

Development Review Board

**Norma Sutton
Stephen Withers
Frank Chase
Jennifer Roper
Molly Rose
Peter Fleck**

Council Liaison: Bill Martini

***REVISED
Agenda***

***REVISED
Agenda***

**July 16, 2019
6:30 PM**

**WINDERMERE TOWN HALL
520 MAIN STREET.
WINDERMERE, FL 34786**

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceeding should contact the Office of the Town Clerk at least 48 hours beforehand at (407) 876-2563

Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Town Council:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversations shall be conducted outside Council meeting hall.
3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
4. Only those individuals who have signed the speaker list and/or who have been recognized by the Mayor (or Chair) may address comments to the Council.
5. Comments at public hearings shall be limited to the subject being considered by the Council.
6. Comments at Open Forums shall be directed to Town issues.
7. All public comments shall avoid personal attacks and abusive language
8. No person attending a Town Council meeting is to harass, annoy, or otherwise disturb any other person in the room.

Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Town Council meeting by an officer and such other actions as may be appropriate. **PLEASE NOTE:** IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the testimony and evidence upon which the appeal is to be based.

AGENDA

- **THE MEETING IS CALLED TO ORDER BY THE CHAIRMAN**

1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit):

2. NEW BUSINESS

a. MINUTES

- i. DRB Meeting Minutes June 18, 2019 (Attachment-Staff Recommends Approval)**

b. GENERAL ITEMS FOR CONSIDERATION

- i. First Amendment to Sunset Bay Development Agreement (Attachments-Board Option)**

- ii. Removal of 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Design District and rezoning 111 W 5th Avenue to Commercial (Attachments-Board Option)**

- a. Ordinance 2019-02 Amending Town's Land Development Code and Town Center District Guidelines Master Plan to remove 111 W 5th Avenue and 119 W 5th Avenue from the Town Center District Guidelines Master Plan**

- b. Ordinance 2019-03: Ordinance to adopt a small-scale future land use amendment to the Town's 2035 Future Land Use Map to remove 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Overlay District.**

- c. Ordinance 2019-04: Ordinance to rezone 111 W 5th Avenue from Residential with Town Center District Guidelines Overlay to Commercial.**

- iii. New Member Recommendation**

- a. Mark Keller – 226 Main Street**

- b. William Yeager – 415 W 1st Avenue**

3. ADJOURN:

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

June 18, 2019

Present were Chair Frank Chase, Board Members; Norma Sutton, Stephen Withers, Molly Rose, and Peter Fleck. Town Manager Robert Smith, Town Planner Brad Cornelius, and Town Clerk Dorothy Burkhalter were also present. Council Liaison Bill Martini was also present. Board Members Timothy Balding and Jennifer Roper 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:**

The member from the public deferred to speak until item Z19-007 was being discussed.

2. **OLD BUSINESS: NONE**

3. **NEW BUSINESS:**

a. **MINUTES:**

i. **DRB meeting minutes April 16, 2019**

Member Sutton made a motion to approve the DRB minutes of April 16, 2019 as presented. Member Withers seconded the motion. All were in favor.

b. **GENERAL ITEMS FOR CONSIDERATION:**

i. **Z-19-006: 235 Magnolia Street – Robert and Leslie Hartog – Greater than 10% expansion of non-conforming home and to allow a reduced side setback.**

Chair Chase turned the floor over to Mr. Brad Cornelius. Mr. Cornelius reviewed variance request Z19-006. He explained that there are two requests. First is for an approximate 10% expansion to an existing non-conforming structure for an additional 2,608 square feet. And, second, is a north side setback of 10.03' for area A, 9.84' for area B, and 9.89' for area C, which is consistent with the current structure. Mr. Cornelius stated that thirty-five notices were mailed out. Five were received in favor and zero were received in opposition. He then stated that the neighbor to the north did not respond. Mr. Cornelius then turned the floor back to the Board. Member Sutton questioned Area "A" which states some of the area may be under A/C. Mr. Dean Miller, representative for Mr. and Mrs. Hartog introduced himself. He then explained that Area A is a porch in which a portion will be used for the master bedroom. Mr. Miller stated that the remaining area will be utilized as an open-air porch. Member Rose made a motion to recommend approval. Member Withers seconded the motion. Member Fleck questioned the impervious amount. Mr. Miller stated that currently there is 20%, but with the addition it will increase to 25%. Chair Chase questioned the current location of the septic and drain-field. Mr. Miller explained that the septic and drain field will be moved to the front yard. There being no comments from the public or the Board, Chair Chase call for the

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

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vote. All were in favor. Manager Smith stated that this recommendation will go before the Town Council July 9th.

ii. **Z19-007 – Windermere Elementary School – Orange County School Board - Variance to allow a ground sign in excess of 20 square feet and to allow an illuminated LED sign**

Mr. Cornelius introduced this item. He explained that this request is to allow for a larger, two-sided sign with an area of 29.63 square feet instead of 20 square feet as allowed by code. It will also be an illuminated LED marquee sign. Mr. Cornelius stated that the existing brick pillars will remain. He then presented the Board with a seven-bullet point description from Windermere Elementary School (attached for the record). Manager Smith read the bullet points for the audience. Mr. Cornelius stated that sixty-four notices were mailed out. He stated that ten responses were received in support, and two were in objection. Mr. Cornelius then introduced Ms. CT Allen, representative for Windermere Elementary School and the sign request. Ms. Allen explained that the existing post would be used. She further explained that the current plastic information sign would be replaced with a static LED illuminated sign. Ms. Allen stated that the sign would not be “flashing” or “animated”. She also stated that this would be line with the all the upgrading of technology the school has done. Ms. Allen explained the message could be changed in the event of an emergency by an Administrator in the office quickly. Member Sutton questioned the two that opposed. Mr. Cornelius stated that the resident was present. Chair Chase opened the floor to the public. Ms. Janet Osborne of 3232 Wauseon Drive introduced herself. She stated she is not in favor of the lit signage. Ms. Osborne stated that the sign is an “attractive distraction” not consistent with current town signage, and precedence-setting to others. Mr. Cornelius stated that this would not be precedence setting for other businesses, and that the Town has very strict Designed Guidelines for the downtown business district. Ms. Allen stated that the sign would not be flashing or moving. Much discussion followed. Member Rose suggested modifying the sign code to state only the public school could have this type of sign. Member Rose made a motion to recommend approval of the sign with the conditions attached, and amend the signage code to only allow for Public Schools. Member Sutton seconded the motion. Manager Smith explained that the variance process is in place should there be any other request. Some discussion followed. Member Rose amend her motion to recommend approval of the variance and the OCPS conditions attached. Member Sutton was friendly to the amendment. Member Withers commented on past interactions with the OCPS and his displeasure with them. All were in favor. Member Rose made a motion to modify the sign code to make it harder for any other business or church to go down this road. Member Sutton seconded. Voting was as follows: Fleck – yes, Rose – yes, Chase – yes, Withers – no, and Sutton – yes. Motion carried 4-1. Manager Smith stated that this item will be before the Town Council on July 9th.

4. **ADJOURN:**

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

The meeting adjourned at 7:08pm

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

June 18, 2019

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

DRAFT



Windermere Elementary will use the digital marquee to communicate with the school and local community

- The digital marquee is equipped with light sensors that dim the sign to appropriate day and night settings, as well as safe modes to ensure that display never exceeds appropriate light output levels.
- The digital marquee will be on from 6 am - 10 pm.
- The digital marquee will be turned off nightly at 10 pm.
- The text on the marquee will be simple, clear, and unobtrusive.
- No animation will be used on the digital marquee.
- School approved images will be used but the images will not move.
- The marquee is run from software on the school campus. Any of the settings can be adjusted at any time to accommodate the local community.

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

To: Mayor and Town Council and Development Review Board

From: Brad Cornelius, AICP, Contracted Town Planner

Date: July 5, 2018

Re: Public Hearing for First Amendment to Sunset Bay Development Agreement

For the Town's consideration, attached is the proposed First Amendment to the Sunset Bay Development Agreement. The original development agreement for Sunset Bay was approved by the Town on March 8, 1988. It has been determined that there is a need to amend the original development agreement to resolve some uncertainties related to certain maintenance obligations. The provisions of the proposed First Amendment to the Sunset Bay Development Agreement include the following:

1. Road Maintenance. Notwithstanding anything to the contrary in Paragraph 9 of the Development Agreement, the Parties hereby acknowledge and agree that: (1) the Town shall assume and be solely responsible for the day-to-day maintenance of the street improvements within the Sunset Bay subdivision, including, but not limited to, the repair of potholes, sealing of cracks, and other routine road maintenance; and (2) the Town and the Association shall split evenly (50/50) the costs for any future milling and resurfacing of Down Point Lane and Sunset Court, with the Association being responsible for the share allocated to its members. In no event, however, shall the Association bear any financial responsibility for any milling and/or resurfacing done solely upon that portion of Down Point Lane located outside of Sunset Bay and within the Down Point subdivision, as such demarcation is reflected on the Plat of Sunset Bay recorded at Plat Book 21, Pages 55-56 of the Official Records of Orange County, Florida. Further, nothing within this Paragraph shall alter or otherwise impact the 10-year special assessment imposed by the Town upon lots within Sunset Bay in 2016 for the milling and resurfacing of that portion of Down Point Lane that runs through Sunset Bay.

2. Street Lighting. Upon the Effective Date of this First Amendment, the Town shall assume the sole responsibility for the costs of the street lighting along that portion of Down Point Lane located within the Down Point subdivision, including, but not limited to, utility invoices, lease payments for the light poles and lights, and any costs imposed for repair or replacement, and the Association shall be relieved of any and all future responsibility for such street lighting. The Association will continue to be responsible for the costs of the street lighting along Sunset Court and that portion of Down Point Lane located within Sunset Bay, including, but not limited to, utility invoices, lease payments for the light poles and lights, and any costs imposed for repair or replacement.

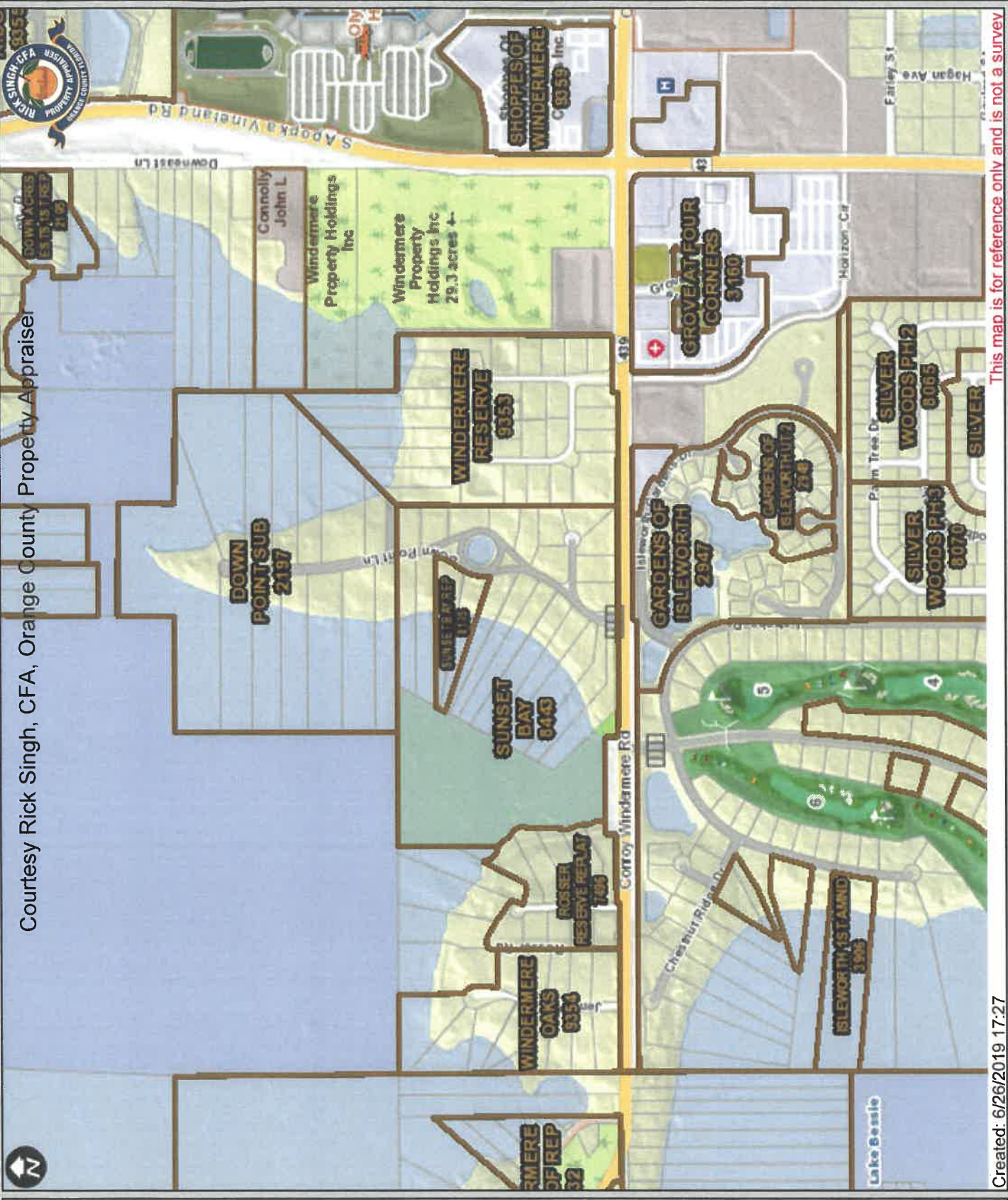
3. Sidewalk Maintenance. The Town acknowledges and agrees that the Town is responsible at its sole expense for the inspection, repair, and maintenance, as needed, of the existing sidewalks located along Sixth Avenue adjacent to Sunset Bay. The Association acknowledges and agrees that its members are responsible for the repair and maintenance of sidewalks located on their individual platted lots within Sunset Bay.

