



Planning & Zoning Board Regular Meeting Minutes

March 5, 2024 at 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Warren Lindsey, David Bornstein, Melissa Vickers, Vashon Sarkisian, Jim Fitch

Absent

Michael Spencer, Alex Stringfellow

Staff Present

City Attorney Dan Langley, Director of Planning & Zoning Allison McGillis, Planning Consultant Jeff Briggs, Senior Planner/Zoning Official John Harbilas, Planner II Nicholas Lewis, Planner I Corinna Lundgren, Administrative Coordinator Mary Bush

1. Call to Order

Chairman David Bornstein called the meeting to order at 6:01 p.m.

2. Consent Agenda

- a. Approve the minutes of February 6, 2024.

Motion made by Melissa Vickers, seconded by Vashon Sarkisian, to approve the February 6, 2024 meeting minutes.

The motion carried unanimously by a 5-0 vote. (Alex Stringfellow and Michael Spencer were absent from the meeting.)

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

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

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

- a. **SPR #24-02. Request of Z Properties for:** Approval to construct a new, two-story, 11,728 square-foot, single-family home located at 1602 Summerland Avenue on Lake Maitland, zoned R-1AAA.

Mr. Briggs announced that the item had been continued to the April 2, 2024 Planning & Zoning Board regular meeting.

- b. **Request of Andrea Jacobs on behalf of the Villa Vienda Condominium at 221 Holt Avenue for:** Conditional Use approval to allow five of the six existing condominiums to be used as a bed and breakfast, zoned R-3.

Mr. Briggs provided a summary of the item. He discussed the previous uses of the Villa Vienda condominium over the years. He noted that the property was very closely located to Rollins College and was zoned R-3, which allows the conditional use of a bed and breakfast. He indicated that the property had a history of various cases of code enforcement by the City, which included a current case of the applicant's use of the condominium as an Airbnb. He then explained that an owner of one of the six units of the condominium did not want to be included in the applicant's request as they were content with the yearly rental of their unit, so the applicant was seeking approval only for the other five units as individual bed and breakfasts. Mr. Briggs further explained that per code, one of the five units would have to house an onsite manager for the property. He then indicated that there had been several letters received from the property's surrounding neighbors in support of the item. He went on to note that the applicant would have to get the proper City and State licensing for the bed and breakfast use as well as remove all ranges, cooktops, and ovens within the bed and breakfast units.

Staff recommendation was for approval with the following conditions:

- That the vacation rental units comply with the Zoning Code definition for a 'bed & breakfast'.
- That applicable business licenses be issued as required by the City and/or State.

The Board inquired about the following:

- the legal differences between an Airbnb and a bed and breakfast,
- where breakfast would be served for the individual bed and breakfast units,
- the current number of bed and breakfasts located in the City,
- if the bed and breakfast could still exist with one unit not participating,
- why the Airbnb use was said to be less noisy than yearly renting to students,
- if the Board could make a condition regarding noise regulation for the bed and breakfast,
- and an email received by a neighbor to the property in opposition of the request.

The applicant, Andrea Jacobs at 221 Holt Avenue, Winter Park, FL 32789 addressed the Board. Ms. Jacobs noted that she would be the onsite manager maintaining the condominium. She provided a brief history of the property and its use. She explained that she wanted to change the condominium into a bed and breakfast because while using the condominium as an Airbnb she saw that parents

mainly used it to visit their children and they were a better choice of clientele than students.

The Board inquired about the following:

- who rents the one unit that is not part of the request,
- if the applicant intended to continue listing each unit on the Airbnb website,
- what would assure that the kitchen appliances are removed as required by code,
- and clarification of how the individual bed and breakfasts would work.

City Attorney Langley explained that the Board could make a condition of approval requiring the stoves to be removed from each unit as well as a post approval inspection to ensure that the removal is completed. Mrs. McGillis noted that the applicant would be required to obtain a business license with the City for each of the bed and breakfasts, which would require the applicant to pull a permit prior to licensing for the removal of the stoves in each unit. She added that if the applicant did not remove the stoves they would not be able to obtain the business license.

The Board heard public comment from the following residents:

Gigi Papa of 1440 Hibiscus Avenue, Winter Park, FL 32789 addressed the Board. Ms. Papa spoke about the City's short-term rental zoning code for residential dwellings and asked the Board to deny the applicant's request.

