

THE TOWN OF
Windermere



REVISED

MAYOR AND COUNCIL OF THE TOWN OF WINDERMERE

Mayor Jim O'Brien

Council Members

Robert McKinley

Andy Williams

Chris Sapp

Bill Martini

Liz Andert

Agenda

Agenda

August 11, 2020

6:00 PM

MEETING TO BE HELD VIRTUALLY ON ZOOM

Join Zoom Meeting

<https://zoom.us/j/92136111500?pwd=NUIVazZIR3Jpdnp6Y1FvQIFEWIVrdz09>

Meeting ID: 921 3611 1500

Passcode: 473146

One tap mobile

+13126266799,,92136111500# US (Chicago)

+16465588656,,92136111500# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 921 3611 1500

Find your local number: <https://zoom.us/j/abVqlzyILY>

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

AGENDA

- THE MEETING IS CALLED TO ORDER BY THE MAYOR
- FLAG SALUTE
- INVOCATION

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

- a. Please email dburkhalter@town.windermere.fl.us prior to 5pm on August 10, 2020 to sign up
- b. Prior to meeting please state name, address and topic within chat box

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

- a. Announce Tentative Budget Hearing on September 9, 2020 6pm Virtual Meeting info to be provided (Announce Only)
- b. Announce Final Budget Hearing on September 21, 2020 6pm Virtual Meeting info to be provided (Announce Only)
- c. Proclamation West Orange Healthy Selfie Day

3. TIMED ITEMS AND PUBLIC HEARING

- a. ORDINANCE NO. 2020-05

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA ADDING A NEW ARTICLE III TO CHAPTER 22 OF THE TOWN'S CODE OF ORDINANCES TO BE ENTITLED "CONDUCT IN TOWN PARK AND RECREATION AREAS"; PROVIDING DEFINITIONS; PROHIBITING ALCOHOLIC BEVERAGES IN OR ON ANY PUBLIC PROPERTY, PUBLIC RECREATION AREA, OR PUBLIC PARK UNLESS AUTHORIZED BY THE TOWN COUNCIL PURSUANT TO SECTION 8-93 OF THE TOWN'S CODE OF ORDINANCES; AUTHORIZING THE INSPECTION OF CONTAINERS FOR ALCOHOLIC BEVERAGES, PROVIDING THE INSPECTION PROCEDURE AND PROVIDING FOR CONFISCATION; PROVIDING FOR RATIFICATION, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

4. CONSENT AGENDA

- a. Z20-06 – 10972 Bayshore Drive – Mike Wytiaz and Darrell Nunnelley – Variance to allow a 2,470 square foot addition to an existing non-conforming home and to permit a new boat port with a 14 foot side setback – DRB recommended approval of the home addition by a vote of 6-0 and recommended approval of the boat port variance by a vote of 5-1.
- b. Z20-08 – 711 W 2nd Avenue – Scott and Stephanie Weisz and Sheila Cichra – Variance to allow a new dock with a 1 foot side setback – DRB recommended denial by a vote of 5-0 (with Mr. Chase abstaining) due to the lack of demonstration of a hardship related to the lot.
- c. Z20-09 – 31 Pine Street – Patricia Sweet-Grafton and Bryce Grafton and Mitch Powers – Variance to allow an increase of 804.78 square feet of gross floor area to a previously approved variance (Z19-005), and a variance to allow the replacement of the pool deck at 15.7 feet from the normal high water elevation with the conditions that the pool deck be constructed of engineered pervious material and that the conditions of variance Z19-005 remain in place – DRB recommended approval with conditions by a vote of 6-0.

d. Ward Trail Concept (Board Option)

5. NEW BUSINESS

a. MINUTES

- i. Town Council Meeting Minutes July 14, 2020 (Attachments-Staff Recommends Approval)
- ii. Town Council Workshop Meeting Minutes July 28, 2020 (Attachments-Staff Recommends Approval)
- iii. Town Council Budget Workshop Minutes August 3, 2020 (Attachments-Staff Recommends Approval)

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

i. ORDINANCE NO. 2020-06 (Chicken Ordinance)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA ALLOWING FOR BACKYARD CHICKENS; ADDING A NEW ARTICLE III TO CHAPTER 4 OF THE TOWN'S CODE OF ORDINANCES TO CREATE A BACKYARD CHICKEN PROGRAM; REQUIRING A PERMIT AND PROVIDING FOR TERMS, CONDITIONS, AND PENALTIES CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

c. CONTRACTS & AGREEMENTS

- i. Design for Paving Old Dirt Main (Second to Rubio Property) – IPO 115 Not to exceed \$104,919 (Staff Recommends Approval)

d. FINANCIAL

e. OTHER ITEMS FOR CONSIDERATION:

6. MAYOR & COUNCIL LIAISON REPORTS

- a. MAYOR O'BRIEN
- b. COUNCILMAN MCKINLEY
- c. COUNCILMAN WILLIAMS
- d. COUNCILMAN SAPP
- e. COUNCILMAN MARTINI
- f. COUNCILMEMBER ANDERT

7. STAFF REPORTS

- a. TOWN MANAGER ROBERT SMITH
- b. TOWN ATTORNEY TOM WILKES
- c. POLICE CHIEF DAVE OGDEN
- d. PUBLIC WORKS DIRECTOR SCOTT BROWN

8. ADJOURN

- **REPORTS: NO ACTION REQUIRED**
- **FILED ITEMS**
 - a. **August Project Meeting Notes**



Proclamation

Whereas, Healthy West Orange inspires healthy behaviors and provides resources to help residents make better lifestyle choices; and

Whereas, Healthy West Orange champions healthy programs that deliver health and wellness activities; and

Whereas, Healthy West Orange unites health-minded organizations for whom a healthy community provides meaningful benefits; and

Whereas, Healthy West Orange advocates for healthy community decisions and encourages local leaders to keep their communities' health and wellness a top priority; and

Whereas, Healthy West Orange declares the third Friday in September as the Annual West Orange Healthy Selfie Day.

Therefore, it is my great pleasure and privilege as the Mayor of the Town of Windermere to declare Friday, September 18, 2020 as

West Orange Healthy Selfie Day

and I urge all citizens to join in supporting this initiative.

In witness thereof, I have hereunto set my hand and caused the Town Seal to be affixed this 11th day of August, 2020.

Jim O'Brien, Mayor

Attest:

*Dorothy Burkhalter
Town Clerk*

THE TOWN OF
Windermere



EXECUTIVE SUMMARY

SUBJECT: ORDINANCE NO. 2020-05 (Conduct in Town Parks and Recreation Areas)

REQUESTED ACTION: Board Option: Second Final Reading

Work Session (Report Only) **DATE OF MEETING:** 8/11/2020
 Regular Meeting Special Meeting

CONTRACT: N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: Additional Signage
 Annual **FUNDING SOURCE:** _____
 Capital **EXPENDITURE ACCOUNT:** _____
 N/A

HISTORY/FACTS/ISSUES:

Mayor & Council,

It has been well documented that various parks within the Town of Windermere have had a history of being pick up points for boaters and others for the purposes of distributing and consuming alcoholic beverages on the lakes or within the parks. This Ordinance revises current Town Codes to prohibit alcoholic beverages in or on public property, public recreation areas and public parks unless otherwise authorized and approved by Town Council.

Ordinance 2015-05 adds to the Parks and Recreation Section of the Code of Ordinances. Specifically pertaining to the possession of alcoholic beverages within the Town's parks. Police Officers will now be allowed to conduct inspections looking for alcoholic beverages.

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ORDINANCE NO. 2020-05

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA ADDING A NEW ARTICLE III TO CHAPTER 22 OF THE TOWN’S CODE OF ORDINANCES TO BE ENTITLED “CONDUCT IN TOWN PARK AND RECREATION AREAS”; PROVIDING DEFINITIONS; PROHIBITING ALCOHOLIC BEVERAGES IN OR ON ANY PUBLIC PROPERTY, PUBLIC RECREATION AREA, OR PUBLIC PARK UNLESS AUTHORIZED BY THE TOWN COUNCIL PURSUANT TO SECTION 8-93 OF THE TOWN’S CODE OF ORDINANCES; AUTHORIZING THE INSPECTION OF CONTAINERS FOR ALCOHOLIC BEVERAGES, PROVIDING THE INSPECTION PROCEDURE AND PROVIDING FOR CONFISCATION; PROVIDING FOR RATIFICATION, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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

Section 1. Legislative Findings. For the health, safety and welfare of its residents, the Town Council finds it necessary to prohibit alcoholic beverages in or on public property, public recreation areas and public parks unless otherwise authorized and approved by the Town Council.

Section 2. Approval of Revisions to the Town’s Code of Ordinances. A new Article III to be entitled “Conduct in Town Park and Recreation Areas” is hereby added to Chapter 22 of the Town’s Code of Ordinances as follows:

ARTICLE III. – CONDUCT IN TOWN PARK AND RECREATION AREAS

Sec. 22-45. Alcoholic beverages prohibited – Generally.

- (a) *Definition of alcoholic beverage.* For purposes of this section, “alcoholic beverage” shall mean all beverages containing more than one percent of alcohol by weight and shall include intoxicating beverages as defined herein. “Intoxicating beverages” shall mean all liquors, wines and beers containing more than three and two-tenths percent of alcohol by weight. In all prosecutions for violations of this section, the manufacturer’s label on the beverage container shall be prima facie evidence that the substance in such container was and is an alcoholic beverage as defined in this section.
- (b) *Prohibition.* Except as provided in Sec. 8-93, it shall be unlawful for any person to purchase, sell or offer for sale, have in his possession or consume any alcoholic beverages, as defined in this section, in or on any public property, public recreation area or public park within the incorporated areas of the town.
- (c) *Removal from premises.* Any person violating subsection (b) of this section may be ordered by a law enforcement officer or other person having authority to enforce this

47 section to leave the premises of the public property, public recreation area or public
48 park in which the violation occurs.

49
50 (d) *Enforcement.* Provisions of this section may be enforced by any person having the
51 authority to enforce town ordinances.

52
53 (e) *Penalties.* Violations of this section shall be as provided in Sec. 1-12.

54
55 **Sec. 22-46. - Inspection of containers brought into parks; consent to search.**

56
57 (a) *Definitions.* The following terms are hereby defined for the purpose of this section:

58
59 (1) *Enforcement officer* means any town law enforcement officer or uniformed town
60 park employee.

61 (2) *Container* means any cooler, portable icebox, carrier, luggage, can, bottle, bag or
62 box which may reasonably be used to contain alcoholic beverages.

63 (3) *Alcoholic beverage* is defined in the same fashion as that term is defined in Sec.
64 22-45.

65
66 (b) *Notice of consent to inspection.* There shall be posted at each entrance to any parking
67 areas adjacent to and at each entrance to any town park a sign which shall state in
68 such fashion as to be easily read from a distance of three feet by a person of average
69 eyesight, the following:

70
71 Alcoholic Beverages Prohibited

72 Consent to Inspection

73 Every person entering this park, upon request by an enforcement officer, shall
74 exhibit the contents of any container which may contain an alcoholic beverage.

75 Compliance with such a request is a condition of entry to this park.

76 Town of Windermere Code Sec. 22-46

77
78 (c) *Inspection procedure.* Any enforcement officer may demand of any person seeking
79 entrance to or present in any town park that such person exhibit the contents of any
80 container in his possession, custody or control for the sole purpose of inspecting such
81 container for the presence of alcoholic beverages. Any person refusing to consent to
82 such inspection of a container in his possession, custody or control shall be denied
83 admittance to a town park. If such person is present in a town park at the time a
84 demand for such inspection is made and refuses to consent to such inspection, such
85 person shall be ordered to leave the park immediately. Should such person refuse to
86 leave, such person shall be deemed in violation of this section and shall be punished
87 in the manner provided in Sec. 1-12.

88
89 (d) *Confiscation.* Should an enforcement officer observe a container over which no
90 person apparently has possession, custody or control, then such officer may take such
91 container into his possession and deliver it to the Town Manager or his designee, to

92 hold until claimed and properly identified, at which time such container shall be
93 subject to an alcoholic beverage inspection and the claimant of the container may be
94 cited for a violation of this section if the container is found to contain an alcoholic
95 beverage.
96

97 **Section 3. Ratification of Signs.** All signs in existence on the adoption date of this Ordinance
98 that comply with the provisions of Sec. 22-46 are hereby ratified and shall be considered to be in
99 compliance with this section.
100

101 **Section 4. Inclusion in the Code.** It is the intent of the Town Council that the provisions of this
102 Ordinance shall become and be made a part of the Town's Land Development Code and that the
103 sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
104 changed to "section," "article," or such other appropriate word or phrase to accomplish such
105 intentions.
106

107 **Section 5. Severability.** If any section, sentence, clause or phrase of the Ordinance is held to be
108 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
109 way affect the validity of the remaining portions of this Ordinance.
110

111 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon its
112 enactment.
113

114 **APPROVED AND ADOPTED** by the Town Council of the Town of Windermere on the ____
115 day of _____, 2020.
116
117
118

119 Town of Windermere, Florida

120 By: Town Council
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124 By: _____
125 Jim O'Brien, Mayor
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129 Attest:
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133 _____
134 Dorothy Burkhalter, MMC, FCRM
135 Town Clerk
136

137 First Reading: July 14, 2020

138 Second Reading:
139

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

Development Review Board July 21, 2020

Town Council
August 11, 2020

Case No.: Z20-06

Applicant/Representative: Darrell Nunnelley

Property Owner: Mike Wytiaz

Requested Action: Variance to allow for an increase of floor area of a nonconforming structure beyond 10%. The applicant is requesting to add 2,470 square feet of new floor area which is more than the allowable 10%. A second variance is requested to allow for the expansion of an existing nonconforming boat dock. The applicant is requesting a zero (0) foot setback for the construction of new deck area and a 14-foot setback for the construction of a new boat port.

Update: On July 7, 2020, the applicant submitted a revised plan for the boat house, which removed the addition of the new deck area at the back of the boathouse. The request for the 0-foot variance for the new deck area is rescinded. The variance for the new boat port is still requested.

Property Address: 10972 Bayshore Drive Windermere, FL 34786

Legal Description: LOT 8, LAKE DOWN ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 22, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND A PORTION OF LOT 7, LAKE DOWN ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 22, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST NORTHERLY CORNER OF OF SAID LOT 7, RUN SOUTH 37 DEGREES 00 MINUTES EAST ALONG THE EASTERLY LINE OF SAID LOT 7, A DISTANCE OF 245.68 FEET; THENCE SOUTH 53 DEGREES 00 MINUTES WEST, A DISTANCE OF 10.76 FEET; THENCE NORTH 34 DEGREES 29 MINUTES 35 SECONDS WEST A DISTANCE OF 245.77 FEET TO THE POINT OF BEGINNING

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Residential/Residential
East: Residential/Residential
South: Lake
West: Residential/Residential

CASE SUMMARY:

The applicant requests to add a three-car garage and a master suite on the first floor and 2 bedrooms on the second floor. This addition will result in a 2,470 square feet net increase in floor area. The current structure is non-conforming in that the west side yard setback does not meet the required setback. This nonconformity limits the expansion of floor area to 10% of the existing floor area. The existing floor area is 3,368 square feet. This means the applicant would be limited a 336.8 square foot expansion of floor area. The applicant is requesting a variance to allow the addition of 2,470 square feet, which is 2,133.2 square feet more than allowed. The new addition will meet the required 13.4 feet east side yard setback and will meet the 50-foot required setback from the normal high water elevation in the rear yard. The total gross floor area and impervious surface will also meet the Town's requirements.

The applicant would also like to expand an existing nonconforming boat dock. The existing boat dock encroaches over the west property line. The applicant is requesting a variance for a zero (0) foot setback to add a small deck on the south side of the existing boat dock. The applicant is also requesting a variance for a 14-foot setback to add a new boat port on the east side of the existing boat dock.

Update: On July 7, 2020, the applicant submitted a revised plan for the boat house, which removed the addition of the new deck area at the back of the boathouse. The request for the 0-foot variance for the new deck area is rescinded. The variance for the new boat port is still requested.

Applicant states that the expansion of the boat dock will not impact the neighbors view of the lake.

Division 10.02.00 of the LDC empowers the Development Review Board to review and make recommendations for approval, approval with conditions or denial to the Town Council on variance requests.

Division 10.02.00 of the LDC requires the Town Council to consider the recommendation of the Development Review Board and to take final action to either approve or deny the variance request.

CASE ANALYSIS:

Section 10.02.02 of the LDC provides the specific standards by which the Development Review Board and Town Council are to review to consider the approval or denial of a variance application. In addition, this Section requires a positive finding, based on substantial competent evidence, for each of the standards. These standards are summarized as follows:

1. The need for the variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the subject property. Variances should be granted for conditions peculiar to the property and not the result of actions of the property owner;
2. There are practical or economic difficulties in carrying out the strict letter of the regulation;
3. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard to the public;
5. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
6. The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code; and
7. The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

It is also important to note that this Section also provides specific standards that are not to be considered in the review of a variance application. These standards are:

1. That the implementation of these regulations would impose an economic hardship on the cost of the building or redevelopment project;
2. That these regulations impose a hardship by decreasing the maximum density of a property in terms of the number of units, square footage of buildings, etc.; and
3. That other adjacent lands, structures or buildings not in conformance with these regulations provide a rationale for a lessening of their application in this specific case.

Section 10.02.02(c) of the LDC allows the imposition of conditions and restrictions as may be necessary to allow a positive finding to be made on any of the variance standards to minimize the negative effect of the variance. The conditions and restrictions should further the interest of the LDC.

The applicant submitted a site plan and other materials in support of the variance request. The following is a summary of the information provided by the applicants in support of their variance request:

1. The new addition will meet setback requirements and will not exceed the total floor area or impervious surface area allowed on site.
2. The expansion of the existing boat dock will not affect the neighbor's view of the lake.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property. As of August 5, 2020, six responses were returned in support, and five responses were returned in objection. The adjacent property owners to the subject property are in support.

DEVELOPMENT REVIEW BOARD RECOMMENDATION:

On July 21, 2020, the Development Review Board (DRB) reviewed the variance requests. The DRB recommended approval (Vote 5-1) of the dock variance to allow the new boat port at a 14 foot side setback due to its relationship with the existing covered boathouse that straddles the property line and is not changing. The DRB recommended approval (Vote 6-0) of the variance to allow the gross floor area of the existing home to be increased by 2,470 square feet.

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

July 21, 2020

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

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

1. OPEN FORUM/PUBLIC COMMENTS:

Manager Smith read into the record an email received from Lynn and Jim Salmon of 8 Pine Street (attached). He also read into the record an email received from Douglas Kegler of 12 Pine Street. Some discussion followed regarding chickens.

2. NEW BUSINESS:

a. RESIGNATION LETTER: William Yeager

Chair Chase stated for the record that William Yeager has resigned from the Board. He stated that another member is needed.

b. MINUTES:

i. May 19, 2020 Meeting Minutes

Member Rose made a motion to approve the May 19, 2020 meeting minutes. Member Roper seconded the motion. All were in favor. Motion carried 6-0. Chair Chase stated Member Withers would need to read his Form 8B from the previous meeting. Clerk Burkhalter stated that Member Withers would read the form into the record at the next meeting.

b. GENERAL ITEMS FOR CONSIDERATION:

i. Z20-06: 10972 Bayshore Drive Expansion of a non-conforming home by more than 10% and allow a boat dock with a zero (0) foot side setback.

Chair Chase turned the floor over to Town Planner, Brad Cornelius. Mr. Cornelius introduced case number Z20-06 for 10972 Bayshore Drive. He explained that the request is for an increase of the floor area of a nonconforming structure beyond 10%. And, originally a second request for an expansion of an existing non-conforming boat dock which would be a zero (0) setback for the new deck and a 14-foot setback for a new boat port. Mr. Cornelius stated that the request for the addition for a new deck has been rescinded but the request for the new boat port remains. He explained that the first request is to allow for a garage and additional living space, which would add an additional 2,470 square feet to the home. Mr. Cornelius then explained the new boat port request. He stated that the request for the new boat port is to allow a fourteen (14') foot side set back instead of sixteen (16') feet required by code. Mr. Cornelius stated that the expansion to the home will be on the east side, which there is room. He stated that the setbacks and FAR will be met. However, the stormwater and septic will need to be re-worked on the

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

July 21, 2020

property. Mr. Cornelius commented on the notices that were sent to the surrounding property owners. Some discussion was made regarding the responses. Member Rose questioned if the existing boat dock is shared with the neighbor. Mr. Cornelius stated that there is a wall for separation but it is utilized by both properties. Member Fleck questioned if the existing boat dock is being demolished. Mr. Cornelius stated no. Some discussion was made regarding the attached boat port. Mr. Darrell Nunnelley explained the existing boat house and proposed boat port. He also stated that the boat port may not be permitted by Orange County due to the size. Member Fleck commented that he can't see a portion of the dock being demolished without impacting the neighbor. Member Withers commented that the drawings needed to reflect the existing and proposed better. Member Rose commented on the code that is causing the variance request. Member Sutton questioned if the owner would have access to the existing dock and the proposed new port. Mr. Nunnelley stated yes. Discussion followed regarding separating this variance request into two. Member Sutton commented on a concern of setting a precedent of allowing three boat docks across two properties. Member Roper questioned if the setback for the dock would be at zero (0). Mr. Cornelius stated that the request leading to the zero (0) setback has been withdrawn. He explained that the boat port request is for a fourteen (14') foot setback instead of a sixteen (16') foot setback, a two (2') foot encroachment. Member Withers made a motion to approve the two (2') foot side encroachment for the boat port. Member Fleck seconded the motion. Voting was as follows: Sutton – no, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 5-1. Mr. Nunnelley explained that the house variance is due to the laundry room being added to the west side of the property years ago. He then commented on the well/septic, pavers, stormwater retention, and aesthetics. Discussion followed regarding setbacks, lot shape, floor area ratio, septic system and location, well location, neighbors well location, and the variance request. Member Rose made a motion to recommend approval of the variance request. Member Withers seconded the motion. After some discussion was made, voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0.

- ii. **Z20-08: 711 W 2nd Avenue – Replacement of an existing non-conforming boat dock at a setback of one (1) foot from the side property line.**

Chair Chase stated he will be abstaining from voting on this item due to family property across the street. He then turned the floor over to Mr. Cornelius. Mr. Cornelius presented the variance request. Mr. Cornelius stated that the request is to replace the existing boat dock which encroaches three (3') feet across the property line. He explained that with the newly proposed dock, a fifteen-foot (15') variance is needed. In which the boat dock will have a one-foot (1') set-back instead of the sixteen feet (16') required by code. Mr. Cornelius commented on the replies received from residents. Member Withers questioned why the applicant can't meet the setback requirement. Member Fleck questioned the disapproval responses. Mr. Cornelius reviewed the disapprovals. Member Roper questioned the hardship. Ms. Shelia Cichra, representative for the applicant introduced herself. She then stated that the view is the reason for the variance. Member Withers stated that the view is not a hardship. Discussion followed regarding no hardship, width of lot on the lakefront, placement of the dock, rebuilding of an

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enclosed boat house, and size of existing boathouse. Member Rose questioned if the applicant would consider an eight-foot (8') setback. Ms. Cichra stated that owners would need to make that decision. Owner Mrs. Stephanie Weisz introduced herself. She stated that they would like to replace an old antiquated dock with a new one that will meet their needs. Mrs. Weisz also stated that the renovation will then allow them to park their boat as the current size is for a john boat. Discussion followed regarding the size of the boat house, length of walkway, existing setbacks and boathouse. Member Roper made a motion to recommend denial of the variance request. Member Sutton seconded the motion. Voting was as follows: Sutton – aye, Withers – aye, Chase – abstain, Rose – aye, Roper -aye, and Fleck- yes. Motion carried 5- 0 – 1 abstain.

iii. Z20-09: 31 Pine St – Expansion of a non-conforming home by more than 10% and to allow a pool deck at less than 50 feet from the normal high-water elevation of the lake.

Chair Chase introduced this item. He then turned the floor over to Mr. Cornelius. Mr. Cornelius gave a brief history of the previous variance request approval for this property. He stated that this house has since been sold and the new owners would like to cover the porches in the rear yard. With this being done, anything under roof has to be calculated. Mr. Cornelius then commented on the pool deck replacement/expansion request. He then stated that the previously approved variance request conditions will be carried forward. Mr. Cornelius then reported on the comments that were received from surrounding property owners. Member Rose questioned the roof coverage. Mr. Cornelius explained the overhang on the porches. He explained that in the original request, there were not any roof overhangs to the porches. They are now being turned into covered patios. Discussion was made regarding what was previously approved and what is now being requested for approval. Ms. Patricia Sweet-Grafton, owner of 31 Pine Street, explained that only roofs will go over the proposed decks. Further discussion followed. Member Rose questioned the hardship. Mr. Cornelius explained that the previous hardship was found with the unique shape of the lot. Member Withers commented that since the porches would be covered, it will now add to the total square footage. Mr. Cornelius stated that now that the roofs would be added, the floor space needed to be counted. Member Withers made a motion to recommend deny any further extension towards the lake. Member Roper seconded the motion. Ms. Sweet-Grafton requested to speak on the pool deck. Chair Chase allowed comments. Ms. Sweet-Grafton stated that the existing pool deck is failing/deteriorating and needs to be redesigned. Mr. Grafton commented that the walkway is too narrow, approximately three feet (3') wide. Discussion followed regarding pervious/impervious surface, setbacks, faint line on site plan C-101, and the existing and proposed pool decking. Mr. Jim Salmon of 8 Pine Street introduced himself. He then commented on the previous condition of the house and the improvements that have been made. Mr. Salmon stated that they have added significant value to the area. Chair Chase stated that the concern is the deck set back to the lake. Discussion continued regarding the pool deck. Member Roper questioned if consideration has been given for a rectangular pool. Ms. Sweet-Grafton stated that at this time, the main house is the financial concern. Maybe the pool in the future. Discussion was made regarding the sea wall, setbacks, and drainage/swale. Chair Chase recalled the motion. Member Withers reiterated his motion. Ms. Sweet-Grafton questioned the "nothing 50' from the normal high eater". Chair Chase explained the code. Mr. Cornelius stated that the fifty-foot (50') setback for this property would be at the back of the house, the pool sits within the fifty-feet (50'). Pervious and imperious surfaces were discussed. Member Fleck questioned Member Withers if he would amend his motion to include only pervious surface can be used. Member Withers commented his concern with anything in the fifty-feet (50')

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

July 21, 2020

set back and keeping things from the edge of the lake. Member Fleck stated that the pool is existing but it would allow for a pervious decking. Discussion followed regarding the hardship. Member Rose questioned Member Withers if he was in favor of amending his motion to include the pervious coverage. Member Withers stated he would like to see how his original motion goes. Chair Chase call for the vote on the original motion. Voting was as follows: Sutton – no, Withers – aye, Chase – no, Rose -aye, Roper – no, and Fleck – no. Motion failed 2-4. Mr. Grafton and Ms. Sweet-Grafton commented on the location of the seawall and the distance from the deck to the lake. Member Fleck made a motion to recommend approval with the use of an engineered pervious surface. Member Roper questioned that if this has been done, would the applicant needed to appear before this Board. Mr. Cornelius commented that the structure fails under the Florida Building code, which it would still need to come before the Board. Member Sutton seconded the motion. Chair Chase questioned the variance of 15.7' from the normal high water. Mr. Cornelius stated that it's only for the pool deck. Voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0. Chair Chase then stated that the balcony needed a motion. Member Sutton made a motion to recommend approval for the balconies. Member Fleck seconded the motion. Chair Chase questioned the if the second-floor covering is what's causing the variance. Mr. Cornelius stated yes. Some discussion followed. Voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0.

iv. **ORDINANCE NO. 2020-06 (Revise LDC to allow Chickens in residential area)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA ALLOWING FOR BACKYARD CHICKENS; ADDING A NEW ARTICLE III TO CHAPTER 4 OF THE TOWN'S CODE OF ORDINANCES TO CREATE A BACKYARD CHICKEN PROGRAM; REQUIRING A PERMIT AND PROVIDING FOR TERMS, CONDITIONS, AND PENALTIES CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Smith introduced this item. He then gave a history of and on the proposed Ordinance. Member Rose questioned if Key West had been researched. Manager Smith stated no. Discussion followed. Member Sutton stated she is adamantly opposed. Chair Chase stated that his concerns have been discussed. Member Rose made a motion to recommend denial of the proposed Chicken Ordinance. Member Sutton seconded the motion. Voting was as follows: Sutton – aye, Withers – no, Chase – aye, Rose – aye, Roper – no, and Fleck – aye. Motion carried 4-2.

4. **ADJOURN:**

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

The meeting adjourned at 9:05pm.

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

July 21, 2020

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

DRAFT

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, STEPHEN WITMERS, hereby disclose that on FEB 18, 2020, 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____ , by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

• I AM A CONSULTANT TO TOWN FOR THE PROJECT CONCERNING THE VOTE.

• PROJECT: TEMPORARY TOWN OFFICES.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Feb 19 2020
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Frank W., hereby disclose that on July 21st, 20 20:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Joan W. Hargadan (Mother);
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item 220-08 regarding 711 W. 2nd Ave is adjacent to rental property owned by my mother, Joan W. Hargadan and located at 727 W. 2nd Ave.

I personally could have a future interest in the property located at 727 W. 2nd Ave.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/21/20
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

May 20, 2020

Ms. Dorothy Burkhalter
Town Clerk
Windermere, Fl. 34786

RE: 10972 Bayshore Drive Windermere - revised

Dorothy:

Mike Wytiaz is requesting the Town of Windermere grant him a variance to do the following things:

Expand the footprint of the existing 2 story 3,368 Gross Sq Ft house by adding a 3 car garage and master suite on the 1st floor and 2 bedrooms on the 2nd floor adding 2,470 NET/Gross Sq Ft to the East side of the existing house outside the 14 feet side property setback not requiring a variance for this portion of the project

10% of the existing house is 336.8 sq ft and the new NET/Gross sq ft added is 2,470 requiring a variance

The WS or detached shed will be permanently removed

The West side of the building is less than 14 feet from the property line making this a nonconforming building creating the need for a variance

The existing boathouse is 0' from the West side property line and is nonconforming

They want to remodel the existing boathouse and walkway and add a deck to the rear of the existing boathouse requiring a variance for a 0' side yard setback.

They want to create a new boat port on the East side of the walkway 14 feet from the East property line requiring a 2 foot setback variance from the 16 ft required

No expansion of the house will encroach within the 50 foot rear setback from the Normal High Water Line (NHWL)

The existing house was created in 1930 and this Owner did not create the building

The expansion requested will not impact any of the Neighbor's view of the water or impact their peaceful enjoyment of their property

The existing paver parking area at the front of the Northwest corner of the house and brick walking path on the West side of the house that is approximately 133 sq ft will be removed as needed to make sure the minimum impervious ratios are met

Thank you with your help on this project

Darrell Nunnelley
407.467.8069

Cornelius, Brad

From: Darrell Nunnelley <darrellnunnelley@gmail.com>
Sent: Tuesday, July 7, 2020 6:35 PM
To: Cornelius, Brad; Mastison, Sarah
Subject: 10972 Bayshore Drive Windermere
Attachments: 10972 Bayshore Boathouse Plan Detached Roof 7 7 2020 Revised.pdf

Brad:

We would like to revise the variance application

We will not be doing any work or changes to the existing enclosed boathouse

I have revised the plans to show the deck on the rear of it is not going to be created

There will not be any doors or windows added or changed

I have attached the revised plans

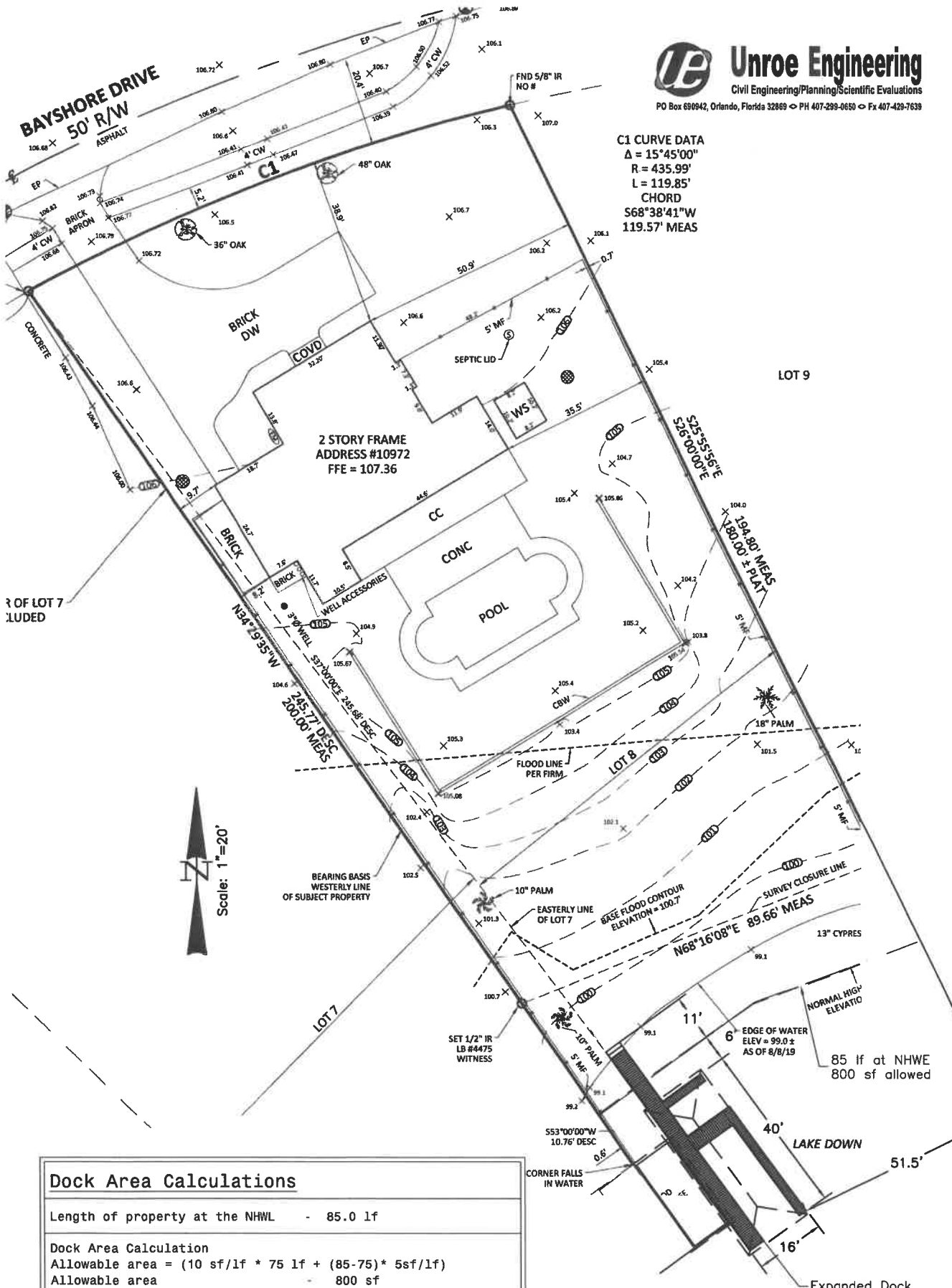
The boat port and walkway are still wanting to be created

Thanks for your help on this project

--

Darrell Nunnelley
The Nunnelley Group LLC
501 Main St
Windermere, Fl. 34786
407.467.8069 Cell
CBC1257063

C1 CURVE DATA
 $\Delta = 15^{\circ}45'00''$
 $R = 435.99'$
 $L = 119.85'$
 CHORD
 $S68^{\circ}38'41''W$
 $119.57'$ MEAS



