reached out to you, assuming that much time had passed since May, 2021 and perhaps you did not remember the condition regarding landscape heights. If you now wish to contest the determination, which is a violation of 'zoning' conditions, the City's Zoning Official, John

Harblais, will have jurisdiction along with Nick Lewis. Their emails are jharblais@cityofwinterpark.org and nlewis@cityofwinterpark.org



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Jonathan Cole <jonathan@core-finance.net>
Sent: Thursday, August 29, 2024 12:12 PM
To: Jeffrey Briggs <JBriggs@cityofwinterpark.org>
Cc: Allison McGillis <amcgillis@cityofwinterpark.org>; Nicholas Lewis <nlewis@cityofwinterpark.org>
Subject: [External] 721 Virginia Drive

[This email is from an external source. Before clicking any links, hover over them to check the actual address. Avoid opening attachments from unknown senders.]

Hi Mr. Briggs,

It's great to hear from you and I hope you are well. As far as I am aware, all landscaping is totally in compliance with the rules. That said, I think it would be best to meet on the property early next week to ensure we are on the same page. Are you available Tuesday or Wednesday morning?

Thanks in advance.

Kind regards,

Jonathan Cole

President



Core Finance

Office: 407-250-1012

Mobile: 407-413-4663

www.core-finance.net

Jeffrey Briggs

From: Michelle Randolph <mrandolphpt@yahoo.com>
Sent: Saturday, November 23, 2024 2:10 PM
To: Jeffrey Briggs
Subject: [External] P&Z meeting

[This email is from an external source. Before clicking any links, hover over them to check the actual address. Avoid opening attachments from unknown senders.]

Hello Mr. Briggs,

Could you please include this with the meeting agenda? Mr. Cole has also made an attempt to mound the dirt where the hedges are planted several feet away from the fence where the ground is higher to begin with. This makes the land much taller than he had promised in the P&Z meeting so an attempt to just measure the trees is not accurate. All measuring should be done from the fence line. I wasn't sure how to state this in my letter. Thank you so much!

Michelle

Dear P&Z members,

Mr. Cole was granted a significant deviation to move his home approximately 26 feet forward and in return we the residents to the right on the cove (including 741 Virginia Dr) were granted a landscape restriction of 6 ft. This was put in place to protect our lake view because when a house is moved forward so significantly they can plant foliage that does not affect their view, but affect those around them. The typical restriction of 4 feet (stated by Mr Briggs in the meeting) was adjusted to 6ft because Jonathan Cole and his attorney said in the P&Z meeting that his lot was 2 feet lower than ours. The P&Z board granted him a 6 foot instead of 4 foot maximum landscape height due to this factor. This was based on the height of his land, not ours. Our house is situated further from the lake because of his property deviation so there is no need for a hedge to go so far forward. It is currently 10ft tall and well past his pool. The angle of our home and our current hedge already creates privacy for Mr. Cole. We were not able to see Mr. Cole's pool area before the hedge was installed while standing on our lanai. Furthermore, when someone is in the pool, they are essentially underground and even more privacy is created. Mr. Cole agree to not plant any landscape taller than 6 ft. in return for his extreme privilage. At that time, the average deviation granted was approximately 2 feet for a lot of his size. Furthermore, choosing to live on a public lake negates the privacy of the pool area all together. Fisherman, boaters, kayakers, paddle borders, jet skiers and even the Winter Park Boat tour can boat by all of our homes and look into our pools and yards at any time.

His foliage should never exceed the height of his current fence (6ft. in height from his property and more than 4 ft. in height from ours) per the pictures below. We request that the P&Z board protect us and the other residents on the cove like they intended when they granted the initial deviation.

Thank you for your time,
John and Michelle Randolph



James Edward Cheek, III
329 North Park Avenue, 2nd Floor
Winter Park, FL 32789
Phone: (407) 423-4246 | Direct: (407) 246-8670
Email: tcheek@whww.com | www.whww.com

September 13, 2024

VIA ELECTRONIC MAIL
& HAND DELIVERY

Allison McGillis, Director
Planning & Zoning Department
City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789

Re: *721 Virginia Drive, Winter Park*
Jonathan Cole, Owner
Ruling regarding landscaping condition

**THIS IS A NOTICE OF APPEAL OF A DECISION
BY A BUILDING AND ZONING OFFICIAL**

Dear Ms. McGillis:

My law firm represents Jonathan Cole, the owner of the residence at 721 Virginia Drive in Winter Park (the "Home"). On August 29, 2024, Mr. Cole (hereinafter, the "Owner") received an e-mail from Jeffrey Briggs, the City's Planning Director Emeritus, which we understand to be a ruling that the landscaping at the Home violates a condition of an approval, which I believe was a site plan approval for the home. I have communicated with Mr. Briggs about this matter and he has confirmed that he considers his above-referenced email to be a ruling that is subject to appeal under City Code Section 58-94(b). Accordingly, this letter is intended to serve as a Notice of Appeal of that ruling, under City Code Section 58-94(b). A copy of the ruling being appealed is attached hereto as Exhibit "A" and will be referred to hereinafter as the "Ruling."

There are several grounds of appeal, which can be summarized as follows.

A. Owner has not violated a condition of approval.

There is no written, signed document stating conditions of approval of the Home project. Instead, according to the Ruling, the minutes of the Planning & Zoning Commission meeting from May 4, 2021 contain enforceable conditions on the approval of the Home project. The pertinent provision, as we understand it, is a bullet point in the minutes which states "that any vegetation going down to the lakefront not exceed six feet in height."

In the days immediately before receiving the Ruling, the Owner had professional landscapers with significant experience in landscaping lakefront properties in Winter Park installing the landscaping for the Home. This landscaping, which was designed by the professional landscaping experts, included several Eagleston Hollys along the side of Owner's swimming pool, immediately behind and connected to the Home. There is no landscaping "going down to the lakefront." The condition of approval does not state that no landscaping in the back yard of the Home can exceed six feet in height. The only reasonable interpretation of the condition of approval is that it would relate to a hedge (much like the neighbors') running down the property line to the lake.

While the Eagleston Hollys have been pruned since they were installed, it is clear from the photographs relied upon by the City in issuing the Ruling that even in their original condition the Eagleston Hollys did not significantly interfere with the neighbors' lake view. The photographs relied upon by the City in issuing the Ruling are attached hereto as Exhibits B and C. While the approval of the Home project does not specifically state any standard, the Owner can only assume that the Planning & Zoning Commission was attempting to address Code § 58-87(a)'s language that "views of water from adjoining waterfront properties will not be unduly impaired." [Emphasis supplied.]

