

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

February 19, 2019

Present were Chair Frank Chase, Boards Members; Stephen Withers, Molly Rose, Jennifer Roper, and Peter Fleck. Town Manager Robert Smith, Town Planner Sarah Mastison, and Town Clerk Dorothy Burkhalter were also present. Council Liaison Jim O'Brien, Board Members Norma Sutton and Timothy Balding were absent.

Chair Chase called the meeting to order at 6:30pm. He then led everyone in the pledge of Allegiance.

1. OPEN FORUM/PUBLIC COMMENTS:

There were no public speakers.

2. OLD BUSINESS: NONE

3. NEW BUSINESS:

a. MINUTES:

i. DRB meeting minutes January 15, 2019

Member Rose made a motion to approve the DRB minutes of January 15, 2019 as presented. Member Withers seconded the motion. All were in favor.

b. GENERAL ITEMS FOR CONSIDERATION:

i. Z-19-01: Taylor Morrison: Amendment to the Estancia at Windermere PUD agreement to allow the change of the property setback requirements of lots 40 and 41 from 25' to 10'

Chair Chase turned the floor over to Ms. Sarah Mastison, Planner with Wade Trim. Ms. Mastison reviewed the request to allow the current setbacks of lots 40 and 41 to be reduced to 10'. Manager Smith stated for the record that, "this request has nothing to do with the Jain property." Chair Chase questioned the notices that were sent out. He stated that the plat maps mailed with the notice were incorrect. Chair Chase explained that comments sent in were made with wrong information being sent out. Ms. Mastison explained that the lots noted were from the Development Agreement, not the plat. Chair Chase commented on his concerns with the incorrect notification and the responses. Member Roper stated that she has concerns with the public thinking that these are interior lots, when they are not. She also stated that this should be re-noticed to the residents. Manager Smith stated that the applicant was present with a PowerPoint presentation. Chair Chase turned the floor over to the applicant. Ms. Carolyn Haslam with Akerman LLP and representative for the applicant introduced herself. She then gave a presentation regarding the lot locations and the proposed setbacks. Ms. Haslam reviewed what the current homes look like on certain sized lots, and what the two homes would like with and without the setback variance. Mr. Nicholas Gluckman Project Manager for Taylor Morrison introduced himself. He then stated that Taylor Morrison has "kit" homes and for the accurate size house for these two lots, there is not a kit home available. Mr. Gluckman stated that the homes would be very small compared to the others, that is why a variance is

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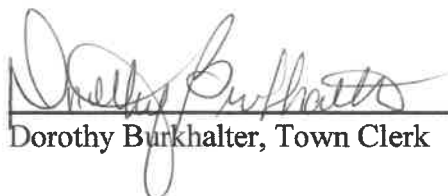
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needed. Member Rose stated that this item was before her when she was on the Town Council. She stated that at that time, the Town Council was very generous with setbacks in the original Developers Agreement. Member Withers commented that by moving the house more to the 10' setback on the west side of the lot, it will allow the home to make the 25' side setback. He then stated for lot 40, the house would be longer than others, but it would work. Mr. Gluckman commented that their catalog of homes has been researched to find a plan that might fit. He stated that a 45' wide would need to be utilized, and Taylor Morrison does not have one. Member Withers stated that the argument of the lot not being big enough to build on is incorrect. Mr. Gluckman stated that he feels for these two lots, the setback was an oversight. Member Rose stated that it is unknown as to what will be built on the other side of the wall. Further discussion followed. Chair Chase reiterated his concerns on the error of public notification. Mr. Kevin White, P.E. with Waldrop Engineering, introduced himself. He then stated that there was not any intentional intent to mislead this board. Mr. White commented on the widths of homes that Taylor Morrison has. He further commented that a 45' wide home would be sufficient but Taylor Morrison has a 40' or 50', not a 45' wide house plan. Member Withers questioned if a 50' wide home was placed on lot 41 and it was moved to the 10' west set back line, what variance would be needed for the other side? Mr. White stated a 5' encroachment would be needed. Member Withers stated that 5' would be more likely than 25'. Further discussion followed. Chair Chase questioned if there were any comments from the public. There were none. Ms. Haslam stated that they are requesting an amendment to the Developers Agreement, not a variance request. Some discussion followed. Member Withers made a motion to have the correct owners and addresses in the Developers Agreement. Manager Smith explained that a motion is not needed. He explained that the side set backs to allow 10' instead of 25' is what's being discussed. Member Rose made a motion to recommend to deny the variance requests. Member Roper seconded the motion for discussion. Member Withers stated that the original plat approved does show a 10' setback on the east boundary. After some discussion was made regarding Town Council approval, the Developers Agreement, set-backs, lot/house widths, roll call vote was as follows: Withers – no, Chase – no, Rose – yes, Roper – yes, and Fleck – yes. Motion carried 3-2. Manager Smith stated that this will be presented to the Town Council March 26th at 6:00pm in the Town Hall.

4. ADJOURN:

Member Rose made a motion to adjourn the meeting. Member Withers seconded the motion. All were in favor.

The meeting adjourned at 7:15pm


Dorothy Burkhalter, Town Clerk


Frank Chase, Chair
Stephen Withers for