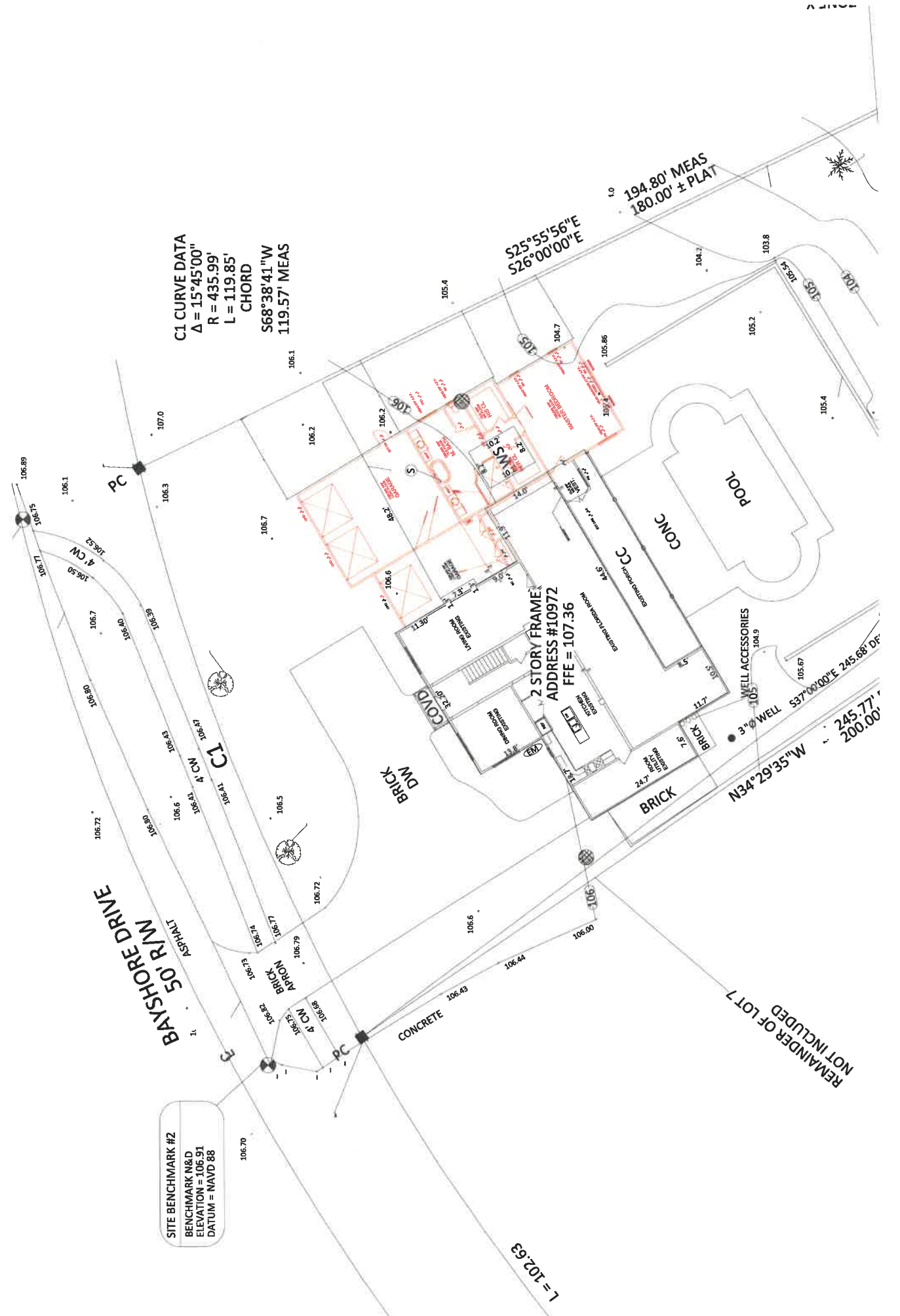
Dock Area Calculations	
Length of property at the NHWL	- 85.0 lf
Dock Area Calculation	
Allowable area = $(10 \text{ sf/lf} * 75 \text{ lf} + (85-75) * 5 \text{ sf/lf})$	
Allowable area	- 800 sf
Proposed & existing areas	
Existing Boathouse	- 240 sf
New boat dock deck	- 284 sf
Additional Area under roof	- 356 sf
Total Terminal Platform Area	- 880 sf*
* Variance Requested	





SITE BENCHMARK #2
 BENCHMARK N&D
 ELEVATION = 106.91
 DATUM = NAVD 88

C1 CURVE DATA
 $\Delta = 15^\circ 45' 00''$
 $R = 435.99'$
 $L = 119.85'$
 CHORD
 $S68^\circ 38' 41'' W$
 $119.57' MEAS$

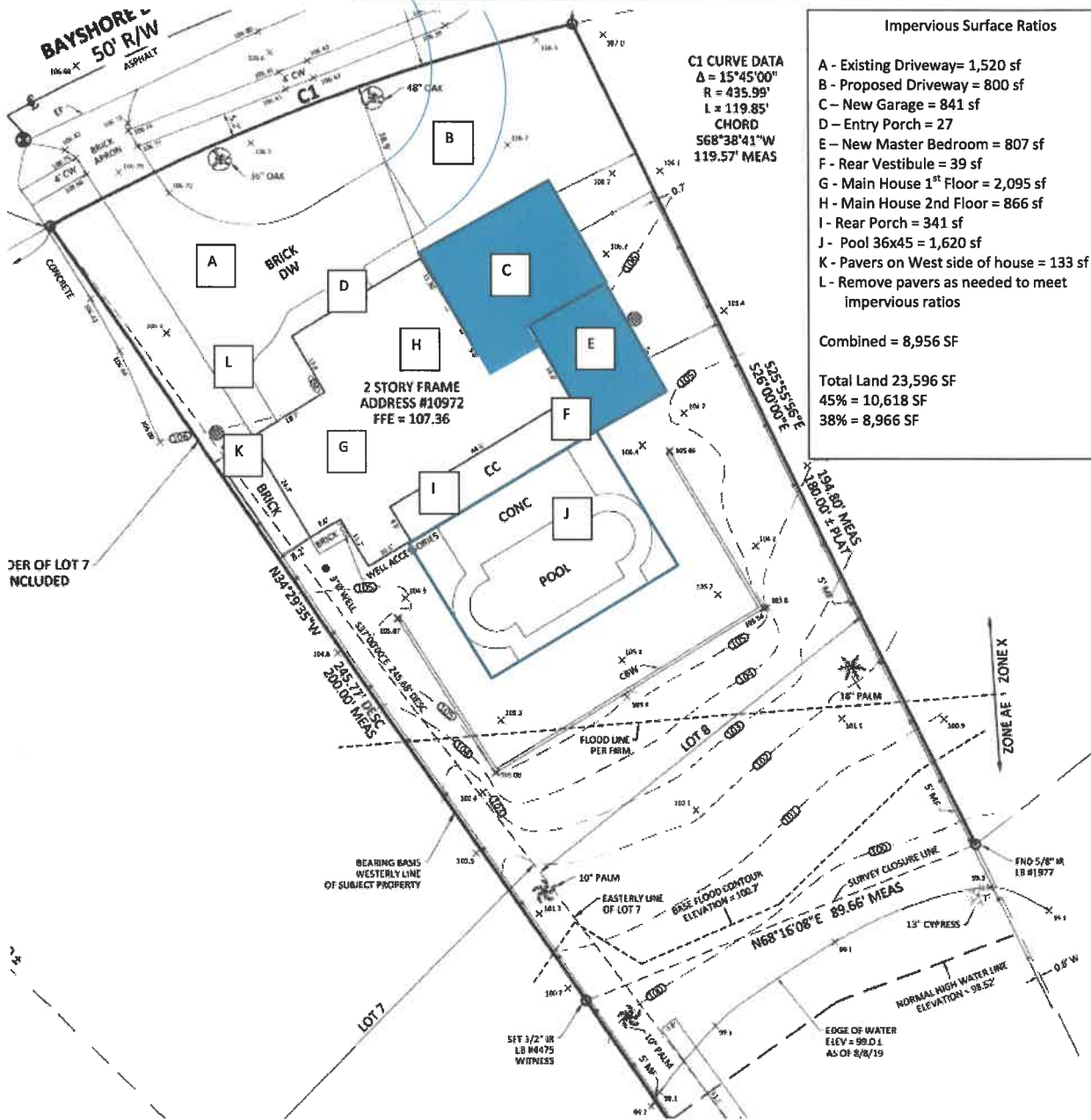


L = 102.63

Impervious Surface Calculations

10972 Bayshore Drive
Windermere, Florida 34786

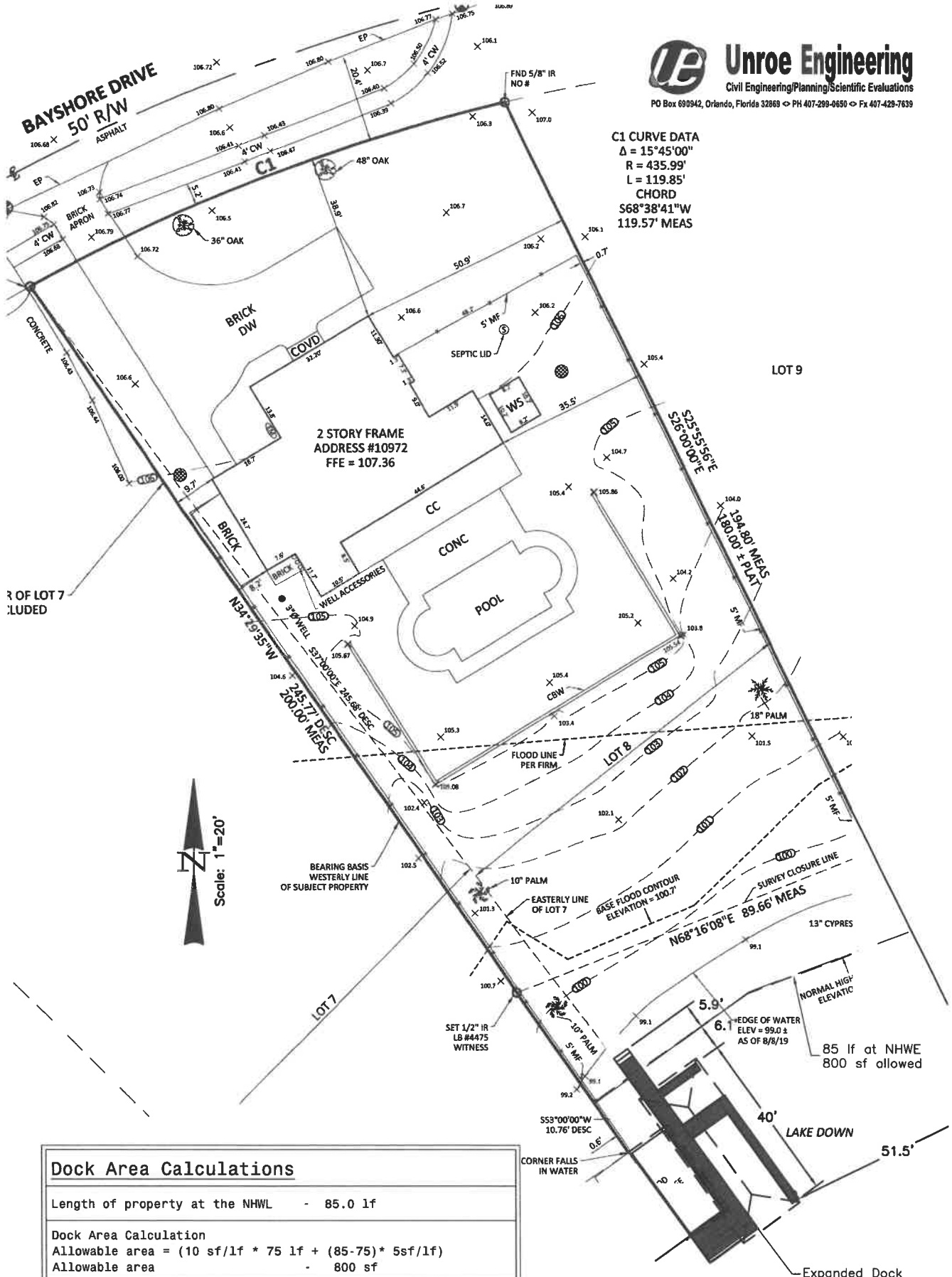
10972 Bayshore Drive Impervious Surface Ratios



C1 CURVE DATA
 $\Delta = 15^{\circ}45'00''$
 $R = 435.99'$
 $L = 119.85'$
 CHORD
 $568^{\circ}38'41''W$
 $119.57'$ MEAS

Impervious Surface Ratios	
A - Existing Driveway=	1,520 sf
B - Proposed Driveway =	800 sf
C - New Garage =	841 sf
D - Entry Porch =	27
E - New Master Bedroom =	807 sf
F - Rear Vestibule =	39 sf
G - Main House 1 st Floor =	2,095 sf
H - Main House 2nd Floor =	866 sf
I - Rear Porch =	341 sf
J - Pool 36x45 =	1,620 sf
K - Pavers on West side of house =	133 sf
L - Remove pavers as needed to meet impervious ratios	
Combined =	8,956 SF
Total Land	23,596 SF
45% =	10,618 SF
38% =	8,966 SF

C1 CURVE DATA
 $\Delta = 15^\circ 45' 00''$
 $R = 435.99'$
 $L = 119.85'$
CHORD
 $S68^\circ 38' 41'' W$
 $119.57' MEAS$

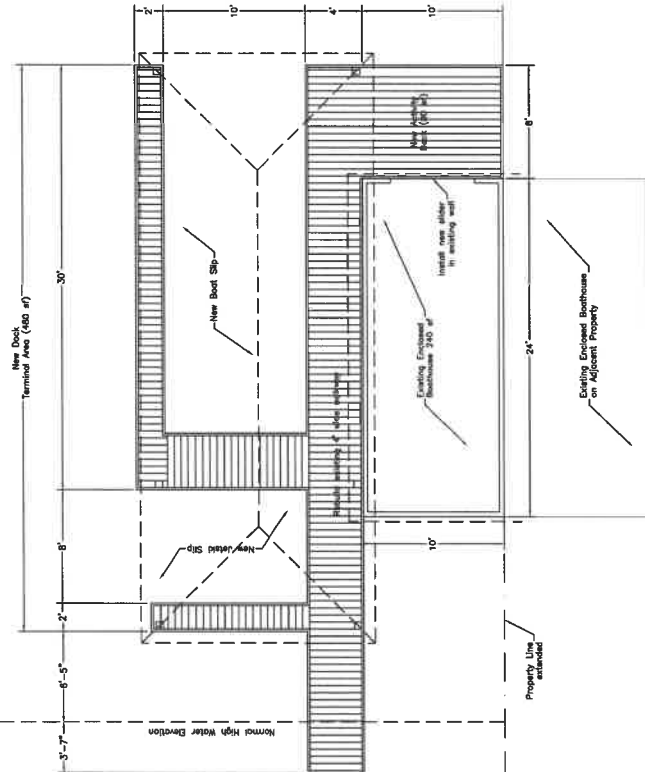


Dock Area Calculations

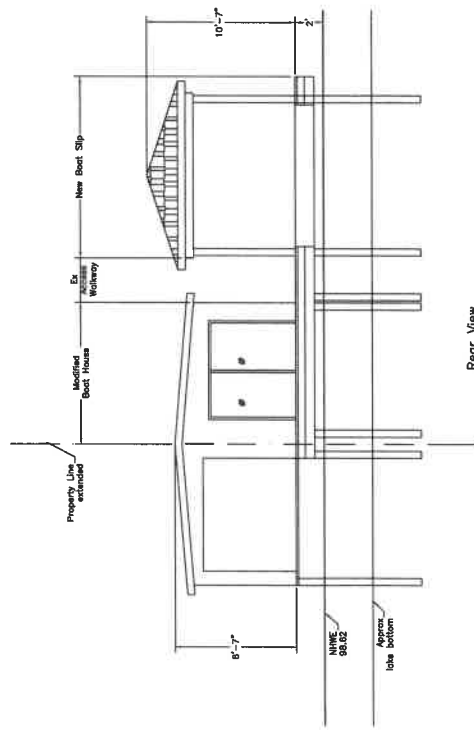
Length of property at the NHWL - 85.0 lf

Dock Area Calculation
 Allowable area = $(10 \text{ sf/lf} * 75 \text{ lf} + (85-75) * 5\text{sf/lf})$
 Allowable area - 800 sf

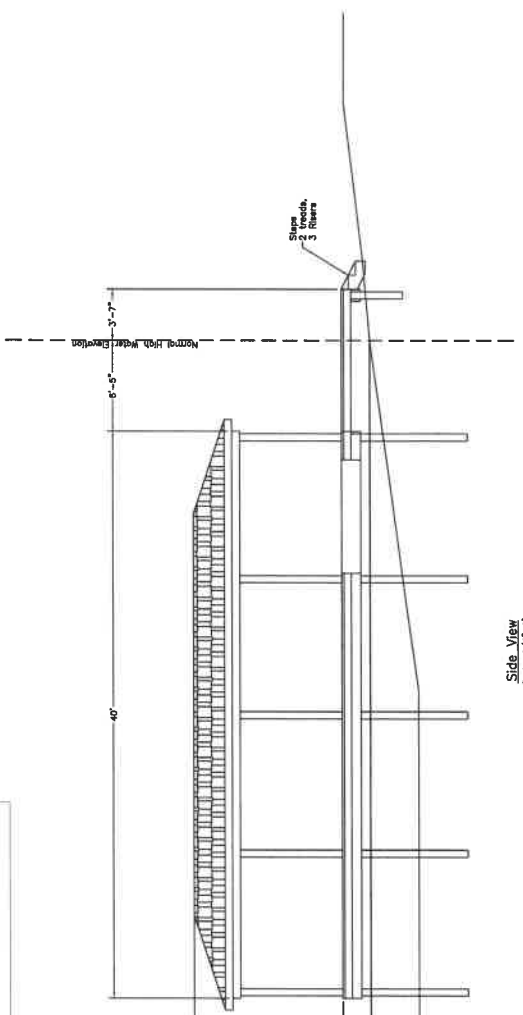
Proposed & existing areas	
Existing Boathouse	- 240 sf
New Activity Deck	- 80 sf
New boat dock deck	- 140 sf
Additional Area under roof	- 340 sf
Total Terminal Platform Area	- 800 sf



Plan View
 Scale: 1/4"=1'



Rear View
 Scale: 1/4"=1'



Side View
 Scale: 1/4"=1'



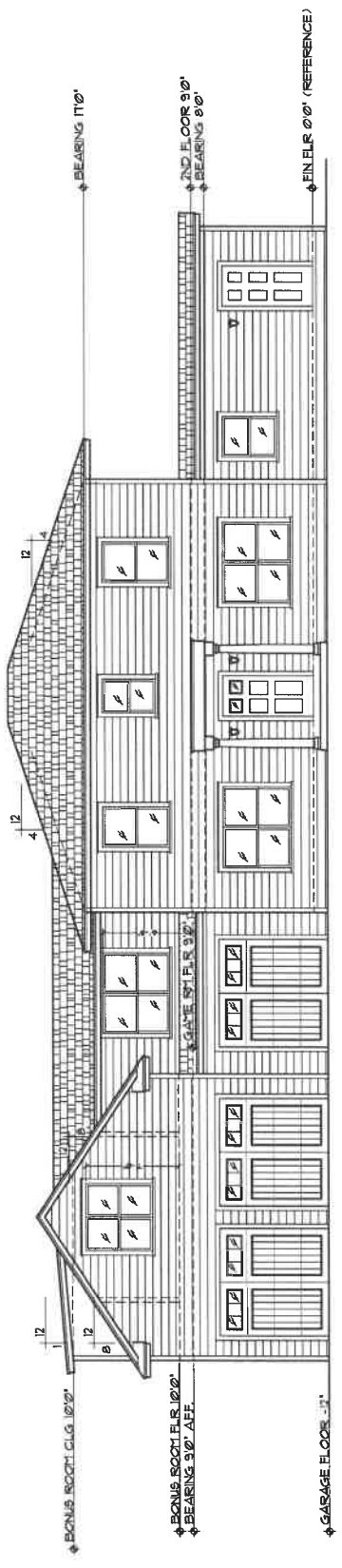
GENERAL DESIGN
 RESIDENTIAL DESIGN
 PIANO PLANS
 362-223-8724
 WWW.PLANSHOUSES.COM
 978 1ST STREET, CHANDLER, MASSACHUSETTS 01711

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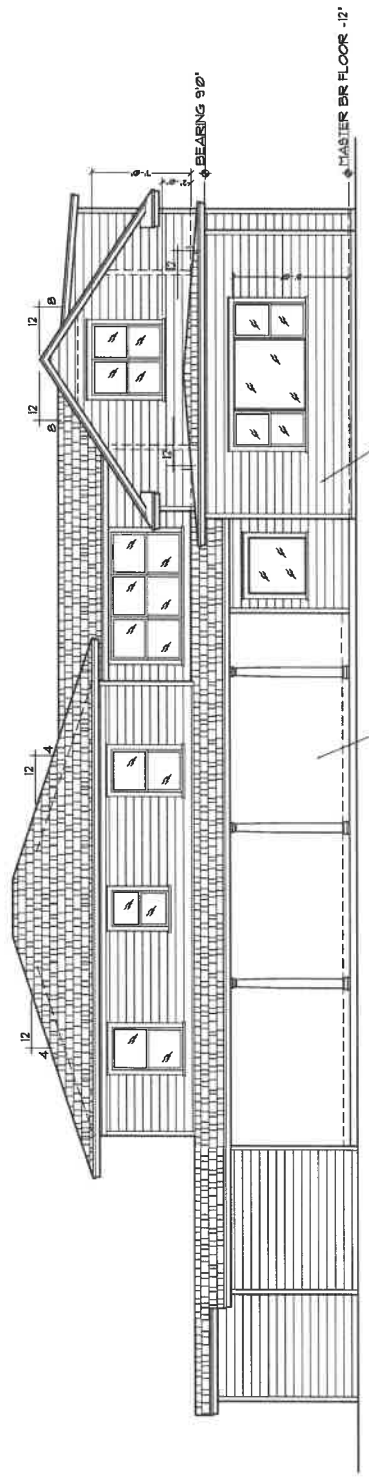
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 Ostendorf
 FRONT AND REAR ELEVATIONS

DATE: 02/27/2018
 SCALE: 1/4" = 1'-0"
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SHEET OF
 1

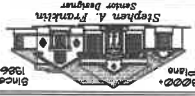


FRONT ELEVATION



REAR ELEVATION

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GENERATION RESIDENTIAL DESIGN
 378 14TH STREET, CARROLLTOWN, MD 20711
 WWW.PLANS4HOUSES.COM
 PLANS4HOUSES@CFE.RR.COM
 302-223-9724

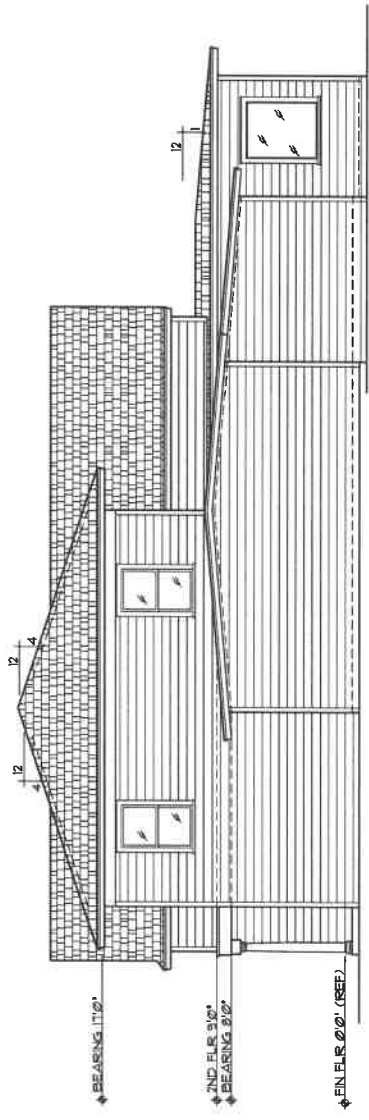
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 IN THE FIELD
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 OR ENGINEERING
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RESIDENCE FOR:
 Ostendorf
 SIDE ELEVATIONS

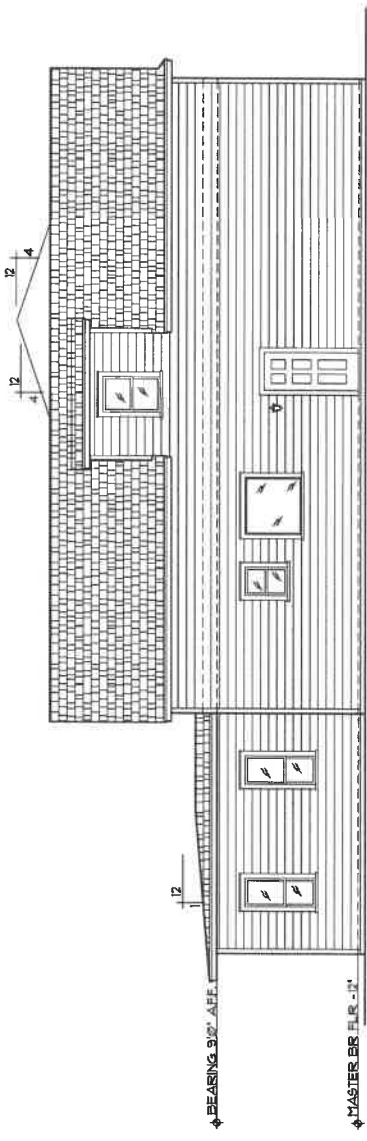
DRAWN:
 SCALE: 1/4" = 1'-0"
 DATE: 5/22/2016
 REVISED:

SHEET OF
 2

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RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION





GENERATION
RESIDENTIAL DESIGN
378 19TH STREET, CLAMONT, PENNSA 19111
PAINSHORHOUSES.COM
382-223-9724

RESIDENTIAL DESIGN INC. ACCEPTS NO LIABILITY FOR USE OF THESE PLANS
THIS DRAWING DEPICTS A DESIGN CREATED BY AND FOR THE EXCLUSIVE USE OF THE PARTIES LISTED HEREON.
THESE PLANS SHALL BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY LISTED HEREON.
NO PART OF THESE PLANS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
COMMENTS:

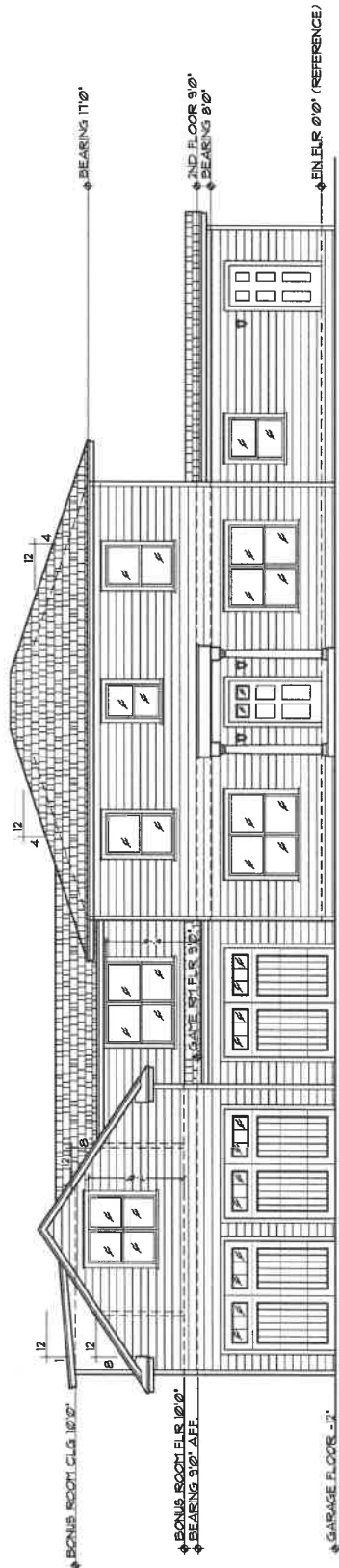
FRONT AND REAR ELEVATIONS

RESIDENCE FOR:
Ostendorf

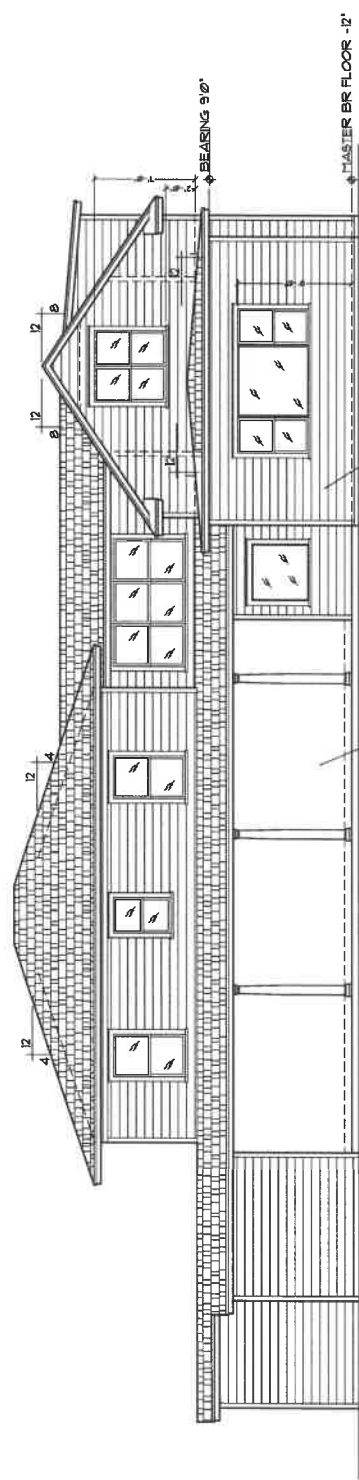
DATE: 8/22/2020
SCALE: 1/4" = 1'-0"
DRAWN BY: [Name]
REVIEWED:

SHEET OF
1

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FRONT ELEVATION



REAR ELEVATION

Town of Windermere

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

Received

JUN 17 2020

Wade Trim



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Mayor
JIM O'BRIEN

June 17, 2020

BOGER GREGORY N
10939 BAYSHORE DR
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 10972 Bayshore Drive Z20-06

This notice is a re-notice for the subject variance case due to an error on the return address on the pre-stamped response envelope. Please note that there are also updated plans attached with this re-notice.

Darrell Nunnelley, on behalf of Mike Wytiaz, owner of 10972 Bayshore Drive submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow for the following:

1. To allow for an increase of floor area of a nonconforming structure beyond 10%. The applicant is requesting to add 2,470 square feet of new floor area which is 2,133.2 square feet more than the allowable 10% (336.8 SF).
2. To allow for the expansion of an existing nonconforming boat dock. The applicant is requesting a zero (0) foot setback for the construction of new deck area and a 14-foot setback for the construction of a boat port.

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 17, 2020.

This matter will be presented to the Development Review Board on Tuesday, July 21, 2020 at 6:30 p.m. Their recommendation will be heard by the Town Council on Tuesday, August 11, 2020 at 6:00 p.m. At this time, the Town will either hold the meeting in person in the Town Hall, located at 520 Main Street, Windermere or it will be done virtually through Zoom. However, please refer to the Town's website or contact the Town's Administration Office to confirm the meeting method. You can access links to the meetings on the Town's website at <https://town.windermere.fl.us/>. If you need help connecting to the meetings you can contact the Town at 407-876-2563. All meetings are open to the public and you are welcome to participate. Feel free to contact me if you have any questions.

Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com
Encl.

RECOMMEND: Z20-06 (10972 Bayshore Drive)

APPROVAL: [Signature] DISAPPROVAL: _____

COMMENTS: I think its too big - zero foot set back is of none of my business, but the more than doubling the existing structure. Please dont leave rails everywhere, every time I get a flat it's

SIGNATURE: [Signature] DATE: 6/21/20
BOGER GREGORY N
This house is somewhat historic and this will destroy the character, but I won't object because I'm not alongside you. because of construction

May 20, 2020

Ms. Dorothy Burkhalter
Town Clerk
Windermere, Fl. 34786

RE: 10972 Bayshore Drive Windermere - revised

Dorothy:

Mike Wytiaz is requesting the Town of Windermere grant him a variance to do the following things:

Expand the footprint of the existing 2 story 3,368 Gross Sq Ft house by adding a 3 car garage and master suite on the 1st floor and 2 bedrooms on the 2nd floor adding 2,470 NET/Gross Sq Ft to the East side of the existing house outside the 14 feet side property setback not requiring a variance for this portion of the project

10% of the existing house is 336.8 sq ft and the new NET/Gross sq ft added is 2,470 requiring a variance

The WS or detached shed will be permanently removed

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Thank you with your help on this project

Darrell Nunnelley
407.467.8069

*It should be
land mark / historic.
Said that it
going to be
destroyed.*

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 17, 2020

DAVIT ANTHONY J
11059 SCHOONER WAY
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 10972 Bayshore Drive Z20-06

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town.wadetrim.com
Encl.

RECOMMEND – Z20-06 (10972 Bayshore Drive)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: 
DAVIT ANTHONY J

DATE: 6/27/2020

Town of Windermere

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

Received

JUN 27 2020

Wade Trim



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 17, 2020

FIOLA MARC
2375 MAGUIRE RD
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 10972 Bayshore Drive Z20-06

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Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND - Z20-06 (10972 Bayshore Drive)

APPROVAL: DISAPPROVAL:

COMMENTS: NO PROBLEM

SIGNATURE:  DATE: 6/20/20
FIOLA MARC

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: *Richard David D* DATE: 7/3/20
REICHARD DAVID D


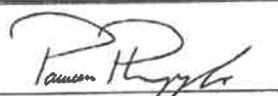


AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code. Section 15-343(b) states: "On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division. **Waivers from side-setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver.**"

I, Paweena Phornprapha & Tomas Dvorak, a legal property owner of property located at 11008 Bayshore Drive (Adjacent Property Owner Name) Windermere, Fl. 34786, have reviewed the dock construction plans dated July 7, 2020, for the property located at 10972 Bayshore Drive Windermere, Fl. 34786, and have no objections.

The dock construction plans include a side setback waiver request of up to 16 feet, in lieu of the minimum 25 feet required by Code.



(Signature - Adjacent Affected Property Owner)

July 20, 2020
(Date)

Tomas Dvorak Paweena Phornprapha
(Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 20th day of July, 2020, by Paweena Phornprapha & Tomas Dvorak.




(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification

Type of Identification Produced _____



AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

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I, Daniel Solomon & Yorky Gomez, a legal property owner of property located at 10964 Bayshore Drive (Adjacent Property Owner Name) Windermere, Fl. 34786, have reviewed the dock construction plans dated July 7, 2020, for the property located at 10972 Bayshore Drive Windermere, Fl. 34786, and have no objections.

The dock construction plans include a side setback waiver request of up to 16 feet, in lieu of the minimum 25 feet required by Code.

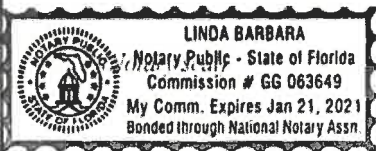
[Signature]
(Signature - Adjacent Affected Property Owner) 7/15/2020
(Date)
DANIEL SOLOMON YORKEY GOMEZ
(Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 19th day of July, 2020, by Daniel Solomon & Yorky Gomez



Linda Barbara
(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

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

200

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 17, 2020

HEARST ROBERT J LIFE ESTATE
10820 BAYSHORE DR
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 10972 Bayshore Drive Z20-06

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

JUL 20 2020

RECOMMEND - Z20-06 (10972 Bayshore Drive)

APPROVAL: _____ DISAPPROVAL

COMMENTS: PLEASE SEE ATTACHED.

SIGNATURE: *Robert J Hearst* DATE: 7/17/20
HEARST ROBERT J LIFE ESTATE

Verla W...

ATTACHMENT - 220-06 VAR REQ

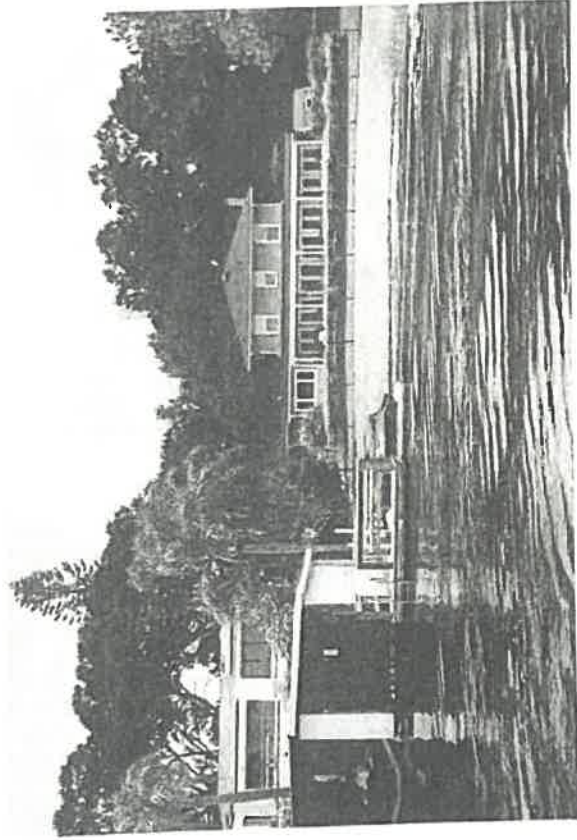
Item #1 - The request to modify a non-conforming structure and exceed the 10% allowable 336.8 SF change by 2133.2 SF is unacceptable. In our view the magnitude of this change exceeds any definition of a variance-type expansion for a non-conforming structure (and does not address impacts to the septic system). Approval to increase the existing non-conforming structure SF by 73% sets a precedence for future variance requests by essentially dismantling any carefully considered underlying rationale behind the town's existing variance limits. If the requestor wishes to modify by variance, they should either consider a more modest change reasonably closer to the variance limit or, if a very large home is still desired, remove the non-conforming structure and build a completely new home on the property.