The Board inquired with City Attorney Langley regarding Ms. Papa's statements about short term rentals. Attorney Langley confirmed that the code for short-term rentals of residential dwellings did not apply to bed and breakfasts. Brief discussion ensued regarding the possibility of an influx of future requests for bed and breakfasts.

Sue Jacobs of 228 N. Park Avenue, Winter Park, FL 32789 addressed the Board. Ms. Jacobs expressed that the bed and breakfast would be a lovely addition to the community and a good opportunity to further the ability for people to have a short stay in the City of Winter Park.

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

Ms. Jacobs addressed the Board and responded to the comments made by the public. She noted that the condominium was in a really unique location that was best fitted for the type of use requested.

Brief discussion ensued about the applicant's illegal use of the condominium in relation to the current request in order to come into compliance.

The Board then shared their thoughts regarding the request. The Board was overall in favor of the request but expressed concerns with setting precedence and the

location of the property. Brief discussion ensued between the Board and City Attorney Langley regarding requiring annual inspections of the units by the City as a condition of approval.

Motion made by Warren Lindsey, seconded by Vashon Sarkisian, for Conditional Use approval to allow five of the six existing condominiums of the Villa Vienda Condominium at 221 Holt Avenue to be used as a bed and breakfast, zoned R-3, with the following conditions:

- **The applicant must remove all stoves located in the five condominiums to be used as a bed and breakfast.**
- **All code requirements must be complied with prior to any certificate being issued allowing the bed and breakfast to open.**
- **The applicant must comply with an annual interior inspection of the five condominiums by the City's Fire Department to occur during the City's annual business tax receipt renewal period.**

The motion carried unanimously by a 5-0 vote. (Alex Stringfellow and Michael Spencer were absent from the meeting.)

- c. **Request of City of Winter Park for:** An Ordinance of the City of Winter Park, Florida amending Chapter 58, "Land Development Code", Article III, "Zoning" to assess and update the zoning regulations and development standards for single-family zoned properties following the 2023 revisions.

Mr. Harbilas provided a summary of the item. He noted that the changes to the ordinance had been reviewed and discussed at the February 27, 2024 Planning and Zoning Board work session. He then briefly discussed the main changes that were made, noting that a majority of all the changes made were grammatical. He explained that the provision to add a front porch within the setback was re-added, a provision for dormers to face lakefronts was added, minor adjustments were made to the R-2 zoning tables, a change was made to allow garages to face the public right-of-way at a 35-foot setback, the provision for A/C units was adjusted to allow the required screening to be a wall or a fence, and the provision to allow an additional cooking facility in homes over a certain size was re-added.

The Board inquired if anything was in place to require a sewer system or upgraded septic tank to be installed for homes being renovated or newly built and if something could be added to the City's land development code to encourage owners to obtain new septic tanks. Brief discussion then ensued regarding the requirements for owners to tie into available sewer systems for tear downs.

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

Motion made by Vashon Sarkisian, seconded by Jim Fitch, for approval of an Ordinance of the City of Winter Park, Florida amending Chapter 58, "Land Development Code", Article III, "Zoning" to assess and update the zoning

regulations and development standards for single-family zoned properties following the 2023 revisions.

The motion carried unanimously by a 5-0 vote. (Alex Stringfellow and Michael Spencer were absent from the meeting.)

- d. **Request of the City of Winter Park to:** Approve the CRA Plan Modification & Update.

Mrs. McGillis provided a summary of the item. She noted that the area and lifespan of the City's Community Redevelopment Agency (CRA) would be expanded. She then explained that the Planning & Zoning Board would need to make a recommendation to the City Commission that the plan complies with the City's Comprehensive Plan.

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

Motion made by Melissa Vickers, seconded by Vashon Sarkisian, to approve the CRA Plan Modification & Update.

The motion carried unanimously by a 5-0 vote. (Alex Stringfellow and Michael Spencer were absent from the meeting.)

5. Action Items

6. Non-Action Items

7. Staff Updates

8. Board Comments

Chairman Bornstein expressed that he may not be able to continue to preside on the Planning & Zoning Board due to the City's upcoming mayoral election and that he has met his Board term limit.

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 6:51 p.m.

Meeting minutes approved by Board on April 2, 2024.

ATTEST:

/s/ Mary Bush, Board Secretary