4. Street Signage Maintenance. The Town acknowledges and agrees that the Town is responsible at its sole expense for the maintenance, repair, and replacement, as needed, of street signage within Sunset Bay. The Town, however, shall bear no responsibility for the maintenance, repair, and replacement of the Association's entry feature sign for Sunset Bay, the maintenance, repair, and replacement of which shall continue to be the sole responsibility and obligation of the Association and its members.

5. Perimeter Wall. The Parties hereby acknowledge and agree that the Association and its members may seek approval from the Town to install a privacy wall along that portion of Sunset Bay bordering Sixth Avenue in accordance with the regular application and review process prescribed in the Town's Land Development Regulations. To the extent Paragraphs 3.b and 7 of the Development Agreement purport to prohibit the installation or restrict the height of any such wall, such Paragraphs are hereby amended to remove any such prohibition or limitation.

On June 27, 2019, 68 public notices were mailed to property owners within Sunset Bay and surrounding properties within 500 feet of Sunset Bay. As on July 5, 2019, no responses have been received.

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental
- Institutional/Misc
- Commercial
- Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural
- Cartilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building
- Power Plant



Courtesy Rick Singh, CFA, Orange County Property Appraiser



This map is for reference only and is not a survey

Created: 6/26/2019 17:27

Prepared by and Return to:

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (“First Amendment”) is made and entered into on this ____ day of _____, 2019, by and between TOWN OF WINDERMERE, FLORIDA, a Florida municipal corporation (“Town”), and SUNSET BAY HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (“Association”).

RECITALS:

WHEREAS, the Town and Sonana Systems, Inc., as the original developer of the Sunset Bay subdivision, entered into that certain Development Agreement dated March 8, 1988, a copy of which is recorded at Book 3968, Page 3312 of the Official Records of Orange County, Florida, to govern the development of the Sunset Bay subdivision in Windermere, Florida; and

WHEREAS, Sonana Systems, Inc., subsequently turned over control of the common area improvements and maintenance obligations for the Sunset Bay subdivision to the Association; and

WHEREAS, uncertainty has recently arisen between the Town and the Association regarding the responsibility for certain maintenance obligations within the Sunset Bay subdivision pursuant to the Development Agreement; and

WHEREAS, the Town and the Association desire to enter into this First Amendment for purposes of amending the Development Agreement and clarifying certain maintenance obligations related to the Sunset Bay subdivision.

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and the Association (collectively, the “Parties”), intending to be legally bound, do hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and are hereby incorporated herein.

2. Road Maintenance. Notwithstanding anything to the contrary in Paragraph 9 of the Development Agreement, the Parties hereby acknowledge and agree that: (1) the Town shall assume and be solely responsible for the day-to-day maintenance of the street improvements within the Sunset Bay subdivision, including, but not limited to, the repair of potholes, sealing of cracks,

and other routine road maintenance; and (2) the Town and the Association shall split evenly (50/50) the costs for any future milling and resurfacing of Down Point Lane and Sunset Court, with the Association being responsible for the share allocated to its members. In no event, however, shall the Association bear any financial responsibility for any milling and/or resurfacing done solely upon that portion of Down Point Lane located outside of Sunset Bay and within the Down Point subdivision, as such demarcation is reflected on the Plat of Sunset Bay recorded at Plat Book 21, Pages 55-56 of the Official Records of Orange County, Florida. Further, nothing within this Paragraph shall alter or otherwise impact the 10-year special assessment imposed by the Town upon lots within Sunset Bay in 2016 for the milling and resurfacing of that portion of Down Point Lane that runs through Sunset Bay.

3. Street Lighting. Upon the Effective Date of this First Amendment, the Town shall assume the sole responsibility for the costs of the street lighting along that portion of Down Point Lane located within the Down Point subdivision, including, but not limited to, utility invoices, lease payments for the light poles and lights, and any costs imposed for repair or replacement, and the Association shall be relieved of any and all future responsibility for such street lighting. The Association will continue to be responsible for the costs of the street lighting along Sunset Court and that portion of Down Point Lane located within Sunset Bay, including, but not limited to, utility invoices, lease payments for the light poles and lights, and any costs imposed for repair or replacement.

4. Sidewalk Maintenance. The Town acknowledges and agrees that the Town is responsible at its sole expense for the inspection, repair, and maintenance, as needed, of the existing sidewalks located along Sixth Avenue adjacent to Sunset Bay. The Association acknowledges and agrees that its members are responsible for the repair and maintenance of sidewalks located on their individual platted lots within Sunset Bay.

5. Street Signage Maintenance. The Town acknowledges and agrees that the Town is responsible at its sole expense for the maintenance, repair, and replacement, as needed, of street signage within Sunset Bay. The Town, however, shall bear no responsibility for the maintenance, repair, and replacement of the Association's entry feature sign for Sunset Bay, the maintenance, repair, and replacement of which shall continue to be the sole responsibility and obligation of the Association and its members.

6. Perimeter Wall. The Parties hereby acknowledge and agree that the Association and its members may seek approval from the Town to install a privacy wall along that portion of Sunset Bay bordering Sixth Avenue in accordance with the regular application and review process prescribed in the Town's Land Development Regulations. To the extent Paragraphs 3.b and 7 of the Development Agreement purport to prohibit the installation or restrict the height of any such wall, such Paragraphs are hereby amended to remove any such prohibition or limitation.

7. Recording: Binding Effect. This First Amendment shall be recorded in the Official Records of Orange County, Florida. The terms and provisions of this First Amendment, and all rights, privileges, benefits, and burdens created hereunder shall be binding upon the Parties and their respective successors, assigns, and representatives.

8. Ratification. Except as specifically modified and amended by this First Amendment, the remainder of the Development Agreement remains in full force and effect. From and after the last date of execution of this First Amendment, all references to the Development Agreement shall be deemed to refer to the Development Agreement as amended and supplemented by this First Amendment.

9. Counterparts. This First Amendment may be executed in counterparts, each of which shall be deemed to be an original and need not be signed by more than one of the parties hereto and all of which shall constitute one and the same agreement.

10. Effective Date. This First Amendment shall become effective upon the date of execution by the last of the Parties.

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed in a manner sufficient to bind them on the Effective Date as defined above.

Signed, sealed, and delivered before me:

TOWN OF WINDERMERE, FLORIDA

JIM O'BRIEN, MAYOR

ATTTEST:

APPROVED AS TO FORM AND LEGALITY for use and reliance by the Town of Windermere, Florida, only.

DOROTHY BURKHALTER

Town Clerk

HEATHER M. BLOM-RAMOS

Town Attorney

WITNESSES

SUNSET BAY HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation,

Print Name: _____

By: _____

Print Name: _____

Print Name: _____

Its: _____

Date: _____

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____ 2019, by _____, as _____ of Sunset Bay Homeowners Association, Inc., a Florida not-for-profit corporation. Said person (check one) G is personally known to me or G produced _____ as identification.

(Notary Seal)

Printed Name: _____

Notary Public, State of _____

Commission No. _____

My commission expires: _____

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

To: Mayor and Town Council and Development Review Board

From: Brad Cornelius, AICP, Contracted Town Planner

Date: July 5, 2018

Re: Public Hearing Cases for Amendment of Town Center Design District Guidelines Master Plan Boundary and Commercial Rezoning -111 W 5th Avenue and 119 W 5th Avenue

This memorandum provides information regarding the three (3) public hearing cases that will come before the Development Review Board (DRB) at their meeting on July 16, 2019, and to the Town Council at their meetings on August 13, 2019, and September 10, 2019.

The three (3) public hearing cases are:

1. An ordinance to amend the Town Center Design District Guidelines Master Plan Boundary to remove the properties located at 111 W 5th Avenue and 119 W 5th Avenue (Ordinance 2019-02);
2. An ordinance for a small-scale amendment to the Future Land Use Map of the Town's Comprehensive Plan to remove the properties located at 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Overlay District (Ordinance 2019-03); and
3. An ordinance to rezone the property at 111 W 5th Avenue to Commercial (Ordinance 2019-04).

It is important to understand that all three (3) of these cases are related and dependent on each other. In addition, the order of consideration of the cases by the DRB and Town Council must be as presented herein.

In 2018, the Town Council adopted the State required update to the Town's Comprehensive Plan and Future Land Use Map. As part of update the Town Council, unanimously, approved amending the underlying future land use designation of 111 W 5th Avenue from Residential to Commercial and 119 W 5th Avenue from Residential to Public Use. The Comprehensive Plan and Future Land Use Map update proceeded through several public hearings with the DRB and Town Council over a period of approximately 12 months. In addition, the Comprehensive Plan and Future Land Use Map update was properly noticed as required by Florida Statute.

However, when the Town Council amended the future land use designations of 111 W 5th Avenue and 119 W 5th Avenue, the Town Council did not remove the properties from the Town Center Overlay District. In fact, the way the Town Center Design Guidelines were originally adopted into the Town's Comprehensive Plan, and was not changed during the 2018 update, the Town Center Overlay District allows for a wide-range of commercial, office, and public uses and implements the requirements of the Town Center Design District Guidelines. The amendment to Commercial on 111 W 5th Avenue and to Public Use on 119 W 5th Avenue were compliant with the Town Center Design District Guidelines Master Plan since it did not remove the requirements of the Town Center Design District Guidelines Master Plan from the properties. What the amendment to Commercial and Public Use did was assign a future land use designation that was more appropriate for the subject properties. 119 W 5th Avenue was developed by the Town as a public parking lot. 111 W 5th Avenue is a property that has a commercial plaza adjacent to the east, a church adjacent to the north, a public parking lot adjacent to the west, and Town facilities adjacent to the south. In addition, 111 W 5th Avenue was designated as parking to support potential future commercial uses in the downtown. A Commercial future land use designation is the appropriate designation for a property that is surrounded by non-residential uses and is designated for potential future commercial parking.

With the recent construction of the public parking lot on 119 W 5th Avenue and the proximity of 111 W 5th Avenue to both the new parking lot and to the adjacent commercial center, the need for these two (2) properties to remain within the Town Center Design District Guideline Master Plan boundary may no longer be needed. Parking that is contemplated within the Town Center Design District Guidelines Master Plan on the west side of Main Street is provided by the new public parking lot on Forest Street. In addition, the new public parking lot provides for the buffer contemplated by the Town Center Design District Guidelines Master Plan for the existing residential areas across Forest Street. Given, these characteristics, it may not be necessary to continue to require additional commercial parking on 111 W 5th Avenue. Removing 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Design District Guidelines Master Plan would remove the requirement for 111 W 5th Avenue to be used for future commercial parking. The removal of 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Design District Guidelines Master Plan is the subject of the first case: an ordinance to amend the Town Center Design District Guidelines Master Plan Boundary to remove the properties located at 111 W 5th Avenue and 119 W 5th Avenue. The ordinance (Ordinance 2019-02) proposes to amend Section 3.05.00 of the Land Development Code to include a new sub-section to remove the two (2) properties. This section of the Land Development Code adopts the Town Center Design District

Guidelines and includes other existing exceptions to the design guidelines related to building height and balconies. The new section would include an additional exception to remove the two (2) properties from the Town Center Design District Master Plan Boundary. Attached is the current Town Center Design District Master Plan. The properties proposed for removal are shown on the attached Master Plan.

If the Town Council approves the removal of the two (2) properties from the Town Center Design District Boundary, then a small-scale amendment to the Town's future land use map (Ordinance 2019-03) must be adopted by the Town to remove the two (2) properties from the Town Center Overlay District Master Plan boundary. This maintains compliance between the amended boundary of the Town Center Design District Guidelines Master Plan, if approved by Ordinance 2019-02, and the Town's Comprehensive Plan and future land use map. It is important to note that if the amendment to the Town Center Design District Master Plan Boundary, as proposed in Ordinance 2019-02, is not approved by Town Council, then there is no need to amend the Town's future land use map and the proposed small-scale amendment is moot. If the Town Center Overlay District is not amended on the future land use map, then the subject properties can continue to be used in their current uses (i.e. public parking on 119 W 5th Avenue and single-family residential on 111 W 5th Avenue). However, future redevelopment of 111 W 5th Avenue would have to be consistent with the Town Center Design District Guidelines Master Plan and only be developed as supporting commercial parking. The result of remain Town Center Overlay District future land use boundary and subject properties highlighted is shown on the attached map.

The last of the three (3) cases is needed if the Town Council approves Ordinance 2019-02 to remove 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Design District Master Plan Boundary and approves Ordinance 2019-03 to amend the future land use map to remove the two (2) properties from the Town Center Overlay District. The third case is to assign a zoning classification to 111 W 5th Avenue that is consistent with its underlying adopted Commercial future land use (Ordinance 2019-04).