Item #2 - The request to modify the non-conforming boathouse with a deck on the water-side is unacceptable. Decking across the waterfront entrance of the existing non-conforming boathouse appears to block all boat access to the existing structure making it no longer a boathouse, just an enclosed structure on the property line. It is unclear what the definition of the existing structure will become after this change. Since the requestor already plans to add a boat port and new decking in conformance with present standards, it is recommended they remove the old non-conforming boathouse structure and walkway when they add the new thereby bringing everything into compliance.

Rachel Clark 7/17/20

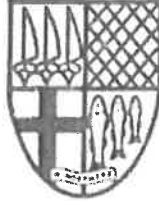
V. D. Murch 7/17/20

EXISTING BOATHOUSE - NOT FULLY ENCLOSED.
OPEN TO THE LAKE & OPEN TO NEIGHBORS BOATHOUSE.



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 17, 2020

TORNETTA MARK
11035 SCHOONER WAY
WINDERMERE, FL 34786

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Wade Trim, Inc.
813.882.4373
town.wadetrिम.com
Encl.

RECOMMEND - Z20-06 (10972 Bayshore Drive)

APPROVAL: _____ DISAPPROVAL

COMMENTS: Ta big!

SIGNATURE: [Signature] DATE: 6/22/20
TORNETTA MARK

Town of Windermere

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

Wade Trim

June 17, 2020

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 17, 2020

OERTHER GREGORY R
11020 BAYSHORE DR
WINDERMERE, FL 34786

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Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com
Encl.

RECOMMEND – Z20-06 (10972 Bayshore Drive)

APPROVAL: _____ DISAPPROVAL: X

COMMENTS: _____

SIGNATURE: Oerther Gregory R
OERTHER GREGORY R

DATE: 6/20/20

Town of Windermere

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



Mayor
JIM O'BRIEN

Town Manager **Received**
ROBERT SMITH

JUL 21 2020

Clerk **Made Trim**
DOROTHY BURKHALTER

June 17, 2020

SLONECKER MICHAEL L
11044 SCHOONER WAY
WINDERMERE, FL 34786

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town@wadetrim.com
Encl.

RECOMMEND - Z20-06 (10972 Bayshore Drive)

APPROVAL: _____ DISAPPROVAL:

COMMENTS: *Proposal would create yet another oversized structure on and undersized lot as well as close off any view of adjacent lakes and increase stormwater runoff onto Bayshore.*

SIGNATURE: *[Signature]* DATE: *6/20/2020*
SLONECKER MICHAEL L

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 17, 2020

BARTOLOMUCCI DONALD A
11032 BAYSHORE DR
WINDERMERE, FL 34786

Received

JUN 22 2020

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Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND - Z20-06 (10972 Bayshore Drive)

APPROVAL: _____ DISAPPROVAL: X

COMMENTS: When we built our house in 2005 we could not get a 6 inch variance to lot line and a zero variance for max square footage. Besides a zero lot line variance will not look good at all. Godage

SIGNATURE: [Signature]
BARTOLOMUCCI DONALD A

DATE: 6-21-2020

Cornelius, Brad

From: Cornelius, Brad
Sent: Tuesday, June 9, 2020 5:47 PM
To: dsolomon@gomezpack.com
Cc: Warner, Amanda; Mastison, Sarah
Subject: RE: Building variance 10972 Bayshore Dr Z20-06

Mr. Soloman,

This is to confirm receipt of your email. Your email will be provided to the DRB and Town Council.

The addition will require sufficient stormwater retention to prevent the 1st inch of runoff from leaving the property.

If there are impacts to the existing septic system, then a new septic system would be required and must be permitted through the Orange County Health Department and be consistent with the State regulations for septic systems.

Take care,
Brad Cornelius, AICP
Contracted Town Planner

[COVID-19 Planning and Response at Wade Trim](#)



Brad Cornelius, AICP, CPRP, CFM, CPM, Vice President
One Tampa City Center
201 North Franklin Street, Suite 1350, Tampa, FL 33602
813-882-4373 office
813-415-4952 cell



From: Daniel Solomon <dsolomon@gomezpack.com>
Sent: Sunday, June 7, 2020 12:20 PM
To: tow <tow@wadetrim.com>
Subject: Building variance 10972 Bayshore Dr Z20-06

Good morning Mr. Cornelius,

I am in receipt of your notice for the Variance Public Hearing for 10972 Bayshore Dr Z20-06.

According to the plans, it calls for building the garage over the septic system. Is this permitted? Also wouldn't the septic system and drain field need to be materially enlarged to accommodate a 4,138 sq ft increase in floor space?

Our concern is the impact of the rain and septic runoff into Little Lake Down, and our well, which is on the adjacent side of our property.

Thank you,

Daniel Solomon
10964 Bayshore Dr.
Windermere, FL 34786

Cornelius, Brad

From: Cornelius, Brad
Sent: Friday, June 26, 2020 11:39 PM
To: pcpd@post.harvard.edu
Cc: Robert Smith; Diane Edwards; Warner, Amanda; Mastison, Sarah; Tomas Dvorak
Subject: RE: 10972 Bayshore Dr., Windermere, FL 34786

Paweena,

The Town cannot deny a permit if the structure meets the code requirements of the Town or is granted a variance by the Town Council. Issues related to views of the lake are civil issues between property owners. However, you can submit your concerns regarding the variance request. They will be provided to the Development Review Board and Town Council.

Based on the submitted plans, the existing boathouse, which is partly on your property and 10972 Bayshore property, is 8'7" above the deck of the dock. The height of the proposed boat port is shown at 10'7" above the deck of the dock, which is 2 feet higher.

Stay safe and healthy!
Brad

[COVID-19 Planning and Response at Wade Trim](#)



Brad Cornelius, AICP, CPRP, CFM, CPM, Vice President
One Tampa City Center
201 North Franklin Street, Suite 1350, Tampa, FL 33602
813-882-4373 office
813-415-4952 cell



From: Cathie Dvorak <phornprapha@gmail.com>
Sent: Friday, June 26, 2020 12:45 PM
To: Cornelius, Brad <bcornelius@wadetrim.com>
Cc: Robert Smith <rsmith@town.windermere.fl.us>; Diane Edwards <dedwards@town.windermere.fl.us>; Warner, Amanda <AWARNER@WadeTrim.com>; Mastison, Sarah <smastison@wadetrim.com>; Tomas Dvorak <tdvorak@gmail.com>
Subject: Re: 10972 Bayshore Dr., Windermere, FL 34786

Hello Mr. Cornelius,

Thank you very much for your response and the update information. If you don't mind, I have a couple additional questions to ask as follows:

1. Given that the proposed structure meets the code, does that mean that we cannot "object" even if the structure will obstruct our view of the lake?
2. How much higher is the new proposed boat port than is the existing/current one?

Thank you for all of your time and help.

Best Regards,
Paweena

On Thu, Jun 18, 2020, 8:48 AM Cornelius, Brad <bcornelius@wadetrim.com> wrote:

Ms. Phornprapha,

Thank you for contacting the Town regarding the variance case for 10972 Bayshore Drive.

The variance case is rescheduled to be heard by the DRB at their meeting on July 21, 2020, and then by Town Council on August 11, 2020. The case will not be heard by the Town Council at their July 14 meeting. New notices were mailed out yesterday with the new dates for the DRB and Town Council meetings.

Attached are the revised notice that was mailed and the set of plans for the proposed variance that shows the height of the proposed dock (port).

The Town's code allows a the height of a boat dock (port) to be no higher than 14.5 feet above the normal high water elevation of the lake. The dock must also meet County Environmental Protection requirements that limits the dock height at no more than 12 feet above the deck. Based on the attached plans, the proposed new dock (port) will be no higher than 13 feet above the normal high water elevation and the highest point of the dock roof will not exceed 12 feet above the deck, which are compliant with the Town and County code.

If you have any other questions do not hesitate to contact me at 813-415-4952 or bcornelius@wadetrim.com.

Take care,

Brad Cornelius, AICP

Contracted Town Planner

COVID-19 Planning and Response at Wade Trim

Brad Cornelius, AICP, CPRP, CFM, CPM, Vice President

One Tampa City Center

201 North Franklin Street, Suite 1350, Tampa, FL 33602

813-882-4373 office

813-415-4952 cell

From: Robert Smith <rsmith@town.windermere.fl.us>
Sent: Thursday, June 18, 2020 7:21 AM
To: Cornelius, Brad <bcornelius@wadetrim.com>
Subject: Fw: 10972 Bayshore Dr., Windermere, FL 34786

Regards,

Robert Smith

Town Manager

Town of Windermere

614 Main St.

Windermere, FL 34786

rsmith@town.windermere.fl.us

Cell: (407) 797-5004

Main: (407) 876-2563 x5324

Fax: (407) 876-0103

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: Cathie Dvorak <phornprapha@gmail.com>
Sent: Thursday, June 18, 2020 2:47 AM
To: tow@wadetrim.com <tow@wadetrim.com>; Robert Smith <rsmith@town.windermere.fl.us>
Cc: dedward@town.windermere.fl.us <dedward@town.windermere.fl.us>
Subject: 10972 Bayshore Dr., Windermere, FL 34786

Hello Mr. Cornelius and Mr. Smith,

My name is Paweena Phornprapha, and I am writing to inquire about the "request for approval of a variance" at my neighbor's property located at 10972 Bayshore Dr., Windermere, FL 34786. I am concerned that the proposed new "boat port" and "deck area" will affect and obstruct our view of the lake.

I was hoping to obtain more information and details about this request during the ZOOM meeting of the Town of Windermere Development Review Board that was scheduled for this past Tuesday, June 16th. But since this June 16th meeting was cancelled, I'd appreciate your response to the following questions please:

- Has the Development Review Board meeting been rescheduled for a different date? If so, when will this "make-up" meeting take place?
- Since the June 16th Development Review Board meeting was cancelled, would my neighbor's request/petition be automatically forwarded to the Town Council for discussion during their next scheduled meeting on July 14th? Or, would they have to first wait until the next Development Review Board meeting takes place?
- How/where may I request for additional information about the proposed new constructions at 10972 Bayshore Drive? The drawings I had received in the mail, for example, do not have information about the proposed height of the boat port.

Thank you very much for your time and attention to this matter. I hope to hear back from you soon with any advice and guidance you can provide. I can be reached at phornprapha@gmail.com or at 407-712-0000.

With Best Regards,

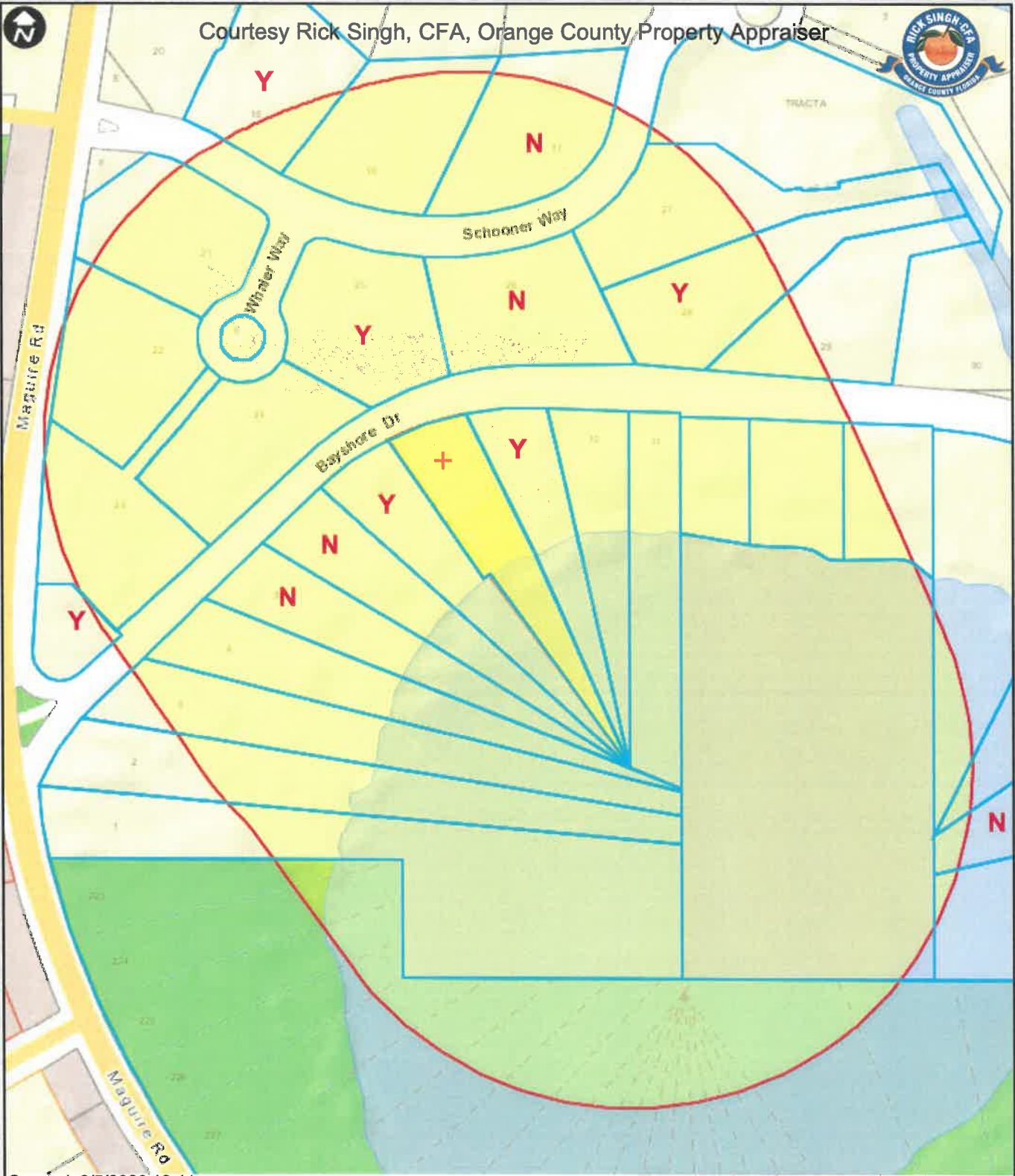
Paweena Phornprapha

(Owner/resident of 11008 Bayshore Dr., Windermere, FL 34786)

Y

OCPA Web Map

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



Courtesy Rick Singh, CFA, Orange County Property Appraiser



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

Development Review Board July 21, 2020

Town Council August 11, 2020

Case No.: Z20-08

Applicant/Representative: Sheila Cichra

Property Owners: Scott and Stephanie Weisz

Requested Action: Variance to allow for a one (1) foot side setback for the replacement of an existing non-conforming boat dock.

Property Address: 711 West 2nd Avenue Windermere, FL 34786

Legal Description: Lot 18 and the Westerly ½ of Lot 19 of Windermere Club Company Subdivision as per Plat thereof recorded in Plat Book E, at Page 28 of the Public Records of Orange County, Florida, also know as Lot 18C and the Westerly ½ of Lot 19C of Windermere Club Company Subdivision as per Plat thereof recorded in Plat Book G at Pages 36 through 39, inclusive.

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Lake
East: Residential/Residential
South: Residential/Residential
West: Residential/Residential

CASE SUMMARY:

The applicant would like to reconfigure an existing nonconforming boat dock. The existing boat dock encroaches the west side property line by 3 feet. The proposed reconfiguration will decrease the nonconformity by 4 feet to have a 1-foot setback from the west property line. The Town requires that boat dock be at least 16 feet from the side property line. The applicant has received a setback waiver from the adjacent neighbor to the west (745 W 2nd Avenue) for both the State and County permits. The applicant has received a DEP permit for the boat dock and has applied for a permit with OCEPD.

Division 10.02.00 of the LDC empowers the Development Review Board to review and make recommendations for approval, approval with conditions or denial to the Town Council on variance requests.

Division 10.02.00 of the LDC requires the Town Council to consider the recommendation of the Development Review Board and to take final action to either approve or deny the variance request.

CASE ANALYSIS:

Section 10.02.02 of the LDC provides the specific standards by which the Development Review Board and Town Council are to review to consider the approval or denial of a variance application. In addition, this Section requires a positive finding, based on substantial competent evidence, for each of the standards. These standards are summarized as follows:

1. The need for the variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the subject property. Variances should be granted for conditions peculiar to the property and not the result of actions of the property owner;
2. There are practical or economic difficulties in carrying out the strict letter of the regulation;
3. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard to the public;
5. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
6. The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code; and

7. The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

It is also important to note that this Section also provides specific standards that are not to be considered in the review of a variance application. These standards are:

1. That the implementation of these regulations would impose an economic hardship on the cost of the building or redevelopment project;
2. That these regulations impose a hardship by decreasing the maximum density of a property in terms of the number of units, square footage of buildings, etc.; and
3. That other adjacent lands, structures or buildings not in conformance with these regulations provide a rationale for a lessening of their application in this specific case.

Section 10.02.02(c) of the LDC allows the imposition of conditions and restrictions as may be necessary to allow a positive finding to be made on any of the variance standards to minimize the negative effect of the variance. The conditions and restrictions should further the interest of the LDC.

The applicant submitted a site plan and other materials in support of the variance request. The following is a summary of the information provided by the applicants in support of their variance request:

1. The reconfiguration will reduce the nonconformity.
2. The applicant received setback waivers from the adjacent affect neighbor.

PUBLIC NOTICE:

Public notices were sent to properties within 500 feet of the subject property. As of August 5, 2020, 9 responses were received in support, and 2 responses were received in objection. An additional response recommended a compromise of a 7 foot side setback.

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

July 21, 2020

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

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

1. OPEN FORUM/PUBLIC COMMENTS:

Manager Smith read into the record an email received from Lynn and Jim Salmon of 8 Pine Street (attached). He also read into the record an email received from Douglas Kegler of 12 Pine Street. Some discussion followed regarding chickens.

2. NEW BUSINESS:

a. **RESIGNATION LETTER: William Yeager**

Chair Chase stated for the record that William Yeager has resigned from the Board. He stated that another member is needed.

b. **MINUTES:**

i. **May 19, 2020 Meeting Minutes**

Member Rose made a motion to approve the May 19, 2020 meeting minutes. Member Roper seconded the motion. All were in favor. Motion carried 6-0. Chair Chase stated Member Withers would need to read his Form 8B from the previous meeting. Clerk Burkhalter stated that Member Withers would read the form into the record at the next meeting.

b. **GENERAL ITEMS FOR CONSIDERATION:**

i. **Z20-06: 10972 Bayshore Drive Expansion of a non-conforming home by more than 10% and allow a boat dock with a zero (0) foot side setback.**

Chair Chase turned the floor over to Town Planner, Brad Cornelius. Mr. Cornelius introduced case number Z20-06 for 10972 Bayshore Drive. He explained that the request is for an increase of the floor area of a nonconforming structure beyond 10%. And, originally a second request for an expansion of an existing non-conforming boat dock which would be a zero (0) setback for the new deck and a 14-foot setback for a new boat port. Mr. Cornelius stated that the request for the addition for a new deck has been rescinded but the request for the new boat port remains. He explained that the first request is to allow for a garage and additional living space, which would add an additional 2,470 square feet to the home. Mr. Cornelius then explained the new boat port request. He stated that the request for the new boat port is to allow a fourteen (14') foot side set back instead of sixteen (16') feet required by code. Mr. Cornelius stated that the expansion to the home will be on the east side, which there is room. He stated that the setbacks and FAR will be met. However, the stormwater and septic will need to be re-worked on the

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

July 21, 2020

property. Mr. Cornelius commented on the notices that were sent to the surrounding property owners. Some discussion was made regarding the responses. Member Rose questioned if the existing boat dock is shared with the neighbor. Mr. Cornelius stated that there is a wall for separation but it is utilized by both properties. Member Fleck questioned if the existing boat dock is being demolished. Mr. Cornelius stated no. Some discussion was made regarding the attached boat port. Mr. Darrell Nunnelley explained the existing boat house and proposed boat port. He also stated that the boat port may not be permitted by Orange County due to the size. Member Fleck commented that he can't see a portion of the dock being demolished without impacting the neighbor. Member Withers commented that the drawings needed to reflect the existing and proposed better. Member Rose commented on the code that is causing the variance request. Member Sutton questioned if the owner would have access to the existing dock and the proposed new port. Mr. Nunnelley stated yes. Discussion followed regarding separating this variance request into two. Member Sutton commented on a concern of setting a precedent of allowing three boat docks across two properties. Member Roper questioned if the setback for the dock would be at zero (0). Mr. Cornelius stated that the request leading to the zero (0) setback has been withdrawn. He explained that the boat port request is for a fourteen (14') foot setback instead of a sixteen (16') foot setback, a two (2') foot encroachment. Member Withers made a motion to approve the two (2') foot side encroachment for the boat port. Member Fleck seconded the motion. Voting was as follows: Sutton – no, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 5-1. Mr. Nunnelley explained that the house variance is due to the laundry room being added to the west side of the property years ago. He then commented on the well/septic, pavers, stormwater retention, and aesthetics. Discussion followed regarding setbacks, lot shape, floor area ratio, septic system and location, well location, neighbors well location, and the variance request. Member Rose made a motion to recommend approval of the variance request. Member Withers seconded the motion. After some discussion was made, voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0.

- ii. **Z20-08: 711 W 2nd Avenue – Replacement of an existing non-conforming boat dock at a setback of one (1) foot from the side property line.**

Chair Chase stated he will be abstaining from voting on this item due to family property across the street. He then turned the floor over to Mr. Cornelius. Mr. Cornelius presented the variance request. Mr. Cornelius stated that the request is to replace the existing boat dock which encroaches three (3') feet across the property line. He explained that with the newly proposed dock, a fifteen-foot (15') variance is needed. In which the boat dock will have a one-foot (1') set-back instead of the sixteen feet (16') required by code. Mr. Cornelius commented on the replies received from residents. Member Withers questioned why the applicant can't meet the setback requirement. Member Fleck questioned the disapproval responses. Mr. Cornelius reviewed the disapprovals. Member Roper questioned the hardship. Ms. Shelia Cichra, representative for the applicant introduced herself. She then stated that the view is the reason for the variance. Member Withers stated that the view is not a hardship. Discussion followed regarding no hardship, width of lot on the lakefront, placement of the dock, rebuilding of an

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

July 21, 2020

enclosed boat house, and size of existing boathouse. Member Rose questioned if the applicant would consider an eight-foot (8') setback. Ms. Cichra stated that owners would need to make that decision. Owner Mrs. Stephanie Weisz introduced herself. She stated that they would like to replace an old antiquated dock with a new one that will meet their needs. Mrs. Weisz also stated that the renovation will then allow them to park their boat as the current size is for a john boat. Discussion followed regarding the size of the boat house, length of walkway, existing setbacks and boathouse. Member Roper made a motion to recommend denial of the variance request. Member Sutton seconded the motion. Voting was as follows: Sutton – aye, Withers – aye, Chase – abstain, Rose – aye, Roper -aye, and Fleck- yes. Motion carried 5- 0 – 1 abstain.

iii. Z20-09: 31 Pine St – Expansion of a non-conforming home by more than 10% and to allow a pool deck at less than 50 feet from the normal high-water elevation of the lake.

Chair Chase introduced this item. He then turned the floor over to Mr. Cornelius. Mr. Cornelius gave a brief history of the previous variance request approval for this property. He stated that this house has since been sold and the new owners would like to cover the porches in the rear yard. With this being done, anything under roof has to be calculated. Mr. Cornelius then commented on the pool deck replacement/expansion request. He then stated that the previously approved variance request conditions will be carried forward. Mr. Cornelius then reported on the comments that were received from surrounding property owners. Member Rose questioned the roof coverage. Mr. Cornelius explained the overhang on the porches. He explained that in the original request, there were not any roof overhangs to the porches. They are now being turned into covered patios. Discussion was made regarding what was previously approved and what is now being requested for approval. Ms. Patricia Sweet-Grafton, owner of 31 Pine Street, explained that only roofs will go over the proposed decks. Further discussion followed. Member Rose questioned the hardship. Mr. Cornelius explained that the previous hardship was found with the unique shape of the lot. Member Withers commented that since the porches would be covered, it will now add to the total square footage. Mr. Cornelius stated that now that the roofs would be added, the floor space needed to be counted. Member Withers made a motion to recommend deny any further extension towards the lake. Member Roper seconded the motion. Ms. Sweet-Grafton requested to speak on the pool deck. Chair Chase allowed comments. Ms. Sweet-Grafton stated that the existing pool deck is failing/deteriorating and needs to be redesigned. Mr. Grafton commented that the walkway is too narrow, approximately three feet (3') wide. Discussion followed regarding pervious/imperious surface, setbacks, faint line on site plan C-101, and the existing and proposed pool decking. Mr. Jim Salmon of 8 Pine Street introduced himself. He then commented on the previous condition of the house and the improvements that have been made. Mr. Salmon stated that they have added significant value to the area. Chair Chase stated that the concern is the deck set back to the lake. Discussion continued regarding the pool deck. Member Roper questioned if consideration has been given for a rectangular pool. Ms. Sweet-Grafton stated that at this time, the main house is the financial concern. Maybe the pool in the future. Discussion was made regarding the sea wall, setbacks, and drainage/swale. Chair Chase recalled the motion. Member Withers reiterated his motion. Ms. Sweet-Grafton questioned the “nothing 50’ from the normal high eater”. Chair Chase explained the code. Mr. Cornelius stated that the fifty-foot (50’) setback for this property would be at the back of the house, the pool sits within the fifty-feet (50’). Pervious and imperious surfaces were discussed. Member Fleck questioned Member Withers if he would amend his motion to include only pervious surface can be used. Member Withers commented his concern with anything in the fifty-feet (50’)

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

July 21, 2020

set back and keeping things from the edge of the lake. Member Fleck stated that the pool is existing but it would allow for a pervious decking. Discussion followed regarding the hardship. Member Rose questioned Member Withers if he was in favor of amending his motion to include the pervious coverage. Member Withers stated he would like to see how his original motion goes. Chair Chase call for the vote on the original motion. Voting was as follows: Sutton – no, Withers – aye, Chase – no, Rose -aye, Roper – no, and Fleck – no. Motion failed 2-4. Mr. Grafton and Ms. Sweet-Grafton commented on the location of the seawall and the distance from the deck to the lake. Member Fleck made a motion to recommend approval with the use of an engineered pervious surface. Member Roper questioned that if this has been done, would the applicant needed to appear before this Board. Mr. Cornelius commented that the structure fails under the Florida Building code, which it would still need to come before the Board. Member Sutton seconded the motion. Chair Chase questioned the variance of 15.7' from the normal high water. Mr. Cornelius stated that it's only for the pool deck. Voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0. Chair-Chase then stated that the balcony needed a motion. Member Sutton made a motion to recommend approval for the balconies. Member Fleck seconded the motion. Chair Chase questioned the if the second-floor covering is what's causing the variance. Mr. Cornelius stated yes. Some discussion followed. Voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0.

iv. **ORDINANCE NO. 2020-06 (Revise LDC to allow Chickens in residential area)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA ALLOWING FOR BACKYARD CHICKENS; ADDING A NEW ARTICLE III TO CHAPTER 4 OF THE TOWN'S CODE OF ORDINANCES TO CREATE A BACKYARD CHICKEN PROGRAM; REQUIRING A PERMIT AND PROVIDING FOR TERMS, CONDITIONS, AND PENALTIES CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Smith introduced this item. He then gave a history of and on the proposed Ordinance. Member Rose questioned if Key West had been researched. Manager Smith stated no. Discussion followed. Member Sutton stated she is adamantly opposed. Chair Chase stated that his concerns have been discussed. Member Rose made a motion to recommend denial of the proposed Chicken Ordinance. Member Sutton seconded the motion. Voting was as follows: Sutton – aye, Withers – no, Chase – aye, Rose – aye, Roper – no, and Fleck – aye. Motion carried 4-2.

4. **ADJOURN:**

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

The meeting adjourned at 9:05pm.

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

July 21, 2020

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

DRAFT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WITHERS STEPHEN EDWARD	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE DEVELOPMENT REVIEW BOARD
MAILING ADDRESS 712 MAIN ST	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY WINDERMERE ORANGE	NAME OF POLITICAL SUBDIVISION: TOWN OF WINDERMERE
DATE ON WHICH VOTE OCCURRED FEB 18, 2020	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, STEPHEN WITMERS, hereby disclose that on FEB 18, 2020, 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____ , by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

• I AM A CONSULTANT TO TOWN FOR THE PROJECT CONCERNING THE VOTE,
 • PROJECT: TEMPORARY TOWN OFFICES.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Feb 19 2020
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Chase Frank W.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Development Review Board</i>
MAILING ADDRESS <i>935 Oakdale St.</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Windermere, FL 34786 Orange</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Windermere</i>
DATE ON WHICH VOTE OCCURRED <i>July 21, 2020</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Frank W., hereby disclose that on July 21st, 20 20:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Joan W. Horgadan (Mother);
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item 220-08 regarding 711 W. 2nd Ave is adjacent to rental property owned by my mother, Joan W. Horgadan and located at 727 W. 2nd Ave.

I personally could have a future interest in the property located at 727 W. 2nd Ave.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/21/20
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Date: March 14, 2020
To: Dorothy Burkhalter, Town Clerk
From: Sheila Cichra
Re: Variance Request for 711 West 2nd Avenue, Windermere
Boat dock side setback variance

The attached files are an application package for a side setback variance from 16' to 1' for a proposed replacement boat dock.

The parcel belongs to the Scott Stephen Weisz and Stephanie Keiber Weisz Living Trust.

There is currently an existing boat dock that encroaches on the shared projected property line by about 3'.

The OC EPD boat dock permit, with a side setback waiver, is about to be issued. We have already obtained a DEP permit for the dock – again, with a side setback waiver.

The adjacent property owner's County and State setback waivers are also in the attached application package.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Sheila Cichra".



Date: September 20, 2019
To: Dorothy Burkhalter, Town Clerk
From: Sheila Cichra
Re: Variance Request for 711 West 2nd Avenue, Windermere
Boat dock side setback variance

The *Special Conditions and Circumstances* that exist on site, are that there is an existing boathouse that encroaches across the projected property line and that it has been there for over 20 years.

The hardship was *Not Self-Created*. The existing boathouse was already constructed when this property was purchased.

There is *No Special Privilege being Conferred*, because many similar variances have been issued in Windermere, to allow historical non-conforming boathouses to be rebuilt.

Regarding *Deprivation of Rights*, if this variance isn't approved, the new boathouse will have to be constructed near the center of the lot and that will destroy the view of the lake from the house.

We believe that we are requesting the *Minimum Possible Variance*, because we are already constructing the proposed boathouse 4' farther over than the existing.

The adjacent property owners are in full support of the new boathouse. We believe that is a good example of the *Purpose and Intent* of such a zoning variance.

AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Scott Stephen Weisz and Stephanie Keiber Weisz Living Trust, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 711 West 2nd Avenue, Windermere, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Sheila Cichra, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, boat dock permit, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 10/24/19

✓ [Signature]
Signature of Property Owner

Scott Weisz
Print Name Property Owner

Date: 10/24/19

[Signature]
Signature of Property Owner

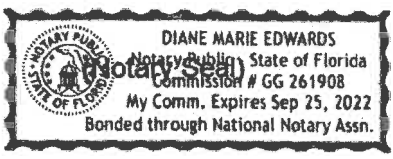
Stephanie Weisz
Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 24 day of October, 2019 by Scott Weisz. He/she is personally known to me or has produced FL-W200-707-79-172-0 as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 24 day of October, in the year 2019.

[Signature]
Signature of Notary Public
Notary Public for the State of Florida



My Commission Expires: 9-25-2022

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #: 17-23-28-9336-30-180
LEGAL DESCRIPTION: PLAT OF WINDERMERE G/36 LOT 18C & W1/2 OF LOT 19C SEE 2333/849

Prepared By and Return To:
Brian A. Barnes
Saint Lawrence Title, Inc.
212 Pasadena Place
Orlando, FL 32803

For the issuance of title insurance, file #: 2019-4399

[Space Above This Line For Recording Data]

WARRANTY DEED

This Warranty Deed made **September 23, 2019** between

Grantor: Carol P. Fosgate, a single woman

mailing 911 Seville Place
address: Orlando, FL 32804

Grantee: Scott Stephen Weisz and Stephanie Keiber
Weisz Living Trust

mailing 11449 Lake Butler
address: Boulevard
Windermere, FL 34786

Witnesseth, that said grantor, for and in consideration of the sum of One Million Five Hundred Fifty Thousand Dollars and zero Cents (\$1,550,000.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Orange County, Florida to-wit:

Lot 18 and the Westerly 1/2 of Lot 19 of Windermere Club Company Subdivision as per Plat thereof recorded in Plat Book E, at Page 28 of the Public Records of Orange County, Florida, also known as Lot 18C and the Westerly 1/2 of Lot 19C of Windermere Club Company Subdivision as per Plat thereof recorded in Plat Book G at Pages 36 through 39, inclusive.

Subject property is not the Homestead of the Grantor

Parcel ID# 17-23-28-9336-30-180

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining

To Have and to Hold, the same in fee simple forever.

WARRANTY DEED – Continued

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

X B. Barnes Carol P. Fosgate
Witness Name: Brian A. Barnes Carol P. Fosgate

X Kelsey Kelley
Witness Name: Kelsey Kelley

STATE OF FLORIDA
COUNTY OF ORANGE

This instrument was sworn to and acknowledged before me on September 23, 2019 by Carol P. Fosgate who produced a driver's license as identification.



X B. Barnes
(Notary Seal)



Courtesy Rick Singh, CFA, Orange County Property Appraiser



- Florida Turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Geared Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed Street
- Block Line
- Lot Line
- Residential
- Agriculture
- Community
- Institutional
- Governmental
- Institutional/Misc
- Commercial
- Industrial/Vacant
- Land
- Hydro
- Waste Land
- Agricultural
- Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension



Created: 1/28/2020 14:10 Aerial 2019

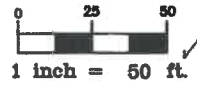
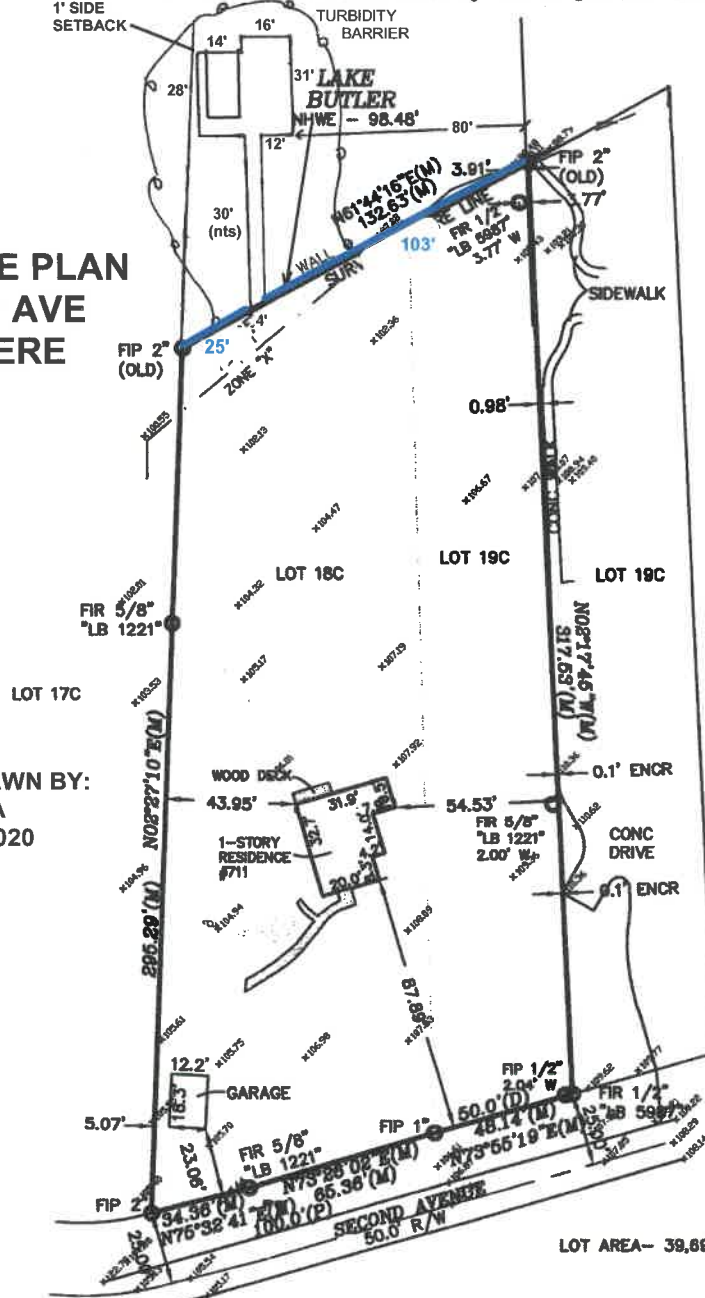
This map is for reference only and is not a survey



LEGAL DESCRIPTION
 Lot 18 and the Westerly 1/2 of Lot 19 of Windermere Club Company Subdivision as per Plat thereof recorded in Plat Book E, at Page 28 of the Public Records of Orange County, Florida, also known as Lot 18C and the Westerly 1/2 of Lot 19C of Windermere Club Company Subdivision as per Plat thereof recorded in Plat Book G at Pages 36 through 39, inclusive.