We believe that the photographs themselves show that the adjoining neighbor's views of water are not "unduly impaired." In fact, the views of water are barely impaired at all. The word "unduly" means "excessively." (Merriam-Webster on line) The Eagleston Hollys, at most, interfere with a very small percentage of any realistic water view the neighbors might have. In one of the two photographs relied upon by the City in the Ruling, the Eagleston Hollys do not interfere with the neighbors' water view at all. In the other photograph, at most the last two of the Eagleston Hollys are in between the neighbors and any lake view, and the other bushes at most only partially screen the view of the second property to the west's boathouse and dock.

In fact, Owner believes that the eastern neighbor's view is almost unaffected by the landscaping, unless the neighbors are attempting to look directly into Owner's pool area from their own lanai.

B. The condition of approval is unclear and ambiguous.

As noted above, there is no written order stating conditions of approval of the Home project. Instead, there is a statement in the meeting minutes that "any vegetation going down to the lakefront not exceed six feet in height."

From communications with staff, it appears that the City might take the position that this phrase means any plant, anywhere in at least the back yard of the Home. The condition language does not on its face say anything so broad. Once again, the City's ability to restrict planting on the basis that it might interfere with a neighbor's water view is at most for situations when that view is "unduly impaired." For instance, it is normal and common for lakefront property owners

in Winter Park to have some trees in their back yards. Those trees are not unduly impairing the water views of their neighbors.

In addition, the condition of approval language does not state, or did not address, how any measurement of vegetation would be done. This is significant in the current situation because the photographs relied upon by the City in the Ruling show that the neighbors' property sits higher than the Home's pool and backyard. We believe that a reasonable interpretation of the condition of approval is that the "six feet" should be measured from the height of the neighbor's vantage point – perhaps the neighbor's pool deck. We believe that the eastern neighbor's lot is over a foot higher at the property line; at their lanai, at least 3 feet higher, and possibly as much as 6 feet. We do not believe that any plantings are higher than six feet above the level of the neighbor's pool deck. In any event, the Owner should be entitled to the benefit of a less restrictive interpretation of any conditions that are less than clear.

We interpret the terms "vegetation going down to the lakefront" to refer to plantings that run from the end of the pool deck to the shoreline. Owner's landscaping running from the corner of the Home's pool deck down to the lake follows the height of the existing fence.

C. Owner has a right to privacy at his pool.

Owner, like all residents of Winter Park, has a reasonable expectation of privacy at his swimming pool. The Code recognizes that citizens have a right of privacy. Specifically, the Code provisions related to lakefront residences acknowledge that there is a right to "reasonable ... privacy for all properties." See City Code § 58-65 (f)(3). The general provisions for residential zoning districts found in City Code § 58-71 note that privacy is a consideration in zoning matters.

Owner has only installed Eagleston Hollies alongside the pool area of the Home. They have been installed only in a height needed to provide privacy screening of the pool from the property to the east. The neighbors to the east sit higher on the land than the Home and the neighbors' pool area, in addition to their house itself, overlooks the Owner's pool area. The Owner's planting is reasonable and is no more than needed to reasonably protect the privacy of his pool area.

We believe that the intent of the Planning & Zoning Commission was to allow Owner to have reasonable landscaping, consistent with the general landscaping of lakefront properties in Winter Park. While in 2021 the construction and potential landscaping were theoretical, in 2024 the work has been done and it can be easily seen that Owner's plantings for pool privacy are reasonable. Those plantings should not be considered a violation of a condition of approval.

We believe that almost every single home on Lake Virginia has either large trees on or near its property line, running down to the lake, or very large privacy hedges. This includes the eastern neighbor, whose lake view is most impacted by trees and hedges on their own property (which themselves also interfere with Owner's view to the northeast). Owner should be allowed to

landscape consistently with the other homes on Lake Virginia, or else his property is being treated disparately and negatively affected by the condition. See Exhibit D, photographs from Lake Virginia of lakefront property back yards, along with photos of the back yards of Owner and the eastern neighbor for comparison.

We also note that the Planning & Zoning Commission specifically required that Owner plant bamboo, of no listed height requirement, to protect the privacy of the eastern neighbor's pool area, in this same approval. Owner should be entitled to the same right to protect his privacy.

CONCLUSION

Owner respectfully appeals the Ruling and requests that the Planning & Zoning Commission overturn the Ruling and hold that he is not in violation of a condition of approval.

Owner reserves all rights, including without limitation the right to raise any issues regarding whether the City has identified and lowed the proper procedure.

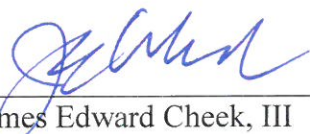
Noting that the October meeting is less than the required twenty days from the filing of this appeal, Owner requests that this matter be set for hearing before the Planning & Zoning Commission at its December, 2024 meeting, as undersigned counsel has a scheduling conflict at the time of the November, 2024 meeting.

In addition, Owner expects that the landscaping project at the Home will be completed by December, and requests that as a part of the appeal process, the Planning & Zoning Commission visit the site to see for itself exactly what is going on, and why his position is reasonable.

Respectfully submitted,

**WINDERWEEDLE, HAINES, WARD
AND WOODMAN, P.A.**
Counsel for Owner

By:



James Edward Cheek, III
For the Firm

EXHIBIT “A”

From: Jeffrey Briggs

Sent: Thursday, August 29, 2024 9:34 AM

To: 'jonathan@core-finance.net' <jonathan@core-finance.net>

Cc: Allison McGillis <amcgillis@cityofwinterpark.org>; Nicholas Lewis <nlewis@cityofwinterpark.org>

Subject: 721 Virginia Drive

Jonathan:

It has come to our attention that, as part of the landscape package on the lakefront portion of your new home at 721 Virginia Drive, that trees have been added which exceed six feet in height. For your easy reference is the motion and conditions of approval (below) and the full minutes (attached).

I realize that it has been a long time since May, 2021 and who can remember everything from 3+ years ago. However, the conditions of approval are clear concerning "any" landscaping lakeward of the home cannot exceed six feet in height.

We would look for your compliance. Happy to discuss.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home.

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)



Jeffrey Briggs

Planning Director Emeritus

City of Winter Park
401 Park Ave. South

Winter Park, FL.
32789

cityofwinterpark.org

jbriggs@cityofwinterpark.org

407.599.3440



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.



Planning and Zoning Board Minutes

May 4, 2021 at 6:00 p.m.

721 W. New England Avenue | Virtual | Winter Park, Florida

1. Present

City Attorney Dan Langley called the meeting to order at 6:00 p.m. Present: Jim Fitch, Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

Prior to the election of Chair and Vice Chair, Mr. Stephenson asked Staff and Board members to introduce themselves.