Currently, as part of the Town Center Design District Guidelines Master Plan, 111 W 5th Avenue has a Residential with Town Center Design District Overlay zoning classification. This limits development of the subject property to be consistent with Town Center Design District Guidelines and Master Plan. However, if the subject property is removed from the Town Center Design District Master Plan, then it will need to be assigned a new zoning district. Zonings must be consistent with the underlying adopted future land use of a property. With the underlying future land use of the subject property as Commercial, the subject property must be assigned a zoning district that is consistent with the Commercial future land use designation. The Town's zoning districts provided in the Land Development Code mirror the future land uses of the Town's future land use map. Consequently, the Town only has one Commercial zoning district. However, the Land Development Code does provide the Town Council with the ability to place limits or restrictions on Commercial zoning designations. Section 2.02.01(A) of the Land Development Code states:

2.02.01(A) *Restrictive rezoning.*

- (1) Notwithstanding the provision of any section of this Land Development Code, in amending the land use district at the request or concurrence of the applicant, the development review board may recommend that the town council approve such amendment with restrictions applicable only to the property involved in the change, provided that such restrictions confer upon the applicant or subject property no privileges otherwise denied by these articles to other lands, structures or buildings in the same district. The applicant's request shall include a development plan. Such restrictions may include one or more of the following:
 - a. Use restrictions greater than those otherwise specified for the particular district.
 - b. Density restrictions greater than those otherwise specified for the particular district.
 - c. Setbacks greater than those otherwise specified for the particular district, including setbacks from lakes and major arterials.
 - d. Height limits more restrictive than otherwise permitted in the particular district.
 - e. Minimum lot areas or minimum widths greater than otherwise specified for the particular district.
 - f. Minimum floor area greater than otherwise specified for structures in the particular district.
 - g. Open space requirements greater than otherwise required for property in the particular district.
 - h. Parking, loading, driveway or traffic requirements more restrictive than otherwise required for the particular district.
 - i. Fencing or screening requirements greater than otherwise required for the particular district.
 - j. Restrictions on any other matters which the town council may regulate under this Land Development Code.

In addition, the uses that are permitted in the Town's Commercial zoning district are provided in Section 2.02.02(2), Section 2.02.02(9), and Section 2.02.03(3) of the Land Development Code:

- 2.02.02(2) *Commercial*. A wide variety of commercial uses are included in this category to include those listed and other substantially similar types of uses:
 - a. Shopping centers.
 - b. Personal service establishments, such as; barbershops, beauty parlors, medical and dental clinics, restaurants, financial institutions, professional and other offices, travel agencies, service stations, laundry and dry cleaning pickup stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, and locksmiths.

- c. Retail business, such as; drug, liquor, hardware stores, book, stationery, china and luggage shops, newsstands, photographic supplies and studios, ladies', men's and children's apparel.
- d. Automobile repair shops for ignition, fuel, brake and suspension systems.
- e. Theatres, except drive-in theatres.
- f. Florist shops, the products of which are displayed and sold wholly within an enclosed building.
- g. Grocery, fruit, vegetable and meat market stores.
- h. Health baths.
- i. Interior decorating, home furnishings and furniture stores.
- j. Music conservatory, dancing schools and art studios.
- k. Music, radio and television shops.
- l. Retail paint and wallpaper stores.
- m. Dry cleaning establishments using equipment which emits no smoke or escaping steam, and which use nonflammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.).
- n. Bakeries, the product of which are sold only at retail on the premises.
- o. Other uses which are similar or compatible to the uses permitted herein, which would promote the intent and purposes of this district. Determination shall be made by the town council which shall be without public notice or public hearing.

2.02.02(9) *Restricted commercial.* This group of uses includes business and professional offices, medical offices or clinics, government offices, financial institutions without drive up facilities, day care facilities, convenience stores and personal service businesses where the service is performed on an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples of personal service businesses are barbershops, beauty shops, photography studios and travel agencies.

2.02.03(3) *Commercial.* The following uses are allowed in the commercial land use district. All others are prohibited.

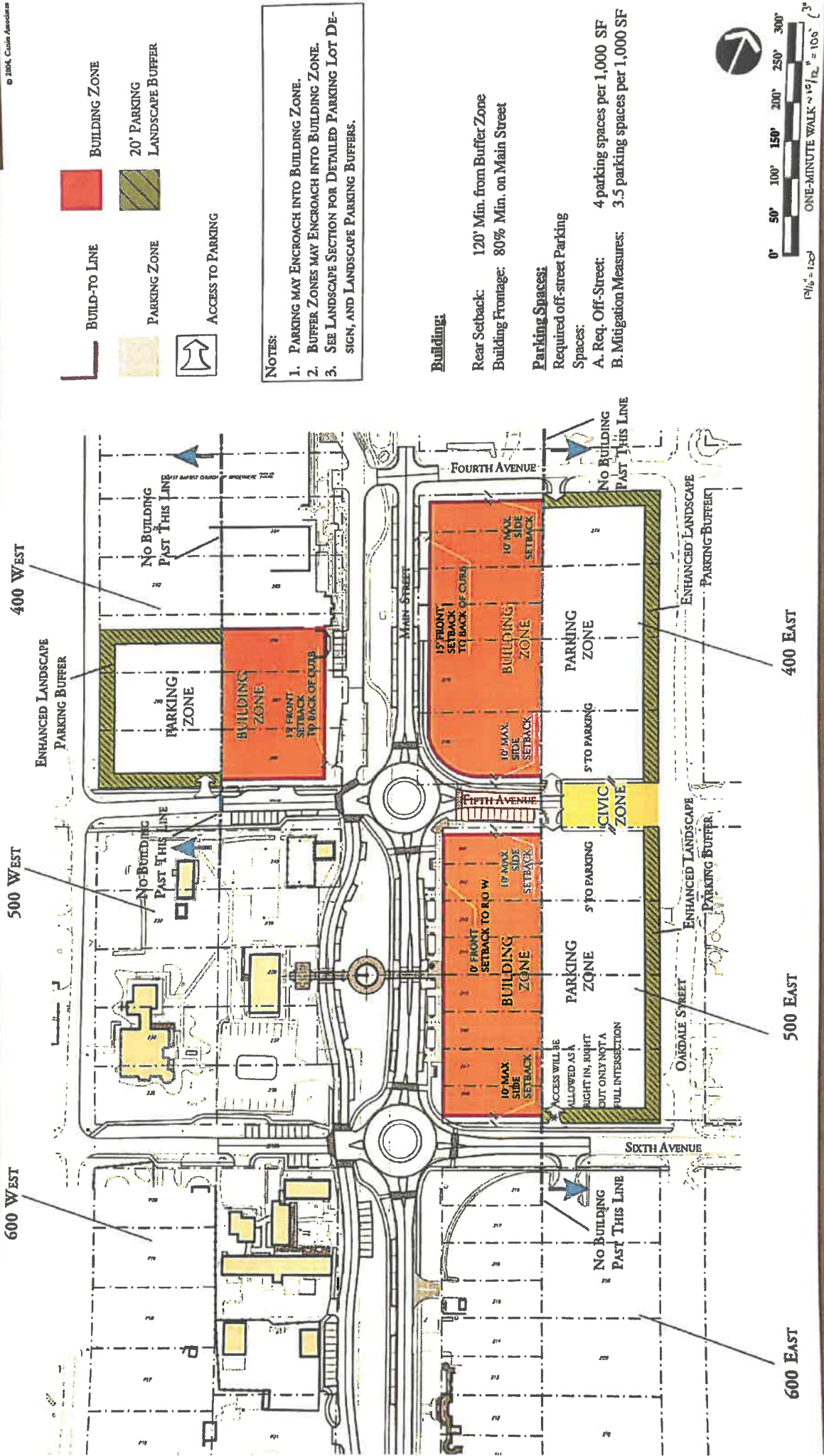
- a. Commercial.
- b. Restricted commercial.
- c. Public service.
- d. Government offices and facilities.
- e. Single-family residential, as an additional alternative, but not concurrent use in a restricted commercial area (Ord. No. 98-1).
- f. Public elementary school.

Please be aware that the Town Charter requires that 70% of the Town Council members are required to approve a rezoning to Commercial.

Public notices were mailed out on June 24, 2019, to properties within 500 feet of the subject properties. As of July 5, 2019, four (4) responses were received in support (excluding the support response from the owner of 111 W 5th Avenue) and one (1) response was received in objection. The objection was an email received by the Town from Genevieve Potthast, owner of 425 Butler Street. Ms. Potthast's objection is to all three (3) cases and is attached to this memorandum.

Attached to this memorandum are the proposed ordinances and case materials for the three (3) cases for your review prior to the upcoming public hearings. Please note that the information contained within this memorandum serves as the staff report for the three (3) cases. Given that the three (3) cases are interrelated, it is more effective to provide a unified staff report in this memorandum.

MASTER PLAN



LEGEND

- BUILD-TO LINE
- PARKING ZONE
- ACCESS TO PARKING
- BUILDING ZONE
- 20' PARKING LANDSCAPE BUFFER

NOTES:

1. PARKING MAY ENCRACH INTO BUILDING ZONE.
2. BUFFER ZONES MAY ENCRACH INTO BUILDING ZONE.
3. SEE LANDSCAPE SECTION FOR DETAILED PARKING LOT DESIGN, AND LANDSCAPE PARKING BUFFERS.

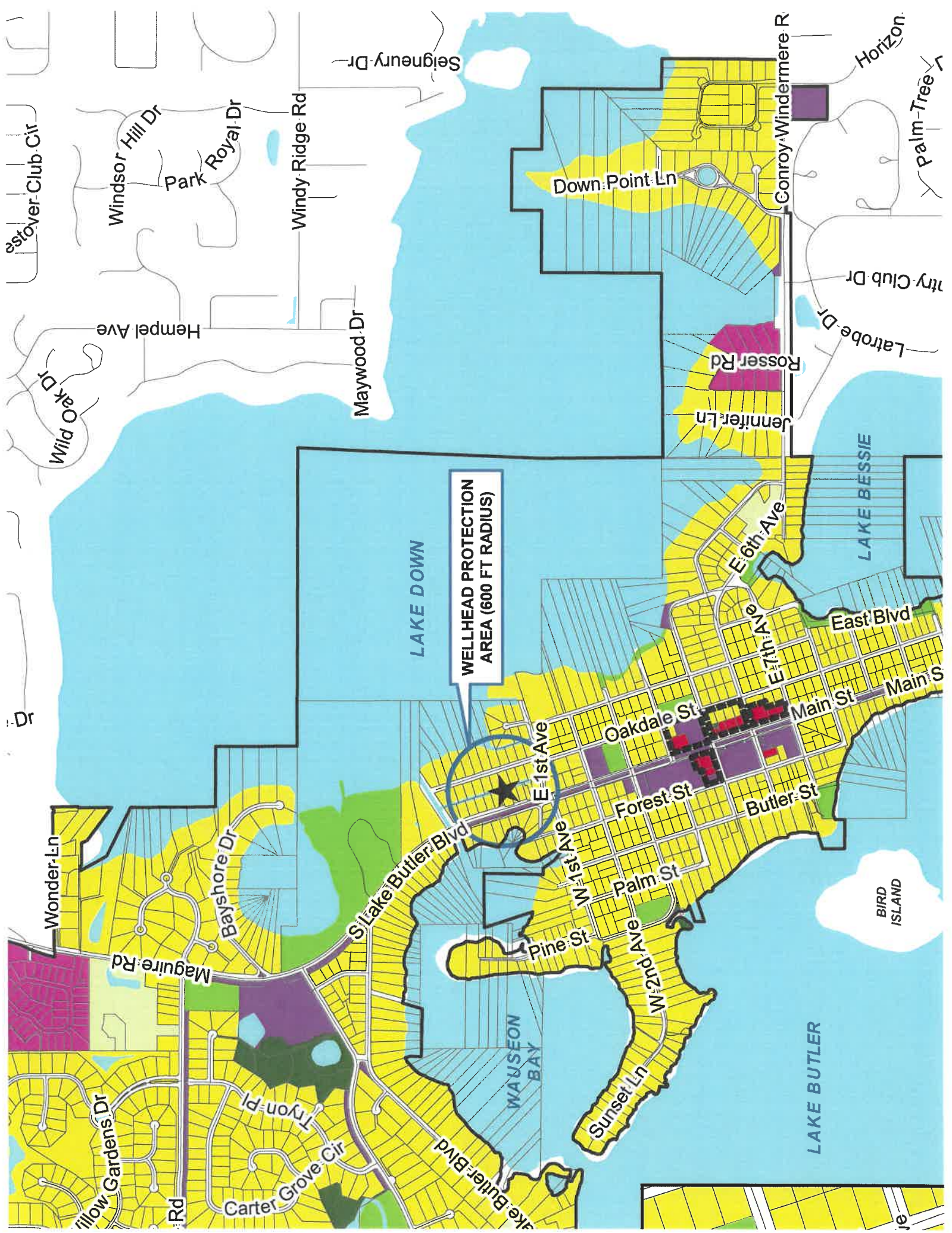
Buildings:

- Rear Setback: 120' Min. from Buffer Zone
- Building Frontage: 80% Min. on Main Street

Parking Spaces:

- Required off-street Parking
- Spaces:
 - A. Req. Off-Street: 4 parking spaces per 1,000 SF
 - B. Mitigation Measures: 3.5 parking spaces per 1,000 SF





WELLHEAD PROTECTION AREA (600 FT RADIUS)

LAKE DOWN

LAKE BESSIE

BIRD ISLAND

LAKE BUTLER

WAUSEON BAY

Down Point Ln
 Conroy Windermere R
 Horizon
 Palm Tree
 Rosser Rd
 Jennifer Ln
 Latrobe Dr
 Country Club Dr
 Hempel Ave
 Maywood Dr
 Windy Ridge Rd
 Park Royal Dr
 Windsor Hill Dr
 Seigneny Dr
 Wild Oak Dr
 E 6th Ave
 E 7th Ave
 East Blvd
 Main St
 Main S
 Butler St
 Forest St
 Oakdale St
 E 1st Ave
 S Lake Butler Blvd
 Wonder Ln
 Bayshore Dr
 Maguire Rd
 Pine St
 M 1st Ave
 Palm St
 Sunset Ln
 M 2nd Ave
 Willow Gardens Dr
 Tryon Pl
 Carter Grove Cir
 Lake Butler Blvd

Cornelius, Brad

From: Dorothy Burkhalter <dburkhalter@town.windermere.fl.us>
Sent: Friday, June 28, 2019 4:29 PM
To: Jim O'Brien; Bill Martini; Robert McKinley; Andy Williams; Chris Sapp; Liz Andert; Robert Smith
Cc: Frank Chase; Norma Sutton; Stephen Withers; Molly Rose; Jennifer Roper; Peter Fleck; Cornelius, Brad
Subject: FW: Windermere master plan
Attachments: Windermere master plan.pdf

Good afternoon all –

Please see the email below.