**WEISZ SITE PLAN
 711 W 2ND AVE
 WINDERMERE
 FL 34786**

**SITE PLAN DRAWN BY:
 SHEILA CICHRA
 JANUARY 24, 2020**



LOT AREA- 39,899 SF, 0.91 AC

BOUNDARY SURVEY CERTIFIED TO:
 SCOTT STEPHEN WEISZ AND STEPHANIE KEIBER WEISZ LIVING TRUST
 SAINT LAWRENCE TITLE, INC.
 WESTCOR LAND TITLE INSURANCE COMPANY,
 AND THEIR SUCCESSORS AND/OR ASSIGNS.

PROPERTY ADDRESS:
 711 WEST 2ND AVE
 WINDERMERE, FL 34786

LEGEND & ABBREVIATIONS

- FIR = FOUND IRON ROD
- FIP = FOUND IRON PIPE
- N/D = NAIL & DISK
- SIR = SET IRON ROD
- CMON = CONCRETE MONUMENT
- PSM = PROFESSIONAL SURVEYOR & MAPPER
- LB = LICENSED BUSINESS
- CB = CHORD BEARING
- R/W = RIGHT OF WAY
- CONC = CONCRETE
- COV = COVERED
- A/C = AIR CONDITIONER
- D.E. = DRAINAGE EASEMENT
- U.E. = UTILITY EASEMENT
- WBF = WOOD BOARD FENCE
- WVF = WHITE VINYL FENCE
- CLF = CHAIN LINK FENCE
- (P) = PLAT DIMENSION
- (M) = FIELD MEASURED
- CL = CENTERLINE
- WM = WATER METER
- CR = CABLE RISER
- TR = TELEPHONE RISER
- ER = ELECTRIC RISER
- PO = POWER POLE

SURVEYOR'S NOTES

1. BASIS OF BEARING - THE SOUTHERLY LINE OF LOT 18C AND THE WESTERLY 1/2 OF LOT 19C OF WINDERMERE CLUB COMPANY SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK G AT PAGES 38 THROUGH 39, INCLUSIVE, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, AS BEING N73°55'19"E PER PLAT.
2. DATE OF FIELD SURVEY: 8/17/19; REVISED BOUNDARY 9/9/19
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING FENCE OR BUILDING TIES.
5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
6. BASED UPON MY REVIEW OF THE "FLOOD INSURANCE RATE MAP" OF WINDERMERE COUNTY, FLORIDA, COMMUNITY PANEL NO. 120903035P, EFFECTIVE DATE SEPTEMBER 25, 2009, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "AE", WITH A BASE FLOOD ELEVATION OF 101.0 FEET, AND ZONE "X" DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
7. NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP OR ENCUMBRANCES WERE PROVIDED, EXCEPT AS NOTED, NOR DID THIS SURVEYOR ABSTRACT THESE LANDS.
8. SURVEY FILE NUMBER: 19-07-103
9. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), AND MORE SPECIFICALLY TO THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN) CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) ORL1, FLKS & FLEV.

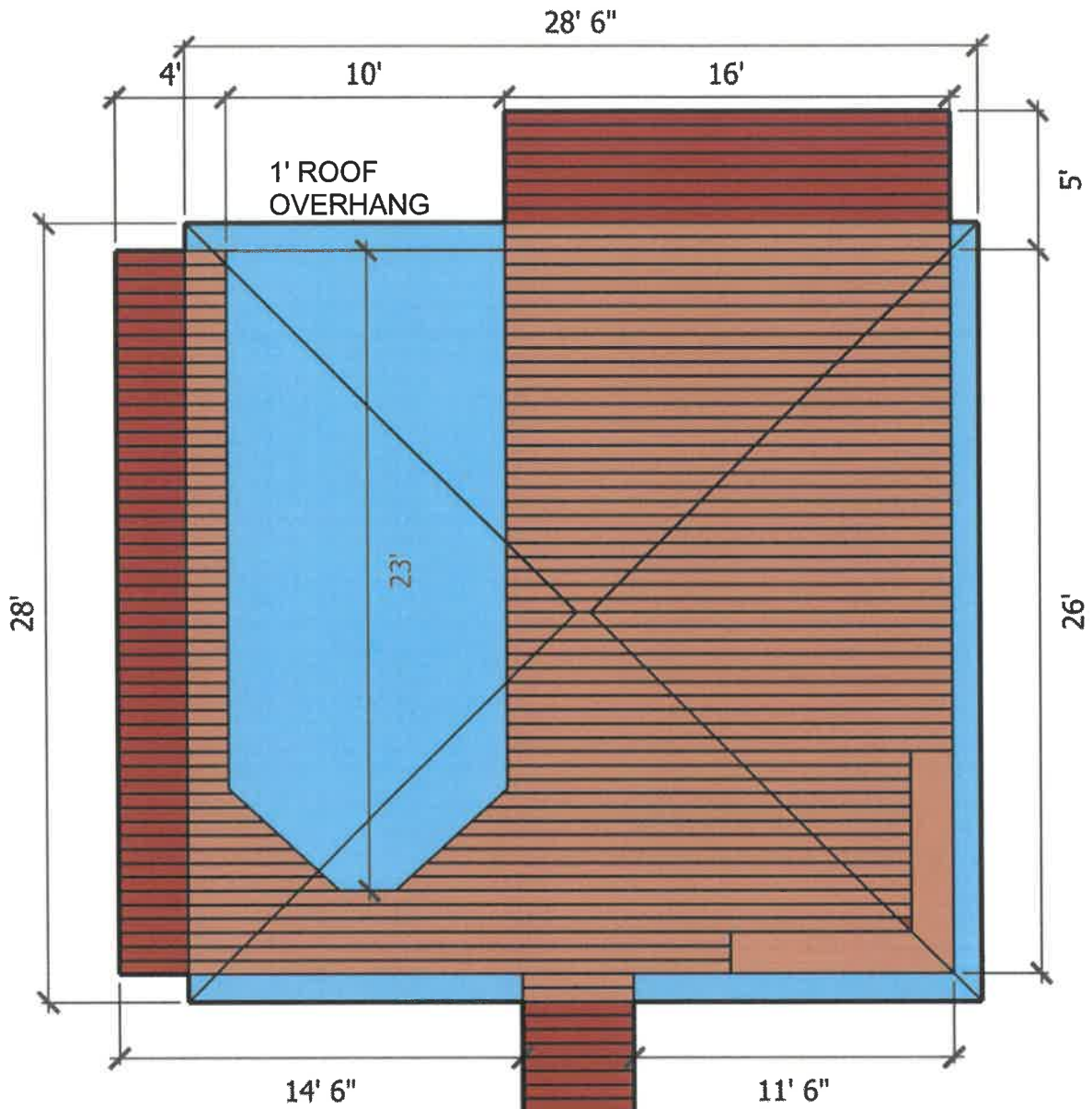
I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

This item has been electronically signed and sealed by Faun M. Hoffmeier, PSM on [Date/Time Stamp shows] using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

XXXXXXXXXX

FAUN M. HOFFMEIER, P.S.M. LS 8552
 H&H SURVEY CONSULTANTS, LLC, LB 7821

2019.10.02 09:56:04 -04'00'



4' X 30' DOCK
 16' X 31' DECK
 + 39.5 SQ.FT. O.H.
 14' X 26' BOATHOUSE
 + 22 SQ.FT. O.H.
 1,041.5 TOTAL SQ.FT.

LAKE BUTLER

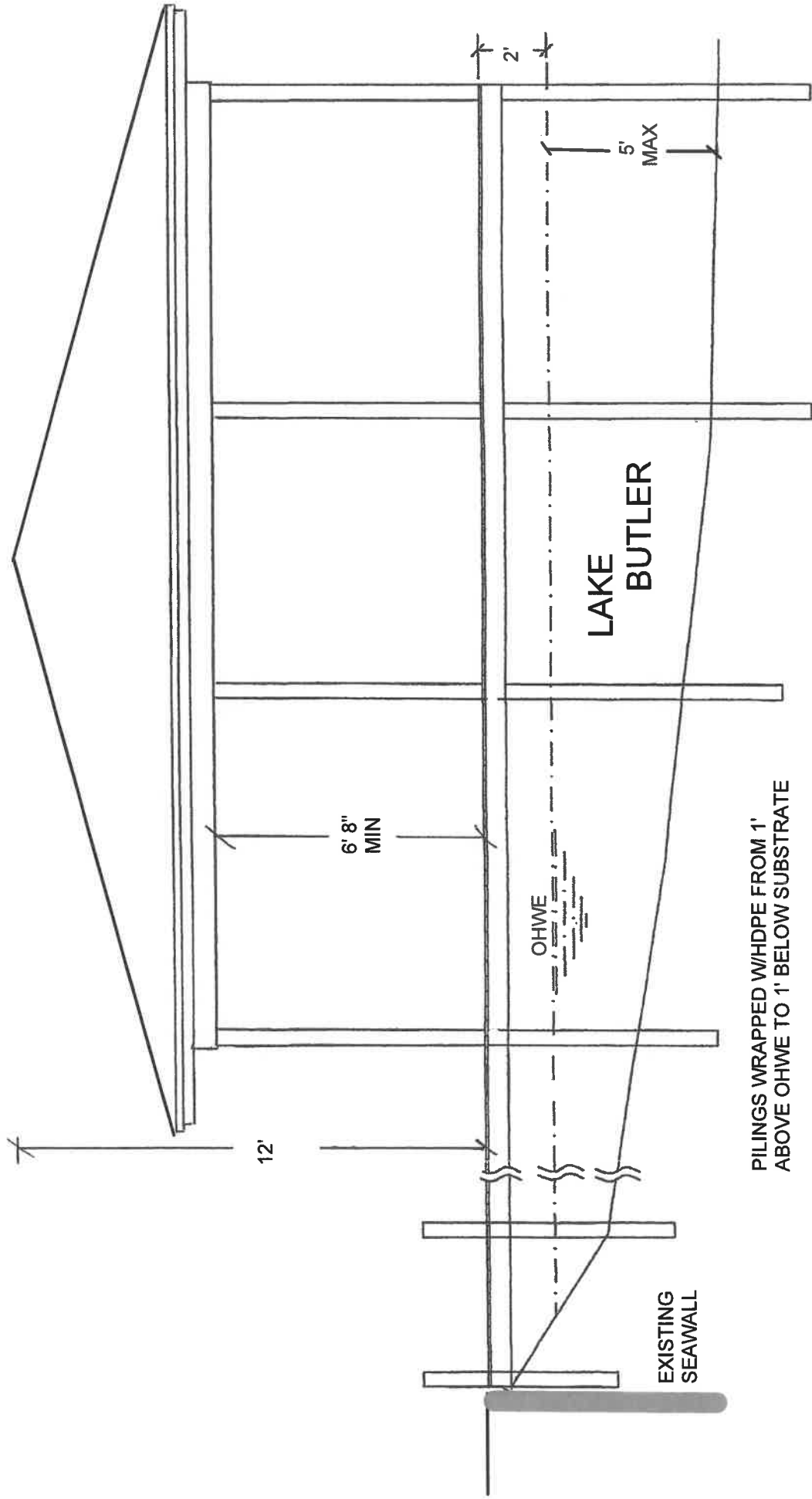
30'
(NTS)

WEISZ PLAN VIEW
 711 WEST 2ND AVENUE
 WINDERMERE, FL 34786

OHWE FALLS ON
 EXISTING SEAWALL

4'

WEISZ ELEVATION
711 WEST 2ND AVENUE
WINDERMERE, FL 34786



PILINGS WRAPPED W/HDPE FROM 1'
ABOVE OHWE TO 1' BELOW SUBSTRATE

MIN DEPTH OF 2' BELOW THE MEAN ANNUAL
LOW WATER ELEVATION IN THE SLIP AREA

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Weisz Living Trust (owner/applicant)
711 West 2nd Avenue (address of project)
Windermere, FL 34786

File No.: _____

FROM: Joan Hargadon Revocable Trust (adjacent property owner)
745 West 2nd Avenue
Windermere, FL 34786

Section 18-21.004(3)(d). Florida Administrative Code, provides:

Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; **when a letter of concurrence is obtained from the affected adjacent upland riparian owner;** or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / west) of the facility or activity proposed to be constructed or conducted by Weisz Living Trust (the applicant), as shown in the above referenced file (and on the attached drawing). **I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C.** This file shows the structure will be located entirely within the applicant's riparian rights area and within 1 feet of the common riparian rights line between our parcels.

Joan W. Hargadon
(Original signature of adjacent owner)

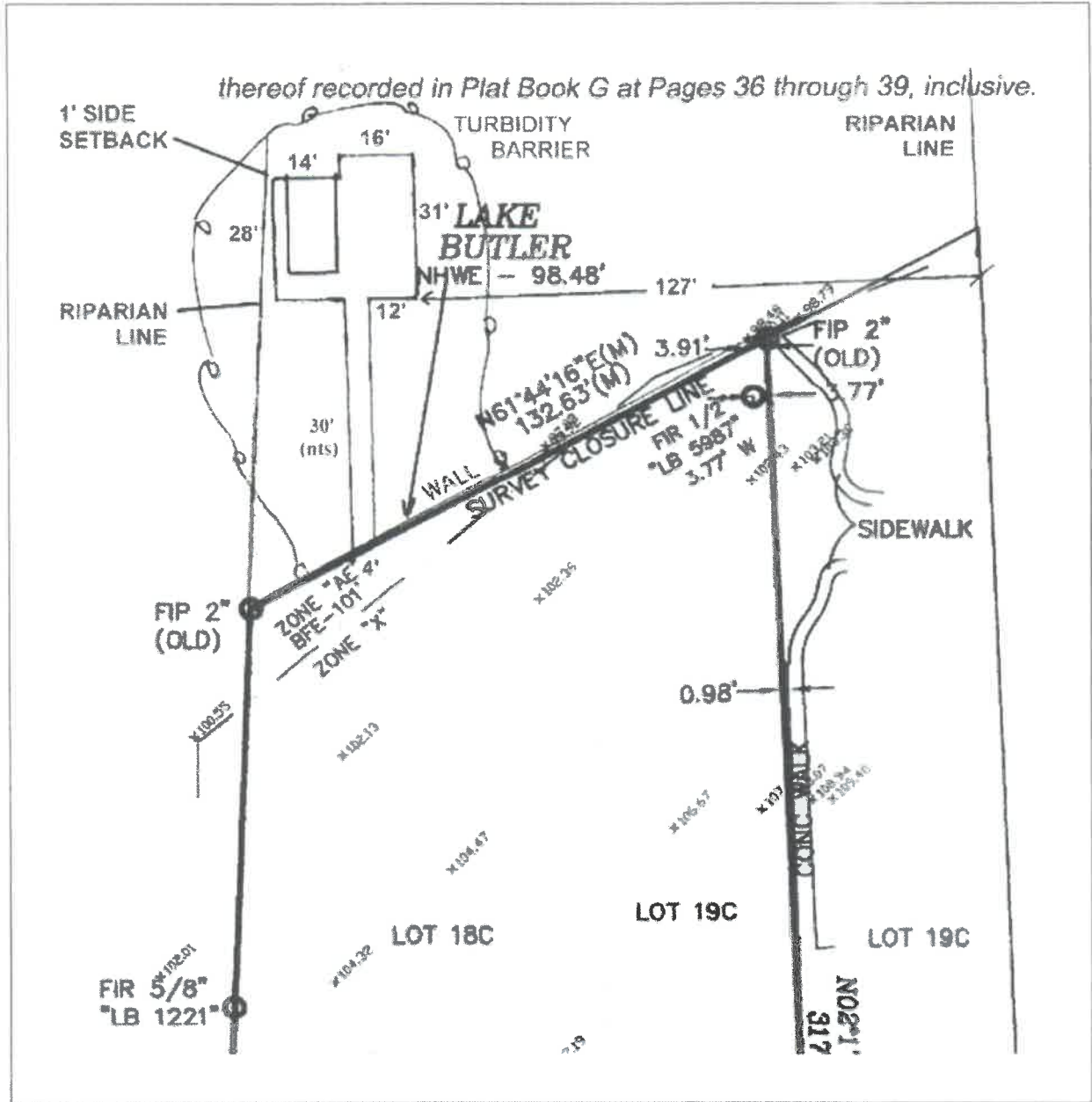
1-31-20
(Date signed)

Joan Hargadon
(Printed name of adjacent owner)

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

LETTER OF CONCURRENCE FOR SETBACK WAIVER

PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



JWH (Initials of adjacent owner)

1.31.26 (Date)



FLORIDA DEPARTMENT OF Environmental Protection

Central District
3319 Maguire Blvd, Suite 232
Orlando, FL 32803-3767

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 4, 2020

Scott Weisz
711 W. 2nd Avenue
Windermere, FL 34786
Weisz@mac.com

File No. 0384822-001-EG, Orange County

Dear Mr. Weisz:

On February 15, 2020, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a 1,041.5 square-foot private, single-family dock with one covered boat slip within Lake Butler, an Outstanding Florida Waterbody and Class III waterbody. The project is located at 711 W. 2nd Avenue, Windermere, FL 34786, Section 17, Township 23 South, Range 28 East, Orange County.

Your intent to use a General Permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project did not qualify for the federal authorization; therefore, additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a General Permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapter 253 of the Florida Statutes (F.S.) and 258, F.S. if located within an aquatic preserve, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review - Chapter 253 F.S., and Chapter 18-21, F.A.C. and, and Section 62-330.075, F.A.C. as required.

3. Federal Review – SPGP Not Approved

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the U. S. Army Corps of Engineers. You must

apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this General Permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;

- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for

filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Christine Daniel
Environmental Manager
Permitting and Waste Cleanup Program

Enclosures:

General Permit for Docks, Piers, and Associated Structures, Ch. 62-330.427, F.A.C.
General Conditions for All General Permits, Ch. 62-330.405, F.A.C.
Special Consent Conditions
General Conditions for Authorizations for Activities on State-Owned Submerged Lands
Project drawings, 3 pages

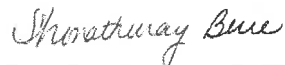
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Orange County, Neal.thomas@ocfl.net
Sheila Cichra, Agent, sheilacichra@gmail.com
Hayden Denton, FDEP, Hayden.Denton@FloridaDEP.gov
Christine Daniel, FDEP, Christine.Daniel@FloridaDEP.gov

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

March 4, 2020

Date

62-330.427 General Permit for Docks, Piers and Associated Structures.

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:
 - a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or
 - b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.
2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and
3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

- (a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;
- (b) There shall be no structures enclosed by walls, screens, or doors on any side;
- (c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;
- (d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard

discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee’s right to conduct a specific activity under the general permit is authorized

for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities

involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Lands:

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

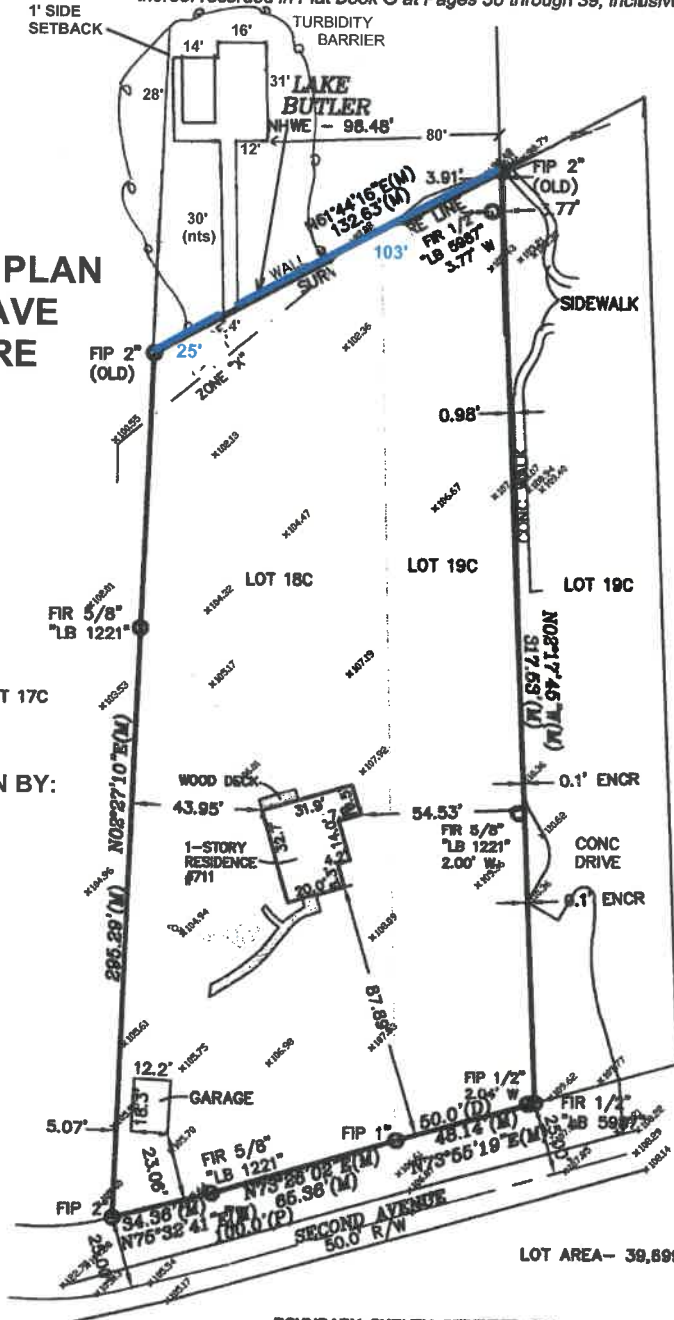
Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.



LEGAL DESCRIPTION
 Lot 18 and the Westery 1/2 of Lot 19 of Windermere Club Company Subdivision as per Plat thereof recorded in Plat Book E, at Page 28 of the Public Records of Orange County, Florida, also known as Lot 18C and the Westery 1/2 of Lot 19C of Windermere Club Company Subdivision as per Plat thereof recorded in Plat Book G at Pages 36 through 39, inclusive.

WEISZ SITE PLAN
 711 W 2ND AVE
 WINDERMERE
 FL 34786

SITE PLAN DRAWN BY:
 SHEILA CICHRA
 JANUARY 24, 2020



LOT AREA- 39,899 SF, 0.91 AC

PROPERTY ADDRESS:
 711 WEST 2ND AVE
 WINDERMERE, FL 34786

BOUNDARY SURVEY CERTIFIED TO:
 SCOTT STEPHEN WEISZ AND STEPHANIE KEIBER WEISZ LIVING TRUST
 SAINT LAWRENCE TITLE, INC.
 WESTCOR LAND TITLE INSURANCE COMPANY,
 AND THEIR SUCCESSORS AND/OR ASSIGNS.

LEGEND & ABBREVIATIONS

FIR	= FOUND IRON ROD
FIP	= FOUND IRON PIPE
N/D	= NAIL & DISK
SIR	= SET IRON ROD
CMON	= CONCRETE MONUMENT
PSM	= PROFESSIONAL SURVEYOR & MAPPER
LB	= LICENSED BUSINESS
CB	= CHORD BEARING
R/W	= RIGHT OF WAY
CONC	= CONCRETE
COV	= COVERED
A/C	= AIR CONDITIONER
D.E.	= DRAINAGE EASEMENT
U.E.	= UTILITY EASEMENT
WB	= WOOD BOARD FENCE
WF	= WHITE VINYL FENCE
CLF	= CHAIN LINK FENCE
(P)	= PLAT DIMENSION
(M)	= FIELD MEASURED
(C)	= CENTERLINE
(W)	= WATER METER
(R)	= CABLE RISER
(T)	= TELEPHONE RISER
(E)	= ELECTRIC RISER
(F)	= FLOWER BOX

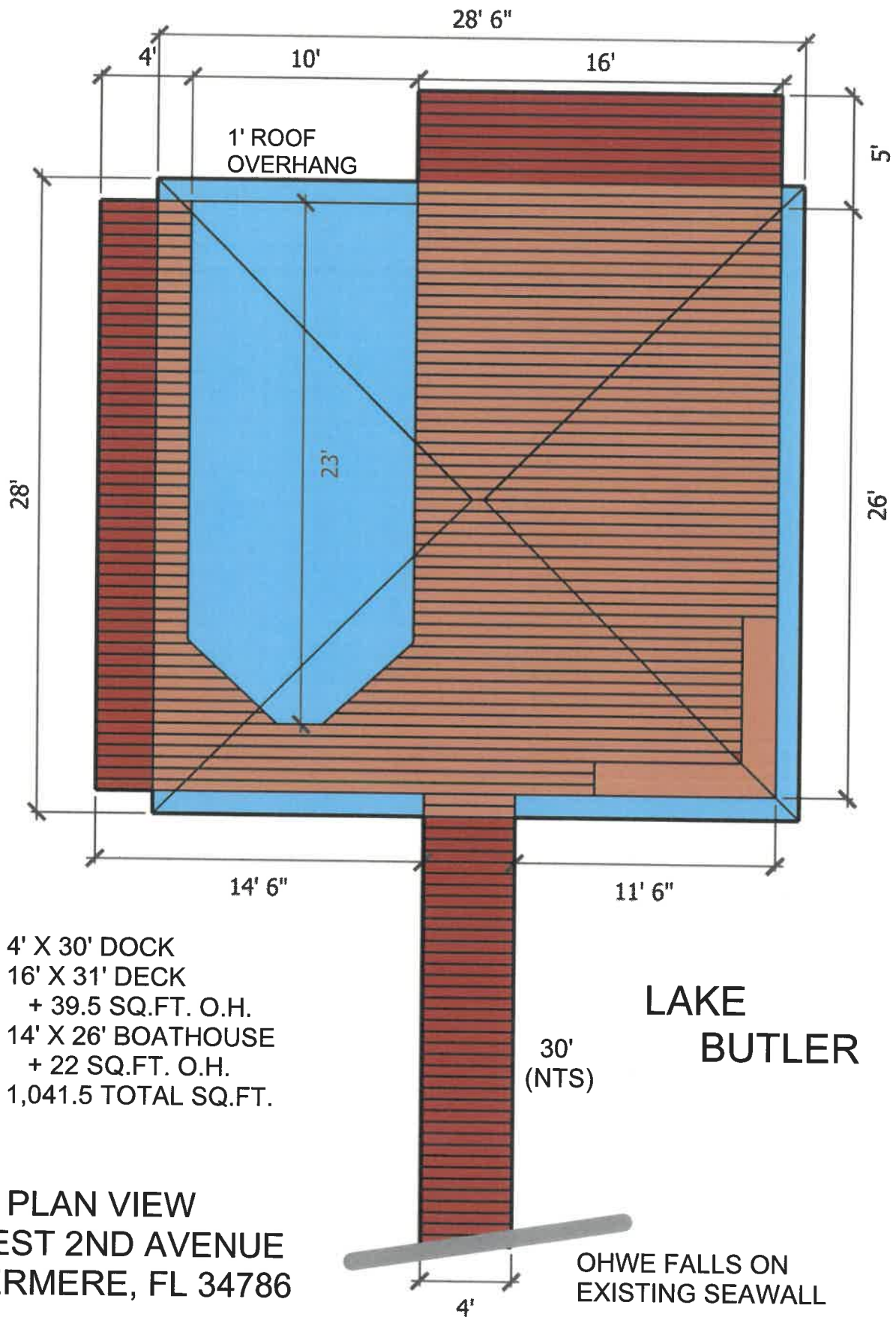
- SURVEYOR'S NOTES**
1. BASIS OF BEARING - THE SOUTHERLY LINE OF LOT 18C AND THE WESTERLY 1/2 OF LOT 19C OF WINDERMERE CLUB COMPANY SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK G AT PAGES 36 THROUGH 39, INCLUSIVE.
 PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, AS BEING N73°55'19"E PER PLAT.
 2. DATE OF FIELD SURVEY: 8/17/19; REVISED BOUNDARY 9/9/19
 3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
 4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING FENCE OR BUILDING TIES.
 5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
 6. BASED UPON MY REVIEW OF THE "FLOOD INSURANCE RATE MAP" OF WINDERMERE COUNTY, FLORIDA, COMMUNITY PANEL NO. 1209500385F, EFFECTIVE DATE SEPTEMBER 25, 2009, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "AE", WITH A BASE FLOOD ELEVATION OF 101.0 FEET, AND ZONE "X" DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
 7. NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP OR ENCUMBRANCES WERE PROVIDED, EXCEPT AS NOTED, NOR DID THIS SURVEYOR ABSTRACT THESE LANDS.
 8. SURVEY FILE NUMBER: 19-07-103
 9. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), AND MORE SPECIFICALLY TO THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN) CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) ORL1, FLKS & FLEU.

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

This item has been electronically signed and sealed by Faun M. Hoffmeier, PSM on [Date/Time Stamp] using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

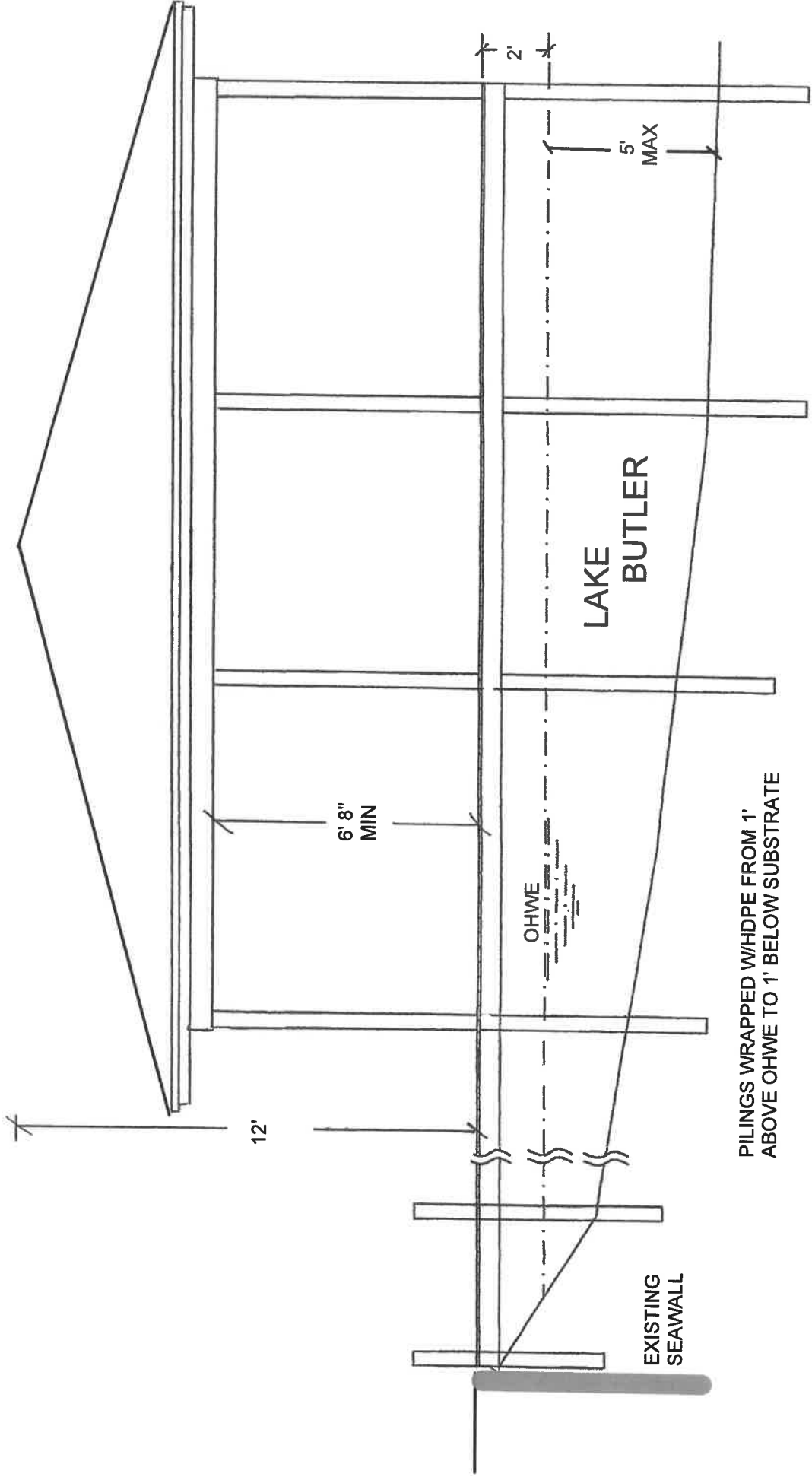
XXXXXXXXXX

FAUN M. HOFFMEIER, P.S.M. LS 6552
 H&H SURVEY CONSULTANTS, LLC-LB 7821
 2019.10.02 09:56:04 -04'00'



WEISZ PLAN VIEW
 711 WEST 2ND AVENUE
 WINDERMERE, FL 34786

**WEISZ ELEVATION
711 WEST 2ND AVENUE
WINDERMERE, FL 34786**



MIN DEPTH OF 2' BELOW THE MEAN ANNUAL LOW WATER ELEVATION IN THE SLIP AREA



AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code. Section 15-343(b) states: "On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division. Waivers from side-setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver."

I, Joan Hargadon, a legal property owner of property located at 745 West 2nd Avenue, (Adjacent Property Owner Name) (Address)

have reviewed the dock construction plans dated 1/24/20, for the property located at 711 West 2nd Avenue, and have no objections.

The dock construction plans include a side setback waiver request of 1 feet, in lieu of the minimum 25 feet required by Code.

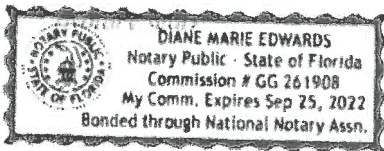
Joan W. Hargadon (Signature - Adjacent Affected Property Owner) 1-31-20 (Date)

Joan W. Hargadon (Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 31 day of 1 January, 2020, by Joan Hargadon / Strickland



Diane Marie Edwards (Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification FL-5362-499-40-674-0

Type of Identification Produced affidavit acknowledging changes by both Joan Hargadon & Joan Strickland

RECOMMEND -- Z20-08 (711 West 2nd Avenue)

APPROVAL: DISAPPROVAL

COMMENTS:

Received
JUN 23 2020
Wade Trim

SIGNATURE:
MCGOFF ROBERT M

Robert M. McGoff DATE: 6/22/20

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

Received
JUN 20 2020
Wade Trim

June 17, 2020

ROOFNER LARRY C
636 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 711 West 2nd Avenue Z20-08

This notice is a re-notice for the subject variance case due to an error on the return address on the pre-stamped response envelope.

Sheila Cichra, on behalf of Scott and Stephanie Weisz who are owners of 711 West 2nd Avenue, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow for a one (1) foot side setback for the replacement of an existing boat dock. The existing boat dock encroaches 3 feet over the west side property line. This request reduces the existing nonconformity and removes the encroachment. The Town's requirement is a 16 foot side setback.

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 use of the enclosed stamped envelope to Wade Trim, Inc. by **July 17, 2020**.

This matter will be presented to the Development Review Board on **Tuesday, July 21, 2020 at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, August 11, 2020 2019 at 6:00 p.m.** At this time, the Town will either hold the meeting in person in the Town Hall, located at 520 Main Street, Windermere or it will be done virtually through Zoom. However, please refer to the Town's website or contact the Town's Administration Office to confirm the meeting method. You can access links to the meetings on the Town's website at <https://town.windermere.fl.us/>. If you need help connecting to the meetings you can contact the Town at 407-876-2563. All meetings are open to the public and you are welcome to participate. Feel free to contact me if you have any questions.

Sincerely,
Drad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND - Z20-08 (711 West 2nd Avenue)

APPROVAL: DISAPPROVAL:

COMMENTS: Welcome to the neighborhood

SIGNATURE: _____
ROOFNER LARRY C

DATE: 6/22/20

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

Received
JUN 21 2020
Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 17, 2020

WELLS CHARLES T
706 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 711 West 2nd Avenue Z20-08

This notice is a re-notice for the subject variance case due to an error on the return address on the pre-stamped response envelope.

Sheila Cichra, on behalf of Scott and Stephanie Weisz who are owners of 711 West 2nd Avenue, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow for a one (1) foot side setback for the replacement of an existing boat dock. The existing boat dock encroaches 3 feet over the west side property line. This request reduces the existing nonconformity and removes the encroachment. The Town's requirement is a 16 foot side setback.

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com
Encl.

