

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

August 21, 2012

Meeting called to order at 7:00 p.m.

Present were Chair John Spears, Board Members Norma Sutton, Bob Sprick, Stephen Withers, Jim Willard, Jennifer Roper, and Frank Chase. Town Manager Robert Smith, Liaison Molly Rose, Development Services Coordinator Roberta Fennessy, Attorney Heather Ramos and Town Clerk Dorothy Burkhalter were also present.

Chair Spears called the meeting to order at 7:00pm. He then led everyone with the pledge of allegiance.

Minutes Approval:

Member Chase questioned line 15 of the new business item zoning variance request for 745 W 2nd Avenue. He stated that he did not say "Member Chase stated he has spoke to the neighbors regarding the dock and there we no issues". Clerk Burkhalter stated she would verify the comment. Member Withers made a motion to approve the minutes of May 15, 2012 as presented. Member Willard seconded the motion. All were in favor.

OLD BUSINESS:

There were no old business items. Member Withers questioned the status of the tree ordinance. Manager Smith explained that the draft ordinance has been received back from Professor Buck Abbey of LSU and has been forwarded to the Tree Board for reviewed. He further explained that once the Tree Board has made their comments, it will be forwarded to the legal department and then back to DRB. Member Withers stated he would like this item to remain on the agenda under old business.

NEW BUSINESS:

Board Review and Consent: 6th Avenue Alleyway Vacation & Sale

Development Services Coordinator (DSC) Fennessy reviewed the vacation/sale request of the alleyway located east of 713 E 6th Avenue. She then stated that the owner (Trinity Broadcasting Corp.) has had a appraisal of the alleyway done. DSC Fennessy explained that the owners have made an offer of \$65,000.00. Discussion by the Board began. Member Roper questioned if an Ordinance/Public hearing will be held. DSC Fennessy stated that that the next step would be Council to approve the concept, then an Ordinance will be drafted with legal review and then presented to the Council for a first reading and then a seconded reading/public hearing. Member Roper questioned the past charter review regarding the town selling, conveying or vacating town property. Manager Smith explained that per the Charter Sec. 56 (1), this can be done without a referendum. He further explained that if a petition is received in accordance to Sec. 56 (2), then a referendum would be needed. Member Sutton questioned if any "feedback" had been received by lot owners 11, 12, 13 and 14? DSC Fennessy stated that contacting the surrounding neighbors is not required. Member Sutton questioned why the applicant wanted to purchase the alleyway? Mr. Everett, representative for Trinity Broadcasting, stated that the property would be used as a landscaped buffer. After much discussion was made, Member Withers stated that the town should be morally obligated to notify the surrounding neighbors. He then commented that the other property owners might like to purchase a portion as well. Attorney Ramos explained that the underlying property is likely owned in fee simple by the applicant. She stated that there is a dedicated public access to the lake in which there is not a requirement of the town to give up that dedicated access. Attorney Ramos further explained "in return of someone purchasing it and saying that they will maintain it and do all the things the town is suppose to be doing and taking that duty off the town, then the town could, given that consideration, give it to the underlined fee simple owner but you couldn't give, if it's owned fee simple by the applicant, we couldn't just give other pieces and parts to other abutting property owners." Further discussion followed regarding plats, corner lots, setbacks, lake front lot sizes, landscaping, boat ramps/boat docks, increased tax assessment, and notification. Member Withers made a motion that stated we would like for this to go before the Town Council with a positive approval from the Development Review Board, but with the condition that before anything else happens, notify neighbors, just like any other variance and get their input before town council before the first reading. Member Sprick seconded the motion. Discussion followed. Manager Smith reviewed the timing of this item. Member Withers revised his motion to state, give affirmative approval going forward with the condition that the neighbors be notified and their input

be acquired. Member Sprick was friendly to that amendment. Member Withers stated that every neighbor within the normal variance request radius will be notified. Member Sprick stated that “with the town giving up an easement, the more notified the better.” After some discussion was made regarding a postcard notification, voting was as follows: Sutton – yes, Sprick – yes, Withers – yes, Chase – yes, Willard – yes, Roper – yes, and Chase – yes. Motion carried 7-0.

Member Roper questioned how the town can notify map companies to show that 5th Avenue is blocked off by Pocket Park. Manager Smith stated that emergency agencies have been advised. Member Roper questioned if there is a way to contact a general mapping company that may report to a GPS system. Some discussion followed. Chair Spears questioned the setbacks on house project at 605 Butler Street. He also commented on the height of a house across the street. DSC Fennessy stated she would follow up on the two sites. Member Withers requested that DSC Fennessy check on the Tim’s Wine Market lemonade sign.

ADJOURN:

Member Roper made a motion to adjourn the meeting. Member Sprick seconded the motion. All were in favor.

Meeting adjourned at 8:01p.m.

Dorothy Burkhalter, Town Clerk

John Spears, Chair