Thank you. Have a great weekend.

Dorothy Burkhalter, MMC, FCRM
Town Clerk
Town of Windermere
614 Main Street
Windermere, FL 34786
407-876-2563 x 5323
407-876-0103
dburkhalter@town.windermere.fl.us

Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. This means email messages, including your e-mail address and any attachments and information we receive online might be disclosed to any person or media making a public records request. E-mail sent on the Town system will be considered public and will only be withheld from disclosure if deemed confidential or exempt pursuant to State Law. If you are an individual whose information is exempt under 119.071, Florida Statutes, please so indicate in your email or other communication. If you have any questions about the Florida public records law refer to Chapter 119 Florida Statutes.

From: Genevieve Potthast <genevievepotthast@gmail.com>
Sent: Friday, June 28, 2019 4:21 PM
To: Dorothy Burkhalter <dburkhalter@town.windermere.fl.us>
Subject: Fwd: Windermere master plan

Hi Dorothy, could you please forward this to the members of the DRB and the Town Council? Thank you very much.

Subject: Response to Z19-09, Z19-10

from Genevieve Potthast, 425 Butler Street, Windermere, FL 34786

Response in Regards to 119 and 111 West 5th Avenue

Much thought was put into the Town of Windermere Master Plan, to support limited commercial development with appropriate amounts of necessary parking and buffering for town residents. It was executed as a result of a difficult time in the history of our town when we were faced with unexpected development requests. It should not be set aside lightly. Due to the conflict between these requests and the Master Plan, we recommend that Z19-09 and Z19-10 be DISAPPROVED.

Although the letter received stated that one of these properties (111) is shown as "commercial" in the town's *Future Land Use Map*, the Town Of Windermere Master Plan is an **overlay** which imposes *additional* restrictions on this property, and the Master Plan does **not** allow commercial use on this or the adjacent property (119). The other property (119) is still designated PUBLIC USE on the Future Land Use Map.

A few important points on the Master Plan:

- This plan was developed over a period of several years, and much thought for the general welfare of the entire town, both commercial and residential, was put into this plan. Extreme caution must be exercised when considering changing the Master Plan, or removing properties from the Master Plan, for the benefit of one or two individuals.
- The Master Plan has quite specifically limited commercial use to the 50% of any town block that faces Main Street, while completely restricting the 50% of any town block that faces Forest or Oakdale Streets to parking and residential buffers, to protect the residents and the residential character of their properties.
- Parking is gravely needed on the back 50% of blocks that have commercial properties on Main Street . Nearby residents suffer from cars parking on their lawns and have resorted to installing impediments to parking.

About our current town uses:

- There is currently **not one** property zoned commercial on the back 50% of a town block facing Main Street, or any other block. This is to protect the residential character of our town, and nearby residents.
- This would be a **very dangerous precedence** to set. If either of these properties is changed to commercial, we will not have a leg to stand on when any other adjacent or other property owner realizes that commercial property is usually more valuable than residential, and decides to apply for a change before selling their property. Fifteen years ago we were deep in defensive battle over the desired over-development of commercial properties in Windermere. The Master Plan was the Town's answer to protect the Town against random commercial development, and to protect the nearby residents with buffers from the existing commercial development. These two properties are part of the designated parking and buffer zone.
- Commercial properties can be a nuisance to nearby residential properties. There have been countless disturbances to residents at all hours of the night from commercial properties (dumpsters repeatedly being emptied at 4 or 5 AM, despite town codes regulating noise before 7 AM).
- It can already be quite difficult for residents to get through 5th Avenue to their homes, due to the Farmer's Market, the Food Trucks, deliveries to Dixie Creamery, and waste removal vehicles. Additional impediments that naturally occur with commercial development should not be added to an already difficult street.

In summary:

Many years of analysis were put into the Town of Windermere Master Plan, to support limited commercial development with appropriate amounts of necessary parking and to provide buffering for town residents. Approving these proposals would be a grave mistake. It would set the precedences of (1) allowing for the first time, commercial development on the back 50% of a town block, and (2) allowing a parking zone to be developed commercially. These are very dangerous precedences to set. If this is done, the town should then expect to then face expensive lawsuits when other property owners realize that commercial properties are far more valuable than parking lots, and request changes as well. In particular, the owners of parking zones on

Oakdale would be interested in converting to commercial developments as well. The town must realize that parking zones are required, commercial must be limited to the front 50% of blocks facing Main Street for the protection of the residents, and that *above all*, the plan of the entire town must be considered over the request of one or two individuals.

NB:

- The Future Land Use Map was just recently changed in October of 2018 to designate 111 W 5th Avenue as potential commercial, but prior to that it was residential. The manner in which the change was executed did not require individual notices. Although we are property owners within 307' of the property, we were not aware of this recent change and would have objected had we received notice, due to the conflict with the Master Plan.
- The Town of Windermere Master Plan designates both of these properties as **Parking Zones**, to support the nearby commercial, institutional, and government uses. Therefore, the current use of these properties is still currently restricted to either their current use (single family residential (111) and parking(119)), or in the future, to Parking Zones. They have never in the past been considered commercial. Many residents have licenses to operate a small business out of their home; we ourselves have had this in the past. This does not mean that a property is viewed as non-residential.
- Both properties are currently zoned residential and until a very short time ago, both had single family homes on them. Just recently, 119 W 5th Avenue was turned into a town parking lot as there was a desperate need for parking to support the existing town and commercial activities.

Sent from my Sprint Samsung Galaxy Note9.

ORDINANCE NO. 2019-02

AN ORDINANCE BY THE TOWN OF WINDERMERE, FLORIDA, AMENDING THE TOWN OF WINDERMERE CODE OF ORDINANCES, LAND DEVELOPMENT CODE, TO ADD A NEW SUBSECTION (C) TO SECTION 3.05.00 TO EXCLUDE TWO PROPERTIES LOCATED AT 111 W 5TH AVENUE AND 119 W 5TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM THE TOWN CENTER DESIGN DISTRICT GUIDELINES MASTER PLAN AS ADOPTED IN THE LAND DEVELOPMENT CODE; PROVIDING FOR APPLICABILITY; SEVERABILITY; CONFLICTS; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in **Chapter 166**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, in 2004, by Ordinance 2004-09, the Town Council adopted, with revisions, the Town Center Design District Guidelines, which applies to certain properties within the downtown area as depicted on the Town Center Design District Guidelines Master Plan;

WHEREAS, the Town Center Design District Guidelines Master Plan includes the properties located at 111 W 5th Avenue and 119 W 5th Avenue and designates the properties as future parking areas;

WHEREAS, the Town developed 119 W 5th Avenue into a public parking area;

WHEREAS, the Town Council has determined the need for 111 W 5th Avenue to be used as a future parking area as shown in Town Center District Guidelines Master Plan is no longer applicable;

WHEREAS, the Town Council has determined that the removal of 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Design District Guidelines Master Plan will not result in adverse impacts to the further implementation of the Town Center Design District Guidelines and Master Plan in the remainder of the Town Center Design District Guidelines Master Plan area;

WHEREAS, the Town Council has considered the recommendation of the Development Review Board and testimony provided at the public hearings and has determined that it is in the public interest to remove 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Design District Guidelines Master Plan;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Windermere, Florida, that the following ordinance is hereby adopted.

SECTION 1: AMENDMENT TO LAND DEVELOPMENT CODE SECTION. 3.05.00. – TOWN CENTER DESIGN GUIDELINES.

Section 3.05.00 of the Land Development Code is hereby amended to include a new subsection (c) as shown below. Text additions are underlined and deletions are stricken.

(c) The Town Center Design District Master Plan excludes both 111 W 5th Avenue (PLAT OF WINDERMERE G/36 THE E 80 FT OF LOT 289 & E 80 FT OF LOT 290) and 119 W 5th Avenue (PLAT OF WINDERMERE G/36 LOTS 289 & 290 (LESS E 80 FT THEREOF)).

SECTION 2. MAP OF REVISED TOWN CENTER DESIGN DISTRICT MASTER PLAN BOUNDARY.

See Exhibit A for a map illustrating the revised Town Center Design District Guidelines Master Plan boundary.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the Town of Windermere, Florida.

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town of Windermere's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect upon adoption by the Town Council.

PASSED on first reading _____.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the Town Council, upon second and final reading this _____.

**Town of Windermere, Florida
By: its Town Council**

Jim O'Brien, Mayor

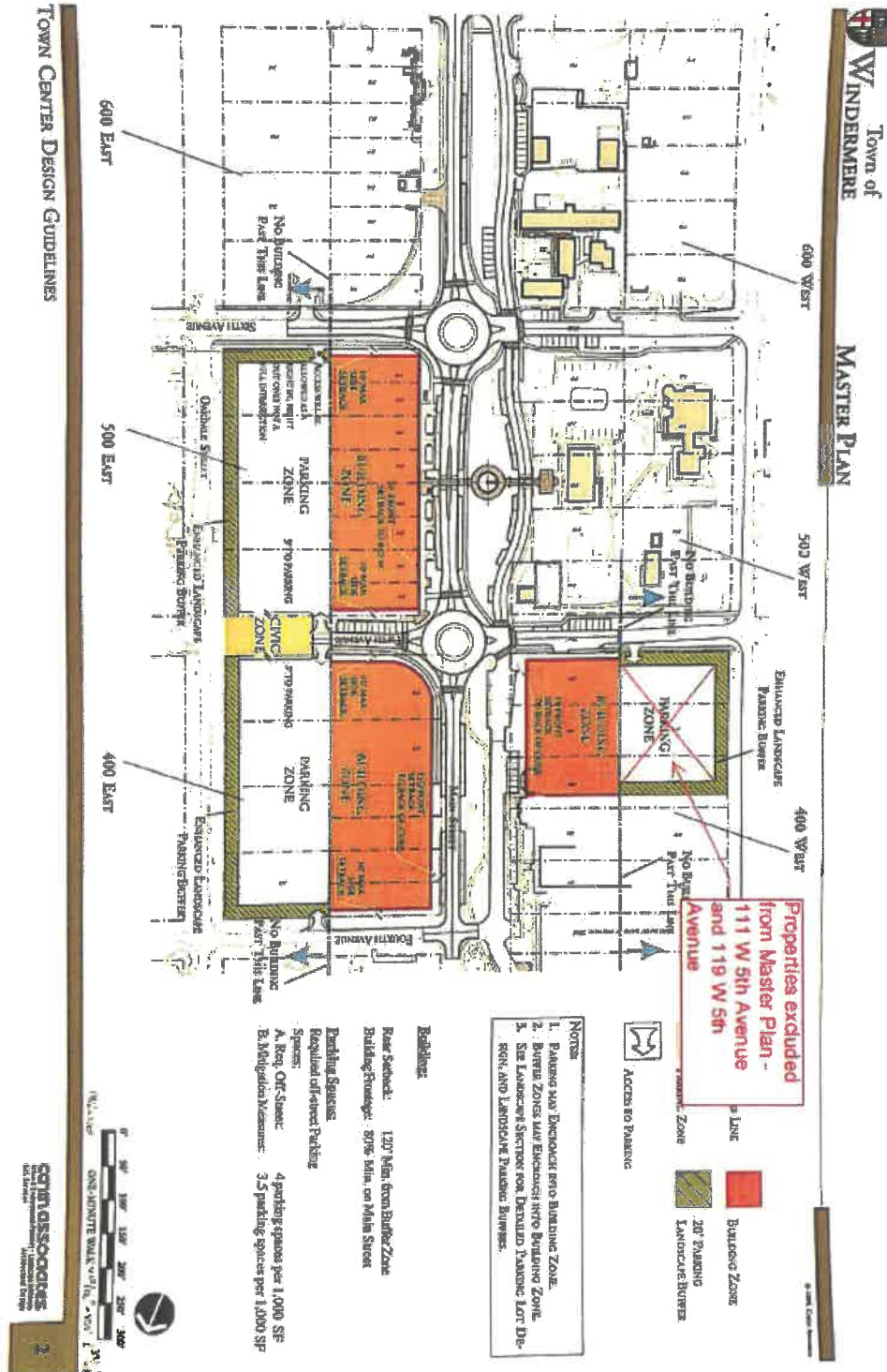
ATTEST:

**Dorothy Burkhalter, CMC
Town Clerk**

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A AMENDED TOWN CENTER DESIGN DISTRICT GUIDELINES MASTER PLAN



ORDINANCE NO. 2019-03

AN ORDINANCE BY THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO A SMALL SCALE FUTURE LAND USE MAP AMENDMENT PURSUANT TO SECTION 163.3187 OF THE FLORIDA STATUTES; AMENDING THE TOWN OF WINDERMERE'S FUTURE LAND USE MAP TO REMOVE TWO PARCELS FROM THE TOWN OF WINDERMERE'S TOWN CENTER OVERLAY DISTRICT BOUNDARY, ACCOUNTING FOR 0.61 ACRES MORE OR LESS OF REAL PROPERTY LOCATED AT 111 W 5TH AVENUE AND 119 W 5TH AVENUE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR APPLICABILITY; SEVERABILITY; CONFLICTS; CODIFICATION; AND AN EFFECTIVE DATE.