RECOMMEND - Z20-08 (711 West 2nd Avenue)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: Charles T Wells DATE: 6-20-20
WELLS CHARLES T

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 17, 2020

BRADFORD WILLIAM S
535 W 2ND AVE
WINDERMERE, FL 34786

Received
JUN 25 2020
Wade Trim

RE: Public Re-Notice of Variance Public Hearing for 711 West 2nd Avenue Z20-08

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Brad Cornelius, AICP, Town Planner
Wade Trim, Inc
813.882.4373
bcw@wadetrim.com
Encl.

RECOMMEND – Z20-08 (711 West 2nd Avenue)

APPROVAL: DISAPPROVAL:

COMMENTS: _____

SIGNATURE: William S. Bradford DATE: 6/21/20
BRADFORD WILLIAM S

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 17, 2020

BOYLAN KAREN T LIFE ESTATE
PO BOX 1188
WINDERMERE, FL 34786

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Wade Trim, Inc.
813.882.4373
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Encl.

RECOMMEND - Z20-08 (711 West 2nd Avenue)

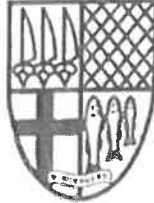
APPROVAL: DISAPPROVAL:

COMMENTS: _____

SIGNATURE: Karen T Boylan DATE: 7/4/2020
BOYLAN KAREN T LIFE ESTATE

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 17, 2020

HARGADON JOAN W TR
745 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 711 West 2nd Avenue Z20-08

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Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND - Z20-08 (711 West 2nd Avenue)

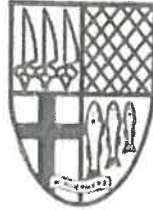
APPROVAL: Yes DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: Joan W. Hargadon DATE: 6/25/20
HARGADON JOAN W TR

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 17, 2020

MARCIA A MURPHY FAMILY TRUST
800 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 711 West 2nd Avenue Z20-08

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Wade Trim, Inc.
813.882.4373
town.wadetrिम.com
Encl.

RECOMMEND - Z20-08 (711 West 2nd Avenue)

APPROVAL: yes DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: Marcia A Murphy DATE: June 24, 2020
MARCIA A MURPHY FAMILY TRUST

010.000.7010
tow@wadetrin.com
Encl.

RECOMMEND - Z20-08 (711 West 2nd Avenue)

APPROVAL: **DISAPPROVAL**

COMMENTS: _____

SIGNATURE: 

GARNER JAY M. **DATE:** 6/24/2020

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 17, 2020

KIRBY KEVIN SCOTT
618 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 711 West 2nd Avenue Z20-08

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Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND - Z20-08 (711 West 2nd Avenue)

APPROVAL: _____ DISAPPROVAL:

COMMENTS: _____

SIGNATURE: Kevin Scott
KIRBY KEVIN SCOTT

DATE: 6/25/2020

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 17, 2020

ROPER THELLIE S TR
PO BOX 111
WINDERMERE, FL 34786

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813.882.4373
www.wadetrिम.com
Encl.

*My dock is 24'3" from property line
and my lot is 100'*

RECOMMEND - Z20-08 (711 West 2nd Avenue)

APPROVAL: _____ DISAPPROVAL X

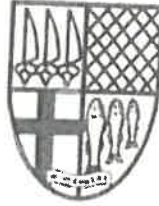
COMMENTS: *There is NO hardship with 130' frontage, variances are for hardships. The dock that is there is 20 yrs old and I am sure it will be torn down to make their new home*

SIGNATURE: Thellie Roper DATE: 6-25-20
ROPER THELLIE S TR

*The 16' setback is to protect all of 1K front property and the 1K Villers
Do not allow this! Do the right thing!*

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 17, 2020

ALLEN ROLLIE RAE
611 W 2ND AVE
WINDERMERE, FL 34786

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town@wadetrim.com
Encl.

RECOMMEND - Z20-08 (711 West 2nd Avenue)

APPROVAL: 1/2 DISAPPROVAL 1/2 - compromise to 7ft set back ^{smaller dock}

COMMENTS: Waseen is a very small lake. Having set backs makes sure residents aren't just looking at boat houses. They bought the property knowing the restrictions. There should be a compromise →

SIGNATURE: John
ALLEN ROLLIE RAE

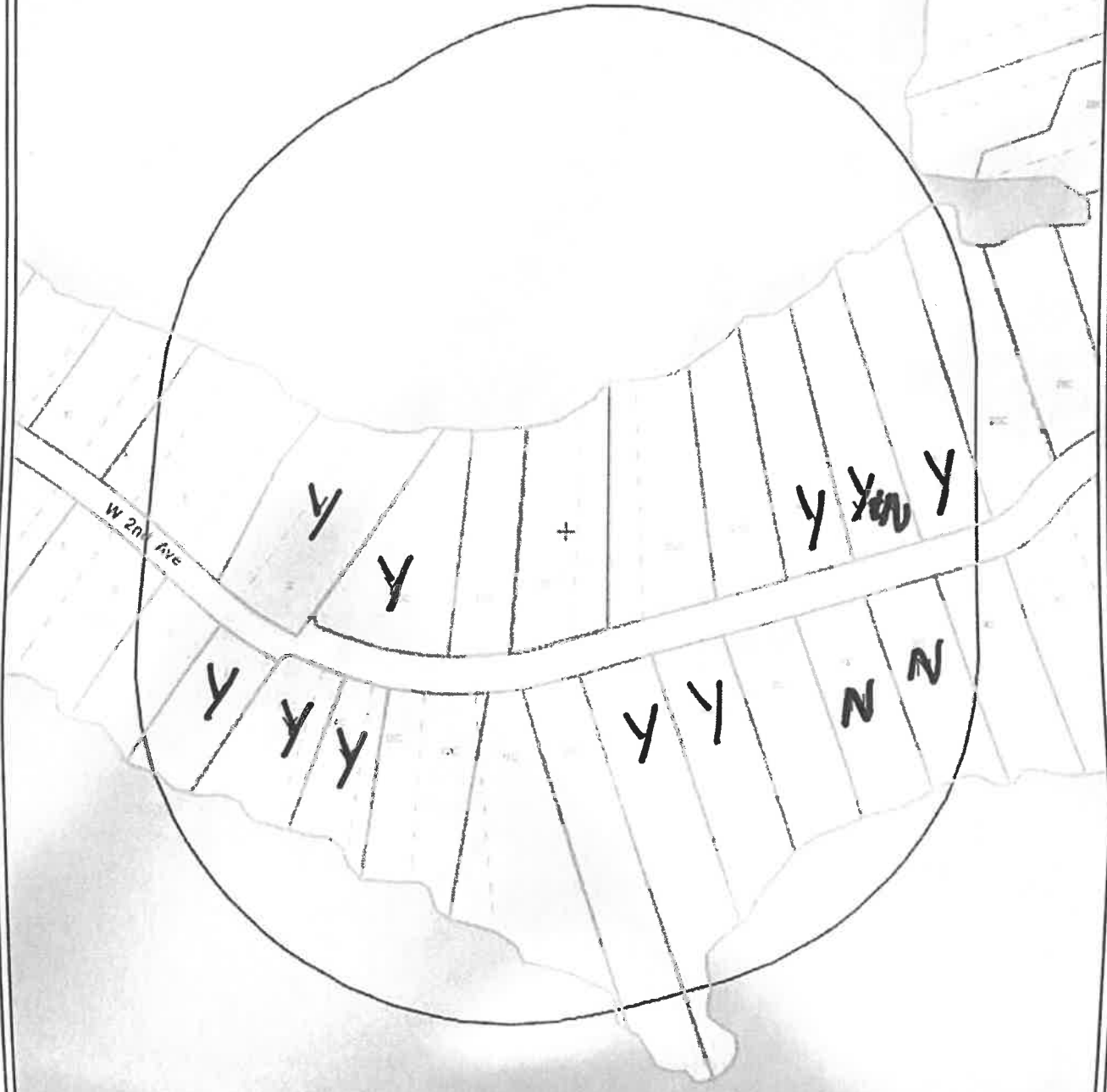
DATE: 7/13/20

OCA 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 Sunfall	Agriculture	Agricultural Curtilage	Parks	Hospital



Courtesy Rick Singh, CFA, Orange County Property Appraiser



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

Development Review Board July 21, 2020

Town Council August 11, 2020

Case No.: Z20-09

Applicant/Representative: Mitch Powers and Bryce Grafton

Property Owner: Patricia Sweet-Grafton

Requested Action: Variance allow for an additional 804.78 square feet of gross floor area from what was previously approved under variance #Z19-005 and to allow for a less than 50-foot setback from the normal high water elevation for a pool deck expansion. The setback request is for 15.7 feet from the normal high water elevation.

Property Address: 31 Pine Street Windermere, FL 34786

Legal Description: PLAT OF WINDERMERE G/36 THAT PT OF LOT 46-C LYING NWLY OF FOLLOWING DESC LINE FROM SW COR OF LOT 46-C RUN N 17 DEG W 130 FT FOR POB TH RUN N 72 DEG E 128.37 FT N 17 DEG W 14.32 FT S 86 DEG E 29.82 FT N 76 FT M/L TO N LINE OF LOT 46-C

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Residential/Residential
East: Residential/Residential
South: Residential/Residential

West: Lake & Residential/Residential

CASE SUMMARY:

The applicant would like to add an addition to an existing nonconforming house. The addition totals 2,360 square feet of floor area. This property previously received a variance (Z19-005) to add 1,555.22 square feet of floor area. The applicant is requesting an additional 804.78 square feet of floor area be approved under the subject variance. The additional gross floor area is the result of converting the roofs of the previous approved additions to covered decks. Under the Town's code, covered decks are included in the calculation of the gross floor area of a home.

The applicant would also like to replace the existing pool deck with a new pool deck in the rear yard. The new pool deck will have a 15.7-foot setback from the normal high water elevation. The Town requires all structures to have a 50-foot setback from the normal high water elevation. The applicant is requesting a variance to allow for a 15.7-foot setback instead of the required 50-foot setback from the normal high water elevation.

Division 10.02.00 of the LDC empowers the Development Review Board to review and make recommendations for approval, approval with conditions or denial to the Town Council on variance requests.

Division 10.02.00 of the LDC requires the Town Council to consider the recommendation of the Development Review Board and to take final action to either approve or deny the variance request.

CASE ANALYSIS:

Section 10.02.02 of the LDC provides the specific standards by which the Development Review Board and Town Council are to review to consider the approval or denial of a variance application. In addition, this Section requires a positive finding, based on substantial competent evidence, for each of the standards. These standards are summarized as follows:

1. The need for the variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the subject property. Variances should be granted for conditions peculiar to the property and not the result of actions of the property owner;
2. There are practical or economic difficulties in carrying out the strict letter of the regulation;
3. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard to the public;

5. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
6. The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code; and
7. The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

It is also important to note that this Section also provides specific standards that are not to be considered in the review of a variance application. These standards are:

1. That the implementation of these regulations would impose an economic hardship on the cost of the building or redevelopment project;
2. That these regulations impose a hardship by decreasing the maximum density of a property in terms of the number of units, square footage of buildings, etc.; and
3. That other adjacent lands, structures or buildings not in conformance with these regulations provide a rationale for a lessening of their application in this specific case.

Section 10.02.02(c) of the LDC allows the imposition of conditions and restrictions as may be necessary to allow a positive finding to be made on any of the variance standards to minimize the negative effect of the variance. The conditions and restrictions should further the interest of the LDC.

The applicant submitted a site plan and other materials in support of the variance request. The following is a summary of the information provided by the applicants in support of their variance request:

1. No additional footprint is being added to the house other than what was previously approved.
2. The existing pool deck surface is deteriorating and eroding.
3. The increase in pool deck area will still meet impervious surface area requirements.

The previous variance approval included the following conditions:

1. Additions that trigger improvements to the existing septic system by the requirements of the Orange County Health Department will require the existing septic system to be replaced with a Performance Based Treatment System as permitted by the Orange County Health Department.

2. A berm and swale between the lake and the home will be installed to prevent stormwater discharge to the lake. The berm and swale will be designed to capture the first inch of stormwater and will be permitted and installed with the first building permit that expands the impervious footprint of the existing home; and
3. The owner shall install native aquatic vegetation along 80% of the lake shoreline adjacent to the property. The installation shall occur with the first building permit that expands the impervious footprint of the existing home.

It is recommended that these conditions remain in place.

PUBLIC NOTICE:

Please note that two of the letters in support did not support the expansion of the existing pool deck to be closer to the lake than its current location.

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

July 21, 2020

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

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

1. OPEN FORUM/PUBLIC COMMENTS:

Manager Smith read into the record an email received from Lynn and Jim Salmon of 8 Pine Street (attached). He also read into the record an email received from Douglas Kegler of 12 Pine Street. Some discussion followed regarding chickens.

2. NEW BUSINESS:

a. RESIGNATION LETTER: William Yeager

Chair Chase stated for the record that William Yeager has resigned from the Board. He stated that another member is needed.

b. MINUTES:

i. May 19, 2020 Meeting Minutes

Member Rose made a motion to approve the May 19, 2020 meeting minutes. Member Roper seconded the motion. All were in favor. Motion carried 6-0. Chair Chase stated Member Withers would need to read his Form 8B from the previous meeting. Clerk Burkhalter stated that Member Withers would read the form into the record at the next meeting.

b. GENERAL ITEMS FOR CONSIDERATION:

i. Z20-06: 10972 Bayshore Drive Expansion of a non-conforming home by more than 10% and allow a boat dock with a zero (0) foot side setback.

Chair Chase turned the floor over to Town Planner, Brad Cornelius. Mr. Cornelius introduced case number Z20-06 for 10972 Bayshore Drive. He explained that the request is for an increase of the floor area of a nonconforming structure beyond 10%. And, originally a second request for an expansion of an existing non-conforming boat dock which would be a zero (0) setback for the new deck and a 14-foot setback for a new boat port. Mr. Cornelius stated that the request for the addition for a new deck has been rescinded but the request for the new boat port remains. He explained that the first request is to allow for a garage and additional living space, which would add an additional 2,470 square feet to the home. Mr. Cornelius then explained the new boat port request. He stated that the request for the new boat port is to allow a fourteen (14') foot side set back instead of sixteen (16') feet required by code. Mr. Cornelius stated that the expansion to the home will be on the east side, which there is room. He stated that the setbacks and FAR will be met. However, the stormwater and septic will need to be re-worked on the

TOWN OF WINDERMERE

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property. Mr. Cornelius commented on the notices that were sent to the surrounding property owners. Some discussion was made regarding the responses. Member Rose questioned if the existing boat dock is shared with the neighbor. Mr. Cornelius stated that there is a wall for separation but it is utilized by both properties. Member Fleck questioned if the existing boat dock is being demolished. Mr. Cornelius stated no. Some discussion was made regarding the attached boat port. Mr. Darrell Nunnelley explained the existing boat house and proposed boat port. He also stated that the boat port may not be permitted by Orange County due to the size. Member Fleck commented that he can't see a portion of the dock being demolished without impacting the neighbor. Member Withers commented that the drawings needed to reflect the existing and proposed better. Member Rose commented on the code that is causing the variance request. Member Sutton questioned if the owner would have access to the existing dock and the proposed new port. Mr. Nunnelley stated yes. Discussion followed regarding separating this variance request into two. Member Sutton commented on a concern of setting a precedent of allowing three boat docks across two properties. Member Roper questioned if the setback for the dock would be at zero (0). Mr. Cornelius stated that the request leading to the zero (0) setback has been withdrawn. He explained that the boat port request is for a fourteen (14') foot setback instead of a sixteen (16') foot setback, a two (2') foot encroachment. Member Withers made a motion to approve the two (2') foot side encroachment for the boat port. Member Fleck seconded the motion. Voting was as follows: Sutton – no, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 5-1. Mr. Nunnelley explained that the house variance is due to the laundry room being added to the west side of the property years ago. He then commented on the well/septic, pavers, stormwater retention, and aesthetics. Discussion followed regarding setbacks, lot shape, floor area ratio, septic system and location, well location, neighbors well location, and the variance request. Member Rose made a motion to recommend approval of the variance request. Member Withers seconded the motion. After some discussion was made, voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0.

- ii. **Z20-08: 711 W 2nd Avenue – Replacement of an existing non-conforming boat dock at a setback of one (1) foot from the side property line.**

Chair Chase stated he will be abstaining from voting on this item due to family property across the street. He then turned the floor over to Mr. Cornelius. Mr. Cornelius presented the variance request. Mr. Cornelius stated that the request is to replace the existing boat dock which encroaches three (3') feet across the property line. He explained that with the newly proposed dock, a fifteen-foot (15') variance is needed. In which the boat dock will have a one-foot (1') set-back instead of the sixteen feet (16') required by code. Mr. Cornelius commented on the replies received from residents. Member Withers questioned why the applicant can't meet the setback requirement. Member Fleck questioned the disapproval responses. Mr. Cornelius reviewed the disapprovals. Member Roper questioned the hardship. Ms. Shelia Cichra, representative for the applicant introduced herself. She then stated that the view is the reason for the variance. Member Withers stated that the view is not a hardship. Discussion followed regarding no hardship, width of lot on the lakefront, placement of the dock, rebuilding of an

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enclosed boat house, and size of existing boathouse. Member Rose questioned if the applicant would consider an eight-foot (8') setback. Ms. Cichra stated that owners would need to make that decision. Owner Mrs. Stephanie Weisz introduced herself. She stated that they would like to replace an old antiquated dock with a new one that will meet their needs. Mrs. Weisz also stated that the renovation will then allow them to park their boat as the current size is for a john boat. Discussion followed regarding the size of the boat house, length of walkway, existing setbacks and boathouse. Member Roper made a motion to recommend denial of the variance request. Member Sutton seconded the motion. Voting was as follows: Sutton – aye, Withers – aye, Chase – abstain, Rose – aye, Roper -aye, and Fleck- yes. Motion carried 5- 0 – 1 abstain.

iii. Z20-09: 31 Pine St – Expansion of a non-conforming home by more than 10% and to allow a pool deck at less than 50 feet from the normal high-water elevation of the lake.

Chair Chase introduced this item. He then turned the floor over to Mr. Cornelius. Mr. Cornelius gave a brief history of the previous variance request approval for this property. He stated that this house has since been sold and the new owners would like to cover the porches in the rear yard. With this being done, anything under roof has to be calculated. Mr. Cornelius then commented on the pool deck replacement/expansion request. He then stated that the previously approved variance request conditions will be carried forward. Mr. Cornelius then reported on the comments that were received from surrounding property owners. Member Rose questioned the roof coverage. Mr. Cornelius explained the overhang on the porches. He explained that in the original request, there were not any roof overhangs to the porches. They are now being turned into covered patios. Discussion was made regarding what was previously approved and what is now being requested for approval. Ms. Patricia Sweet-Grafton, owner of 31 Pine Street, explained that only roofs will go over the proposed decks. Further discussion followed. Member Rose questioned the hardship. Mr. Cornelius explained that the previous hardship was found with the unique shape of the lot. Member Withers commented that since the porches would be covered, it will now add to the total square footage. Mr. Cornelius stated that now that the roofs would be added, the floor space needed to be counted. Member Withers made a motion to recommend deny any further extension towards the lake. Member Roper seconded the motion. Ms. Sweet-Grafton requested to speak on the pool deck. Chair Chase allowed comments. Ms. Sweet-Grafton stated that the existing pool deck is failing/deteriorating and needs to be redesigned. Mr. Grafton commented that the walkway is too narrow, approximately three feet (3') wide. Discussion followed regarding pervious/imperious surface, setbacks, faint line on site plan C-101, and the existing and proposed pool decking. Mr. Jim Salmon of 8 Pine Street introduced himself. He then commented on the previous condition of the house and the improvements that have been made. Mr. Salmon stated that they have added significant value to the area. Chair Chase stated that the concern is the deck set back to the lake. Discussion continued regarding the pool deck. Member Roper questioned if consideration has been given for a rectangular pool. Ms. Sweet-Grafton stated that at this time, the main house is the financial concern. Maybe the pool in the future. Discussion was made regarding the sea wall, setbacks, and drainage/swale. Chair Chase recalled the motion. Member Withers reiterated his motion. Ms. Sweet-Grafton questioned the "nothing 50' from the normal high eater". Chair Chase explained the code. Mr. Cornelius stated that the fifty-foot (50') setback for this property would be at the back of the house, the pool sits within the fifty-feet (50'). Pervious and imperious surfaces were discussed. Member Fleck questioned Member Withers if he would amend his motion to include only pervious surface can be used. Member Withers commented his concern with anything in the fifty-feet (50')

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set back and keeping things from the edge of the lake. Member Fleck stated that the pool is existing but it would allow for a pervious decking. Discussion followed regarding the hardship. Member Rose questioned Member Withers if he was in favor of amending his motion to include the pervious coverage. Member Withers stated he would like to see how his original motion goes. Chair Chase call for the vote on the original motion. Voting was as follows: Sutton – no, Withers – aye, Chase – no, Rose -aye, Roper – no, and Fleck – no. Motion failed 2-4. Mr. Grafton and Ms. Sweet-Grafton commented on the location of the seawall and the distance from the deck to the lake. Member Fleck made a motion to recommend approval with the use of an engineered pervious surface. Member Roper questioned that if this has been done, would the applicant needed to appear before this Board. Mr. Cornelius commented that the structure fails under the Florida Building code, which it would still need to come before the Board. Member Sutton seconded the motion. Chair Chase questioned the variance of 15.7' from the normal high water. Mr. Cornelius stated that it's only for the pool deck. Voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0. Chair Chase then stated that the balcony needed a motion. Member Sutton made a motion to recommend approval for the balconies. Member Fleck seconded the motion. Chair Chase questioned the if the second-floor covering is what's causing the variance. Mr. Cornelius stated yes. Some discussion followed. Voting was as follows: Sutton – aye, Withers – aye, Chase – aye, Rose – aye, Roper – aye, and Fleck – aye. Motion carried 6-0.

iv. **ORDINANCE NO. 2020-06 (Revise LDC to allow Chickens in residential area)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA ALLOWING FOR BACKYARD CHICKENS; ADDING A NEW ARTICLE III TO CHAPTER 4 OF THE TOWN'S CODE OF ORDINANCES TO CREATE A BACKYARD CHICKEN PROGRAM; REQUIRING A PERMIT AND PROVIDING FOR TERMS, CONDITIONS, AND PENALTIES CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Smith introduced this item: He then gave a history of and on the proposed Ordinance. Member Rose questioned if Key West had been researched. Manager Smith stated no. Discussion followed. Member Sutton stated she is adamantly opposed. Chair Chase stated that his concerns have been discussed. Member Rose made a motion to recommend denial of the proposed Chicken Ordinance. Member Sutton seconded the motion. Voting was as follows: Sutton – aye, Withers – no, Chase – aye, Rose – aye, Roper – no, and Fleck – aye. Motion carried 4-2.

4. **ADJOURN:**

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

The meeting adjourned at 9:05pm.

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

July 21, 2020

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

DRAFT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WITHERS STEPHEN EDWARD	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE DEVELOPMENT REVIEW BOARD
MAILING ADDRESS 712 MAIN ST	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY WINDERMERE ORANGE	NAME OF POLITICAL SUBDIVISION: TOWN OF WINDERMERE
DATE ON WHICH VOTE OCCURRED FEB 18, 2020	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, STEPHEN WITMERS, hereby disclose that on FEB 18, 2020, 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____ , by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

• I AM A CONSULTANT TO TOWN FOR THE PROJECT CONCERNING THE VOTE,
 • PROJECT: TEMPORARY TOWN OFFICES.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Feb 19 2020
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Chase Frank W.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Development Review Board</i>
MAILING ADDRESS <i>935 Ocklawaha St.</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Windermere, FL 34786 Orange</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Windermere</i>
DATE ON WHICH VOTE OCCURRED <i>July 21, 2020</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Frank W., hereby disclose that on July 21st, 20 20:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Joan W. Hargadan (Mother);
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item 220-08 regarding 711 W. 2nd Ave is adjacent to rental property owned by my mother, Joan W. Hargadan and located at 727 W. 2nd Ave.

I personally could have a future interest in the property located at 727 W. 2nd Ave.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/21/20
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Dorothy Burkhalter, Town Clerk
Town of Windermere
Windermere, FL 34786

June 1, 2020

RE: Grafton Residence Renovation and Addition – Variance request

We are requesting that the FAR (floor area ratio) be increased to allow a walking surface to be applied to the previously approved covered porches on the rear of the home. Newly covered porch areas were granted in a previous variance review dated: May 19, 2019. These porch areas align with the existing rear of the home and due to the multi-levels of living space, the floor elevations will adjust with the home interior space for proper access from the respective levels. To be considered effective useable space, we are requesting to access the deck areas from the various levels of the interior space and have them covered with roof area.

The designated areas that we are requesting to have an upper-level walking surface are referenced from the May 19, 2019 letter including areas: C, D, & E.

There is no additional footprint area being requested and the increased floor area ratio is well within the allowable percentage. Please see the area calculations on the site plan sheet C101, dated 5/28/20.

The effect of this variance aligns with the harmony of the general intent of the land development code and the updated structure will blend with the existing topography enhancing this shoreline significantly.

The additional surface area of the pool deck that is proposed on the site plan is requested as the existing pool deck surface has deterioration and erosion. The increased pool deck area requested is also within the allowable impermeable surface area.

Regards,

Patricia Sweet-Gratton and Bryce Grafton

AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Patricia Sweet, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 31 Pine Street Windermere FL. 34786, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Bryce Grafton and architect Mitch Powers, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Variance request, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 6-1-2020


Signature of Property Owner

Patricia Sweet-Grafton
Print Name Property Owner

Date: _____

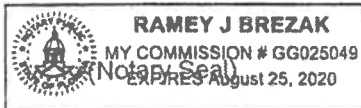
Signature of Property Owner

Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 1 day of June, 2020 by Bryce Grafton in person He/she is personally known to me or has produced driver's license as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 1 day of June, in the year 2020.

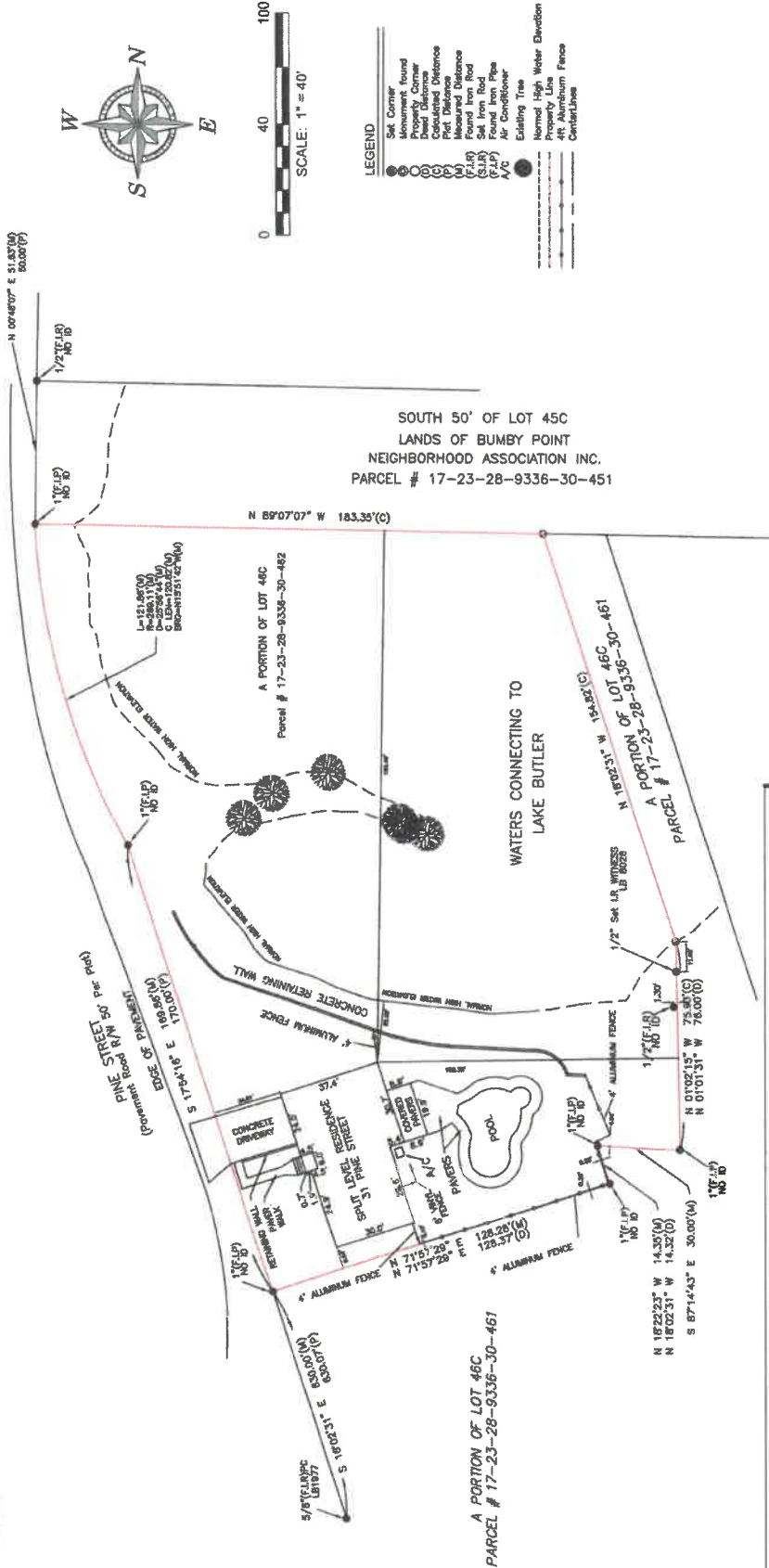



Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: 8/25/20

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #:
LEGAL DESCRIPTION:

CERTIFIED TO: Particle Sweet



LEGEND

- Set Corner
- Monument found
- Boundary Line
- Dead Distance
- Calculated Distance
- Plot Distance
- Boundary Line
- Found Iron Rod
- Found Iron Pipe
- Found Iron Pipe A/C
- Existing Tree
- Normal High Water Elevation
- Property Line
- Contour Line

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS.
- EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING PROPERTY.
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENT OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- ONLY VISIBLE AND ABOVE GROUND ENCROACHMENTS LOCATED.
- FENCE OWNERSHIP NOT DETERMINED.
- WALL TIES ARE TO THE FACE OF THE WALL.
- BOUNDARY SURVEY MEANS A DRAWING AND/OR GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE.
- IDENTIFICATION OF MARKERS SHOULD BE NOTED.
- NO DIMENSIONS OR DISTANCES SHALL BE CALLED WITH THE STAKES UNLESS OTHERWISE NOTED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- THIS IS A BOUNDARY SURVEY UNLESS OTHERWISE NOTED.
- THIS BOUNDARY SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE CERTIFICATIONS DO NOT EXTEND TO ANY UNNAMED PARTIES.

NOTES:

SOURCE OF LINE BEARING: Based on a Bearing on the Easement Right of Way line of the Pine Street being assumed at S 18°02'31" E.

AREA: 1.05 ACRES ± (30,000 SQ FT) ±

PLAT OF UNDERMERE OWN: THAT PT OF LOT 46-C LYING AWAY OF FOLLOWING DESC LINE FROM SW COR OF LOT 46-C RUN N 17 DEG W 139 FT FOR 100 TH RUN N 72 DEG E 128.37 FT N 17 DEG W 143.32 FT S 88 DEG E 28.82 FT N 79 FT WL TO N LINE OF LOT 46-C

MAP OF BOUNDARY SURVEY WITH NORMAL HIGH WATER ELEVATION

Property Address:
31 PINE STREET
WINDERMERE, FL 34786

ATLANTIC
Surveyors & Mappers

Atlantic Surveyors and Mappers LLC, LB 8026
111 NORTH ORLANDO BLVD, SUITE 600
ORLANDO FL 32801

MAK X. RODRIGUEZ
LICENSE NUMBER L36844
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

MAK X. RODRIGUEZ
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER
P.S. No. 5944
NOT VALID WITHOUT SIGNATURE
FOR PLAT
MAY 6, 2020

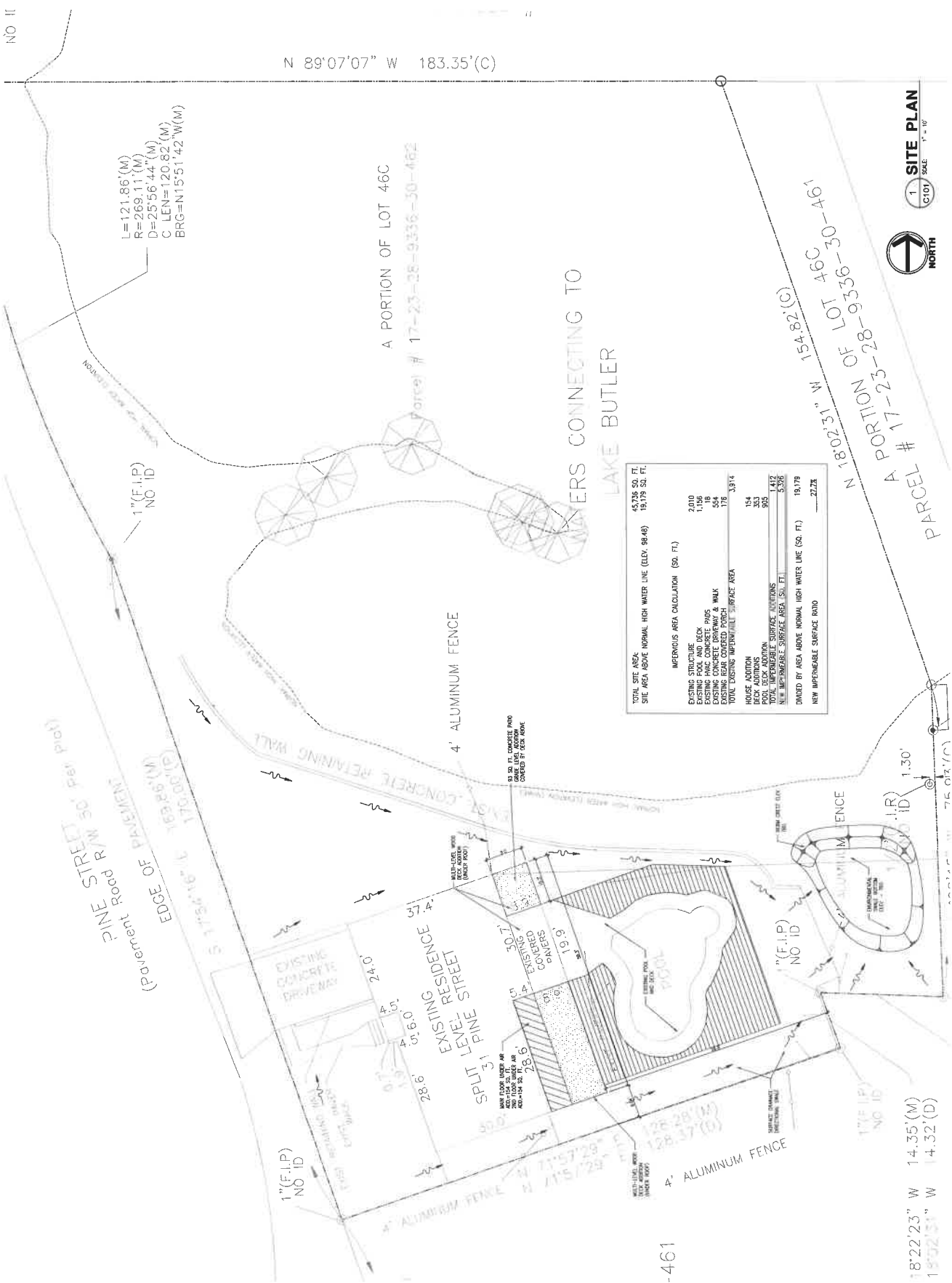
NORMAL HIGH WATER ELEVATION: 98.48 FEET
NOTE: ELEVATION BASED ON NSS STATION 08113



Owner:
**BRYCE & PATRICA
 CRAFTON**

SITE PLAN
 GRAFTON RESIDENCE / REMODEL - ADDITION

Project No.	C101
Scale	1" = 1'-0"
Revision	
Drawn by	JMS
Checked by	JMS
Date	10-20-15



TOTAL SITE AREA	65,736 SQ. FT.
SITE AREA ABOVE NORMAL HIGH WATER LINE (ELEV. 98.48)	19,179 SQ. FT.
IMPERVIOUS AREA CALCULATION (SQ. FT.)	
EXISTING STRUCTURE	2,010
EXISTING POOL AND DECK	1,156
EXISTING PINE CONCRETE PAVES	18
EXISTING BEAR COVERED PORCH	178
TOTAL EXISTING IMPERVIOUS SURFACE AREA	3,362
HOUSE ADDITION	154
DECK ADDITIONS	353
POOL IMPERVIOUS SURFACE ADDITIONS	995
TOTAL IMPERVIOUS SURFACE AREA (SQ. FT.)	4,864
NEW IMPERVIOUS SURFACE AREA (SQ. FT.)	5,292
DIVIDED BY AREA ABOVE NORMAL HIGH WATER LINE (SQ. FT.)	19,179
NEW IMPERVIOUS SURFACE RATIO	27.2%

