



## CITY OF WINTER PARK Planning & Zoning Board

**Regular Meeting  
City Hall, Commission Chambers**

**August 6, 2013  
7:00 p.m.**

### **MINUTES**

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Chairman Johnston called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall. Present: James Johnston, Chairman, Robert Hahn, Shelia De Ciccio, Ross Johnston. Absent: Randall Slocum, Peter Weldon, Tom Sacha, Peter Gottfried. Also Present: City Attorney Robin McKinney. Staff: Planning Director Jeffrey Briggs and Recording Secretary Lisa Smith.

#### **Approval of minutes – July 2, 2013**

**Motion made by Mr. Hahn and seconded by Mrs. De Ciccio, to approve the July 2, 2013, meeting minutes. Motion carried unanimously with a 4-0 vote.**

#### **PUBLIC HEARINGS**

**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE III, "ZONING REGULATIONS" SECTION 58-75 "COMMERCIAL (C-2) DISTRICT," REVISING THE PERMITTED AND CONDITIONAL USES REGULATIONS FOR RESTAURANTS AND OTHER FOOD SERVICE ESTABLISHMENTS; AMENDING SECTION 58-95 "DEFINITIONS" TO PROVIDE DEFINITIONS FOR FINE DINING AND OTHER RESTAURANTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

Planning Director Jeffrey Briggs presented the staff report and discussed the history of the proposed amendment and the current status. He said that previous attempts to revise these regulations were challenging because of a lack of a consensus on how to proceed amongst the various stakeholder groups. He said that the current proposal has been developed as a 'bottom-up' approach by the downtown property owners and merchants in concert with the Park Avenue Area Association of the Winter Park Chamber. Mr. Briggs thanked Patrick Chapin, Lambrine Macejewski, Daniel Butts and Frank Hamner for all their work and help in developing this proposal and especially in achieving the much needed consensus on how to proceed with the merchants and property owners. He provided an overview of the current proposal which makes several changes to the C-2 zoning rules, for restaurants and other food service type establishments as follows:

1. It provides a new much improved definition of what a "fine dining restaurant" is supposed to be. This makes it clear to the existing fine dining restaurants and to any new proposed fine dining restaurant what they are expected to do (operationally) and thus will also then be easier for the City to enforce.
2. It provides a new definition of "fast food restaurants" and makes it clear that they are prohibited, non-conforming uses.
3. It provides a new definition for "coffee shops, bakeries and dessert restaurants" which provides for staff a solution for the menu creep that we have experienced with these establishments that are primarily coffee shops, bakeries or ice cream/dessert places but also which sell some ancillary food or lunch/breakfast items.

4. It also provides within the Park Avenue corridor a new definition for; and a new permitted use for “non-fine dining restaurants” otherwise sometimes referred to as ‘fast casual’ restaurants. These are not currently permitted unless by conditional use approval based on adequacy of parking. The proposal now is that subject to the defined limitations, new “non-fine dining restaurants” could be established within the Park Avenue corridor. The limitations are no more than 20% of any block storefronts and no more than 15% of total storefronts within the Park Avenue corridor may become “non-fine dining restaurants”.

Mr. Briggs summarized by stating that there seems to be no debate that the current zoning rules for restaurants in the Park Avenue corridor are confusing, not well understood, and very difficult to enforce as they have evolved over the past 25 years. To the planning staff, providing the new and improved definitions for “fine dining restaurants” and for the “coffee shop, bakery, dessert restaurants” will be extremely helpful in enforcing the Code. Even more so, the new definition on “fast food restaurants” is very important to help preserve the character of the Park Avenue corridor that seems to be universally desired. The only new thing this Ordinance proposes is the new permitted use for “non-fine dining restaurants”. There are many fast casual restaurant chains such as Five Guys, Moe’s, Tijuana Flats, Chipotle, Italo Cuisine, etc. However, they would meet the definition of fast food franchise and not be eligible. Instead it would encourage independent start-ups versus these chains which the Park Avenue Association and the staff believes are compatible with the character of Park Avenue and the type of new restaurant to be encouraged. Staff recommended approval.

Mr. Briggs introduced City Attorney Robin McKinney. She updated the Board on the minor changes that were made to the proposed ordinance after the P&Z work shop.

Patrick Chapin, President – Chamber of Commerce, introduced the members of the team that worked on the re-write of the ordinance (Daniel Butts, Frank Hamner and Lambrine Macejewski). He provided a brief overview of the process that was undertaken in this effort. He thanked City staff for cooperation and patience in this process.

Attorney Frank Hamner, used a Power Point presentation to provide the Board with a more in-depth look into the re-writing of the Park Avenue corridor code revisions. He stated that the effort was not a City directed effort and that it was not a task force or a Mayor appointed Board. He said that it has been a collaborative effort of the Chamber, the Park Avenue Area Association, and Park Avenue property owners. He discussed their goals, and provided an overview of the new definitions, and the revised business application. Mr. Hamner responded to Board member questions and concerns.

Donna Colado, 327 Beloit Avenue, spoke concerning request. She applauded the efforts of those working on the proposed amendment, especially the curb on fast food restaurants. Mrs. Colado expressed concern with how the proposed policy ties into the current comprehensive plan policies as relates to maintaining the predominately retail nature of Park Avenue when it could allow an unlimited number of restaurants. She suggested a maximum percentage of restaurants that could be allowed of any type in order to maintain the predominately retail character of Park Avenue.

No one else wished to speak concerning this issue. Public Hearing closed.

The Board members discussed their viewpoints on the issue. All of the Board members indicated their general support for the Ordinance and appreciation for all the work that had gone into the process. Mr. Hahn indicated that while this was an improved “regulatory” tool it was lacking in that it did not foster improved entrepreneurial opportunities. Chairman Johnston pointed out that ‘zoning’ is in fact a regulatory tool and that economic development and incentive programs on what the Avenue could be in the future are more in the domain of Economic Development Advisory Board. The members expressed support for Mr. Hahn ideas in the global sense in addition to the context of this request.

Mr. R. Johnston expressed his support for the work and effort that had been undertaken. He felt that the goals that were set for preserving the character of Park Avenue were being achieved with this proposal.

Mrs. De Ciccio stated her support but indicated that there was one section involving the approval of menu changes that seemed too regulatory and restrictive. Discussion ensued on this topic with others. It was then indicated that the city attorney would revise that section to accomplish the general intent of City review of significant changes to restaurant operations but not minor menu changes.

Chairman Johnston indicated that the Planning Board has spent much time at work sessions and public hearings in 2012 on this issue and it was good to see that both a solution and consensus was at hand.

**Motion made by Bob Hahn, seconded by Ross Johnston to approve the proposed Ordinance subject to the city attorney revision to the section regarding city review of menu changes text. Motion carried unanimously with a 4-0 vote.**

**NEW BUSINESS:**

Dori Stone reminded the Board members of the upcoming joint meeting with the Economic Development Advisory Board on August 15<sup>th</sup> at 5:30 in the Commission Chambers.

The Board discussed the meeting times for the regular monthly meetings and decided that they desired to start an hour earlier. **Motion made by Mrs. De Ciccio, seconded by Bob Hahn changing the regular meeting time to 6:00 p.m. versus 7:00 p.m.**

Date of Next Work Session: Wednesday, August 28, 2013 at 12:00 Noon.

Date of Next Meeting: Tuesday, September 3, 2013 at 6:00 p.m.

There was no further business. Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Lisa M. Smith  
Recording Secretary