Whereas, the Town Council of the Town of Windermere, Florida, recognizes the need to plan for orderly growth and development;

Whereas, the Town Council of the Town of Windermere adopted the Town's comprehensive plan on October 9, 2018, which includes the Town of Windermere's Existing Land Use Map and 2035 Future Land Use Map;

Whereas, the Town Council considered a small scale future land use amendment amending the Town of Windermere's comprehensive plan 2035 Future Land Use Map to remove two parcels located at 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Overlay District;

Whereas, the Town Council has determined that the amendment to the Town's 2035 Future Land Use Map is compatible with the Future Land Use Element goals, objectives, and policies, and other affected elements and policies of the Town's comprehensive plan;

Whereas, the proposed 2035 Future Land Use Map amendment meets the criteria of a small scale amendment as defined by Section 163.3187, Florida Statutes. The statutory public hearing requirement requires only a public hearing by the Town Council.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Legislative Findings. The foregoing recitals are incorporated herein by reference as the legislative findings of the Town Council of the Town of Windermere.

Section 2. Amendment to the 2035 Future Land Use Map.

The Town of Windermere’s 2035 Future Land Use Map is amended to remove two parcels accounting for 0.614 acres of real property located at 111 W 5th Avenue and 119 W 5th Avenue as more specifically described in Attachments A and B of this ordinance from the Town of Windermere’s Town Center Overlay District.

Section 3. Severability. If a provision of this ordinance is held invalid or unconstitutional in judicial proceedings, the holding shall not affect other provisions that can be given effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 5. Codification. The amendments to the 2035 Future Land Use Map in Section 2 of this Ordinance shall be codified and made part of the official comprehensive plan for the Town of Windermere.

Section 6. Effective Date. This Ordinance shall become effective 31 days after its passage as a non-emergency ordinance at two regular meetings of the Town Council. If challenged pursuant to Section 163.3187(5), Florida Statutes, within 30 days after adoption, this small-scale amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining this small-scale amendment is in compliance with applicable state law.

ENACTED by ordinance this ____ day of _____ 2019, at a meeting of the Town Council of the Town of Windermere, Florida.

TOWN OF WINDERMERE, FLORIDA

by: its Town Council

by: _____
Jim O’Brien, Mayor

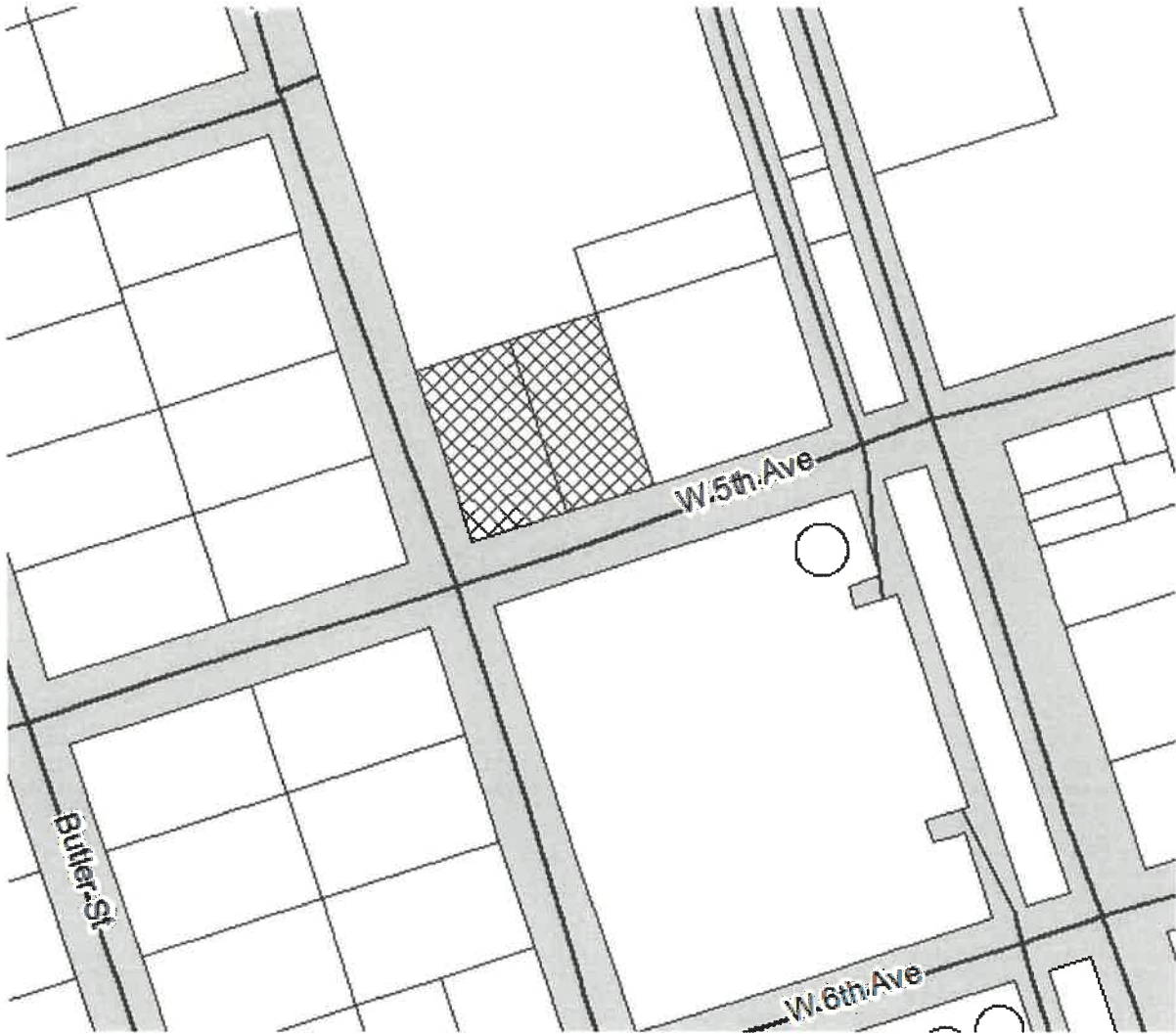
Attest:

Dorothy Burkhalter, CMC
Town Clerk

First reading: _____
Second reading: _____

**Attachment A
to the
Town of Windermere
Ordinance No. 2019-03**

Map of the Small-Scale Amendment Area



Attachment B
to the Town of Windermere
Ordinance No. 2019-03

Legal Description of the
Small-Scale Amendment Area

111 W 5th Avenue Windermere, Florida 34786

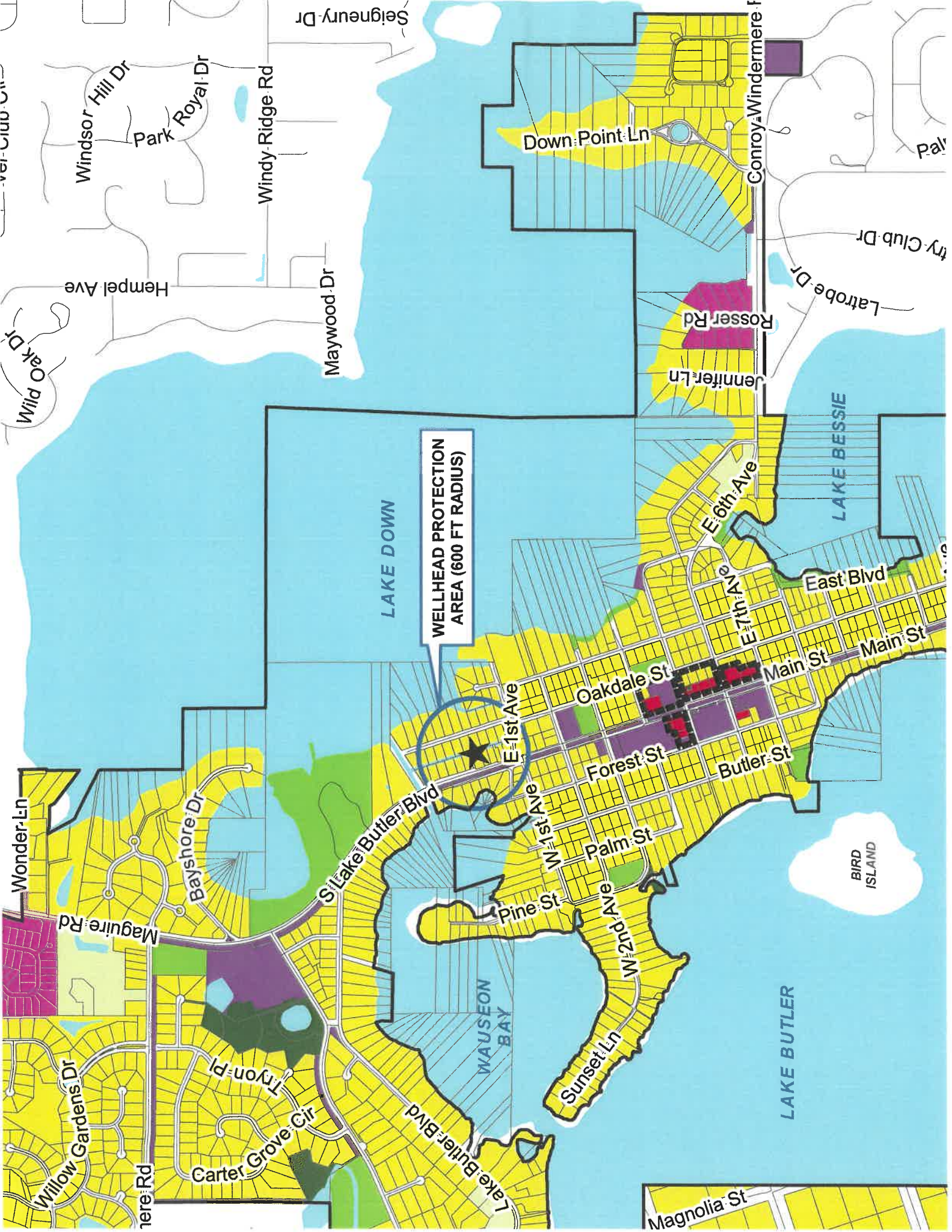
Property Description

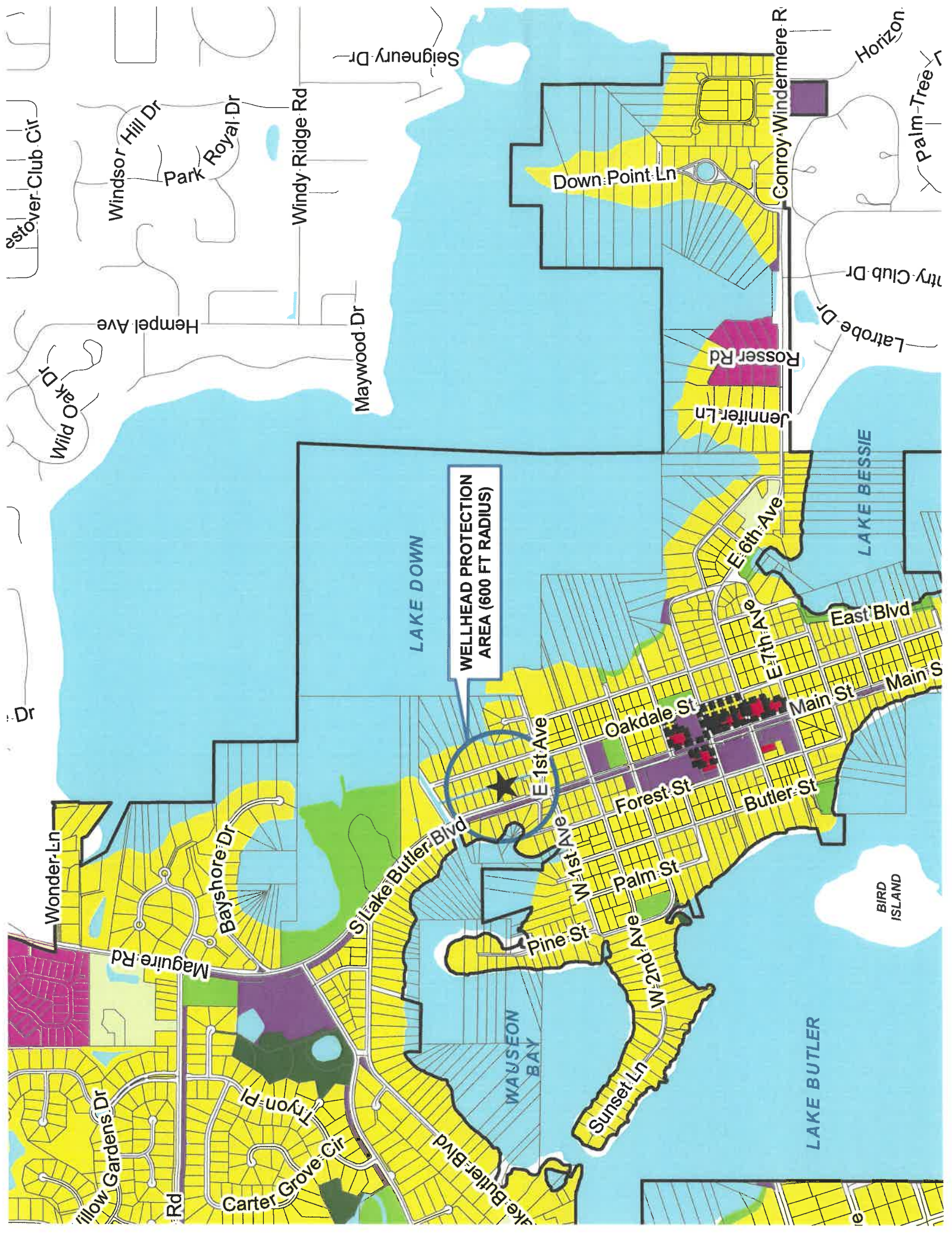
PLAT OF WINDERMERE G/36 LOTS 289 & 290 (LESS E 80 FT THEREOF)