1 SITE PLAN
 C101 SCALE: 1" = 1'-0"
 NORTH

KEYNOTES

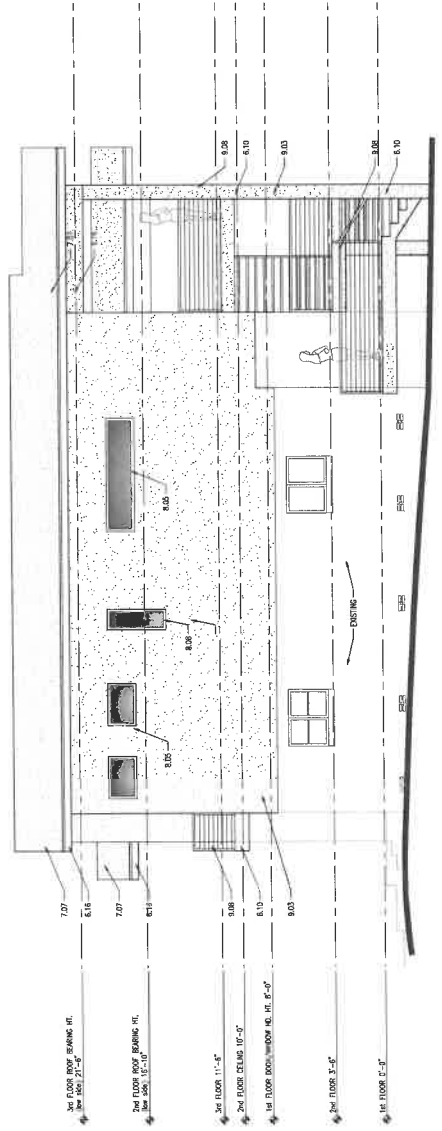
- SECTION 1 - GENERAL REQUIREMENTS
 1.1 THESE GENERAL NOTES ARE ORGANIZED BASE UPON 16 DIVISIONS SET UP BY THE CONSTRUCTION SPECIFICATIONS INSTITUTE.
- SECTION 2 - STRUCTURE
 2.01 FOUNDATION
 2.02 CONCRETE
 2.03 FORMWORK
 2.04 REINFORCING STEEL
 2.05 CONCRETE
 2.06 CONCRETE
 2.07 CONCRETE
 2.08 CONCRETE
 2.09 CONCRETE
 2.10 CONCRETE
- SECTION 3 - ROOFING
 3.01 ROOFING
 3.02 ROOFING
 3.03 ROOFING
 3.04 ROOFING
 3.05 ROOFING
 3.06 ROOFING
 3.07 ROOFING
 3.08 ROOFING
 3.09 ROOFING
 3.10 ROOFING
- SECTION 4 - EXTERIOR WALLS
 4.01 EXTERIOR WALLS
 4.02 EXTERIOR WALLS
 4.03 EXTERIOR WALLS
 4.04 EXTERIOR WALLS
 4.05 EXTERIOR WALLS
 4.06 EXTERIOR WALLS
 4.07 EXTERIOR WALLS
 4.08 EXTERIOR WALLS
 4.09 EXTERIOR WALLS
 4.10 EXTERIOR WALLS
- SECTION 5 - INTERIOR WALLS
 5.01 INTERIOR WALLS
 5.02 INTERIOR WALLS
 5.03 INTERIOR WALLS
 5.04 INTERIOR WALLS
 5.05 INTERIOR WALLS
 5.06 INTERIOR WALLS
 5.07 INTERIOR WALLS
 5.08 INTERIOR WALLS
 5.09 INTERIOR WALLS
 5.10 INTERIOR WALLS
- SECTION 6 - FLOORS AND CEILING
 6.01 FLOORS AND CEILING
 6.02 FLOORS AND CEILING
 6.03 FLOORS AND CEILING
 6.04 FLOORS AND CEILING
 6.05 FLOORS AND CEILING
 6.06 FLOORS AND CEILING
 6.07 FLOORS AND CEILING
 6.08 FLOORS AND CEILING
 6.09 FLOORS AND CEILING
 6.10 FLOORS AND CEILING
- SECTION 7 - DOORS AND WINDOWS
 7.01 DOORS AND WINDOWS
 7.02 DOORS AND WINDOWS
 7.03 DOORS AND WINDOWS
 7.04 DOORS AND WINDOWS
 7.05 DOORS AND WINDOWS
 7.06 DOORS AND WINDOWS
 7.07 DOORS AND WINDOWS
 7.08 DOORS AND WINDOWS
 7.09 DOORS AND WINDOWS
 7.10 DOORS AND WINDOWS
 7.11 DOORS AND WINDOWS
 7.12 DOORS AND WINDOWS
 7.13 DOORS AND WINDOWS
 7.14 DOORS AND WINDOWS
 7.15 DOORS AND WINDOWS
 7.16 DOORS AND WINDOWS
- SECTION 8 - PAINTS AND FINISHES
 8.01 PAINTS AND FINISHES
 8.02 PAINTS AND FINISHES
 8.03 PAINTS AND FINISHES
 8.04 PAINTS AND FINISHES
 8.05 PAINTS AND FINISHES
 8.06 PAINTS AND FINISHES
 8.07 PAINTS AND FINISHES
 8.08 PAINTS AND FINISHES
 8.09 PAINTS AND FINISHES
 8.10 PAINTS AND FINISHES



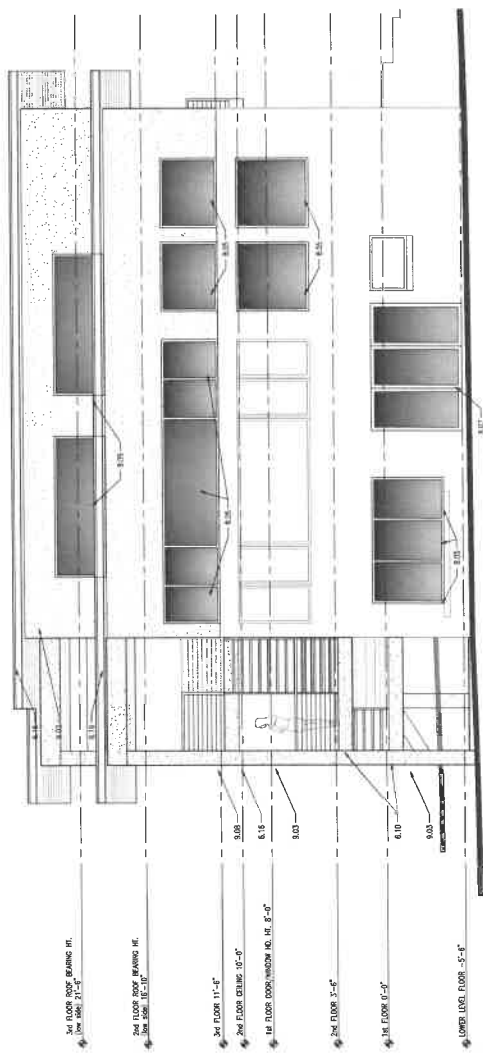
Client:
**DRYCE & PATRICA
 GRAFTON**

EXTERIOR ELEVATIONS
 GRAFTON RESIDENCE / REMODEL - ADDITION
 31 PINE STREET
 WINDERMERE, FL 34786

Date:	02/20/2020	Checked By:	JMB
Project:	1-2020	Drawn By:	JMB
Sheet No.:	A302		



1 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"





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 17, 2020

FAY GERALD W
28 PINE ST
WINDERMERE, FL 34786

JUN 26 2020

RE: Public Re-Notice of Variance Public Hearing for 31 Pine Street Z20-09

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Patricia Sweet-Grafton and Bryce Grafton, owners of 31 Pine Street submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow for an additional 804.78 square feet of gross floor area from what was previously approved under variance #Z19-005. The additional gross floor area is the result expanding the 2nd floor area. The applicant is also requesting a variance for a less than 50-foot setback from the normal high water elevation for a pool deck expansion. The setback request is for 15.7 feet from the normal high water elevation.

Enclosed is additional information regarding this request.

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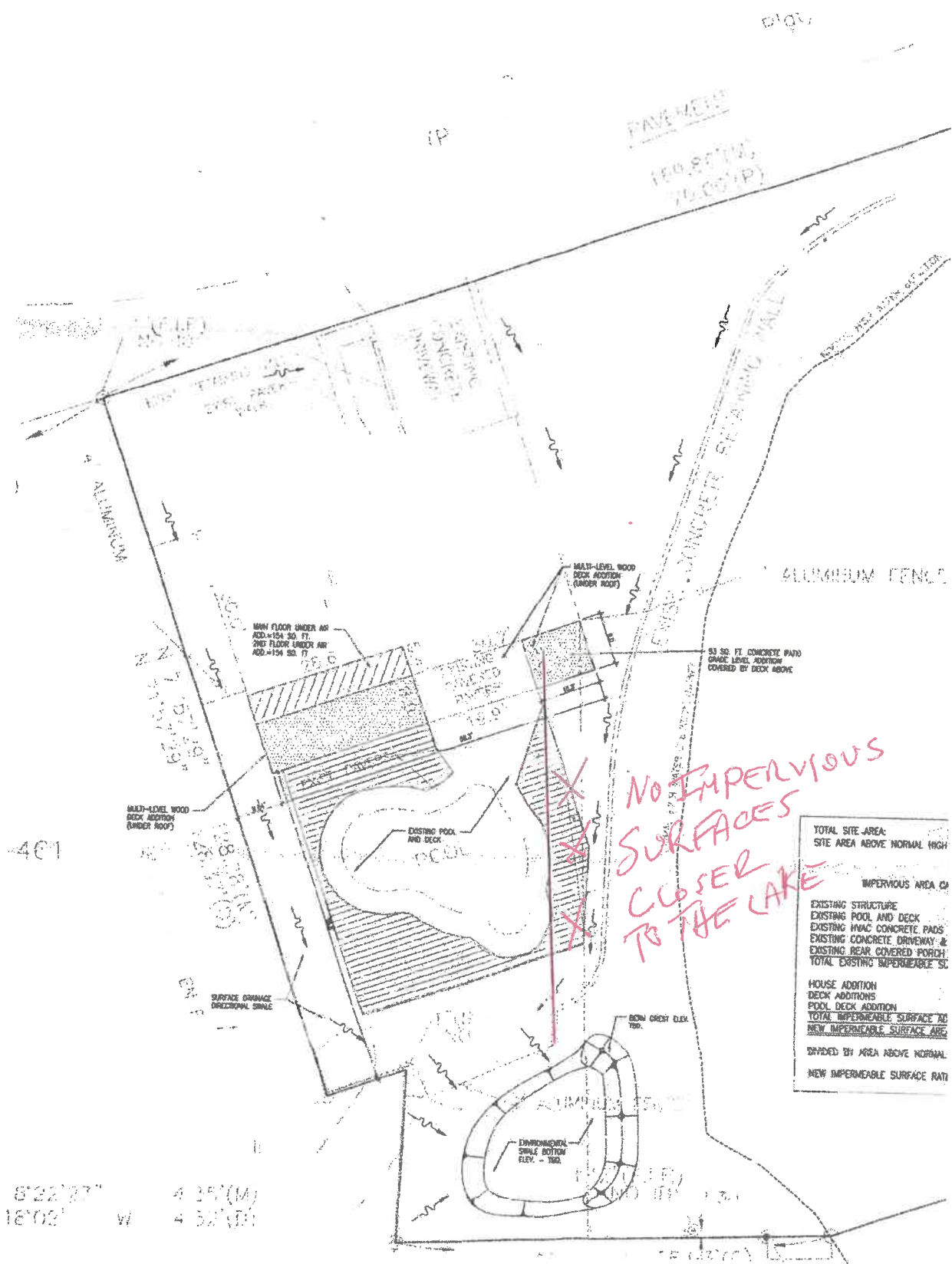
Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: X DISAPPROVAL: _____

COMMENTS: I mentioned before that I'd like nothing more closer to the lake but shepton said that "F" was not going to be built I would hope not

SIGNATURE: _____ DATE: _____
FAY GERALD W



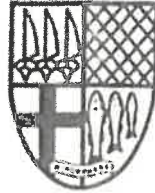
NO IMPERVIOUS SURFACES CLOSER TO THE LAKE

TOTAL SITE AREA:	SITE AREA ABOVE NORMAL HIGH
IMPERVIOUS AREA (A)	
EXISTING STRUCTURE	
EXISTING POOL AND DECK	
EXISTING HVAC CONCRETE PADS	
EXISTING CONCRETE DRIVEWAY & EXISTING REAR COVERED PORCH	
TOTAL EXISTING IMPERVIOUS SURFACES	
HOUSE ADDITION	
DECK ADDITIONS	
POOL DECK ADDITION	
TOTAL IMPERVIOUS SURFACE AD	
NEW IMPERVIOUS SURFACE AREA	
DIVIDED BY AREA ABOVE NORMAL	
NEW IMPERVIOUS SURFACE RATE	

8'22'27" 4'35"(M)
 18'02" W 4'32"(M)

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 17, 2020

YEAGER WILLIAM W
415 W 1ST AVE
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 31 Pine Street Z20-09

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town.wadetrin.com
Encl.

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: DISAPPROVAL:

COMMENTS: _____

SIGNATURE: William Yeager DATE: 6/26/20
YEAGER WILLIAM W

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 17, 2020

JOHNSON THOMAS M JR
2 PINE ST
WINDERMERE, FL 34786

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
www.wadetrim.com
Encl:

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: X DISAPPROVAL _____

COMMENTS: NO EXCEPTIONS

SIGNATURE: [Signature] DATE: 6/21/20
JOHNSON THOMAS M JR

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 17, 2020

SALMON JAMES G
8 PINE ST
WINDERMERE, FL 34786

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
www.wadetrिम.com
Encl.

RECOMMEND – Z20-09 (31 Pine Street)

APPROVAL: ✓ DISAPPROVAL _____

COMMENTS: We love the plans! An improvement on Pine Street is good for all.

SIGNATURE: James G. Salmon DATE: 6/24/2020
SALMON JAMES G

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: Merelise L. Potz DATE: 7/7/20
POTZ STEPHEN J LIFE ESTATE

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS:

SIGNATURE: Robert F. Polk DATE: 6-17-2020

POLK ROBERT F

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: _____ DISAPPROVAL

COMMENTS: Approve only if there is no
Need construction closer to the lake, such
as pool concrete or wood decking.

SIGNATURE: Jay D. Woosley DATE: 6/11/2020

WOOSLEY FAMILY REVOCABLE TRUST

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: COPELAND DISAPPROVAL _____

COMMENTS: NO FURTHER SURFACES CLOSED TO THE LAKE

SIGNATURE: [Signature] DATE: 6/22/20 Received
WOOSLEY FAMILY REVOCABLE TRUST JUN 25 2020
Wade Trim

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____ Received
JUN 25 2020

SIGNATURE: [Signature] DATE: 6/23/2020 Made Trim
PANTOZZI PAUL M II

Town of Windermere

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

Received

JUN 23 2020



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH
Wade Trim

Clerk
DOROTHY BURKHALTER

June 17, 2020

MCAFEE MICHAEL B
407 W 1ST AVE
WINDERMERE, FL 34786

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND – Z20-09 (31 Pine Street)

APPROVAL: DISAPPROVAL:

COMMENTS: _____

SIGNATURE: Michael B. McAfee DATE: 6/22/20
MCAFEE MICHAEL B

Town of Windermere

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

Received

JUN 25 2020

Wade Trim



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 17, 2020

TUCKER GARY F
4 PINE ST
WINDERMERE, FL 34786

RE: Public Re-Notice of Variance Public Hearing for 31 Pine Street Z20-09

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Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: DISAPPROVAL:

COMMENTS: _____

SIGNATURE: Gary F Tucker DATE: 6/21/2020
TUCKER GARY F

Town of Windermere

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

Received
JUN 21 2020
Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 17, 2020

CASEY PATRICK V
PO BOX 1722
WINDERMERE, FL 34786

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Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND - Z20-09 (31 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Casey Patrick V
CASEY PATRICK V

DATE: 6/20/20

Town of Windermere

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

Received
JUN 25 2020

Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

June 17, 2020

DOUGLAS ANTHONY KEGLER TRUST
12 PINE ST
WINDERMERE, FL 34786

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Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

RECOMMEND – Z20-09 (31 Pine Street)

APPROVAL: DISAPPROVAL

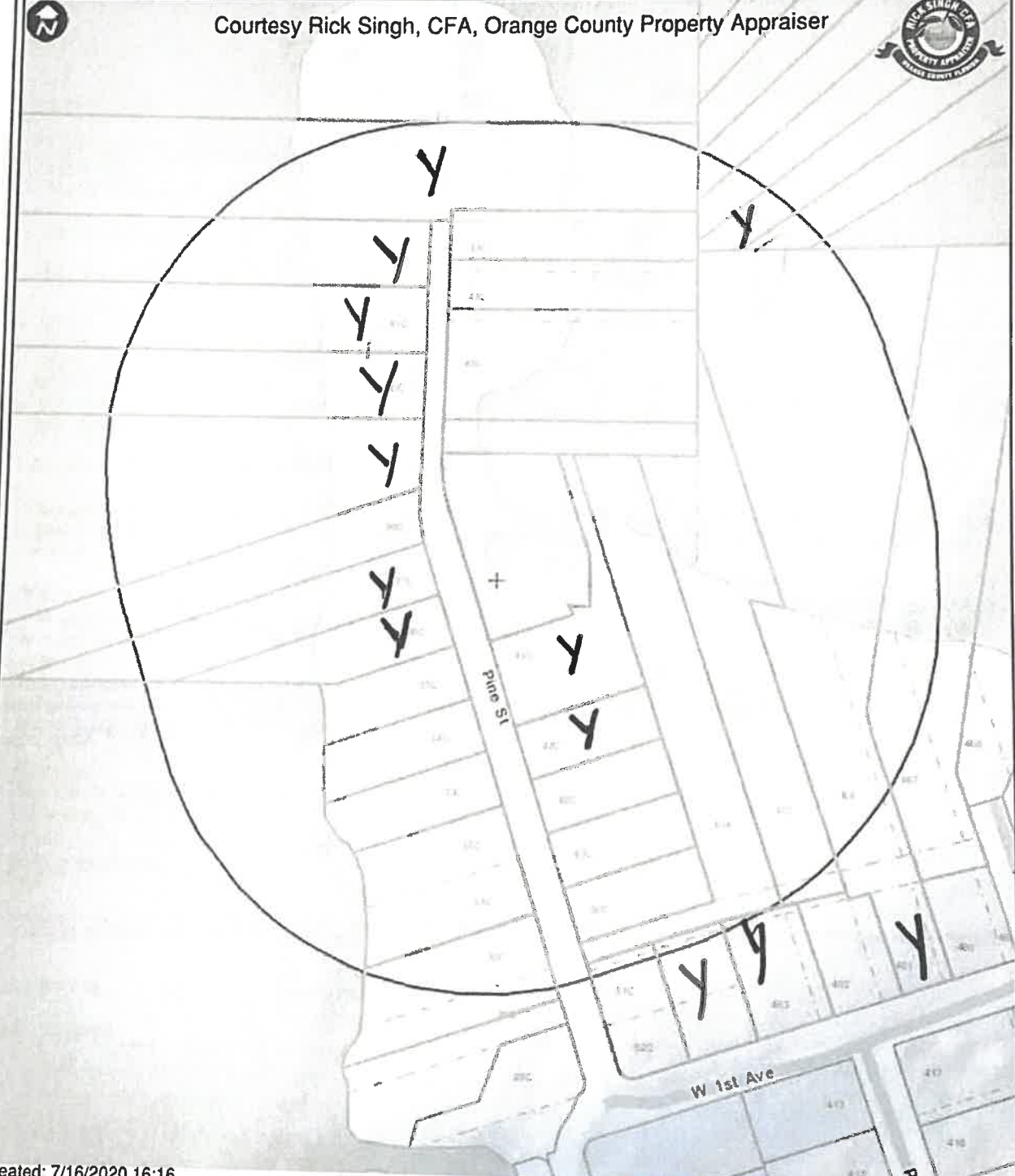
COMMENTS: _____

SIGNATURE:  _____
DOUGLAS ANTHONY KEGLER TRUST

DATE: 6/22/20

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 7/16/2020 16:16

This map is for reference only and is not a survey



DRAFT REPORT



Ward Trail

Multiuse Trail Feasibility Study



June 2020

Kimley»»Horn



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1.0 INTRODUCTION

The Town of Windermere is studying the feasibility of constructing a ±0.6-mile paved multiuse trail located along Dirt Main Street and Lake Butler Boulevard between North Drive and Park Avenue.

This report identifies the existing conditions, opportunities, typical sections, drainage conditions, existing natural and human environment resources, project recommendations, and an opinion of probable construction costs. The study area is shown on **Exhibit 1**.



Exhibit 1: Study Area

2.0 PROCESS

The assessment of existing conditions was multi-disciplinary, including analyses of drainage impacts and permitting, a review of design elements, public involvement and stakeholder coordination, landscaping conditions and opportunities, connections to other systems, and an environmental analysis.

The feasibility study began with a desktop assessment of known conditions, followed by on-site reviews and stakeholder coordination. Once the existing conditions and trail objectives were understood, the project team developed conceptual plans and typical section graphics that were shared with staff, stakeholders, and the public to obtain input. Concept plans were then finalized based on comments, and an engineer's opinion of probable construction costs was developed. This process is shown graphically on **Exhibit 2**.

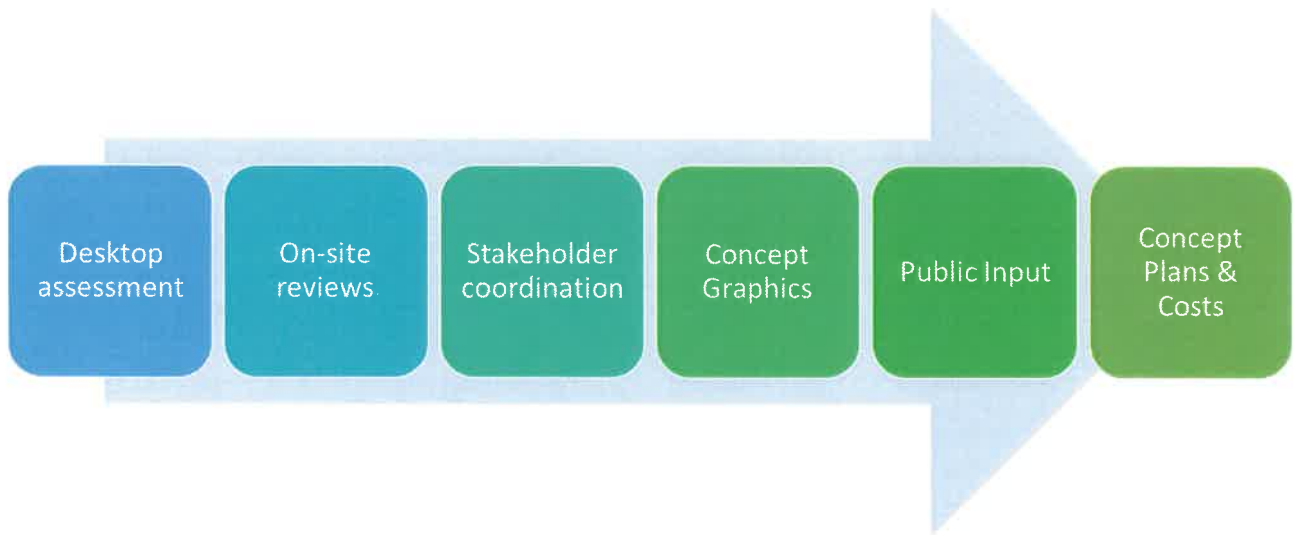


Exhibit 2: Feasibility Study Process

Background data was collected from the Town, from the Orange County Property Appraisers website, from aerial photography, and from previous projects within and near the study area. Roadway edge-of-pavement elevations along Main Street were surveyed to determine whether it is feasible to convert to curb-and-gutter.

The drainage assessment includes identification of basins, outfalls, potential impacts, and identification of opportunities to improve water quality.

The assessment of natural and human environmental features within the study area includes the review of several habitat, species, historic, and resource databases.

3.0 SITE VISITS

A field reconnaissance of environmental features was conducted on February 20, 2020. A site visit was conducted March 23, 2020 with roadway design, drainage design, landscape architecture and trail planning staff, to observe visible constraints and opportunities. The potential alignment for the trail includes several different existing typical sections:

SOUTHERN LIMIT TO CANAL

This portion of the trail is shown in photographs on **Exhibits 3 and 4**.

- This section is relatively open, with increasing separation from Main Street as the alignment heads northbound.
- While traveling northbound, the ridge/berm of the old railroad increases in elevation.
- There is a ditch of varying width and depth between the old railroad berm and Main Street.
- There are existing trees of varying size, quality, and location. There are no alignments that could completely avoid impacts to trees, though mitigation measures are possible in most locations.
- The southernmost portion (between 1st Avenue and North Drive) is not owned by the Town and is therefore not included in this analysis.
- Visible utilities consist of overhead electric, fiber optic communication, water, and drainage facilities (as described in the drainage section).



Exhibit 3: Southern Portion, Looking Northbound



Exhibit 4: Southern Portion of Trail, Looking Northbound Near Canal

CANAL TO 400' SOUTH OF LAKE BUTLER BOULEVARD

- This section is difficult to review in the field due to dense vegetation, as shown on **Exhibit 5**.
- The general typical section is characterized by a surface water ditch adjacent to Lake Butler Boulevard, then a raised wooded section that's approximately 15' wide, that slopes more gradually down to the east, followed by a cleared area of varying widths adjacent to Main Street.
- The wooded portion is relatively dense for an urban area.
- The surface water is described further in the environmental section of this report, but it is not considered a protected waterway or wetland. The edges of the canal and surface water are, however, within the FEMA floodplain.



Exhibit 5: Heavily Wooded Portion of Trail, Looking North along S. Lake Butler Boulevard

400' SOUTH OF LAKE BUTLER BOULEVARD TO LAKE BUTLER BOULEVARD

- As the route approaches Lake Butler Boulevard, the elevation of the berm decreases, and the vegetation becomes significantly less dense, as shown on **Exhibit 6**.
- This short section is relatively open and relatively flat and is likely the least challenging portion of the trail from a design perspective.
- There are likely opportunities to add significant landscaping along this portion.



Exhibit 6: Open Section, Looking South from Lake Butler Boulevard

LAKE BUTLER BOULEVARD TO PARK AVENUE

- This section has an existing 5' wide concrete sidewalk, as shown on **Exhibit 7**.
- The trail should likely follow the general path of the sidewalk.



Exhibit 7: Existing Sidewalk, looking North from Lake Butler Boulevard

4.0 EXISTING CONDITIONS

4.1 DRAINAGE CONDITIONS

Additional Drainage information is provided in **Appendix A**. A summary of conditions is provided below.

DRAINAGE OUTFALLS

The ultimate outfall of the project is the canal located between Lake Butler and Lake Down at STA. 119+50. There are three drainage outfalls located within project limits. Outfall 1 is a storm sewer system, consisting of a ditch bottom inlet (DBI) and pipes, located south of the canal and outfalls into the canal. Outfall 2 is a surface water (SW) ditch located north of the canal, that also outfalls into the canal. Outfall 3 is a roadside ditch located on Lake Butler Lane.

BASINS

1-foot contours were obtained from Orange County GIS to further help determine the existing drainage basins within our project limits. Maine Street / Maguire Road is in crown for a majority of the project length, therefore the drainage boundary is the centerline of the roadway. Runoff from the western half of Maine Street / Maguire Road sheet flows and collects in linear roadside ditches because no curbs are present within project limits.

Basin 1, located south of the outfall to East 4th Avenue, drains north through a series of roadside ditches and side drains until it reaches a DBI located adjacent to the pedestrian ramp for the canal crossing. The water then outfalls through a pipe directly into the canal. The client identified that water does not reach this inlet and is ponding in a low point in the roadway at the north end of Dirt Main Street.

Basin 2, located north of the canal, drains south through a SW ditch. Three DBIs, located near the outfall, drain to the adjacent ditch along Lake Butler Boulevard, which then outfalls directly to the canal.

Basin 3, located between Park Avenue and Lake Butler Boulevard, outfalls to a small roadside ditch near STA. 134+00 that then travel west on Lake Butler Boulevard, and eventually outfalls into Lake Butler.

4.2 ENVIRONMENTAL CONDITIONS

Additional Environmental information is provided in **Appendix B**. A summary of conditions is provided below.

ENVIRONMENTAL RESOURCES

The project limits were visually screened for the presence of wetlands as defined in the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1* and Chapter 62-340, Florida Administrative Code. The results of the field reconnaissance and NWI database research indicated that there are no wetlands and one surface water in the study area.

Field verification with the South Florida Water Management District (SFWMD) and the US Army Corps of Engineers (USACE) should be conducted during the project development phase of the project to confirm surface water limits.

FLOODPLAINS

FEMA FIRMs available from the FEMA website (<https://www.fema.gov/>) were reviewed to determine if the project area is located within a flood zone. According to FEMA FIRM Panel 12095C0220F, the study area is outside the 100-year flood zone (Zone X), with the exception of the area on and immediately adjacent to the canal that falls within Flood Zone AE.

PROTECTED SPECIES

No listed species were observed during field reconnaissance. Additionally, the FWC does not indicate any documented observations of state protected species within the study area.

Other species observed included the red-bellied woodpecker (*Melanerpes carolinus*), osprey (*Pandion haliaetus*), red-shouldered hawk (*Buteo lineatus*), brown pelican (*Pelecanus occidentalis*), marsh rabbit (*Sylvilagus palustris*), green anole (*Anolis carolinensis*), and limpkin (*Aramus guarauna*).

Both the USFWS report and the FNAI report listed several federal and state listed plants species as potentially occurring within the study area. However, no listed plant species were observed during field reconnaissance and there is marginal habitat for listed plant species within the study area. No further action should be required for listed plant species.

CONTAMINATION

As of March 17, 2020, the FDEP does not list any potential contamination sites within 500 feet from the project study area.

5.0 POTENTIAL IMPROVEMENTS

5.1 ADJACENT IMPROVEMENT

Dirt Main Street is in the design process to be paved due to chronic flooding problems. The paving project will include installation of curb and gutter along the eastern edge of Dirt Main Street, which is immediately adjacent to the study area for this trail project.

5.2 ANTICIPATED TYPICAL SECTIONS

The typical section of the trail changes based on variations in the existing study area. The trail moves east or west, and to higher or lower elevations largely following the existing land. In the southern portion of the trail, looking north, from left to right: the roadway edge is followed by a landscaping buffer area, then the 10' wide trail, then a drainage swale adjacent to Main Street. It is assumed that regrading of the existing berm will be sufficient and 6' thick concrete pavement is proposed for the trail. The various typical sections are shown on **Exhibit 8** and **Exhibit 9**.

Various decorative features, handrails, signs, striping, and other features can be added as necessary or desired.

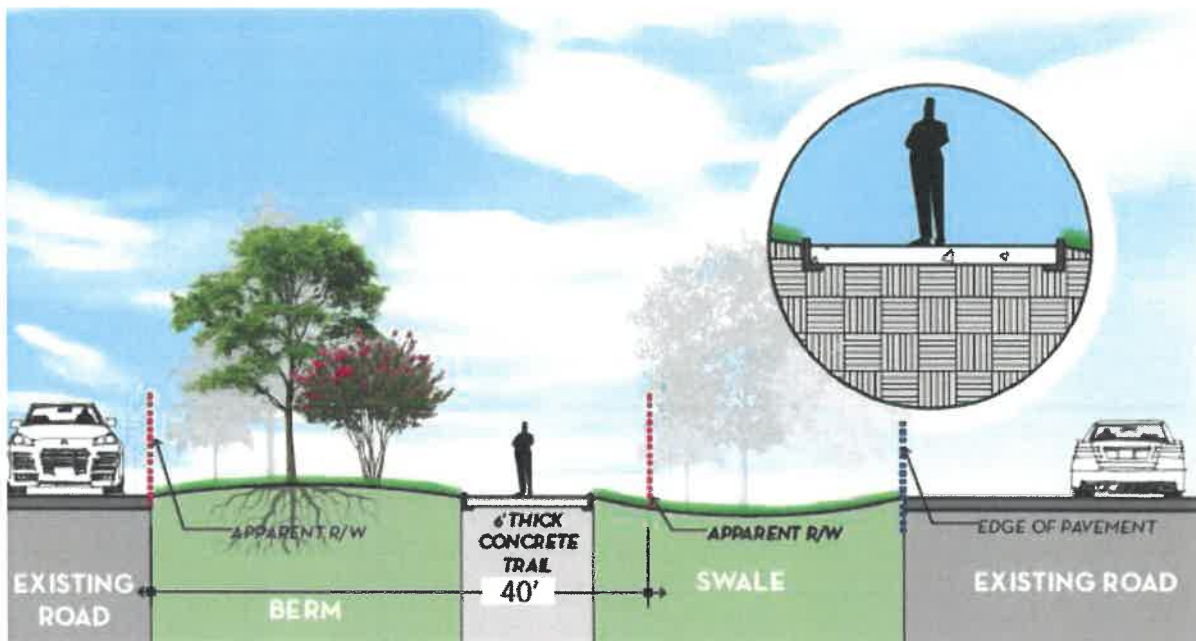


Exhibit 8: At-Grade Trail for Low-Elevation Areas

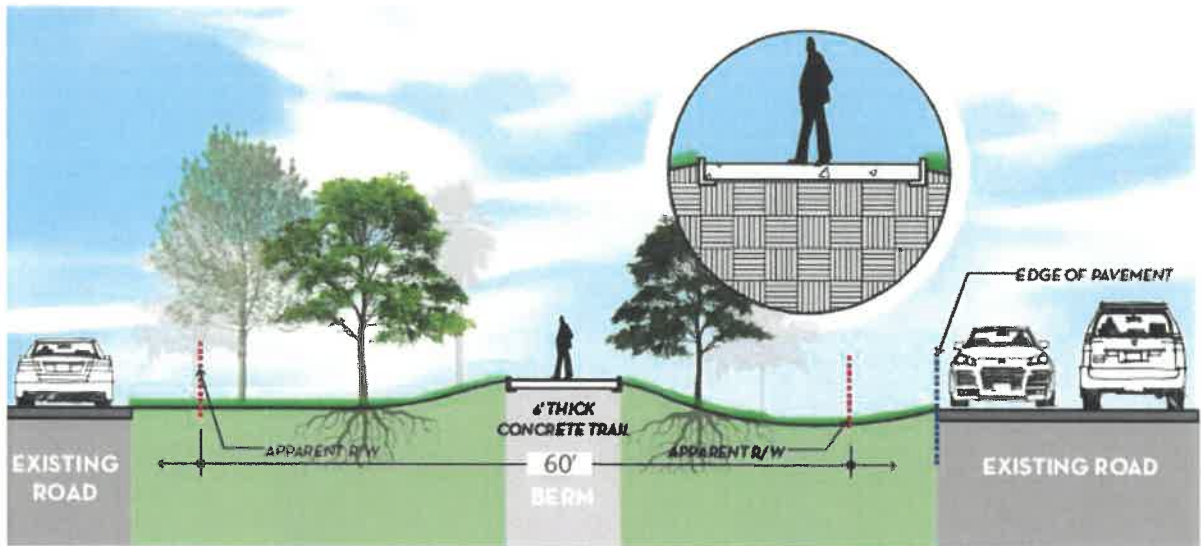


Exhibit 9: At-Grade Trail through Existing Trees, on Medium/High Berms

5.2 ANTICIPATED ALIGNMENT

Plan sheets showing the proposed alignment are provided in **Appendix C**. Note that the alignment was developed prior to obtaining survey. The design phase, which will begin with a topographical survey, will be used to fine-tune the alignment consistent with the overall goals for the trail. Similarly, a tree survey, by an arborist, should be conducted to determine the tree species and tree quality when considering which tree mitigation strategy should be used.

The portion of the trail immediately north of the canal is shown aligned to the eastern portion of the existing berm to avoid impacts to the floodplain. The alignment should be adjusted based on topographical survey to ensure that it does not impact the floodplain. If the berm is narrow in certain areas (this will not be known until the survey is complete), additional embankment on the east side may be appropriate and handrails may be needed to provide protection from dropoff hazards.

5.3 PROPOSED MATERIALS

The trail is proposed to be constructed using concrete due to the known properties, relative constructability, design life, and maintenance benefits when compared with asphalt. The proposed thickness is 6" to provide additional durability, compared to typical 4" thick concrete sidewalk.