2. Election of Chairman and Vice-Chairman

Motion made by Michael Spencer to nominate Richard James as Chairman of the Board. Mr. James accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

Motion made by Richard James to nominate David Bornstein as Vice-Chair for the Board. Mr. Bornstein accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

3. Approval of Minutes

Motion made by Michael Spencer, seconded by David Bornstein, to approve the April 6, 2021 meeting minutes.

Motion carried unanimously with a 7-0 vote.

4. Public Hearing:

- SPR #21-06. Request of Jonathan Cole for: Approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA.

Mr. Briggs provided a brief summary of the SPR #21-06 request to the Board. Mr. Briggs presented aerial photos of the current vacant lot as well as the home that previously existed on the lot. He noted that the proposed home extends as far as the front edge of the pool deck of the neighbor's home to the east. Mr. Briggs reminded the Board that their review of the project was an environmental review and that they were only to consider tree preservation, stormwater retention, and how the applicant designs the home with respect to working with the grade of the lot. He also reminded the Board that the issue pertaining to the lake views of adjacent property owners led to the tabling and re-hearing of this particular item. Mr. Briggs advised that per City code, the Board must try to maintain the traditional views of the lake so that those views are not unduly impaired. He also advised that if the applicant were to utilize the total allowed setback, the views of the lake for the neighboring properties would then be significantly blocked and unduly impaired.

Mr. Briggs presented to the Board a depiction of the estimated impact to the views of the lake for the adjacent neighbors to the east. The estimated portion of their view that would be lost was 19% of the total view. Mr. Briggs noted that if the applicant installed plantings of significant height along the property line down to the lake, an estimated 58% of the view would be lost. Staff recommended a condition with approval that landscaping over six feet in height not be allowed along the property line and a bamboo screen be used along the side property lines for the length of home. Mr. Briggs explained the significance of an approval of the applicant's setback request not being considered a variance and the Board's ability to grant a variance to the front setback of the applicant's home. As a possible

compromise, Staff believes the home can be moved toward the street up to six feet without impairing the applicant's ability to build the home in the same manner and with the same square footage.

Staff recommendation was for approval with the following conditions:

- That the applicant be required to enhance the landscape privacy buffer with bamboo along the side property lines for the length of house structure but precluded and prohibited to planting down to the lakefront any landscaping expected to grow higher than six feet in height.

The Board discussed the item and inquired about the following:

- an estimate of the neighbors' view that would be gained back if the home was moved forward six feet to the street,
- the height of the finished floor compared to the adjacent neighbors' home,
- required tree plantings within the property lines of the project,
- the required side setbacks of the proposed home,
- variances to side setbacks permitted by the Planning and Zoning Board,
- the possibility of shifting the home parallel to the western side of the lot,
- the wording from City code regarding the average setback being preserved,
- and the rear setback of the original home.

Discussion ensued and Mr. Stephenson and Mr. Briggs addressed the Board's inquiries. Mr. Stephenson reminded the Board to follow the lakefront review criteria and process. Mr. Briggs noted that roughly 25% of the blocked view for the adjacent neighbors would be restored if the proposed home was moved forward six feet. He also noted that variances to side setbacks can be granted by the Planning and Zoning Board. Mr. Stephenson briefly reviewed with the Board the City code regarding setbacks for lakefront homes.

The applicant's attorney with Akerman Law Firm, Cecilia Bonifay at 1157 N. Pennsylvania Avenue, Winter Park, FL 32789 addressed the Board. Ms. Bonifay noted that being unduly impaired means excessively impaired or having a harsh remedy. She also noted that the applicant had taken steps such as creating staggered levels to the home and an opened balcony to avoid obstructing the neighbors' views. Ms. Bonifay added that based on the audio recording of the April 6, 2021 Planning and Zoning Board meeting, the applicant's statement regarding possibly moving the home forward was not spoken into a microphone and thus unclear. She indicated that the applicant's intended commitment at the time was to continue to work with the neighbors to see what could be done to accommodate them. Ms. Bonifay explained that the applicant had numerous exchanges and meetings with the neighbors but they were still adamant about requesting a 20 to 50-ft movement of the house toward the street. Ms. Bonifay presented detailed photos, diagrams, and 3D renderings of the current, proposed, and past layouts of the lot to depict the variations created by the proposed home. She also briefly reviewed the purpose of minimum setbacks and lakefront lots as well as Board authority on setbacks. Ms. Bonifay concluded her presentation, indicating that the applicant desired to stick to the proposed plans for the project and was willing to follow Staff's recommendation regarding the landscape privacy buffer restrictions.

Chairman James called for a recess at 7:12 p.m. and reconvened the meeting at 7:17 p.m.

The Board heard public comment from the following residents:

Attorney Alison Yurko with Alison Yurko, P.A. at P.O. Box 2286, Winter Park, FL 32789 addressed the Board. Ms. Yurko noted that she was representing the neighbors to the east of the applicant's property, Dr. John and Michelle Randolph. She also noted that after the April 6, 2021 Planning & Zoning Board meeting, she met with the Randolphs, the applicant, and the applicant's contractor in hopes of the applicant agreeing to tweak the project design and not request a 31-ft relief from the minimum lakefront setback. Ms. Yurko gave a brief presentation of objections to the applicant's site plan and lakefront setback deviations. She discussed various concerns that included the nonconformity of the lot, entitlement to deviations, the proposed house size exceeding house sizes on other lots, the required lakefront setback, the applicant's justification to grant the request, and overall adherence to code. Ms. Yurko called for the applicant's request to be denied and the applicant be required to scale back the home.

Christian Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Mr. Swann spoke on concerns regarding the requested deviations from the average lakefront setback and proposed site plan adjustments.

Michelle Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mrs. Randolph spoke on concerns regarding the portrayal of her and her husband in the matter, the deviations being requested by the applicant, and the footprint of the original home that was on the lot compared to the proposed home.

Dr. John Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Randolph presented depictions of and expressed his concerns with the estimated blockages to views of the lake from his home and neighboring homes. He also spoke on concerns regarding the requested deviations from the average lakefront setback.

Robin Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Ms. Swann noted that she was representing her mother who lives at 761 Virginia Drive, Winter Park, FL 32789. She spoke on concerns regarding enforcement and interpretation of the City code for lakefronts and referencing irregular shorelines.

Kevin Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mr. Cunningham expressed that the applicant was not requesting a variance, the plans should be accepted as is, the 3D renderings were accurate, and the proposed home was not causing an undue impairment.

Raquel Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mrs. Cunningham expressed that the applicant's plans met all of the City's requirements and the neighbors' views were not being unduly burdened.