119 W 5th Avenue Windermere, Florida 34786

Property Description

PLAT OF WINDERMERE G/36 THE E 80 FT OF LOT 289 & E 80 FT OF LOT 290





WELLHEAD PROTECTION AREA (600 FT RADIUS)

LAKE DOWN

LAKE BESSIE

LAKE BUTLER

BIRD ISLAND

WAUSEON BAY

Windsor Hill Dr
Park Royal Dr
Windy Ridge Rd
Hempel Ave
Maywood Dr
Down Point Ln
Conroy/Windermere R
Horizon
palm-Tree
Latrebe Dr
Rosser Rd
Jennifer Ln
E 6th Ave
East Blvd
Main St
Main St
Oakdale St
Forest St
Butler St
E 1st Ave
E 2nd Ave
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Bayshore Dr
Maguire Rd
Willow Gardens Dr
Carter Grove Cir
S Lake Butler Blvd
Pine St
Sunset Ln
W 2nd Ave
W 1st Ave
Forest St
Oakdale St
Main St
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Received

DATE RECEIVED

Wade Trim

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 24, 2019

KOFFARNUS MARK L
515 BUTLER ST
WINDERMERE, FL 34786

RE: Public Notice of Public Hearing a Small Scale Amendment to the Future Land Use Map, 111 W 5th Ave. and 119 W 5th Ave. - Z19-09

The Town of Windermere is proposing to remove two parcels located at 111 W 5th Avenue and 119 W 5th Avenue from the Town Center Overlay District Boundary on the Future Land Use Map. The Town identified the need for an amendment to the Town's Future Land Use Map.

Enclosed is additional information regarding this request.

Pursuant to the Town of Windermere Code of Ordinances, you as a surrounding property owner are entitled to comment on this matter. If you wish to comment, this form must be received by the Town of Windermere either by hand delivery to the Town Clerk or by use of the enclosed stamped envelope to Wade Trim, Inc. by **July 12, 2019**.

This matter will be presented to the Development Review Board on **Tuesday, July 16, 2019 at 6:30 p.m.** in the Town Hall, located at 520 Main Street, Windermere. Their recommendation will be heard by the Town Council on **Tuesday, August 13, 2019 at 6:00 p.m.** and **Tuesday, September 10, 2019 at 6:00 p.m.** in the Town Hall, located at 520 Main Street, Windermere. All meetings are open to the public and you are welcome to attend. Feel free to contact me if you have any questions.

Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND – Z19-09 111 W 5th Ave. and 119 W 5th Ave.

APPROVAL: **DISAPPROVAL**

COMMENTS: _____

SIGNATURE:  **DATE:** 6/28/2019

KOFFARNUS MARK L

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 24, 2019

PARK RESIDENTIAL RENTALS LLC
4 PINE ST
WINDERMERE, FL 34786

RE: Public Notice of Public Hearing a Small Scale Amendment to the Future Land Use Map, 111 W 5th Ave. and 119 W 5th Ave. - Z19-09

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND – Z19-09 111 W 5th Ave. and 119 W 5th Ave.

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Valery Tucker DATE: 6/27/19

PARK RESIDENTIAL RENTALS LLC
Dary Tucker

Received

06/28/19

Wade Trim

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 24, 2019

WINDERMERE MARKET LLC
901 ROSSER RD
WINDERMERE, FL 34786

RE: Public Notice of Public Hearing a Small Scale Amendment to the Future Land Use Map, 111 W 5th Ave. and 119 W 5th Ave. - Z19-09

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND – Z19-09 111 W 5th Ave. and 119 W 5th Ave.

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: Robert Williams DATE: 6-28-19

WINDERMERE MARKET LLC

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received

JUL 09 2019

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 24, 2019

PEARL CYNTHIA E
525 BUTLER ST
WINDERMERE, FL 34786

RE: Public Notice of Public Hearing a Small Scale Amendment to the Future Land Use Map, 111 W 5th Ave. and 119 W 5th Ave. - Z19-09

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND – Z19-09 111 W 5th Ave. and 119 W 5th Ave.

APPROVAL: DISAPPROVAL:

COMMENTS: NO COMMENT.

SIGNATURE: DATE: 6/26/19.

PEARL CYNTHIA E

OCPA Web Map

	Florida Turnpike		Major Roads		Proposed Road		Block Line		Commercial/Institutional		Hydro		Golf Course
	Interstate 4		Public Roads		Brick Road		Lot Line		Governmental/Institutional/Misc		Waste Land		Lakes and Rivers
	Toll Road		Gated Roads		Rail Road		Residential		Commercial/Industrial/Vacant Land		County Boundary		Building
	Road Under Construction		Proposed SunRail		Agriculture		Agricultural Curtilage		Parks		Hospital		

Courtesy Rick Singh, CEA, Orange County Property Appraiser



Created: 7/2/2019 13:20

This map is for reference only and is not a survey

ORDINANCE NO. 2019-04

AN ORDINANCE BY THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO REZONING; AMENDING THE TOWN OF WINDERMERE'S ZONING MAP FOR 0.29 ACRES MORE OR LESS OF REAL PROPERTY LOCATED AT 111 W 5th AVENUE, AS MORE SPECIFICALLY DESCRIBED HEREIN, FROM RESIDENTIAL ZONING WITH TOWN CENTER DESIGN DISTRICT OVERLAY TO COMMERCIAL ZONING; PROVIDING FOR APPLICABILITY; SEVERABILITY; CONFLICTS; CODIFICATION; AND AN EFFECTIVE DATE.

Whereas, the Town Council of the Town of Windermere, Florida, recognizes the need to plan for orderly growth and development;

Whereas, pursuant to a request by the property owner, 5th Ave LLC, is requesting a zoning map amendment for the 0.29 acres, located at 111 W 5th Avenue, from a Residential zoning with Town Center Design District Overlay to Commercial zoning;

Whereas, the Town Council is committed to the goal of enacting and implementing sound growth management practices within the Town and finds that this Ordinance is consistent with the goals, objectives, and policies of the Town's comprehensive plan and that it is in the best interests of the Town of Windermere.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Amendment to the Zoning Map. The Town of Windermere's official Zoning Map for 0.29 acres of property described and depicted in **Attachments A and B** is hereby rezoned to Commercial zoning.

Section 2. Conditions of Approval. The Town Council has determined that the requested zoning change is consistent with the public interest, encourages the appropriate use of land, is consistent with and further the goals and objectives of the Town of Windermere's comprehensive plan, and is in compliance with the Town of Windermere's land development code zoning designation of Commercial, with the following conditions:

- (1) The rezoning applies only to the property described in **Attachments A and B**.
- (2) Development shall be subject to the requirements contained in the Town of Windermere's comprehensive plan and land development code, and code of ordinances.

Section 3. Severability. If a provision of this ordinance is held invalid or unconstitutional in judicial proceedings, the holding shall not affect other provisions that can be given effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 5. Codification. The amendments to the official Zoning Map in Section 1 of this Ordinance shall be codified and made part of the official land development code for the Town of Windermere.

Section 6. Effective Date. This Ordinance shall become effective 31 days after its passage as a non-emergency ordinance at two regular meetings of the Town Council. **If the related small-scale future land use amendment adopted by Ordinance 2019-03 is challenged pursuant to Section**

163.3187(5), Florida Statutes, within 30 days after adoption, this Ordinance shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the small-scale amendment adopted by Ordinance 2019-03 is in compliance with applicable state law.

ENACTED by ordinance this _____ day of _____ 2019, at a meeting of the Town Council of the Town of Windermere, Florida.

TOWN OF WINDERMERE, FLORIDA
by: its Town Council

by: _____
Jim O'Brien, Mayor

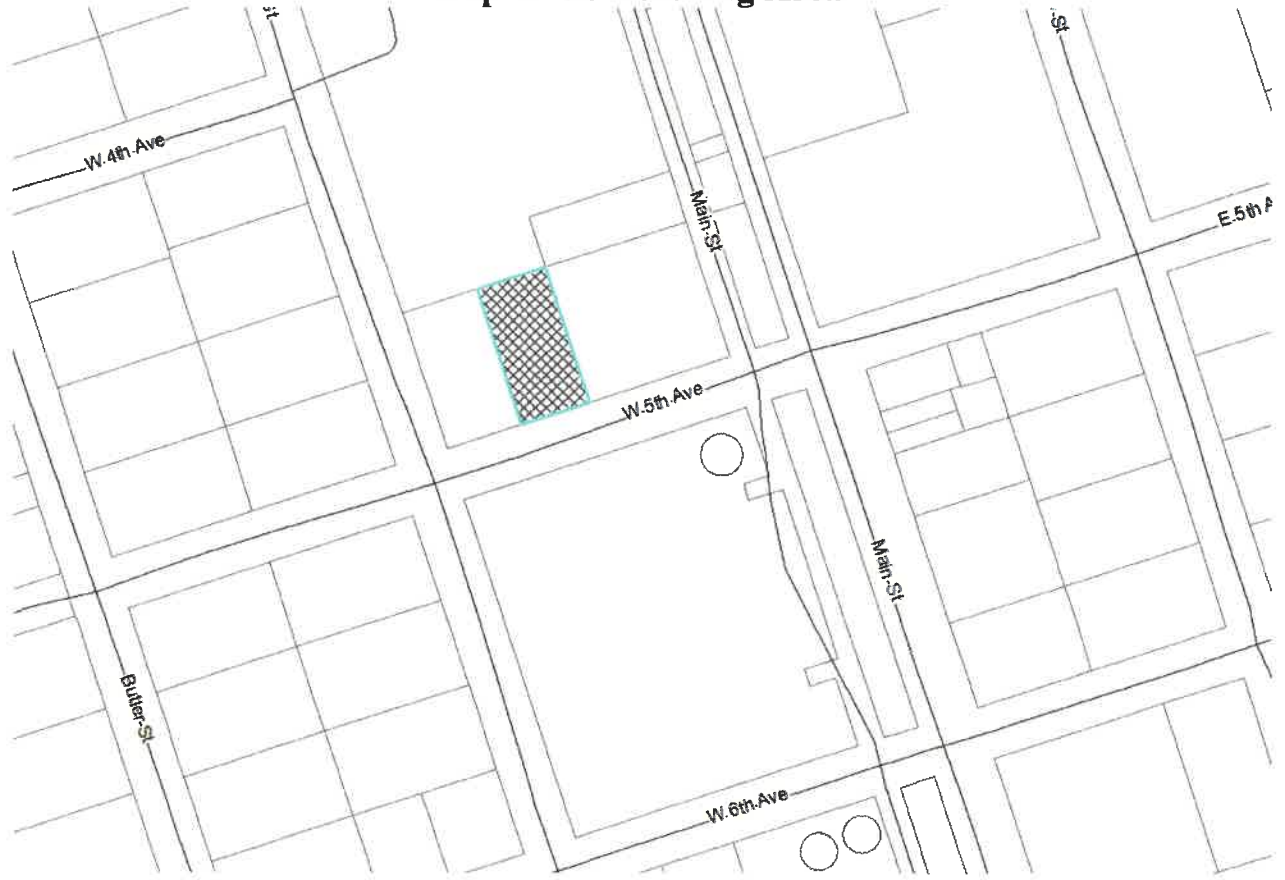
Attest:

Dorothy Burkhalter, CMC
Town Clerk

First reading: _____
Second reading: _____

**Attachment A
Town of Windermere
Ordinance No. 2019-04**

Map of the Rezoning Area



**Attachment B
Town of Windermere
Ordinance No. 2019-04**

**Metes and Bounds Legal Description of the
Rezoning Area**

111 W 5TH AVE WINDERMERE FL 34786 - 17-23-28-9336-02-891

Legal Description

**THE EAST 80 FEET OF LOT 289 AND THE EAST 80 FEET OF LOT
290, REPLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK G, PAGES 36-39 OF THE PUBLIC
RECORDS OF ORANGE COUNTY, FLORIDA**



