

CITY COMMISSION WORK SESSION
May 22, 2013

The work session was called to order by Commissioner Cooper at 5:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Commissioner Carolyn Cooper
Commissioner Tom McMacken

Also present:

City Manager Randy Knight
Deputy City Clerk Michelle Bernstein
City Attorney Larry Brown
Planning Director Jeff Briggs
CRA Director Dori Stone

Park Avenue Restaurant Ordinance discussion

This meeting was called by Commissioner Cooper, who invited everyone to attend, to discuss the Park Avenue restaurant ordinance and related issues including the issuance of a possible moratorium regarding the permitting of fast food restaurants on Park Avenue.

Discussion transpired regarding the overall need to further define 'fine dining' in the current ordinance to disallow fast food or chain restaurants to operate on Park Avenue and if a temporary moratorium should be adopted. This would delay the processing/issuance of other restaurant permits until staff and the City Attorney can provide a thorough ordinance which addresses concerns raised by the Commission, residents and local business owners.

Commissioner McMacken inquired as to what the proper procedure would be to add the temporary moratorium on the next agenda. City Manager Knight explained that per the current policy adopted by the Commission, any potential agenda item may be brought up by the Commission at any time during the regular Commission meeting to determine the interest of the other Commission members. If the majority of the Commissioners present concur, the item will be placed on a future agenda.

Commissioner Cooper suggested that City Manager Knight bring up the temporary moratorium topic under his report at the next Commission meeting to see if there is a consensus to add this topic to the next agenda for discussion. Commissioner McMacken mentioned that he could bring this up under his report at the next meeting and was also comfortable with City Manager Knight bringing it up. City Manager Knight acknowledged.

Planning Director Jeff Briggs agreed that we need to address the 'non-fine dining' definitions in the ordinance. He explained that his approach is to work with the current stakeholders including the Chamber of Commerce and the Park Avenue

Area Merchant Association to further define the definitions so that the ordinance is agreeable by everyone prior to adoption.

Discussion ensued regarding Burger Fi complying with the current ordinance. City Manager Knight explained that he and Mr. Briggs met yesterday with the representatives from Burger Fi, their attorneys and the Holler Leasing Company and they have basically agreed to follow the Barnie's Coffee model with menus on the table and waiters/waitresses that take your order. Mr. Briggs explained that they were very careful to tell them that while we encourage these steps we were not making any decision in providing them with a determination that they are in compliance.

Commissioner Cooper said as they are drafting this ordinance she requested that they be very careful how they address parking since it affects whether or not table service should be provided. She also mentioned that if they are going to handle this under a conditional use process then they need to look at the specific criteria to make sure it accomplishes their goal.

Mr. Briggs explained that we also need to work on and create a category for those businesses that are predominately bakeries and coffee shops that sell food such as Starbucks. Attorney Brown agreed and said he is open to suggestions. Mr. Briggs said he will work on this part as well.

Attorney Brown provided legal counsel. He advised that the City can further define 'fine dining' and thus prohibit anything that does not meet the definition since this is not a protected industry.

CRA Director Dori Stone responded to questions. She suggested and recommended that they use the International Council of Shopping Centers (ICSC) for fact finding of the definitions and obtain two or three other different industry standards to see what is out there. Attorney Brown agreed with this recommendation.

Ms. Stone felt that from staff's perspective, 90 days would be a more appropriate amount of time for EDAB and P&Z to provide feedback and recommendations. She felt that if they did issue a temporary moratorium for a short period of time there would be an understanding in the community that the City is trying to problem solve this.

The meeting adjourned at 6:19 p.m.



City Clerk Cynthia Bonham