No one else from the public wished to speak. The public hearing was closed.

The applicant's attorney, Cecilia Bonifay addressed the Board. She raised concerns regarding unfavorable portrayal of the applicant, issues raised relating to the boat house and dock, precedence for future restrictions, and references to an absolute standard in footage for lakefront setbacks. Ms. Bonifay asked the Board to support the recommendations made by Staff.

The applicant, Jonathan Cole of 721 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Cole noted that after the first Board meeting regarding his project, he was open to communicating and talking about the possibility of moving the home on the basis that there was an impact on the lake. He also noted that he had communicated but the impact on the neighbors' views was negligible and did not warrant moving the home closer to the street. Mr. Cole mentioned that concerns, which were not initially raised, were brought up by the neighbors regarding his boat house and dock. He added that his project complies with the City's requirements and that he was trying to build something reasonable and preserve the integrity of the lake.

The Board discussed the item and inquired about the following:

- how the setbacks of the original home were obtained,
- clarification of deviations granted along the lakefront,
- Staff's review of the finished floor elevations study,
- the applicant's willingness to move the home forward to the street and modify the driveway,
- moving of the home forward possibly encroaching the side setbacks or creating other issues,
- and requiring the applicant to consider canting the property.

Board discussion continued with their inquiries addressed by Mr. Stephenson, Mr. Briggs, and Mr. Cole. Mr. Stephenson reminded the Board that per City code the Board may, as conditions necessitate, reduce the height of structures, alter their locations, sizes, and designs and has limited authority to grant exceptions to the front and side setbacks when deemed necessary. Mr. Cole expressed that he did not want to consider committing to moving the home forward without first confirming the exact footage that was being requested for the move.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home.

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)

Chairman James called for a recess at 8:20 p.m. and reconvened the meeting at 8:26 p.m.

- SUB #21-02. Request of A&R Real Estate Development LLC for: Approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots.
- ZTA #21-01. Request of the City of Winter Park for: An Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Mr. Briggs provided a brief summary of the SUB #21-02 and ZTA #21-01 requests to the Board. Mr. Briggs noted that in 1980 Orange County adopted the Office Future Land Use designation for the entire neighborhood but the City has kept with a policy of using Single-Family Residential for the lots on Loch Lomond.

Staff recommendation was for approval.

Chairman James inquired about why the future land use designation of Office was not being changed for all of the neighborhood. Mr. Briggs noted the concerns that may arise with such a change and the anticipated City-wide notice.

The applicant, Shane Acevedo of 1817 Loch Berry Road, Winter Park, FL 32789 addressed the Board. Mr. Acevedo commented that he felt it was a fantastic redevelopment area. He added that he did not know about the zoning requirement until his attorney made him aware of it.

No one from the public wished to speak. The public hearing was closed.

Motion made by Michael Spencer, seconded by David Bornstein, for approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots and for approval of an Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Motion carried unanimously with a 7-0 vote.

5. New Business:

No new business.

6. Planning Director's Report:

No planning report. Mr. Stephenson welcomed all of the new members of the Board and reminded the Board about the upcoming mandatory Board Orientation.

7. Board Update and Comments:

Chairman James inquired about the next work session. Attorney Langley offered to cover half an hour of more detailed Board training at the work session. Chairman James recommended discussing Orange Avenue Overlay District updates as well at the work session.

Mr. Bornstein asked how a Board member can get a motion before the City Commission. Attorney Langley responded and noted that a Board member can individually go directly to each City Commissioner to discuss the motion or bring up items that relate to the Board's business in public discussion at a Planning and Zoning Board meeting for a recommended change. Mr. Stephenson suggested the Board request to have a joint work session with the City Commission. Chairman James suggested including at the next Planning and Zoning Board work session discussion on creating a list of items to present to the City Commission at a joint work session.

8. Upcoming Meeting Schedule:

The next regular meeting will be held on June 1, 2021 and the next work session will be on May 25, 2021.

Adjourn

Meeting adjourned at 8:47 p.m.

Respectfully Submitted,

Mary Bush

Recording Secretary

Approved by Board on July 6, 2021.

EXHIBIT “B”



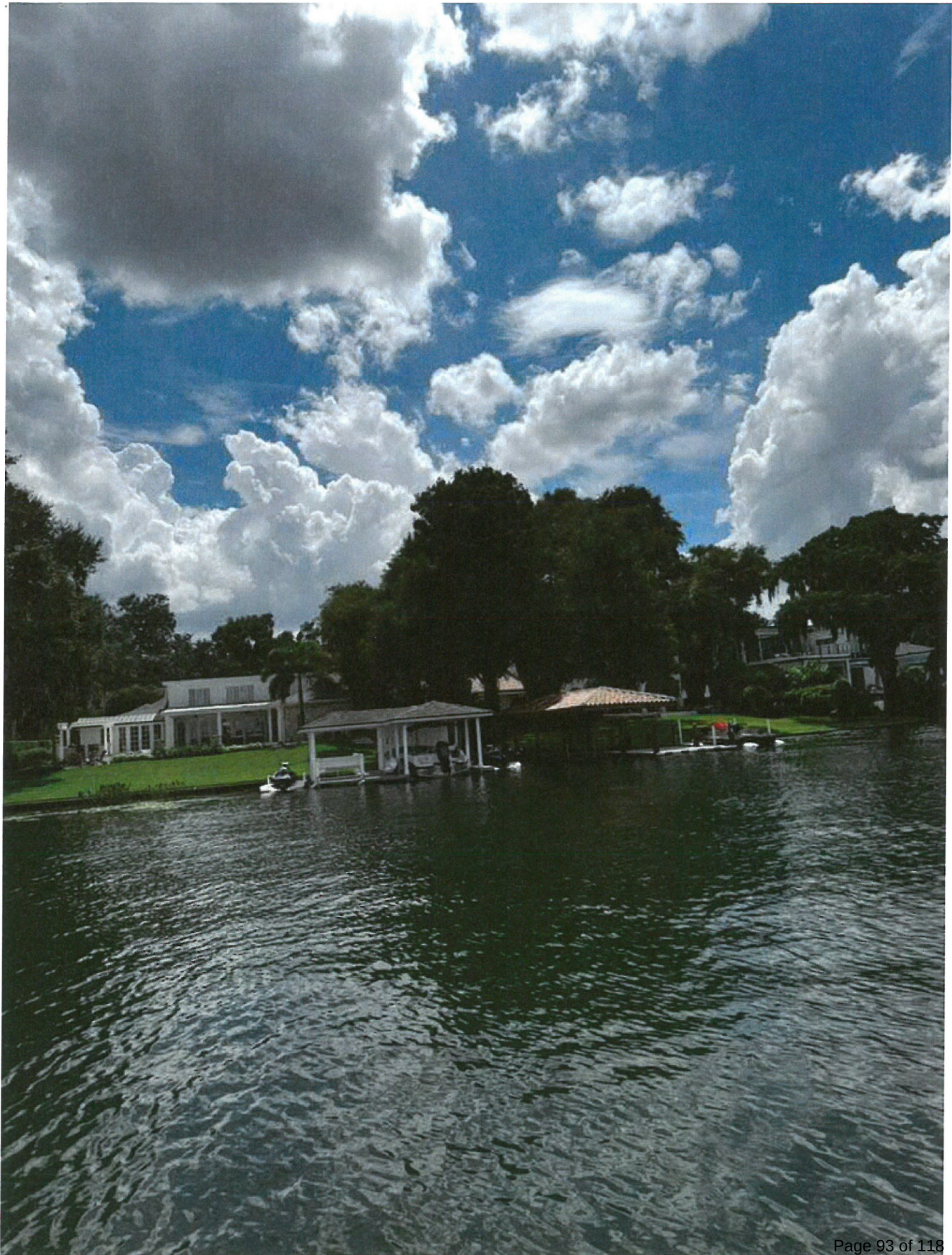
EXHIBIT “C”