**TOWN OF WINDERMERE
REZONING APPLICATION FORM**

TYPE or PRINT the following information:

Owner(s) 5th Ave LLC Applicant/Agent Williams Family
 Address 901 Rosser Rd Address 901 Rosser Rd
 City Windermere City Windermere
 State Florida Zip Code 34786 State Florida Zip Code 34786
 Phone () _____ Phone (407) 590-5468
 (Cell) () _____ (Cell) (407) 947-3195
 (Fax) () _____ (Fax) () _____
 Email Address _____ Email Address 5thAvePelican@gmail.com

TYPE OF REQUEST (Check all that apply)

Zoning Change

Non-PUD

From: Residential To: Commercial

PUD Other (explain) _____

From: _____ To: _____

Text Change (To the Land Development Code)

Article(s): _____

Sections: _____

PROPERTY INFORMATION

Parcel Identification Number (Tax I.D. Number) 17-23-28-9336-02-891

Address (if available) 111 W 5th ave Windermere FL 34786

Gross Acreage 0.29 acres Developable Acreage 0.29 acres (less water bodies/wetlands acreage)

Project Name (if any) _____

LAND USE IDENTIFICATION

Residential (Specify type)	Non residential (Specify type)
Existing Future Land Use:	Existing Future Land Use: Commercial
Existing Use:	Existing Use: Residential
Acres/Number of units:	Acres/Sq. Ft.: .029
Future Land Use:	Future Land Use: Commercial
Number of Proposed Units:	Maximum Square Footage: TBD
Existing Zoning:	Existing Zoning: Residential
Proposed Zoning:	Proposed Zoning: Commercial

Adjacent Future Land Uses	N: Public Facility
For example "Single Family"	S: Public Facility
	E: Commercial
	W: Public Facility
Adjacent Land Uses	N: Church & Prof Office
For example "Office"	S: Town Of Windermere Town Hall
	E: Commercial
	W: Public Parking Lot

111 5th Ave LLC
901 Rosser Rd
Windermere FL 34786

To Whom it May Concern

I am applying for a rezoning application for the property located at 111 W 5th Ave. I would request that this property be converted to a commercial zoning designation to match other surrounding parcels. This property is now surrounded on all sides by commercial uses. To the East is the Windermere Market Shopping Center that includes a restaurant, retail wine shop and professional offices. To the North is First Baptist Church and an orthodontist office, as well as another real estate office. To the West is now a Public Parking lot that the town is now leasing from the First Baptist Church. To the South are Municipal buildings.

This property has always been viewed as non-residential use because of its location adjacent to the restaurant. In the past a Day Care was run out of this home through an exception in the zoning law for in-home daycare services.

Thank you

Lavina Williams
111 5th Ave LLC

111 W 5TH AVE WINDERMERE FL 34786 - 17-23-28-9336-02-891

Legal Description

THE EAST 80 FEET OF LOT 289 AND THE EAST 80 FEET OF LOT 290, REPLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK G, PAGES 36-39 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



282317933602891 06/06/2006

Info as of Wed May 22 2019 15:47

RECORD CARD	2017 Property Record Card	NBHD COOD	181915138
PARCEL ID	17-23-28-9336-02-891	FEAT COOD	
STREET ADDRESS	111 W 5TH AVE	NC FLAG	0
NAME(1)	111 5TH AVE LLC	CONDO FLAG	
NAME(2)		ST PLANE X-COORD	484015.98
MAILING ADDRESS	901 ROSSER RD	ST PLANE Y-COORD	1513308.93
CITY	WINDERMERE	ACREAGE	0.293
STATE	FL	ACRE CODE	System Generated
ZIP CODE	34786	LOT AREA (SQFT)	12798.585189
CITY CODE	WND	PARCEL	282317933602891

MILLAGE CODE	75	PARENT ID	
PROPERTY USE CODE	0100		

Values as of Wed May 22 2019 15:47			
LAND (MKT) VALUE	working...	PREVIOUS YEAR ASSESSED VALUE	\$335,652.00
BUILDING VALUE	working...	PREVIOUS YEAR MARKET (JUST)	\$335,652.00
EXTRA FEATURE VALUE	working...	PREVIOUS YEAR TAXABLE VALUE	\$335,652.00
MARKET (JUST) VALUE	working...	MARKET (JUST) VALUB CHANGE PCT	8.29%
ACCESSED VALUE	working...		

Land as of Wed May 22 2019 15:47			
LAND LINE ORDER #	1	MKT VALUE	\$175,000.00
LAND ID	2517835	UNIT PRICE	\$175,000.00
LAND DOR CODE	0100	UNIT CODE	LT
ZONING	SFR	LAND QTY	1

Building as of Wed May 22 2019 15:47			
BUILDING #	1	BEDS/BATHS/FLOORS	4/3/2
AYB	Invalid Date	LIVING AREA (SF)	2667
EYB	Invalid Date	EXTERIOR WALL	17
TYPE/MODEL CODE	0103/01	INTERIOR WALL	05

Craig S. Pearlman
Killgore, Pearlman, Stamp, Ornstein &
Squires
Post Office Box 1913
Orlando, Florida 32802

DOC # 20080722171 B: 9796 P: 4566

12/01/2008 03:41:27 PM Page 1 of 2
Rec Fee: \$18.50 Doc Type: D
Deed Doc Tax: \$2100.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
MB - Ret To: CRAIG S PEARLMAN ESQUIRE



QUIT CLAIM DEED

THIS INDENTURE, made this 25th day of November, 2008, between Robert W. Williams and Lavina M. Williams, his wife of P.O. Box 247, Windermere, FL 34786, party of the first part, and 111 5th Ave, LLC of P.O. Box 247, Windermere, FL, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in Orange County, Florida, to wit:

THE EAST 80 FEET OF LOT 289 AND THE EAST 80 FEET OF LOT 290,
REPLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK G, PAGES 36-39 OF THE PUBLIC
RECORDS OF ORANGE COUNTY, FLORIDA.

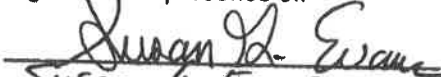
Parcel I.D. No. 17-23-28-9336-02-891
Address: 111 5th Ave

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

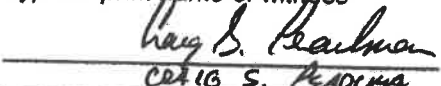
AND this property is not the homestead of the party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed in the presence of:



SUSAN G. EVANS
Type or print name of witness



CRAIG S. PEARLMAN
Type or print name of witness



Robert W. Williams

Address:
P.O. Box 247
Windermere, FL 34786

Signed in the presence of:

Susan G. Evans
Susan G. Evans
Type or print name of witness

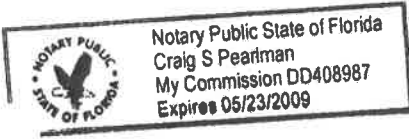
Craig S. Pearlman
Craig S. Pearlman
Type or print name of witness

Lavina M. Williams
Lavina M. Williams

Address:
P.O. Box 247
Windermere, FL 34786

STATE OF FLORIDA
COUNTY OF ORANGE

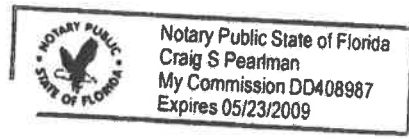
The foregoing instrument was acknowledged before me this 25th day of November, 2008, by Robert W. Williams, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.



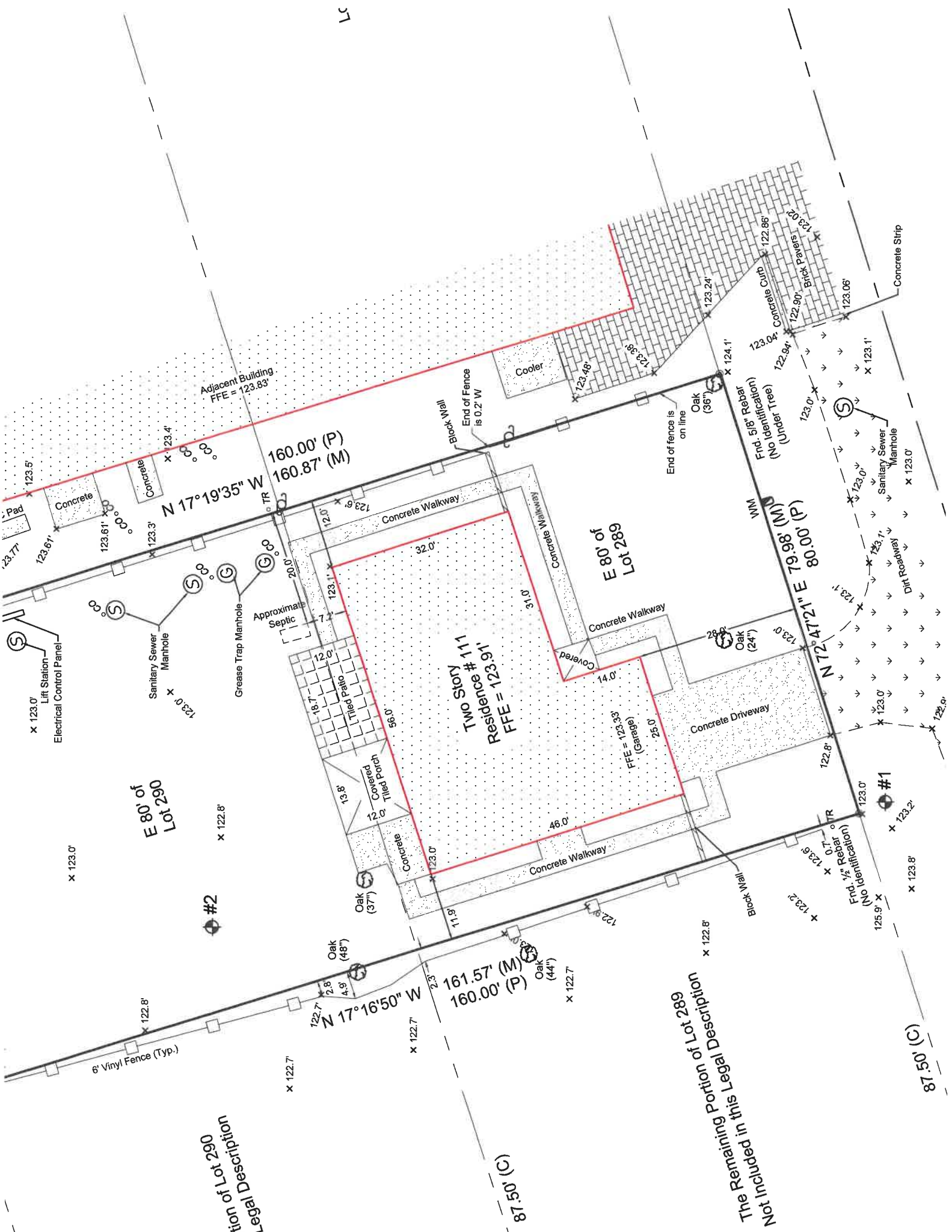
NOTARY PUBLIC: Craig Stuart Pearlman
SIGN: _____
PRINT: Craig Stuart Pearlman
State of Florida at Large
My Commission Expires:
Commission No./Serial No: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 25th day of November, 2008, by Lavina M. Williams, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.



NOTARY PUBLIC: Craig Stuart Pearlman
SIGN: _____
PRINT: Craig Stuart Pearlman
State of Florida at Large
My Commission Expires:
Commission No./Serial No: _____



Legal Description of Lot 290

87.50' (C)

Not Included in this Legal Description
The Remaining Portion of Lot 289

87.05' (C)

OCPA Web Map

	Major Roads		Proposed Road		Block Line		Commercial/Institutional		Hydro		Golf Course
	Florida Turnpike		Public Roads		Erick Road		Lot Line		Waste Land		Lakes and Rivers
	Interstate 4		Gated Roads		Rail Road		Residential		County Boundary		Building
	Toll Road		Road Under Construction		Proposed Sunfall		Agriculture		Park		Hospital

Courtesy Rick Singh, CFA, Orange County Property Appraiser.