5.4 LANDSCAPING

The landscaping elements included in this analysis assume that the trail will not be irrigated. Plantings were selected based on their ability to thrive in Central Florida without irrigation (after a period of establishment). Two tiers of landscape enhancements were considered, one that is primarily shrubs, and one that combines trees and shrubs. Landscaping plans with example images and anticipated costs are shown on **Exhibits 10 and 11**.



PLAN VIEW: STATION 127+40 TO STATION 129+40



SAND CORD GRASS



PINK MUHLY



DWARF PAMPAS GRASS



BLACK EYE SUSAN



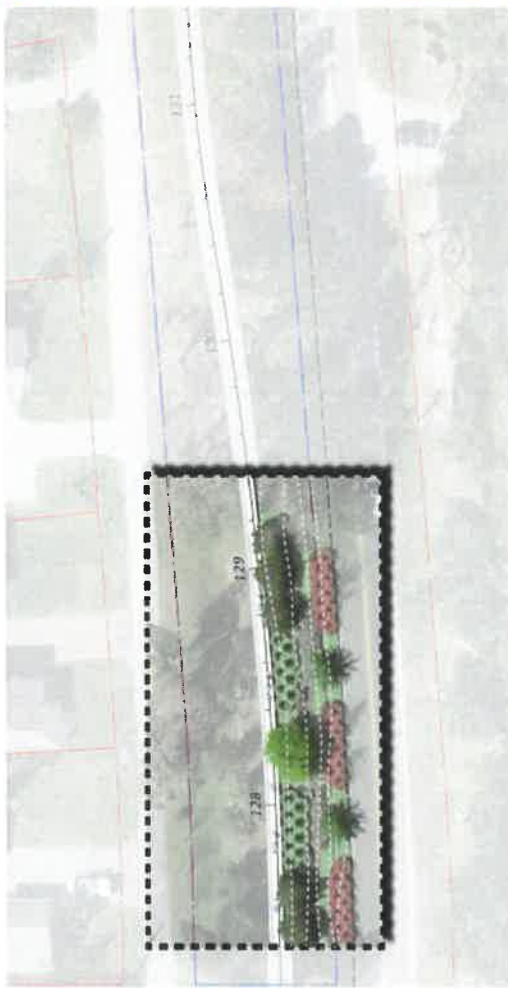
PRECEDENT IMAGE

LANDSCAPE ENHANCEMENT
SHRUBS ENHANCEMENT: 4/- \$7,500



SECTION: SHRUBS ENHANCEMENT

Exhibit 10: Landscape Enhancement - Shrubs



PLAN VIEW: STATION 127+40 TO STATION 129+40



SECTION: TREES AND SHRUBS ENHANCEMENT



CRAPE MYRTLE



BOTTLEBRUSH TREE



OAK TREE



CRAPE MYRTLE



PRECEDENT IMAGE

LANDSCAPE ENHANCEMENT
 SHRUBS ENHANCEMENT: +/- \$7,500
 TREE ENHANCEMENT: +/- \$38,500
 TOTAL +/- \$46,000

Exhibit 11: Landscape Enhancement – Shrubs and Trees

5.5 WATER QUALITY IMPROVEMENTS

The project has two primary areas that can be used to add water quality enhancements – the area south of the canal, and the area south of Lake Butler Boulevard. Both areas are flat enough that regrading can create swales that can be planted as rain gardens to remove pollutants to improve water quality. Additionally, best management practices can be used to avoid direct discharge into the canal.

5.6 OPINION OF PROBABLE CONSTRUCTION COSTS

An Engineers Opinion of Probable Construction Costs (EOPC) was developed to better understand the likely project costs. Note that the costs for replacing the pedestrian bridge are not included in the cost estimate since the bridge is to be designed and fabricated by a specialty bridge company.

The resulting EOPC is shown in **Table 1**. Note that landscaping costs were assumed to include shrubs and trees. The number of trees and size of trees will significantly affect the cost. These costs assume 64 trees at \$1,000 per tree.

Table 1: Engineers Opinion of Probable Costs

ITEM NO.	UNITS	QUANTITY	ITEM DESCRIPTION	UNIT COST	FACTOR	TOTAL
ROADWAY						
110-1-1	AC	1.80	CLEARING & GRUBBING	\$10,348.06	1.25	\$23,283.14
110-4-10	SY	481	REMOVAL OF EXISTING CONCRETE	\$20.01	1.25	\$12,021.01
120-6	CY	2848	EMBANKMENT	\$8.63	1.25	\$30,724.40
522-2	SY	3795	CONCRETE SIDEWALK AND DRIVEWAYS, 6"	\$58.04	1.25	\$275,290.98
570-1-2	SY	5127	PERFORMANCE TURF, SOD	\$2.67	1.25	\$17,110.25
			ROADWAY SUB-TOTAL			\$358,429.77
DRAINAGE						
400-1-2	CY	2.64	CONCRETE CLASS I, ENDWALLS	\$1,788.03	1.25	\$5,900.50
425-1-201	EA	2	INLETS, CURB, TYPE 9, <10'	\$5,477.50	1.25	\$13,693.75
425-2-41	EA	2.0	MANHOLES, P-7, <10'	\$5,819.75	1.25	\$14,549.38
430-174-118	LF	50	PIPE CULVERT, OPTIONAL MATERIAL, ROUND,	\$79.36	1.25	\$4,960.00
430-175-124	LF	300	PIPE CULVERT, OPTIONAL MATERIAL, ROUND,	\$91.22	1.25	\$34,207.50
430-984-125	EA	2	MITERED END SECTION, OPTIONAL ROUND,	\$1,374.37	1.25	\$3,435.93
524-1-19	SY	15	CONC DITCH PAVT, 3", REINFORCED	\$64.83	1.25	\$1,215.56
570-1-2	SY	220	PERFORMANCE TURF, SOD	\$2.66	1.25	\$731.50
571-1-11	SY	100	PLASTIC EROSION MAT, TURF REINFORCED	\$4.26	1.25	\$532.50
			DRAINAGE SUB-TOTAL			\$79,226.61
LANDSCAPING (OPTIONAL)						
N/A	LS	1	SHRUB AND TREE ENHANCEMENT	\$71,500.00	\$1.00	\$71,500.00
			LANDSCAPING SUB-TOTAL			\$71,500.00
PROJECT SUBTOTAL						\$509,156.38
MISCELLANEOUS						
101-1	LS	1	MOBILIZATION (10%)	\$50,915.64	1.00	\$50,915.64
102-1	DA	1	MAINTENANCE OF TRAFFIC (10% OF COST AMOUNT) (EXCLUDING TEMPORARY PAVEMENT)	\$50,915.64	1.00	\$50,915.64
		1	CONTINGENCY (15%)	\$76,373.46	1.00	\$76,373.46
PROJECT GRAND TOTAL						\$687,361.11

THESE ITEM AVERAGE UNIT COSTS VALUES WERE OBTAINED FROM THE FDOT ESTIMATES OFFICE WEBSITE UNDER THE ITEM AVERAGE UNIT COSTS FOR STATEWIDE SEPTEMBER 1, 2019 – FEBRUARY 29, 2020.

NOTE:

THE ENGINEER HAS NO CONTROL OVER THE COST OF LABOR, MATERIAL, EQUIPMENT, OR OVER THE CONTRACTOR'S METHODS OF DETERMINING PRICES OR OVER COMPETITIVE BIDDING OR MARKET CONDITIONS. OPINIONS OF PROBABLE COSTS PROVIDED HEREIN ARE BASED ON THE INFORMATION KNOWN TO THE ENGINEER AT THIS TIME AND REPRESENT ONLY THE ENGINEER'S JUDGMENT AS A DESIGN PROFESSIONAL FAMILIAR WITH THE CONSTRUCTION INDUSTRY. THE ENGINEER CANNOT AND DOES NOT GUARANTEE THAT PROPOSALS, BIDS, OR ACTUAL CONSTRUCTION COSTS WILL NOT VARY FROM IT'S OPINIONS OF PROBABLE COSTS.

6.0 POTENTIAL IMPACT OF IMPROVEMENTS

6.1 ANTICIPATED IMPACTS

The project is not anticipated to add capacity to the roadway, affect planned community growth, land use patterns, or growth rates. The project will create a linear amenity by turning an existing natural area into a trail that can be used by the community.

6.2 ANTICIPATED ENVIRONMENTAL IMPACTS

A portion of the proposed trail alignment intersects with a surface water canal that provides a hydrological connection from Lake Butler to Lake Down. A pedestrian bridge is currently in place over the canal. Assuming the proposed trail is in the same general location as the existing pedestrian bridge, no significant disruption to the current water environment is anticipated.

Drainage improvements are included due to the minor increase in impervious area associated with the recreational trail. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) should be developed and included in the plans, including efforts for sediment erosion control. Compliance with all SFWMD Best Management Practices (BMPs) and the FDOT *Standard Specifications for Road and Bridge Construction* will be implemented to reduce or eliminate discharges that affect water quality.

6.3 ANTICIPATED IMPACTS TO SPECIES

One (1) eagle nest is within a 1-mile range of the site, but not within a 600-foot buffer; therefore, the project is anticipated to have no negative impacts on the bald eagle.

No further action should be required regarding other species.

Although no gopher tortoises were observed during field reconnaissance, surveys for the Florida gopher tortoise are recommended to be conducted during the design phase to ensure no species are present within the proposed project footprint.

Portions of the study area meet the three criteria listed by the USFWS for potential sand skink habitat: county, soil type, and elevation. Potential habitat is primarily located at the start and end of the proposed trail and is surrounded by intensive development. Therefore, it is recommended to consult with the USFWS to determine eligibility for a reduced or eliminated skink survey prior to the start of construction related activities.

6.4 ANTICIPATED IMPACTS TO DRAINAGE

The proposed paving of Dirt Main Street and the proposed 10' wide trail will combine to require additional improvements to drainage collection and treatment. As such, roadside ditches will be realigned and graded to collect all runoff and convey it to existing outfalls. Existing drainage facilities will likewise be upgraded.

6.5 ANTICIPATED IMPACTS TO WATER QUALITY

The proposed trail design does not require attenuation or treatment since the trail does not exceed 14 feet in width and is not anticipated to impact any wetlands or surface waters within project limits. Therefore, the trail is exempt from permitting. A coordination meeting with the South Florida Water Management District (SFWMD) will be held to discuss these criteria. As described previously, opportunity sites along the trail are anticipated to enhance water quality.

7.0 PUBLIC INVOLVEMENT

7.1 STAKEHOLDER WORKSHOPS

A stakeholder workshop was held DATE, 2020, with representatives including Town management, public works staff, Town Council representation, a tree board representative, and a Parks & Recreation representative. The meeting summary is provided in **Appendix D**.

The workshop discussed project constraints, goals, objectives, concerns, and opportunities. Several guiding principles were determined during the meeting, as described below:

- The trail should be approximately 10' wide. A wider trail may encourage higher bike-riding speeds, which are not desired in this community.
- Material should be concrete for improved durability, constructability, and maintenance.
- The trail should mender, rather than being as straight as possible. The curves should be gradual and comfortable to create a more inviting experience.
- Water quality improvements should be considered.
- Golf carts should be allowed on the pedestrian bridge, but not on the rest of the trail.
- The path should be approximately 10' wide.
- Pedestrian scale lighting should be considered.

7.2 PUBLIC WORKSHOP

A public workshop was held at Town Hall on June/July/August? ##, 2020 to present the anticipated alignment and trail features. Meeting materials are provided in **Appendix D**.

7.3 COMMENT SUMMARY

To be completed after the meeting is held

8.0 PERMITTING

An Environmental Resource Permit from SFWMD will be required for activities related to stormwater management, floodplain compensation, and activities located on or adjacent to the canal. A USACE Section 404 permit may be required for potential minor impacts to the canal, however eligibility for a Nationwide Permit is likely. A National Pollutant Discharge Elimination System (NPDES) permit will be required from FDEP and the contractor will be responsible for obtaining it prior to construction.

Per the Code of Ordinances for Orange County, Sec. 15-283(a), a tree removal permit is required from the zoning manager to remove any protected trees on site greater than eight (8) inches diameter at breast height (DBH). What constitutes a protected tree is defined in Sec. 15-283(a).

Per the Code of Ordinances for Orange County, Sec. 15-376, as wetlands are present on-site (edges of Lake Butler), a Conservation Area Determination (CAD) will be required prior to development. This will require an application to be submitted to the Orange County Environmental Protection Division (EPD). EPD will then visit the site and upon completion of field verification by EPD, a Class Determination Letter will be sent to the applicant. If wetlands will be impacted by the project, a Conservation Area Impact (CAI) permit will be required from the Orange County EPD.

APPENDIX A
Drainage Conditions Information



Windermere Ward Trail

DRAINAGE MEMO

Prepared For:

THE TOWN OF
Windermere



Kimley»»Horn

April 2020

Project Summary

Introduction

The Town of Windermere requests a concept plan for a multi-use path to run adjacent to Main Street / Maguire Road from North Drive to approximately Park Avenue, located in Orange County, Florida. The project proposes an 10-foot wide multi-use path, landscape buffer, and a conveyance system along the western side of Main Street / Maguire Road. This drainage report will document alternatives, provide recommended solution(s), and sketches that will assist in the scoping of design and permitting of the overall improvement. A project location map is located in **Appendix A**.

Existing Conditions

A field review took place on March 12, 2020 to inventory existing drainage structures and identify drainage basins and flow patterns. There is a canal that is the ultimate outfall of the project that is located between Lake Butler and Lake Down at STA. 119+50.

Outfalls

There are three drainage outfalls located within project limits. Outfall 1 is a storm sewer system, consisting of a ditch bottom inlet (DBI) and pipes, located south of the canal and outfalls into the canal. Outfall 2 is a surface water (SW) ditch located north of the canal, that also outfalls into the canal. Outfall 3 is a roadside ditch located on Lake Butler Lane.

Basins

1-foot contours were obtained from Orange County GIS to further help determine the existing drainage basins within our project limits. Maine Street / Maguire Road is in crown for a majority of the project length, therefore the drainage boundary is the centerline of the roadway. Runoff from the western half of Maine Street / Maguire Road sheet flows and collects in linear roadside ditches because no curbs are present within project limits.

Basin 1, located south of the outfall to East 4th Avenue, drains north through a series of roadside ditches and side drains until it reaches a DBI located adjacent to the pedestrian ramp for the canal crossing. The water then outfalls through a pipe directly into the canal. The client identified that water does not reach this inlet and is ponding in a low point in the roadway at the north end of Dirt Main Street.

Basin 2, located north of the canal, drains south through a SW ditch. Three DBIs, located near the outfall, drain to the adjacent ditch along Lake Butler Boulevard, which then outfalls directly to the canal.

Basin 3, located between Park Avenue and Lake Butler Boulevard, outfalls to a small roadside ditch near STA. 134+00 that then travel west on Lake Butler Boulevard, and eventually outfalls into Lake Butler.

A pre-development basin map with existing drainage structures can be found in **Appendix B**.

Proposed Conditions

A roadway improvement project will convert Dirt Main Street to a curbed section within basin 1. This project also proposes to add additional impervious surface by the addition of the 10-foot wide multi-use path. Due to these improvements, roadside ditches will be re-aligned and graded to collect all runoff and convey it to the existing outfalls.

Additionally, the existing inlet in basin 1 will be converted to a manhole. A proposed drainage inlet will be placed at the low point in the roadway at the end of Lake Butler Boulevard and will connect back to the existing system to reduce the ponding at the low point in the roadway.

A proposed drainage structures map can be found in **Appendix C**.

Floodplain Impacts

A portion of basin 2 is located in the FEMA Floodplain Zone X and has a defined floodplain elevation of 100.7. The proposed trail shall remain on the berm and avoid any impacts to the floodplain. Any impacts that cannot be avoided will require a pre-post volumetric comparison of the area showing insignificant impact to storage. The FEMA FIRMette Map can be found in **Appendix D**.

Water Quality Criteria

The proposed trail design does not require attenuation or treatment since the trail does not exceed 14 feet in width and is not anticipated to impact any wetlands or surface waters within project limits. Therefore, the trail is exempt from permitting. A coordination meeting with the South Florida Water Management District (SFWMD) will be held to discuss these criteria.

Water Quality Opportunities

The water quality in Lake Butler has diminished due to silt deposits from the unpaved road washouts near the lake. The washouts have resulted in rising stages and loss of storage volume in the lake. One way this issue can be improved by pre-treating the roadway runoff with ditch blocks prior to runoff entering the lake.

Appendices

Appendix A: Project Location Map

Appendix B: Pre-Development Basin Map

Appendix C: Proposed Drainage Structures Map

Appendix D: FEMA FIRMette Map

Appendix A: Project Location Map



Appendix B: Pre-Development Basin Map



BEGIN PROJECT
STA. 100+16.61

Kimley»Horn

Registry No. 696
Victor H. Gallo, P.E.
Professional Engineer
189 S Orange Avenue, Suite 1100
Orlando, FL 32801

**TOWN OF
WINDERMERE**

DRAINAGE MAP (01)

SHEET
NO.

REVISIONS

DATE

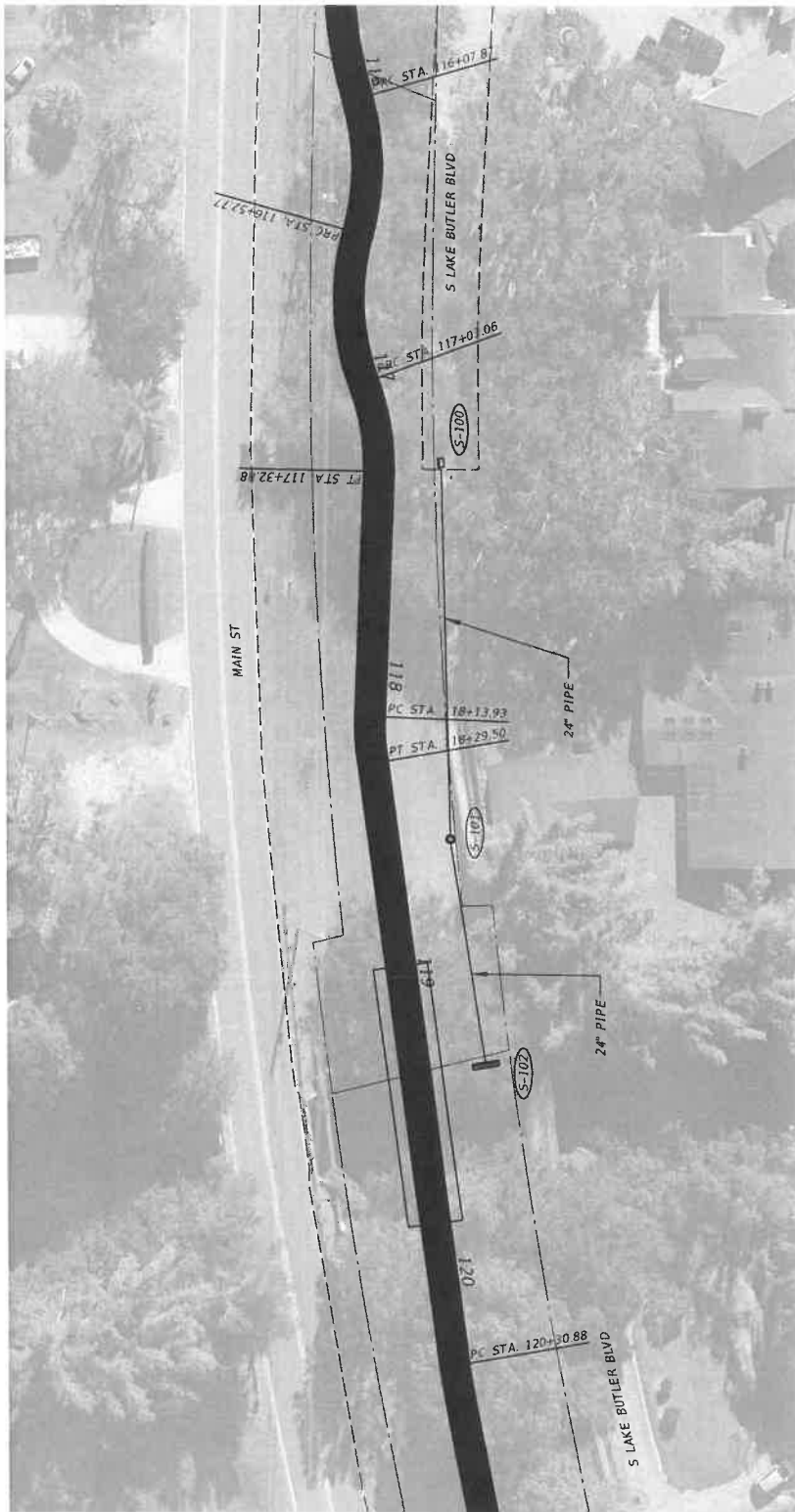
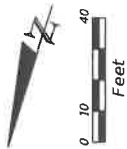
DESCRIPTION

Kate Gresson

4/14/2010 10:21:5 AM Delault

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Appendix C: Proposed Drainage Structures Map



- S-100 STA. 117+40.00 (20.30 LT)
TYPE 9 CURB INLET
(CAST-IN-PLACE)
INDEX NO. 425-024
EOP EL. 102.00
FL. 99.60
- S-101 STA. 118+65.00 (22.50 LT)
MANHOLE
INDEX NO. 425-001
RIM EL. 103.00
FL. 99.60
- S-102 STA. 119+42.00 (24.10 LT)
ENDWALL
INDEX NO. 430-030
FL. 99.40

DATE	DESCRIPTION	REVISIONS	DATE	DESCRIPTION

Kimley-Horn
 Registry No. 696
 V.P. License No. 75592
 P.E. License No. 75592
 189 S Orange Avenue, Suite 1000
 Orlando, FL 32801

**TOWN OF
WINDERMERE**

PROPOSED DRAINAGE

SHEET NO.

Appendix D: FEMA FIRMette Map

National Flood Hazard Layer FIRMette



28°30'31.88"N



81°32'0.95"W

28°30'0.26"N

1:6,000

2,000

1,500

1,000

500

0

USGS The National Map, Orthoimagery, Data Refreshed April, 2019.

Legend

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

SPECIAL FLOOD HAZARD AREAS

- 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

OTHER AREAS OF FLOOD HAZARD

- 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

OTHER FEATURES

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

MAP PANELS

- 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 3/25/2020 at 7:12:51 AM 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.

APPENDIX B
Environmental Conditions Information



Town of Windermere Multiuse Trail Feasibility Study

Natural and Human Environment Screening

April 2020

Kimley»»Horn

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INTRODUCTION

The Town of Windermere is studying the feasibility of constructing a 0.5 ± mile paved multiuse trail located near the eastern side of Lake Butler from North Drive to Lake Butler Boulevard.

This report identifies existing natural and human environment resources within the study area and describes the anticipated impacts to these resources. For purposes of this study, the study area has been defined as the area within 150 feet of the proposed multiuse trail.

METHODOLOGY

The assessment of natural and human environmental features within the study area included the review of the following data and documents:

- Historical aerial photography from the Florida Department of Transportation (FDOT) Aerial Photo Look-up System and Publication of Archival Library and Museum Materials
- Habitat and species-specific information obtained from the US Fish and Wildlife Service (USFWS), the Florida Fish and Wildlife Conservation Commission (FWC), Florida Fish and Wildlife Research Institute, Florida Geographic Data Library (FGDL), and the Florida Natural Areas Inventory (FNAI)
- The US Geological Survey 7.5-Minute Quadrangle maps (see **Figure 1—USGS Quadrangle Map**)
- The USFWS National Wetland Inventory (NWI) maps
- The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM)
- USFWS *Information for Planning and Consultation (IPaC) Trust Resources Report* included in **Appendix A**
- FNAI Unofficial Data Report for the study area included in **Appendix B**
- Florida Department of State – Division of Historical Resources Report in **Appendix C**
- Florida Department of Environmental Protection (FDEP) Map Direct Contamination Location Map

In addition to the review of databases and other resources, field reconnaissance was conducted on February 20, 2020.

EXISTING LAND USE PATTERNS

EXISTING RESOURCES

The project study area is urban and essentially built out. The land uses identified within the study area using the Florida Land Use, Cover, and Forms Classification System (FLUCFCS) (see **Figure 2 — FLUCFCS Map**) include the following:

- Fixed single family units
- Educational facility
- Pine flatwoods
- Channelized waterways – canals

ANTICIPATED IMPACTS

The project is not anticipated to have any notable impacts to traffic or community function, being that the project area is small and will be contained in an area that is already unused by the surrounding neighborhoods.

The project is not anticipated to add capacity to the roadway, affect planned community growth, land use patterns, or growth rates. It will simply be turning an existing natural area into a trail that can be used by the nearby communities.

WETLANDS AND SURFACE WATERS

EXISTING RESOURCES

Kimley-Horn and Associates staff conducted field reconnaissance on February 20, 2020 and reviewed NWI mapping of the project vicinity. The project limits were visually screened for the presence of wetlands as defined in the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1* and Chapter 62-340, Florida Administrative Code. The results of the field reconnaissance and NWI database research indicated that there are no wetlands and one surface water in the study area. The canal connecting Lake Butler and Lake Down (surface water) was the only jurisdictional feature identified in the study area (see **Figure 3—NWI Wetlands and Surface Waters Map**). The canal exhibits limited wetland vegetation along its banks. Wetland species were observed within the project site, especially on the north side; this included sword fern (*Polystichum munitum*), wild taro (*Colocasia esculenta*), red maple (*Acer rubrum*), Carolina willow (*Salix caroliniana*), dollarweed (*Hydrocotyle umbellata*), dayflower (*Commelina communis*), primrose willow (*Ludwigia peruviana*), and cypress (*Taxodium distichum*). The south side of the project area contains a bamboo (*Bambusoideae spp.*) seawall. Field verification with the South Florida Water Management District (SFWMD) and the US Army Corps of Engineers (USACE) should be conducted during the project development phase of the project to confirm surface water limits.

ANTICIPATED IMPACTS

A portion of the existing trail intersects with a surface water canal that provides a hydrological connection from Lake Butler to Lake Down, but a pedestrian bridge is currently in place there. Assuming the proposed trail is in the same general location as the existing trail, no significant disruption to the current water environment is anticipated.

Drainage improvements may be required due to a minor increase in impervious area associated with the recreational trail. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) should be developed and included in the plans, including efforts for sediment erosion control. Compliance with all SFWMD Best Management Practices (BMPs) and the FDOT *Standard Specifications for Road and Bridge Construction* will be implemented reduce or eliminate discharges that affect water quality.

FLOODPLAIN ENCROACHMENT

EXISTING RESOURCES

FEMA FIRMs available from the FEMA website (<https://www.fema.gov/>) were reviewed to determine if the project area is located within a flood zone. According to FEMA FIRM Panel 12095C0220F, the study area is outside the 100-year flood zone (Zone X), with the exception of the area on and immediately adjacent to the canal that falls within Flood Zone AE. (**Figure 4—FEMA FIRM Map**).

ANTICIPATED IMPACTS

A flood analysis may be required to determine potential floodplain compensation if impacts to the floodplain are proposed. Additionally, a Conditional Letter of Map Revision from FEMA may be required dependent on the proposed activities within Zone AE for the construction of the trail.

PROTECTED SPECIES

EXISTING RESOURCES

Field reconnaissance was conducted to determine if listed species or their habitats were present within the study area. No listed species were observed during field reconnaissance. Other species observed included the red-bellied woodpecker (*Melanerpes carolinus*), osprey (*Pandion haliaetus*), red-shouldered hawk (*Buteo lineatus*), brown pelican (*Pelecanus occidentalis*), marsh rabbit (*Sylvilagus palustris*), green anole (*Anolis carolinensis*), and limpkin (*Aramus guarauna*).

The USFWS *IPaC Trust Resources Report* listed eighteen (18) threatened, endangered, or candidate species (**Table 1**) in Orange County (**Appendix A—USFWS Information for Planning and Consultation Trust Resources Report**). The project area also falls within three (3) USFWS Wood Stork Core Foraging Areas (CFA).

Additionally, a FNAI report (see **Appendix B—FNAI Report**) created on March 18, 2020 identified seventeen (17) species protected by the State of Florida with potential to occur within the study area (**Table 1**). However, the FNAI report did not indicate any documented instances of these protected species within the study area. Additionally, the FWC does not indicate any documented observations of state protected species within the study area (see **Figure 5—Listed Species Map**).

Both the USFWS report and the FNAI report listed several federal and state listed plants species as potentially occurring within the study area. However, no listed plant species were observed during field reconnaissance and there is marginal habitat for listed plant species within the study area. No further action should be required for listed plant species.

Table 1. Protected Species within the Study Area

Common Name	Scientific Name	Status	Habitat Present
Florida Black Bear*	<i>Ursus americanus floridanus</i>	Protected	Marginal
Bald Eagle**	<i>Haliaeetus leucocephalus</i>	Protected	Yes
Florida Burrowing Owl	<i>Athene cunicularia floridana</i>	ST	Marginal
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	ST	Marginal
Red-cockaded Woodpecker	<i>Picoides borealis</i>	FE	No
Everglade Snail Kite	<i>Rostrhamus sociabilis plumbeus</i>	FE	Marginal
Florida Scrub-jay	<i>Aphelocoma coerulescens</i>	FT	No
Wood Stork	<i>Mycteria americana</i>	FT	Marginal
Gopher Tortoise	<i>Gopherus polyphemus</i>	C	Yes
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	FT	Yes
Florida Pine Snake	<i>Pituophis melanoleucus mugitus</i>	ST	No
Bluetail Mole Skink	<i>Eumeces egregius lividus</i>	FT	Marginal
Sand Skink	<i>Neoseps reynoldsi</i>	FE	Marginal
Notes: FE = Federally Endangered, FT = Federally Threatened, C = Candidate Species SE = State Endangered, ST = State Threatened *The Florida black bear is protected under Chapter 68A-4.009, Florida Administrative Code, the Florida Black Bear Conservation Plan. ** The bald eagle is protected under the Bald and Golden Eagle Protection Act.			

ANTICIPATED IMPACTS

One (1) eagle nest is within a 1-mile range of the site, but not within a 600-foot buffer; therefore, the project is anticipated to have no negative impacts on the bald eagle.

The study area is located within the Central Bear Management Unit (BMU) and FWC reports that bears are “frequent” in this area. Although impacts to bear habitat will be minimal, consistent with the June 2012 FWC Black Bear Management Plan, garbage and food debris will need to be properly removed from the

construction site daily to eliminate possible sources of food that could encourage and attract bears. Nuisance bears will need to be reported to the FWC at the Wildlife Alert Hotline at 1-888-404-3922.

Potential habitat for the Florida burrowing owl exists within the study area, however observations are rare within Orange County. Additionally, no burrowing owls were observed during field reconnaissance. No further action should be required regarding this species.

No Florida sandhill cranes were observed during field reconnaissance. Although the edges of Lake Butler could provide suitable nesting habitat for the sandhill crane, no potential nesting habitat will be impacted by this project. Therefore, no further action should be required regarding this species.

No habitat for the red-cockaded woodpecker exists within the study area (old growth pine), therefore no further action should be required regarding this species.

No Everglade snail kites were observed during field reconnaissance. Although the edges of Lake Butler could provide suitable nesting habitat for the Everglade snail kite, no potential nesting habitat will be impacted by this project. Therefore, no further action should be required regarding this species.

No habitat for the Florida scrub-jay exists within the study area (xeric oak or pine flatwoods), therefore no further action should be required regarding this species.

Suitable foraging habitat exists along the canal for the wood stork and the project is located within three wood stork CFAs. Mitigation for lost wood stork foraging habitat is only required if impacts exceed 0.50 acres. This project will likely not impact more than 0.50 acres therefore no further action should be required regarding this species.

Although so gopher tortoises were observed during field reconnaissance, surveys for the Florida gopher tortoise are recommended to be conducted during the design phase to ensure no species are present within the proposed project footprint.

According to the *Eastern Indigo Snake Programmatic Effect Determination Key (South Florida) (August 2017)*, if the project will impact less than 25 acres of suitable eastern indigo snake habitat, has no known gopher tortoise burrows, and can be conditioned for use of the *USFWS Standard Protection Measures for the Eastern Indigo Snake (August 2013)*, the project may affect, but is not likely to adversely affect the eastern indigo snake.

No habitat for the Florida pine snake exists within the study area, therefore no further action should be required regarding this species.

Portions of the study area meet the three criteria listed by the USFWS for potential sand skink habitat: county, soil type, and elevation. Potential habitat is primarily located at the start and end of the proposed trail and is surrounded by intensive development. Therefore, it is recommended to consult with the USFWS to determine eligibility for a reduced or eliminated skink survey prior to the start of construction related activities.

HISTORIC AND ARCHAEOLOGICAL RESOURCES

EXISTING RESOURCES

Kimley-Horn requested an inquiry from the Department of State, State Historic Preservation Officer (SHPO) Division of Historical Resources Florida Master Site File (FMSF) regarding the presence of known historical or archaeological findings on the proposed project areas or in the immediate vicinity to determine if additional studies will be required. SHPO found there to be 6 structures within a 0.25-mile buffer of the project area.

ANTICIPATED IMPACTS

No structures documented within the study area have been evaluated by SHPO and therefore their eligibility for listing with the National Register of Historic Places (NRHP) has not been determined. A Cultural Resources Assessment Survey may be required during the design phase of this project.

CONTAMINATION

EXISTING RESOURCES

A preliminary evaluation of the project area was conducted to identify potentially contaminated sites that may be impacted by the proposed project. This analysis included a desktop review of the FDEP Direct Contamination Locator Map and readily available documents from FDEP's OCULUS database. As of March 17, 2020, the FDEP does not list any potential contamination sites within 500 feet from the project study area.

ANTICIPATED IMPACTS

A Phase I Site Assessment may be required to be performed during the design phase of the project to field verify any new or undocumented potential contamination sites. Based on the findings of the Phase I Site Assessment and the proposed construction limits, a Phase II Site Assessment may be required for the project but is not anticipated.

PERMITTING

An Environmental Resource Permit from SFWMD will be required for activities related to stormwater management, floodplain compensation, and activities located on or adjacent to the canal. A USACE Section 404 permit may be required for potential minor impacts to the canal, however eligibility for a Nationwide Permit is likely. A National Pollutant Discharge Elimination System (NPDES) permit will be required from FDEP and the contractor will be responsible for obtaining it prior to construction.

Per the Code of Ordinances for Orange County, Sec. 15-283(a), a tree removal permit is required from the zoning manager to remove any protected trees on site greater than eight (8) inches diameter at breast height (DBH). What constitutes a protected tree is defined in Sec. 15-283(a).

Per the Code of Ordinances for Orange County, Sec. 15-376, as wetlands are present on-site (edges of Lake Butler), a Conservation Area Determination (CAD) will be required prior to development. This will require an application to be submitted to the Orange County Environmental Protection Division (EPD).

EPD will then visit the site and upon completion of field verification by EPD, a Class Determination Letter will be sent to the applicant. If wetlands will be impacted by the project, a Conservation Area Impact (CAI) permit will be required from the Orange County EPD.

LIST OF FIGURES

1. US Geological Survey (USGS) Quadrangle Map
2. Florida Land Use, Cover, and Forms Classification System Map
3. National Wetlands Inventory (NWI) Wetlands and Surface Waters Map
4. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map
5. Listed Species Map

LIST OF APPENDICES

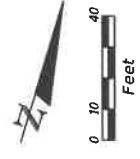
- A. US Fish and Wildlife Service Information for Planning and Consultation Trust Resources Report
- B. Florida Natural Area Inventory Report
- C. Florida Department of State – Division of Historical Resources Report

Appendix A— US Fish and Wildlife Service Report

Appendix B—Florida Natural Areas Inventory Report

Appendix C— Florida Department of State – Division of Historical Resources Report

APPENDIX C
Proposed Alignment Plan Sheets



TOWN R/W — — — — —
 PRIVATE R/W - - - - -



MATCH LINE SHEET 2

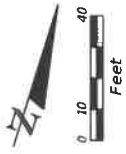
REVISIONS		DESCRIPTION	
DATE	DESCRIPTION	DATE	DESCRIPTION

Kimley-Horn
 Registry No. 696
 Michael R. Moore, P.E.
 189 S Orange Avenue, Suite 1000
 Orlando, FL 32801

TOWN OF
WINDERMERE

WARD TRAIL
POTENTIAL ALIGNMENT

SHEET
 NO. 1



TOWN R/W
PRIVATE R/W

DATE	DESCRIPTION	REVISIONS	DATE	DESCRIPTION

Kimley-Horn Registry No. 696 Highways & E. P.E. License No. 70009 189 S Orange Avenue, Suite 1000 Orlando, FL 32801 5/21/2020 3:50:57 PM The aut		TOWN OF WINDERMERE WARD TRAIL POTENTIAL ALIGNMENT	SHEET NO. 3
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Eric Benson



TOWN R/W ---

PRIVATE R/W ---



MATCH LINE SHEET 6

MATCH LINE SHEET 4

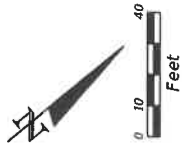
REVISIONS	
DATE	DESCRIPTION

Kimley-Horn
 Registry No. 696
 Michael R. Woodward, P.E.
 189 S. Grange Avenue, Suite 1000
 Orlando, FL 32801

TOWN OF
 WINDERMERE

WARD TRAIL
 POTENTIAL ALIGNMENT

SHEET
 NO. 5



TOWN R/W

PRIVATE R/W

MATCH LINE SHEET 6

Kimley-Horn
 Registry No. 696
 Michael R. Woodward, P.E.
 189 S Orange Avenue, Suite 1000
 Orlando, FL 32801

3/27/2020 3:53:17 PM Default

REVISIONS

DATE DESCRIPTION

DATE	DESCRIPTION	DESCRIPTION

TOWN OF
WINDERMERE

WARD TRAIL
 POTENTIAL ALIGNMENT

SHEET NO.