EXHIBIT “D”





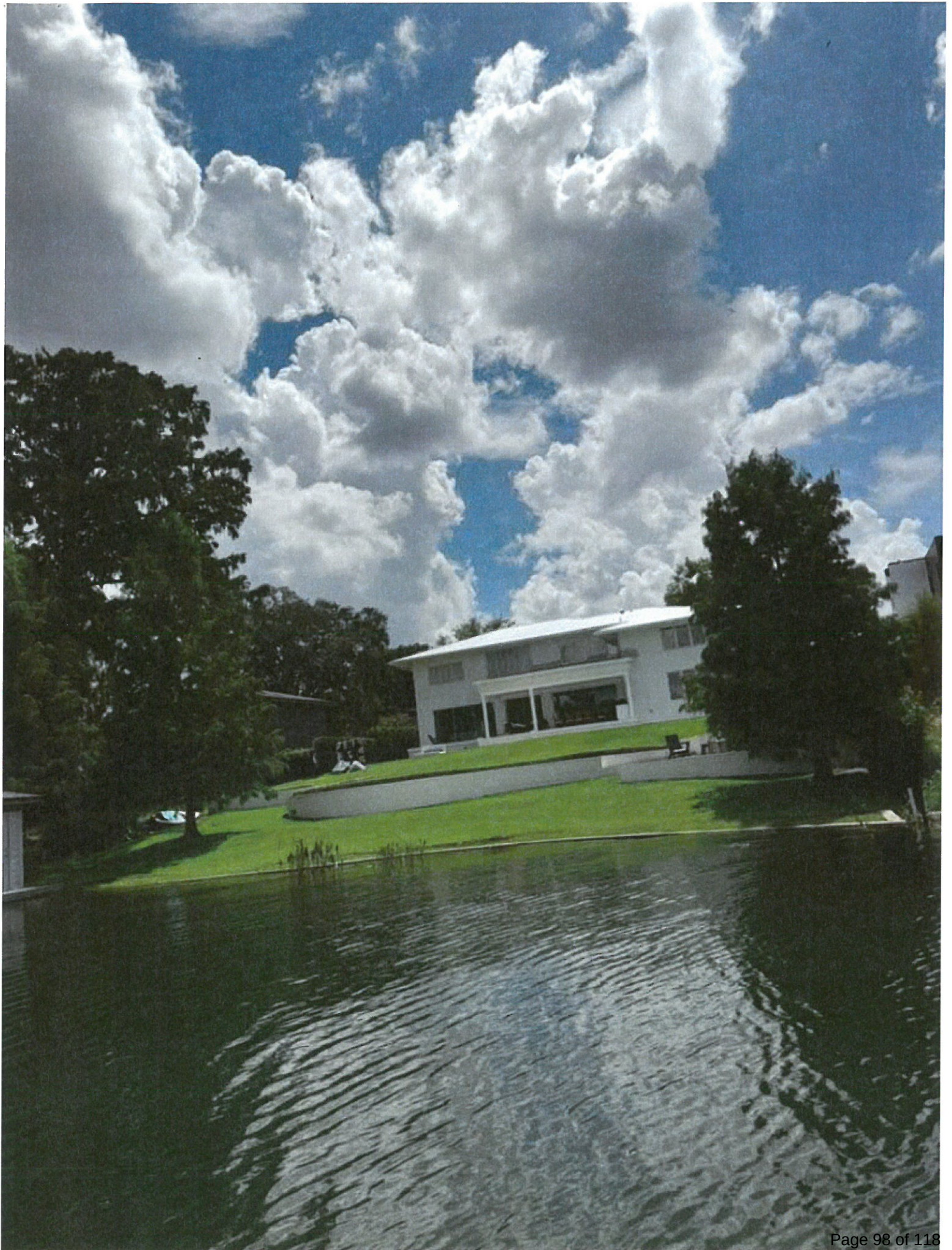










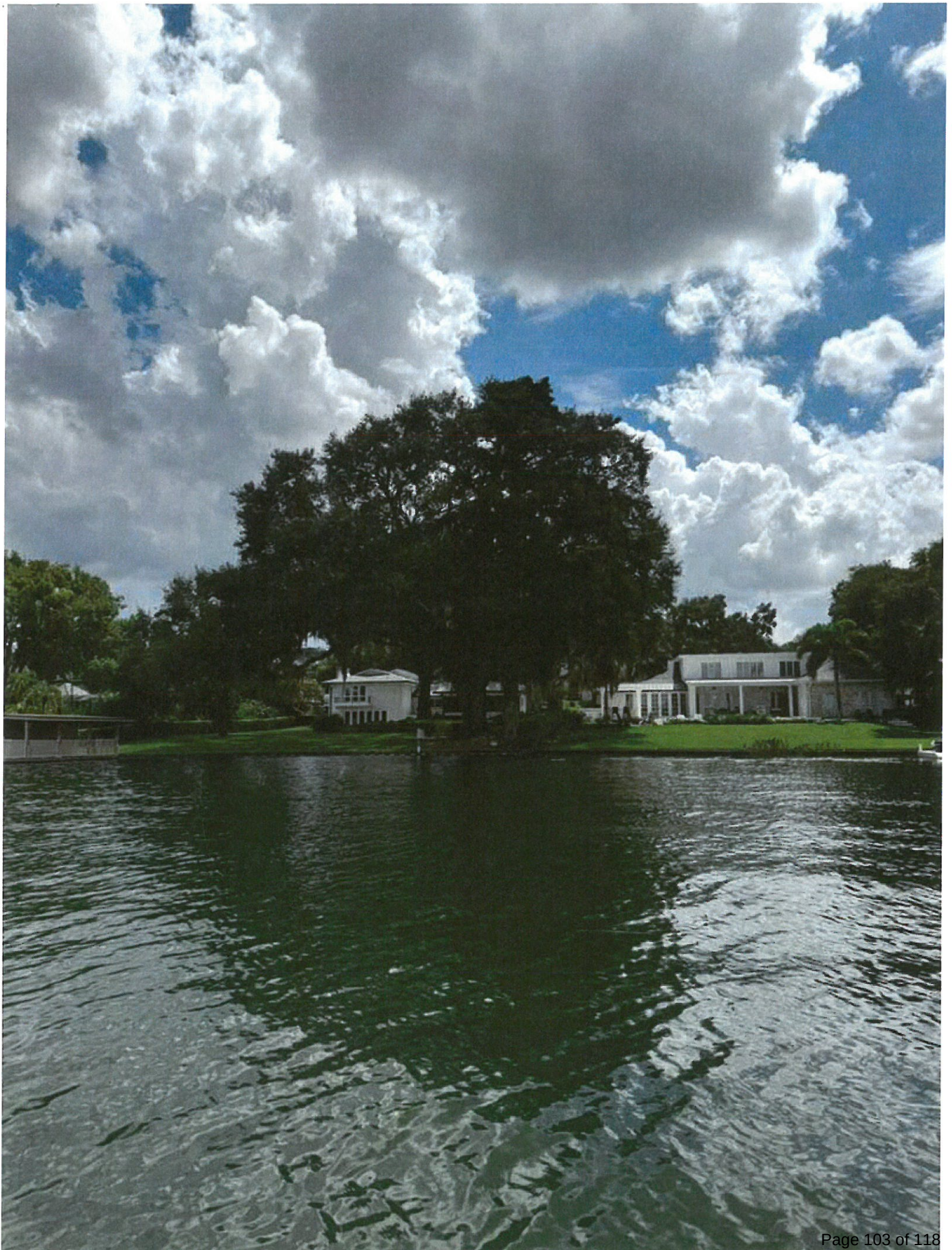








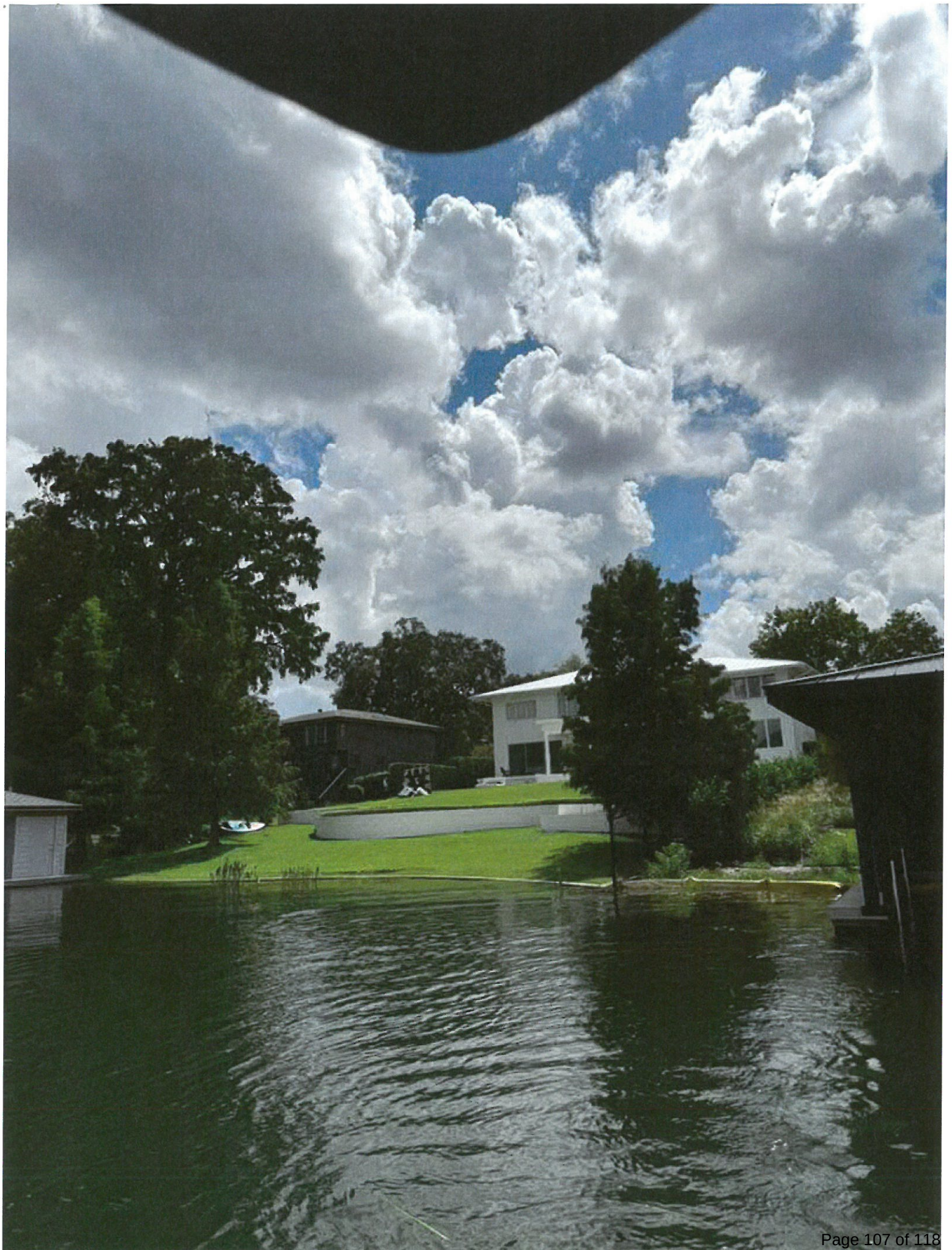




















Planning & Zoning Board Regular Meeting Minutes

December 3, 2024 at 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

David Bornstein, Jim Fitch, Warren Lindsey, Michael Spencer, Jason Johnson, Bill Segal

Absent

Alex Stringfellow

Staff Present

Director of Planning and Zoning Allison McGillis, Planning Consultant Jeff Briggs, Planner II Nicholas Lewis, Planner I Corinna Lundgren, Administrative Coordinator Mary Bush

1. Call to Order

Chairman Bornstein called the meeting to order at 6:00 p.m.

2. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

The Board heard public comment from the following resident:

Bob Barnett of Austin's Coffee at 929 Fairbanks Avenue, Winter Park, FL 32789 addressed the Board and asked if the city had plans to relocate the small businesses at and around the Austin's Coffee location and when the results of the city's due diligence survey would be published.

No one else from the public wished to speak. The public hearing was closed.

3. Consent Agenda

- a. Approve the minutes of October 1, 2024.

Motion made by Warren Lindsey, seconded by Jim Fitch, to approve the October 1, 2024 meeting minutes.

The motion carried unanimously by a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

4. Public Hearings (Public participation and comment on these matters must be in person.)

- a. SPR #24-14. Request of Mark Nasrallah for approval to construct a new, two-story, 4,334 square-foot home located at 1400 Elizabeth Drive on Lake Osceola, zoned R-1AAA. **THIS ITEM HAS BEEN CONTINUED TO THE JANUARY 7TH, 2025 REGULAR HEARING.**

Mr. Lewis announced that the item had been continued to the January 7, 2025 regular meeting.

- b. SPR #24-02. Request of Z Properties for approval to demolish the existing, two-story, 858 square-foot accessory structure and replace it with a new, single-story, 1,494 square-foot accessory structure located at 1602 Summerland Avenue on Lake Maitland, zoned R-1AAA.

Mr. Lewis provided a summary of the item. He noted that in February of this year a request for the principal structure had been approved by the Board. He then noted that staff had received three neighbor letters in favor of the current request for the accessory structure and none in opposition. He indicated that floor area ratio and the impervious lot coverage for the request had been increased by the applicant but was still well below the code requirements. He also indicated that the applicant was seeking a 10-foot front setback for the proposed accessory structure in lieu of the existing structure's 4.5-foot front setback. Mr. Lewis explained that the justification provided for the request was that the required 20-foot setback would necessitate the removal of an existing oak tree and the applicant's remaining buildable area had been greatly diminished by a recently recorded easement across the property for city water and wastewater facilities. He then noted that there were no windows being proposed along the neighbor's lot line, no trees would be removed, the stormwater requirement was being met by multiple swales on the property, and no views from the lake and the neighbors would be infringed upon.

Staff recommendation was for approval.

A brief discussion ensued regarding the history behind the recently recorded easement across the property, and how the lift station in the easement is and will be accessed by the city.

The applicant, Zane Williams of 1333 Alberta Drive, Winter Park, FL 32789 addressed the Board. Mr. Williams noted that the mother of the homeowners would be moving into the property and the existing two-story structure is not accommodating to the mother's needs.

No one from the public wished to speak. The public hearing was closed.

Motion made by Jim Fitch, seconded by Michael Spencer, for approval to demolish the existing, two-story, 858 square-foot accessory structure and replace it with a new, single-story, 1,494 square-foot accessory structure located at 1602 Summerland Avenue on Lake Maitland, zoned R-1AAA.

The motion carried by a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

- c. SPR #24-12. Request of Stuart and Christina Kirscht for approval to rebuild a new two-story single-family home in the location of the existing lakefront structure at 999 Genius Drive, on Lake Mizell, zoned R-1AAA.

Mr. Briggs provided a summary of the item. He noted that there were three individual detached single-family homes on the property. He explained that one of the three homes is located on the edge of Lake Maitland and had flooding issues in 2022 during Hurricane Ian. He added that the homeowners were considering the options of restoring or rebuilding the home due to the flooding. He noted that to rebuild the home would require variances from the code for the lakefront and side setbacks. He explained that the applicant wanted to tear down the existing home and build another matching two story home that would be slightly smaller in square footage within the same footprint of the existing home but moved further away from the adjacent neighboring property. Mr. Briggs indicated that no trees would be removed and the views from the lake and neighbors would not be infringed upon. He also noted that staff had spoken with the adjacent neighbor to the property and from that discussion certain conditions of approval were created to resolve concerns of the neighbor.

Staff recommendation was for approval with the following conditions:

- That no above ground accessory structures, such as generators, fuel tanks, or AC compressors shall be located within a 6-foot side setback and that any gas line or switch gear must be located at least 5-feet from the side property line;
- That no storm water drainage from this structure will flow onto the adjacent property; and
- That the property owner shall enter into a development agreement with the City to memorialize that this approval is based solely on replacement of an existing non-conforming structure, and such approval is based upon providing a specific remedy for the flooding experienced from a hurricane event, and that the replacement structure is slightly smaller in terms of square footage and footprint and provides an increase in the side setbacks to the adjacent neighbor. Additionally, the replacement structure generally conforms to the same architectural styling of the existing structure, and any approval shall not be

precedent setting in any manner for the current or future property owners to allow any future replacement structure, or additions to the structure unless done so in compliance with the zoning code regulations.

Discussion ensued regarding where the property's stormwater would flow, the city departments that would need to provide approval for the project, clarification of the adjacent neighbor's consent to the request based on the conditions of approval, what the applicant could do with the home if the request was denied, and how much smaller the rebuild would be compared to the existing home.

The applicant, Zane Williams of 1333 Alberta Drive, Winter Park, FL 32789 addressed the Board. Mr. Williams noted that most of the Board members had individually walked the property and that he was available for any questions.

The Board inquired as to whether new pilings of a different composition would be used for the deck going into the lake.

No one from the public wished to speak. The hearing was closed.

The Board shared their thoughts on the request and expressed favor for it.

Motion made by Jason Johnson, seconded by Bill Segal, for approval to rebuild a new, two-story, single-family home in the location of the existing structure at 999 Genius Drive, on Lake Mizell, zoned R-1AAA, subject to the following conditions:

- **That no above ground accessory structures, such as generators, fuel tanks, or AC compressors shall be located within a 6-foot side setback and that any gas line or switch gear must be located at least 5-feet from the side property line;**
- **That no storm water drainage from this structure will flow onto the adjacent property; and**
- **That the property owner shall enter into a development agreement with the City to memorialize that this approval is based solely on replacement of an existing non-conforming structure, and such approval is based upon providing a specific remedy for the flooding experienced from a hurricane event, and that the replacement structure is slightly smaller in terms of square footage and footprint and provides an increase in the side setbacks to the adjacent neighbor. Additionally, the replacement structure generally conforms to the same architectural styling of the existing structure, and any approval shall not be precedent setting in any manner for the current or future property owners to allow any future replacement structure, or**

additions to the structure unless done so in compliance with the zoning code regulations.

The motion carried by a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

- d. APP #1-24. Request of the Windereedle Law Firm on behalf of Jonathan Cole for: An Appeal pursuant to City Code Section 58-94 (b) of the determination that the landscaping currently in place is in violation of a condition of approval for the redevelopment of the property granted by the Planning and Zoning Board on May 4, 2021 on Lake Virginia, zoned R-1AAA.