Parcel Report for: 17-23-28-9336-02-891

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: Wed May 22 2019 15:49:22 GMT-0400 (EDT)

This map is for reference only and is not a survey

OCA Web Map		Proposed Road		Residential		Commercial/Industrial		Parks		Lot Number	
	Florida Juniper		Public Roads		Brick Road		Agriculture		Parks		6 Lot Number
	Interstate 4		Gated Roads		Block Line		Commercial/Industrial		Lakes and Rivers		06060 Parcel Number
	Toll Road		Road Under Construction		Lot Line		Governmental/Institutional		Building		3106 Parcel Address
	Major Roads		Agricultural Curtilage		Hydro		Waste Land		E Block Number		111.3 Parcel Dimension

OCPA Web Map

Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Florida Temples	Public Roads	Back Road	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Interstate 4	Gated Roads	Rail Road	Residential	County Boundary	Building
Toll Road	Road Under Construction	Proposed Sunfall	Agriculture	Parks	Hospital

Courtesy Rick Singh, CFA, Orange County Property Appraiser



National Flood Hazard Layer FIRMette



28°29'59.47"N

81°32'27.43"W



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LANDUIT

	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway

	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes, Zone X
	Area with Flood Risk due to Levee Zone D

	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRS Area of Undetermined Flood Hazard zone D
	GENERAL STRUCTURES Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall

	20.2 Cross Sections with 1% Annual Chance
	17.5 Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature

	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps. If it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/22/2019 at 4:24:50 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

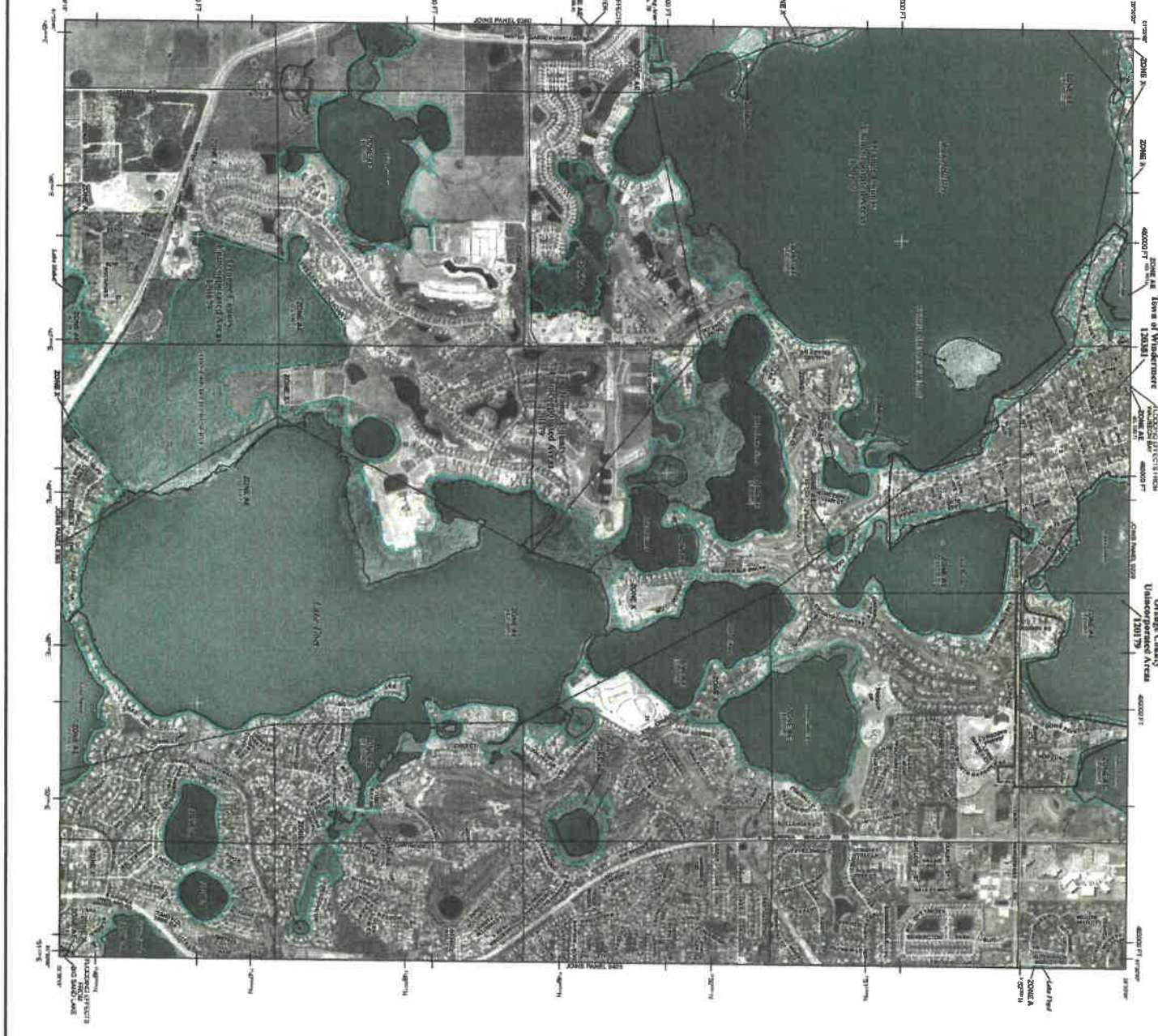
NOTES TO USERS

The maps in this report are prepared for the National Flood Insurance Program. It does not represent an endorsement or approval of the National Flood Insurance Program, or the Federal Emergency Management Agency, or any other federal agency. It is not intended to be used for any purpose other than that for which it was prepared. The maps are prepared by the National Flood Insurance Program, and the Federal Emergency Management Agency, and are not to be construed as a warranty or representation of the accuracy or reliability of the information shown on the maps. The maps are prepared from the best available data and are subject to change without notice. The maps are prepared from the best available data and are subject to change without notice. The maps are prepared from the best available data and are subject to change without notice. The maps are prepared from the best available data and are subject to change without notice.

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REVISIONS TO THE NATIONAL FLOOD INSURANCE PROGRAM DATA

Revision Number	Date	Description
1.0	01/20/09	Original Issue
2.0	02/10/09	Revised Flood Hazard Areas
3.0	03/10/09	Revised Flood Hazard Areas
4.0	04/10/09	Revised Flood Hazard Areas
5.0	05/10/09	Revised Flood Hazard Areas
6.0	06/10/09	Revised Flood Hazard Areas
7.0	07/10/09	Revised Flood Hazard Areas
8.0	08/10/09	Revised Flood Hazard Areas
9.0	09/10/09	Revised Flood Hazard Areas
10.0	10/10/09	Revised Flood Hazard Areas
11.0	11/10/09	Revised Flood Hazard Areas
12.0	12/10/09	Revised Flood Hazard Areas



LEGEND

- SPECIAL FLOOD HAZARD AREAS (SFLHA) SUBJECT TO MODIFICATION OF THE NFIP RISK, COVERED FLOOD COORDINATOR (CFC) AREAS:**
 - 1. Areas subject to modification of the NFIP risk by the CFC.
 - 2. Areas subject to modification of the NFIP risk by the CFC.
- OTHER AREAS:**
 - 1. Areas not subject to modification of the NFIP risk.
 - 2. Areas not subject to modification of the NFIP risk.
- CONTRACT AREA (CA) AREAS:**
 - 1. Areas within a contract area.
 - 2. Areas within a contract area.
- UNINCORPORATED AREAS (UAA):**
 - 1. Areas not within the boundaries of any political jurisdiction.
 - 2. Areas not within the boundaries of any political jurisdiction.

GENERAL NOTES:

1. This map was prepared from the best available data and is subject to change without notice.
2. This map was prepared from the best available data and is subject to change without notice.
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SCALE: 1" = 100'

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

FRM FLOOD INSURANCE RATE MAP

ORANGE COUNTY, FLORIDA

PANEL 038F

PANEL 389 OF 739

DATE: 09/29/2009

BY: [Name]

REVISION: 1

SCALE: 1" = 100'

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 24, 2019

WINDERMERE MARKET LLC
901 ROSSER RD
WINDERMERE, FL 34786

RE: Public Notice of Public Hearing a Rezoning for 111 W 5th Ave. Z19-10

5th Ave., LLC owner of 111 W 5th Ave in the Town of Windermere is requesting a rezoning for the subject. The rezoning is from Residential to Commercial. The subject property is currently designated as Commercial on the Town's adopted Future Land Use Map of the Comprehensive Plan. The rezoning is to bring the subject property into compliance with the Future Land Use designation.

Enclosed is additional information regarding this request.

Pursuant to the Town of Windermere Code of Ordinances, you as a surrounding property owner are entitled to comment on this matter. If you wish to comment, this form must be received by the Town of Windermere either by hand delivery to the Town Clerk or by use of the enclosed stamped envelope to Wade Trim, Inc. by **July 12, 2019**.

This matter will be presented to the Development Review Board on **Tuesday, July 16, 2019 at 6:30 p.m.** in the Town Hall, located at 520 Main Street, Windermere. Their recommendation will be heard by the Town Council on **Tuesday, August 13, 2019 at 6:00 p.m.** and **Tuesday, September 10, 2019 at 6:00 p.m.** in the Town Hall, located at 520 Main Street, Windermere. All meetings are open to the public and you are welcome to attend. Feel free to contact me if you have any questions.

Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND – Z19-10 111 W 5th Ave.

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: Robert Williams DATE: 6-28-19

WINDERMERE MARKET LLC

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received

JUN 27 2019

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 24, 2019

KOFFARNUS MARK L
515 BUTLER ST
WINDERMERE, FL 34786

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND - Z19-10 111 W 5th Ave.

APPROVAL: **DISAPPROVAL**

COMMENTS: _____

SIGNATURE:  _____ **DATE:** 6/28/2019

KOFFARNUS MARK L

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 24, 2019

PARK RESIDENTIAL RENTALS LLC
4 PINE ST
WINDERMERE, FL 34786

RE: Public Notice of Public Hearing a Rezoning for 111 W 5th Ave. Z19-10

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND – Z19-10 111 W 5th Ave.

APPROVAL: ✓ DISAPPROVAL _____

COMMENTS: _____
Excited about more commercie
development downtown. Hopefully it will be somplace

SIGNATURE: Val C. Fucher DATE: 6-27-19

PARK RESIDENTIAL RENTALS LLC
The town people can visit with each other

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received

JUL 03 2019

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 24, 2019

PEARL CYNTHIA E
525 BUTLER ST
WINDERMERE, FL 34786

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND – Z19-10 111 W 5th Ave.

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE:  DATE: 6/25/19

PEARL CYNTHIA E

OCPA Web Map

Courtesy Rick Singh, CFA, Orange County Property Appraiser





Town of Windermere
 P. O. Drawer 669
 614 Main Street
 Windermere, FL 34786

COMMITTEE APPLICATION FORM

1. Name: Mark E. Keller Home Phone: 407.238.6115
 2. Home Address: 226 Main Street Windermere
 3. Business: _____ Business Phone: _____
 4. Business Address: _____
 5. Email: markkeller67@gmail.com

6. Brief Summary of Education and Experience:
Certified General Contractor, Certified Roofing Contractor, Certified Building Inspector, Certified Home Inspector. Previously served on Town Council, past President of Home Builders Assoc.

- 7. Are you a U.S. Citizen? Yes XX No _____
- 8. Are you a registered voter? Yes XX No _____
- 9. Resident of the Town for 6 Months or longer? Yes XX No _____
- 10. Do you hold public office? Yes XX No _____
- 11. Are you employed by the Town? Yes _____ No XX
- 12. Do you now serve on a Town Board or Committee? Yes _____ No XX

13. Indicate which Board(s) or Committee(s) you are interested in:
 Code Enforcement Board _____ Development Review Board X
 Downtown Business Committee X Elder's Committee XX
 Historical Preservation Committee X Long Range Planning Committee XX
 Parks and Recreation Committee XX Traffic Committee _____
 Tree Board Committee XX

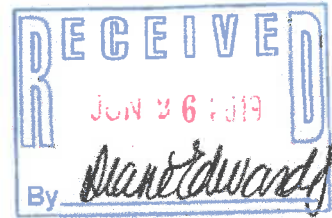
14. Why do you think you are qualified to serve on this board? I have operated a variety of businesses. I have lived here every year since I am old. Great retirement offers the time to dedicate. Circle X's above are the ones desired.

*FINANCIAL DISCLOSURE FORMS MAY BE REQUIRED FOLLOWING A POINTMENT
 Signature: Mark E. Keller Date: Feb 22, 2010

Note: If you have any questions, please call the Town Clerk at (407) 876-2563 ext. 23.



Town of Windermere
 P. O. Drawer 669
 614 Main Street
 Windermere, FL 34786



COMMITTEE APPLICATION FORM

1. Name: William Yeager Home Phone: 407-625-7145 (cell)
2. Home Address: 415 W 1st Avenue Windermere
3. Business: CNL Financial Group Business Phone: 407-540-7544
4. Business Address: 450 S. Orange Ave., Orlando 32801
5. Email: wyeager012@gmail.com
6. Brief Summary of Education and Experience:
 - B.S. Civil Engineering, licensed P.E. (FL), MBA, 25+ yrs land development exp
 - currently an asset manager for apartment developments around the south and mid-Atlantic.
7. Are you a U.S. Citizen? Yes No
8. Are you a registered voter? Yes No
9. Resident of the Town for 6 Months or longer? Yes No
10. Do you hold public office? Yes No
11. Are you employed by the Town? Yes No
12. Do you now serve on a Town Board or Committee? Yes No

13. Indicate which Board(s) or Committee(s) you are interested in:
- | | |
|--|--|
| Code Enforcement Board <input type="checkbox"/> | Development Review Board <input checked="" type="checkbox"/> |
| Downtown Business Committee <input type="checkbox"/> | Elder's Committee <input type="checkbox"/> |
| Historical Preservation Committee <input type="checkbox"/> | Long Range Planning Committee <input type="checkbox"/> |
| Parks and Recreation Committee <input type="checkbox"/> | Traffic Committee <input type="checkbox"/> |
| Tree Board Committee <input type="checkbox"/> | |

14. Why do you think you are qualified to serve on this board? In addition to my education & experience, I have acted as S.C. for a home expansion (Orlando 2004) & sked
 *FINANCIAL DISCLOSURE FORMS MAY BE REQUIRED FOLLOWING APPOINTMENT
 Signature: William Yeager Date: 6/25/19 (Windermere 201
 Note: If you have any questions, please call the Town Clerk at (407) 876-2563 ext. 23.