Mr. Briggs provided a summary of the item. He gave a brief background of the request and noted that the lakefront review for the applicant's new home had been approved by the Planning & Zoning Board on May 4, 2021. He indicated that at the 2021 meeting there had been significant discussion with regard to the Board's purview of trying to maintain the traditional views of the lake and not have them unduly impaired. He explained that two of the neighbors on the east side of the applicant's property felt that the new home would unduly impair their views of the lake. In order to remedy some of the neighbor concerns about their views, the Board utilized their authority to grant a variance to move the home six feet closer to the street and imposed other conditions of approval related to lake front landscaping not exceeding six feet in height. Since that meeting it was determined by staff that landscaping at the property had been planted in excess of six feet and therefore was in violation of the condition of approval. He noted that the property owner did not agree with the determination and thus had applied for the appeal. Mr. Briggs briefly explained the process of the appeal noting that the applicant could also further appeal to the City Commission. He then reviewed and discussed photos and the view radius of the property as well as the Board's motion that was made at the May 2021 hearing. A brief discussion ensued regarding why a hearing on the initial request was tabled by the Board prior to the May 2021 hearing. Mr. Briggs then played for the Board an audio clip of the May 4, 2021 Planning & Zoning Board's meeting discussion to assist them in understanding and confirming the intent of the conditions of approval that were granted for the original request. City Attorney Langley requested that staff inform the Board of what was placed in the staff report about the applicant's attorney and what that attorney had stated on the record regarding accepting the condition that was offered as heard on the audio clip. A brief discussion ensued. The Board also inquired about whether public comments were made at the initial hearing, clarification of the specific violations regarding the landscaping, whether the applicant's original house was one foot lower than the neighbor's house in 2021, clarification on what was referenced in the original Board motion, and which property a black fence was located on.

The applicant's attorney, Trippe Cheek of Windereedle, Haines, Ward and Woodman,

P.A. at 250 N. Park Avenue, Winter Park, FL 32789 addressed the Board. Attorney Cheek noted that he felt the issue was too ambiguous for it to be a code enforcement issue, that the Board was not restricted on what they could do to address the appeal, that there was no substantial competent evidence to support the ruling for the six-foot limitation, and that traditional lake views to the extent of the Board's 2021 ruling did not exist on the property prior to the applicant's purchase of the property. He also noted that the reason for the appeal was that based on a complaint from a neighbor, city staff believed that the applicant's landscaping was inconsistent with the conditions of approval, but he and the applicant thought it was appropriate and proper and reasonable in context and not in violation of the spirit of the conditions of approval and asked the Board to find that the landscaping was not in violation of the conditions. He then reviewed the city's code regarding the Board's authority under Section 58-87 (a) with regard to lakefront lots and noted that he and the applicant did not believe the eastern neighbor's views of the lakefront were unduly impaired. He then continued discussion on the applicant's position with regard to the matter and what the Board should do to address it. He indicated that the biggest concern he and the applicant had was privacy and wanted it to be noted on the record that the applicant was entitled to have reasonable privacy protection landscaping that extends towards the lake as far as the pool deck and the applicant was not asking to go any further than that.

The applicant, Jonathan Cole of 721 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Cole indicated that he attempted to honor the six-foot landscaping limitation. He also expressed his concerns with privacy at his pool and felt that the views of the eastern neighbors were not impacted by the landscaping

The Board inquired about what the applicant believed they were entitled to do along the property line based on the conditions that were approved at the May 4, 2021 Planning & Zoning Board hearing. A brief discussion ensued with Attorney Cheek.

The Board heard public comment from the following residents:

In favor of the request:

Richard Lewin of 1360 Chestnut Avenue, Winter Park, FL 32789.

In opposition to the request:

Michelle Randolph of 741 Virginia Drive, Winter Park, FL 32789; John Randolph of 741 Virginia Drive, Winter Park, FL 32789.

No one else from the public wished to speak. The public hearing was closed.

Attorney Cheek addressed the Board and noted that the applicant did not get

everything that he wanted at the initial hearing in 2021 and that there had been no agreement put in place, only conditions of approval. He added that neither of these were relevant to the appeal.

A brief discussion ensued about whether the applicant's attorney at the 2021 hearing had consented to the conditions of the approval on behalf of the applicant.

City Attorney Langley explained that the Board did not have to make the determination that there was a violation of the condition, they just needed to interpret the condition that was before them that was being challenged. He further explained that the hearing was not an appeal of the condition itself, but a matter of whether staff's interpretation of the landscaping condition was or was not correct.

A brief discussion ensued regarding tabling the item for the Board to review the entire audio of the applicant's hearing item from the May 4, 2021 hearing.

The Board expressed their thoughts on the matter and overall did not feel that the matter should be tabled and felt that staff's interpretation was correct.

A brief discussion ensued regarding the Board reviewing the May 2021 hearing item audio individually, during a work session, or at a public hearing.

Motion made by Warren Lindsey, seconded by Jason Johnson, to table the item until the January 7, 2024 regular meeting.

The motion failed by a 2-4 vote. (In favor: Warren Lindsey and Jason Johnson. Opposed: Jim Fitch, Michael Spencer, David Bornstein, and Bill Segal. Alex Stringfellow was absent from the meeting.).

A brief discussion ensued regarding how a motion for the appeal would be made.

Motion made by Jason Johnson, seconded by Warren Lindsey, for denial of an Appeal pursuant to City Code Section 58-94 (b) of the determination that the landscaping currently in place is in violation of a condition of approval for the redevelopment of the property granted by the Planning and Zoning Board on May 4, 2021 on Lake Virginia, zoned R-1AAA. In addition, the Planning & Zoning Board interpreted and clarified the landscaping condition of approval at issue as follows:

- **There shall be no vegetation or landscaping planted or maintained such that it grows and is not trimmed back to no taller than six feet in height located anywhere on the property from the edge of the rear of the single-family home going down to the water's edge of Lake**

Virginia.

The motion carried unanimously by a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

5. Action Items

6. Non-Action Items

7. Staff Updates

Mrs. McGillis noted that the next scheduled work session would be canceled since it falls on Christmas Eve.

8. Board Comments

A brief discussion ensued about having a work session to discuss requiring a specific landscape plan for applications, determining standards or a clarification of what is considered a reasonable clear view of a lake, and being more specific with regard to the conditions of approval for applications.

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 7:30 p.m.

Minutes approved by the Board on January 7, 2025.

ATTEST:

/s/ Mary Bush, Recording Secretary