7

APPENDIX D

Stakeholder Workshop Meeting Summary
Public Workshop Meeting Materials



Town of Windermere
614 Main Street
Windermere, FL 34786

Meeting Summary

Ward Trail
Stakeholder Kickoff Meeting
February 21, 2020

Attendance List

Name	Organization
Mike Woodward	Kimley-Horn
Maile Spang	Kimley-Horn
Scott Brown	Town of Windermere
Robert Smith	Town of Windermere
John Fitzgibbon	Town of Windermere / LRP
Susan Carter	Tree Board
Nora Brophy	Parks & Rec
Roger Gatlin	Chair - LRP
Chris Sapp	Town Council / Streets & Roads

Project Background

This portion of the project is in Phase 1, with multiple future phases anticipated, including connecting to Ocoee and the West Orange Trail. This kickoff meeting was held to solicit stakeholder input prior to preparing concepts and developing meeting materials for upcoming charettes. The project limits are from North Drive to Park Avenue in Windermere.

Water Quality Discussion

The project will evaluate the ability to provide curb and gutter along Main Street parallel to the project. The feature will help improve water retention and water quality. The group advised Kimley-Horn to move forward with the drainage analysis to determine the proper treatment for water quality along the route.

Landscaping / Typical Section Features

- The intent of the path is not for high speed road bikers, but more leisurely riding and walking to and from Town.
- The path will be winding/meandering by nature of avoiding impacts to trees and also creating a pleasant aesthetic.
- The group discussed the use of golf carts on the path. The consensus was that the golf carts should only be allowed on the canal bridge. Departing the bridge, golf carts will be directed to either Lake Butler Boulevard or Old Main Street, likely via signage and bollards.
- There was some discussion on having exercise facilities along the path. The Town recently installed similar facilities in Central Park, adjacent to Main Street. There is question as to whether additional exercise facilities will be beneficial since they are so close to the existing facilities.
- The stakeholders all agreed that the placement of benches is necessary, but the spacing of these is to be determined. Two benches along the path will need to be dedicated to the Rubio and Sorensen Families. There is no need for additional structures or shelters near the benches. It was recommended to include space for future benches, to be constructed later. Benches should be located at key opportunity sites where they will be well used. Note – benches should be offset to avoid creating a conflict with trail users.
- The Town may have a list of trees/plants that the Town recommends for different situations. Along the path low maintenance trees that are native to the area are preferred.
- Landscaping items shall be passive, with some benches, trees and an overall “green and peaceful” feel.
- Public Works is working on putting out an RFQ for a Landscape Architecture group with Arborist experience. They will likely be involved in this process, at some point near the end of the concept phase or prior to design.

Environmental Issues

An environmental analysis will take place along the corridor. The town currently has a plan to upgrade water supply pipes. Scott to send the plans to Mike (sent via email 2/21).

Geometric Design

The agreed upon typical section (if asphalt) is generally a 10' wide shared path with 6" ribbon curb on either side. There was a discussion on the type of pavement to be used. Asphalt tends to be favored by runners and anyone traveling with small wheels. Concrete is preferable from a maintenance perspective. There was a discussion regarding the use of a dirt path or pervious pavement. The Town has had issues with pervious pavement. A dirt path is not feasible due to constructability at a narrow width, maintenance, water quality, and lack of utility (it is difficult for wheels).

Lighting

The trail should include pedestrian scale lighting along the corridor. Lighting should not be bothersome to residents along the path. A photometric study may be needed to determine the spacing of lights.

Potential Funding Sources

Safe Routes to Schools, FRDAP, Wine & Dine, West Orange Healthcare, Orange County Sales Tax referendum.

Next Steps

The next steps include research, site visits, and concept development. Concepts and materials for the charette are to be ready by end of March for an April meeting.

TOWN OF WINDERMERE

Town Council Meeting Minutes (Virtual Meeting Covid-19)

July 14, 2020

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, Chris Sapp, and Liz Andert. Town Attorney Heather Ramos, Town Manager Robert Smith, Police Chief Dave Ogden, Public Works Director Scott Brown, and Town Clerk Dorothy Burkhalter were also present.

Mayor O'Brien called the meeting to order at 6:03pm and stated all Council members were present.

Mayor O'Brien led everyone in the Pledge of Allegiance. He then gave the invocation.

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

Ms. Sandra Brooks of E 327 5th Avenue, Mr. James Nemley of 136 Oakdale Street, Ms. Joan Foglia 215 Butler Street, Mr. George DuBois of 336 E 5th Avenue, all commented on negative impacts at Lake Street Park. Comments were made regarding; crowds, drinking, out of control partying, language, disrespect for the park and residents, and no social distancing. Next to speak was Ms. Bonnie Elder of 3340 South Lake Butler Blvd. She commented on the pavilion fitting into the Town's architecture, materials, and placement. Council Member Martini then commented on the current situation at Lake Street Park. He stated that he appreciates the Police Department doing what they can to help the situation.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Mayoral Proclamation Designating the Month of July as Windermere Staff Appreciation Month.

Mayor O'Brien read and proclaimed July as Windermere Staff Appreciation month.

3. TIMED ITEMS AND PUBLIC HEARING:

a.

ORDINANCE NO. 2020-02

AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC d/b/a DUKE ENERGY, AN ELECTRIC UTILITY RIGHTS-OF-WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS-OF-WAY IN THE TOWN OF WINDERMERE, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance 2020-02 for the record. He then closed the Town Council meeting at 6:23pm and opened the Public Hearing regarding proposed Ordinance 2020-02. Manager Smith questioned if the Town Council would like to make the agreement a 20-year or a 30-year agreement. He commented that the current agreement is 30 years. There being no further comments, Mayor O'Brien closed the Public Hearing at 6:24pm and reconvened the Town Council meeting. Attorney Ramos stated that there is an automatic 10-year provision in the Ordinance, which will allow the Town to be in agreement for up to 30-years. Member McKinley made a motion to approve Ordinance 2020-02 as written with the 20 years. Member Sapp seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

TOWN OF WINDERMERE

Town Council Meeting Minutes
(Virtual Meeting Covid-19)

July 14, 2020

b.

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO WATER CONSERVATION; REPEALING AND REPLACING SECTION 5.03.04 OF ARTICLE V OF THE TOWN'S LAND DEVELOPMENT CODE TO PROVIDE AN UPDATED WATER SHORTAGE PLAN CONSISTENT WITH THE REQUIREMENTS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance 2020-03 for the record. He then closed the Town Council meeting at 6:27pm and opened the Public Hearing regarding proposed Ordinance 2020-03. There being no public comments, Mayor O'Brien closed the Public Hearing and reconvened the Town Council meeting at 6:28pm. Member Williams made a motion to approve Ordinance 2020-03 as presented. Member Andert seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, McKinley – aye, and Martini – aye. Motion carried 5-0.

c.

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO WATER CONSERVATION; REPEALING AND REPLACING ARTICLE XIV OF THE TOWN'S LAND DEVELOPMENT CODE TITLED "WATER CONSERVATION RULES" TO PROVIDE FOR UPDATED WATER CONSERVATION RULES CONSISTENT WITH THE REQUIREMENTS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND TO BE TITLED "WATER CONSERVATION; YEAR-ROUND LANDSCAPE IRRIGATION MEASURES; VARIANCES; ENFORCEMENT; PENALTIES"; PROVIDING THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE DECLARATION OF A WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance 2020-04 for the record. He then closed the Town Council meeting at 6:30pm and opened the Public Hearing regarding proposed Ordinance 2020-04. Ms. Dee Lee of 508 W 2nd Avenue requested clarification of the Ordinance. Mayor O'Brien commented that this Ordinance is similar to what's existing but needed updating. Mr. Brad Cornelius, Town Planner introduced himself. He then explained the need for the Ordinance. Ms. Lee then questioned enforcement

TOWN OF WINDERMERE

**Town Council Meeting Minutes
(Virtual Meeting Covid-19)**

July 14, 2020

and penalties. Mr. Cornelius commented that enforcement would be similar to what currently is being done. Some discussion followed. There being no further public comments, Mayor O'Brien closed the Public Hearing at 6:37pm and reconvened the Town Council meeting, Member Sapp questioned how the fine process would work. He stated concerns with double fines; The Town and Orange County. Mr. Cornelius stated that double fining is unlikely, as this is the Town's Ordinance. Attorney Ramos stated that the intent is for compliance. Member Sapp made a motion to approve Ordinance 2020-04 as presented. Member Martini seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

4. CONSENT AGENDA

- a. Windermere Wine & Dine Donation to Legacy Foundation Leadership for "Sunshine Project" \$19,000**
- b. Computer Business Consultants: Town of Windermere Temporary Move" Quote # CP 000464-1 \$17,325**
- c. Windermere Pavilion Concept Plan**

Mayor O'Brien introduced the consent agenda. He then stated that Mrs. Bonnie Elder was signed in to speak on item "c." Member Andert made a motion to approve consent agenda items a & b. Member McKinley seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, McKinley – aye, and Martini – aye. Motion carried 5-0.

Mayor O'Brien then opened the floor discussion of item "c." He then stated that this is a conceptual plan only. He then opened the floor to the public. First to speak was Mrs. Bonnie Elder of 3340 South Lake Butler Blvd. She commented on her concern with the location. Mrs. Elder suggested moving it to face the entire grassy area. Mayor O'Brien stated that the pavilion is set in a position to push the sound away from the residents on Forest Street. Some discussion followed regarding the concept plan, location, aesthetics, noise to surrounding neighbors, and fundraising by committees. There being no further comments, Member Sapp made a motion to approve the proposed concept plan. Member Andert second the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

5. NEW BUSINESS

- a. MINUTES**
 - i. Town Council Meeting Minutes June 9, 2020 (Attachments-Staff Recommends Approval)**
 - ii. Town Council Workshop Meeting Minutes June 23, 2020 (Attachments-Staff Recommends Approval)**

Member McKinley made a motion to approve the minutes of June 9, 2020 and June 23, 2020 as presented. Member Williams seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, McKinley – aye, and Martini – aye. Motion carried 5-0.

TOWN OF WINDERMERE

Town Council Meeting Minutes
(Virtual Meeting Covid-19)

July 14, 2020

b. RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING

iii. ORDINANCE NO. 2020-05

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA ADDING A NEW ARTICLE III TO CHAPTER 22 OF THE TOWN'S CODE OF ORDINANCES TO BE ENTITLED "CONDUCT IN TOWN PARK AND RECREATION AREAS"; PROVIDING DEFINITIONS; PROHIBITING ALCOHOLIC BEVERAGES IN OR ON ANY PUBLIC PROPERTY, PUBLIC RECREATION AREA, OR PUBLIC PARK UNLESS AUTHORIZED BY THE TOWN COUNCIL PURSUANT TO SECTION 8-93 OF THE TOWN'S CODE OF ORDINANCES; AUTHORIZING THE INSPECTION OF CONTAINERS FOR ALCOHOLIC BEVERAGES, PROVIDING THE INSPECTION PROCEDURE AND PROVIDING FOR CONFISCATION; PROVIDING FOR RATIFICATION, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor O'Brien read the title of proposed Ordinance 2020-05 for the record. He then stated that the Second Reading/Public Hearing will be held at the August 11th Town Council meeting. Some discussion followed regarding backpacks and enforcement.

c. CONTRACTS & AGREEMENTS

iv. Kimley Horn & Associates: National Pollutant Discharge Elimination System \$29,895 (NPDES) Permit Services 2021 (Attachments-Staff Recommends Approval)

Mayor O'Brien introduced this item. Manager Smith explained that this approval is similar to what has been done in the past for the NPDES permit services. Member Andert made a motion to approve the agreement. Member Williams seconded the motion. Roll call vote was as follows: Martini – yes, McKinley – yes, Williams – yes, Sapp – yes, and Andert – yes. Motion carried 5-0.

d. FINANCIAL

e. OTHER ITEMS FOR CONSIDERATION:

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien opened the floor to the Town Council for any reports. Member Andert gave a report regarding the W.A.Y. Committee, Tree Board, Business Directory on website, Butler Chain of Lakes Advisory Committee meeting, Orange County EDP, Bird Island and shoreline clean-ups. She also stated that she will forward her liaison report to the Clerk to be incorporated into the minutes. (Clerk Burkhalter has attached the comments for the record). Member McKinley questioned Member Andert if the Audubon Wildlife assessment could be placed on the Town's website. Member Andert stated she would like to speak with David Hanson from EPD prior to placing on the website. Member McKinley gave his appreciation to the Town staff regarding the previously read proclamation. Member Sapp gave a report regarding the Long-Range Planning Committee's approval for the Multi Modal path concept. He then stated that LRP is working on an RFQ for a sign vendor. Member Williams stated that HPB did not meet. Member Martini reiterated comments for Staff Appreciation. He then questioned the ownership of

TOWN OF WINDERMERE

**Town Council Meeting Minutes
(Virtual Meeting Covid-19)**

July 14, 2020

Bird Island. Member Andert stated that one side of the Island is privately owned. She then stated that the Audubon society owns the majority of the land on the Island. Mayor O'Brien thanked the Police Department for their off-duty detail. He then reminded everyone to be mindful of the uptake of Covid-19 in the area. Mayor O'Brien answered chat question from Ms. Brandi Haines as to how many cases were in Town. He stated that the Town numbers are not singled out, the zip as a whole is what's being tracked.

7. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Mr. Smith turned the floor over to Mr. Cornelius. Mr. Cornelius gave an update on the Conditional Use Request and major site plan approval for 111 W 5th Avenue. The request is for a Tap Room and Micro Brewery with a building to accommodate that business. Mr. Cornelius stated that these items will go before the DRB in August and before the Town Council in September and October. Mr. Smith reported on the upcoming DRB meeting, projects meeting notes, after action survey regarding COVID-19, CARES Act Funds recipient, staggering administration schedules, upcoming workshops, and conceptual plans for Lake Butler and Lake Bessie projects. Mr. Smith thanked staff for continuing to work through the adversity. He then stated that he will continue to work the Lake Street Park issue. Member Martini questioned if there will be a workshop regarding Fernwood Park. Mr. Smith stated that there will be a workshop scheduled for Fernwood Park in the future.

b. TOWN ATTORNEY HEATHER RAMOS – No report.

c. POLICE CHIEF DAVE OGDEN – Chief Ogden reported on the command staff meeting, his upcoming Police Chiefs Academy, current arrest with positive COVID-19 test results, upcoming supervisor exam, cameras in the parks, current Police Department hours, and transitioning of Community Room as evidence room.

d. PUBLIC WORKS DIRECTOR SCOTT BROWN – Director Brown thanked everyone for the Appreciation. He then reported on Park Avenue final inspection, improved crosswalks, decorative sign posts, and incoming of the temporary facilities.

e. TOWN CLERK DOROTHY BURKHALTER – No report. Clerk Burkhalter thanked the Mayor and Town Council for the Appreciation Proclamation.

8. ADJOURN:

Mayor O'Brien adjourned the meeting at 7:32 pm.

Dorothy Burkhalter, MMC, FCRM
Town Clerk

Jim O'Brien, Mayor

TOWN OF WINDERMERE

Town Council Workshop Minutes
(Virtual)

July 28, 2020

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, Chris Sapp, and Liz Andert. Town Manager Robert Smith, Public Works Director Scott Brown, and Town Clerk Dorothy Burkhalter were also present.

Mayor O'Brien called the workshop to order at 6:00pm.

1. OPEN FORUM/PUBLIC COMMENT:

Mayor O'Brien opened the floor to the public. Ms. Nora Brophy of 426 Magnolia Street stated she would reserve her questions/comments until after the presentation.

2. SPECIAL PRESENTATION:

None

3. NEW BUSINESS:

e. **Other items for consideration**

i. **Town of Windermere Ward Trail Concept Plan**

Mayor O'Brien introduced this item. He then turned the floor over to Manager Smith. Manager Smith gave a history of the railroad right of way and the purchase. He stated that there are a few areas to the south that still need to be worked out (6th Avenue to Chase Road). Manager Smith commented that Phase II would be 6th Avenue to the groves area. He then commented on the section from North Drive to Park Avenue. Manager Smith stated that the Long-Range Planning Committee has reviewed the study and has approved it. He then stated that the Tree Board has also reviewed the study. Manager Smith commented that the Tree Board agreed with the concept but wanted to be involved in the design phase. He stated that this concept does not include the design of the bridge. Manager Smith commented on a possible design that is currently located in the Town of Oakland. He further commented that the bridge will handle golf carts as well as pedestrians and bikes. Manager Smith stated that it would be a ten-foot (10') path with a swale system. Mr. Mike Woodard, representative from Kimley Horn, stated that there are areas for a "rain garden" which aids in water quality. Manager Smith then commented on the landscaping, tree species, West Orange Health Care District, funding, additional phases, additional comments from the committees, and use of concrete over asphalt. Mayor O'Brien turned the floor over to the public. First to speak was Nora Brophy of 426 Magnolia Street. She stated she would like to see a visualization of the entire project, commented on concerns with a ten foot (10') wide concrete through town, and she would like to see an alternate to concrete. Discussion followed regarding concrete/asphalt/brick pavers, landscaping, and invasive removals. Mayor O'Brien then opened the floor to the Council members. Member Martini commented on the proposed bridge design, prioritize bridge as number 1, and the concrete – possible bricks. Member Andert commented she agreed with the bridge being number 1, paving of a section of dirt Main Street, no paving of other sections, Sec 5.2 instead of "should" be "will" with a licensed Arborist and add that the Windermere Tree Board will have a representative review the survey and mitigation, options for protected species, water drainage improvements, questioned ditch blocks, having an overall document of the proposed project. Member McKinley questioned the thickness of the concrete base, concrete/asphalt, base and stabilization, expansion joints, cost differences and longevity, concerns with fungus on concrete, and seeing the overall concept. Member Sapp commented that he is favorable with the concept and the ten feet (10') path width and concentrate on landscaping. Member Williams stated he is in favor of the concept. Mayor O'Brien thanked everyone for their comments. He stated that the general consensus is to move forward with the proposed concept, more specific design, concept is sound – cost comparisons concrete vs asphalt, and width at least eight feet (8').

4. MAYOR & COUNCIL LIAISON REPORTS

None

TOWN OF WINDERMERE

**Town Council Workshop Minutes
(Virtual)**

July 28, 2020

5. STAFF REPORTS

Manager Smith reminded everyone that the Budget Workshop will be August 3rd and that there is an upcoming WAYS Committee meeting. Mayor O'Brien reminded everyone of the activity in the tropics regarding weather. Manager Smith then gave an update on the existing and temporary facilities.

6. ADJOURN

There being no further comments, Mayor O'Brien adjourned the workshop at 7:01pm.

Dorothy Burkhalter, MMC, FCRM
Town Clerk

Jim O'Brien, Mayor

DRAFT

TOWN OF WINDERMERE

**Town Council Budget Workshop
Meeting Minutes**

August 3, 2020

Meeting was called to order at 6:01pm

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, Andy Williams, Chris Sapp, and Liz Andert. Also present were Town Manager Robert Smith, Finance Director Nora White and Town Clerk Dorothy Burkhalter.

Mayor O'Brien turned the floor over to Manager Smith. Manager Smith gave a detailed presentation of revenues and expenses. Discussion was made regarding Pandemic funds (HEALS Act), Town Hall renovations, and the Pavement Management Plan. Mayor O'Brien opened the floor for public comments. There were no comments from the public. Mayor O'Brien questioned the Town Council on their position with the budget and millage rate. There were no objections with the presentation. Manager Smith thanked Finance Director Nora White and staff for their assistance with the budget. He then gave an update on the previous Projects meeting and the temporary facilities.

There being no further discussion, Mayor O'Brien adjourned the meeting at 6:51 pm.

Dorothy Burkhalter, MMC

Gary Bruhn, Mayor

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
From: Brad Cornelius, AICP, Contracted Town Planner
Date: August 5, 2020
Re: Proposed Land Development Code Amendment to Allow Chickens in Residential Areas – Development Review Board Recommendation

As the Town Council is aware, a Resident requested that the Town Council consider allowing chickens in Residential areas. This is currently prohibited in the Town's Land Development Code. The Town Clerk reached out to surrounding jurisdictions to see if they allow and if so, how do they regulate. The responses were mixed, but if chickens are allowed the following conditions applied:

1. Only hens;
2. Maximum 4 hens;
3. Permit required;
4. No sales; and
5. No slaughtering

Town staff presented the concept of allowing chickens in Residential areas to the Town Council at a previous meeting. Town Council directed staff to proceed with drafting an ordinance and for the Development Review Board to review and make a recommendation on the draft ordinance.

Ordinance 2020-06 was drafted to allow chickens with reasonable guidelines, restrictions, and enforcement. Ordinance 2020-06 is attached.

On July 21, 2020, the Development Review Board (DRB) reviewed proposed Ordinance 2020-06. The DRB recommended that the Town Council **not amend** the Town's Land Development Code to permit chickens in Residential areas. The DRB felt that the character of the Town was not appropriate for the keeping of chickens and expressed concern regarding potential impacts to surrounding properties. The motion to **not amend** the Land Development Code to allow chickens in Residential areas was approved by a vote of 4-2.

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA ALLOWING FOR BACKYARD CHICKENS; ADDING A NEW ARTICLE III TO CHAPTER 4 OF THE TOWN’S CODE OF ORDINANCES TO CREATE A BACKYARD CHICKEN PROGRAM; REQUIRING A PERMIT AND PROVIDING FOR TERMS, CONDITIONS, AND PENALTIES CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Section 1. Legislative Findings. The Town Council of the Town of Windermere (the “Town”) hereby makes and declares the following findings and statements of legislative intent:

- a) The Town Council recognizes the general trend in society to pursue a green lifestyle, to incorporate fresher products into diets, and to provide additional methods for allowing residents to engage in backyard food production through keeping and raising a limited number of chickens on single-family properties for production of eggs for the property owners’ consumption.
- b) The Town Council recognizes that the allowance of keeping backyard chickens into an urban residential setting must be balanced with the compatibility of surrounding property uses and that the accommodation of allowing backyard chickens in residential areas not cause undue noise, odor, or unsanitary conditions within the Town.
- c) The Town Council has determined that the allowance of a limited number of backyard chickens as an accessory use as provided herein is in the best interests of the health, safety, and welfare of the residents of the Town, and that this Ordinance is consistent with the Town’s Comprehensive Plan.

Section 2. Adoption. Article I titled “In General” of Chapter 4 titled “Animals” is hereby revised and a new Article III to be titled “Backyard Chicken Program” is hereby added to Chapter 4 to read as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions; and all other provisions of Chapter 4 shall remain unchanged):

CHAPTER 4 – ANIMALS

ARTICLE I. - IN GENERAL

Sec. 4-1. - Harboring certain animals.

Household pets are permitted in all zoning districts, subject to all other applicable town and Orange County regulations. Household pets shall not be considered to include poultry, hoofed

41 animals of any type, or any animal that requires a permit for possession from the Florida Fish
42 and Wildlife Conservation Commission. The term “poultry” means any male chickens, turkeys,
43 ducks, geese or guinea fowls.

44 Exotic or invasive species of any kind, as defined and regulated by the Florida Fish and Wildlife
45 Conservation Commission, shall not be used, kept or introduced into the town.

46 * * *

47 **ARTICLE III. – BACKYARD CHICKEN PROGRAM**

48 **Sec. 4-30 . – Purpose and intent; program created; definitions.**

49 (1) The intent of the Backyard Chicken Program is to permit the keeping of up to four
50 (4) chickens on an occupied detached single-family parcel of property, subject to the terms and
51 conditions herein. For clarification, in the event there are multiple families or tenants living on
52 one parcel of property, only four (4) chickens are allowed per “parcel” of property, as the term
53 parcel is defined in Sec. 1.13.00 of the Town’s Land Development Code.

54 (2) For the purposes of this article, the term “chicken” refers to female chickens only
55 (i.e., hens).

56 (3) This article does not authorize persons to violate applicable restrictive covenants
57 and homeowners’ association rules and regulations. The Town does not police or enforce private
58 restrictive covenants and homeowners’ association rules and regulations. Persons applying for
59 and receiving permits under this article are solely responsible for compliance with all applicable
60 restrictive covenants and homeowners’ association rules and regulations.

61 **Sec. 4-31. – Permit and general conditions for the keeping of chickens.**

62 (1) Persons desiring to participate in the Backyard Chicken Program shall apply for
63 and obtain a permit from the Town Manager or his designee prior to keeping chickens. The
64 Town shall charge a fee of \$50.00 to persons applying for a permit under this article to cover
65 processing costs. If the person applying for a permit is not the fee simple owner of the subject
66 property, the fee simple owner must join in and consent to the application.

67 (2) The application for a permit shall include proof to the Town that the applicant has
68 attended and successfully completed a class at the Orange County Agricultural Extension Service
69 or the University of Florida Extension Office (UF/IFAS) on the care and raising of chickens.

70 (3) In order to obtain a permit under this article, persons applying for a permit for the
71 keeping of chickens must show that they can meet the requirements of this article. The Town
72 may conduct site inspections of the subject property to make compliance determinations under
73 this article prior and after issuance of a permit. The Town Manager or his designee may deny a
74 permit application if he determines that the person(s) applying for a permit cannot meet the
75 requirements of this article. The issuance of a permit for the keeping of chickens is conditioned
76 upon and subject to the terms and conditions of this article.

77 (4) By applying for a temporary permit under this article, persons applying for such
78 permit thereby: (a) agree to the terms and conditions of this article; (b) grant the Town and its
79 officers, employees, and agents a right-of-entry upon the subject property (including the rear
80 yard) for inspection purposes to ensure compliance with this article prior to and after the
81 issuance of a permit, (c) agree to remove chickens and chicken coops and enclosures upon the
82 termination or expiration of a permit and/or non-compliance with this article; and (d) hold the
83 Town and its officials, officers, employees and agents harmless concerning matters relating to or
84 concerning the permit and this article. As a condition of obtaining a permit, the Town Manager
85 may require persons applying for a permit to sign an agreement, in a form acceptable to the
86 Town, incorporating the agreements of this subsection (4).

87 (5) Up to four (4) chickens may be kept on an occupied detached single-family parcel
88 of property located in areas where detached single-family residential is permitted upon receiving
89 a permit from the Town Manager or his designee. Regardless of the underlying zoning district,
90 chickens shall not be kept on properties developed with commercial uses.

91 (6) Chickens must be kept within a coop or enclosure at all times, unless the Town
92 Manager grants a reasonable accommodation in regards to a claimed disability to allow a person
93 to interact with and supervise the chickens within the confines of a fenced rear yard on the
94 permitted premises. After a person has completed personal interaction and supervision of
95 chickens within the confines of a fenced rear yard on the permitted premises, chickens shall be
96 placed back into a coop.

97 (7) Other poultry as defined by Sec. 4-1 are not allowed under the provisions of this
98 article.

99 (8) Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken
100 manure, or the breeding of chickens for commercial purposes is prohibited.

101 (9) Chickens shall not be slaughtered on premises.

102 (10) All applicable building permits shall be obtained prior to constructing enclosures
103 to house chickens.

104 **Sec. 4-32. –Location and requirements for chicken coops.**

105 (1) The maximum size of the coop shall be one hundred and twenty (120) square feet.
106 A building permit from the Town will be required. The application submittal shall show
107 construction materials and methods as well as anchoring methods, such as tie-downs. Mobile
108 coops shall be prohibited unless properly anchored to the satisfaction of the Town. The square
109 footage for a chicken coop which meets the requirements of this Article is exempt from (i) the
110 impervious surface area calculation for a parcel, and (ii) the floor area for a single-family
111 building.

112 (2) The maximum height of a coop and the fence around the coop shall be six (6)
113 feet, as measured from the existing grade to the highest part of the coop or fence.

114 (3) The coop shall be located in the rear yard of the single-family detached residence
115 and be set back a minimum of 10 feet from the side and rear lot lines, a minimum of twenty-five
116 (25) feet from any side street, and a minimum of fifty (50) feet from the normal high water
117 elevation of a lake, so long as the coop area shall be at least twenty-five (25) feet from any
118 residential structure on an adjoining lot.

119 (4) A coop must be built within a rear yard that is surrounded by an opaque wall or
120 fence that is at least six (6) feet in height. Nothing in this section shall prevent construction of a
121 coop to abut the side of an applicant's house, so long as it otherwise meets the requirements of
122 the Code of Ordinances.

123 (5) Chicken coops shall be covered and ventilated, and a fenced enclosure/run area is
124 required. The coop must be constructed in a way that establishes a clean, safe and pleasant
125 environment free of odor, vermin, noise, and disease.

126 (6) All enclosures for the keeping of chickens shall be so constructed and maintained
127 as to prevent rodents or other pests from being harbored underneath, within, or within the walls
128 of the enclosure.

129 (7) Chicken coops must be impermeable to rodents, wild birds, predators and
130 weather, including all openings, ventilation holes, doors and gates. Enclosures shall be kept in
131 neat condition, including provision of clean, dry bedding materials and regular removal of waste
132 materials, so as to not create an odor.

133 (8) The space per chicken in the coop shall not be less than three (3) square feet.

134 (9) All chicken feed shall be kept in a secured and covered metal or plastic container,
135 or otherwise protected so as to prevent rodents and other pests from gaining access to it.

136 (10) Chicken coops shall be completely screened from adjacent roadways and parcels
137 by a six-foot tall opaque fence, wall, or equivalent landscape vegetative material.

138 (11) A signed affidavit is required to be submitted with all chicken-keeping permit
139 applications. The affidavit shall state that the chicken coop will be designed, constructed and
140 operated to the standards outlined in this article. The affidavit shall also state that the drawings
141 submitted as part of the petition are a reasonably accurate representation of the subject site
142 features and adjacent properties.

143 **Sec. 4-33. –Health, sanitation, and nuisance as applied to the keeping of chickens.**

144 (1) Chickens shall be kept within a coop and enclosure. No person shall release or set
145 any chicken free from such coop or enclosure except as set forth in this article. Chickens shall
146 not be permitted to trespass on neighboring properties.

147 (2) Chicken coops and enclosures shall be maintained in a clean and sanitary
148 condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor,
149 noise or pests, or contribute to any other nuisance condition.

150 **Sec. 4-34. –Violations.**

151 In the event that a violation of this article occurs, the Town shall have the right to one or
152 more of the following remedies or actions:

153 (1) Institute code enforcement proceedings and prosecute code violations against the
154 violator and the property owner of the real property where the violation occurs;

155 (2) Prosecute the violator in accordance with Sec. 1-12 punishable by a fine not
156 exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both
157 such fine and imprisonment;

158 (3) Take any other action or remedy authorized by law or in equity, including but not
159 limited to, instituting an action in court to enjoin violating actions, in which case
160 the violating person shall be liable to the Town for reimbursement of the Town’s
161 attorneys’ fees and costs concerning such action; and/or

162 (4) Revoke the permit for the keeping of chickens.

163 No person convicted or declared as a repeat violator of subsections one (1) through four (4) of
164 this section may be permitted to, or continue to, keep chickens on their premises.

165 **Section 3. Codification.** Section 2 of this Ordinance shall be codified and made part of the
166 Town of Windermere Code of Ordinances.

167 **Section 4. Conflicts.** In the event of a conflict or conflicts between this ordinance and other
168 ordinances, this ordinance controls to the extent of the conflict.

169 **Section 5. Severability.** The provisions of this Ordinance are declared to be separable and if
170 any section, paragraph, sentence or word of this Ordinance or the application thereto any person
171 or circumstance is held invalid, that invalidity shall not affect other sections or words or
172 applications of this Ordinance. If any part of this Ordinance is found to be preempted or
173 otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent
174 permitted by the severance of such preempted or superseded part.

175 **Section 6. Effective Date.** This Ordinance shall become effective upon adoption at its second
176 reading.

177 **ENACTED** this ____ day of _____, 2020, at a regular meeting of the Town
178 Council of the Town of Windermere, Florida.

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Town of Windermere, Florida
by: Town Council

by: _____
Jim O’Brien, Mayor

July 13, 2020 Draft

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Attest:

Dorothy Burkhalter, MMC, FCRM
Town Clerk

First reading:

Second reading:

Advertised:



INDIVIDUAL PROJECT ORDER NUMBER 115
March 3, 2020 (Revised July 30, 2020)

Describing a specific agreement between Kimley-Horn and Associates, Inc. (Kimley-Horn), and The Town of Windermere (the Client or the Town) in accordance with the terms of the Master Agreement for Continuing Engineering Services dated May 15, 2019, which is incorporated herein by reference.

Identification of Project:

Project: Paving Old Main Street Improvements

Client: Town of Windermere

Project Understanding:

This Individual Purchase Order (IPO) identifies the scope, schedule, and fee for engineering services associated with the design of paving and drainage improvements along Old Main Street (Project). Kimley-Horn will provide engineering services associated with the design and permitting of these improvements within the project limits.

The Project consists of paving and drainage improvements to Old Main Street from 2nd Avenue to just south of the canal (approximately 1,500'). The Old Main Street improvements will include paving, curb and gutters, drainage inlets/pipes and swales. The plans will be submitted to the Town for review at the 60% and 100% stage. The design of roadway lighting is not included in this IPO.

Specific Scope of Basic Services:

Task 1 – Paving Old Main Street Conceptual Typical Sections

Kimley-Horn will develop (2) two conceptual typical sections for the Project. The typical sections will consist of alternatives that utilize curb and gutters with the road pitched to the east to discharge into a stormwater collection system. Kimley-Horn will develop a brief bullet point summary of the general differences in the alternatives, based on a planning level assessment.

Task 2 – Paving Old Main Street Roadway Plans

Based on the preferred typical section established in Task 1, Kimley-Horn will prepare the final design and construction plans for the paving improvements in accordance with the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Street and Highways (Florida Greenbook) and the FDOT Standard Plans.

The construction plan and profile sheets will be prepared on 11"x17" half size sheets at a horizontal scale of 1" = 40'. The plans will be prepared on topographic information provided by a field survey. The plan and profile sheets will show the horizontal and vertical information for the project. Various roadway elements such as pavement width, curbs, drainage elements, intersecting roadways, driveways and right-of-way lines will be shown and dimensioned.

The plans will include typical section(s) to depict the paving details.

Cross-Sections will be developed at 50-foot intervals along the baseline of survey and at driveway connections to scales of 1" = 10' horizontal and 1" = 5' vertical. Existing underground utilities will be shown based on information provided by the utility companies or as identified during surveying efforts. Roadway soil profiles from auger borings will be shown.

It is anticipated that Temporary Traffic Control Plans (TTCP) will be prepared by the Contractor and is

not included this Task.

Kimley-Horn will design the signing and pavement markings for the roadway in accordance with the current version of the Manual on Uniform Traffic Control Devices (MUTCD), the FDOT Standard Plans and the Americans with Disabilities Act Standards for Accessible Design. The design will be shown on the roadway plan and profile sheets.

Task 3 – Paving Old Main Street Drainage Design

Drainage Map(s) will be prepared for the project at a scale of 1" = 200'. The drainage maps will show roadway drainage basins, existing drainage features, offsite basins and flow patterns/arrows. Design information relative to the proposed storm sewer pipes, drainage structures and swales will be shown on the roadway plan and profile sheets. Proposed drainage structure cross sections are not included in this Task.

Kimley-Horn will design french drains and/or roadside swales. Drainage calculations will be prepared and documented in a Drainage Report.

Task 4 – Paving Old Main Street Permitting

It is anticipated that conversion of the existing dirt road to a paved typical section with curb and gutter will require a South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP). Kimley-Horn will attend one (1) pre-application with the SFWMD to determine the permitting requirements.

Kimley-Horn will prepare and submit a permit application package to the SFWMD. Kimley-Horn will respond to up to two (2) Requests for Additional Information (RAI) from the SFWMD. The Town will be responsible for signing all necessary application forms and all application fees associated with the permit application.

Task 5 – Paving Old Main Street Bid Assistance Services

Kimley-Horn will prepare one (1) opinion of probable construction cost and one (1) contractor bid tabulation form for the Project for use by the Town during the bidding process. Kimley-Horn will attend one (1) pre-bid meeting and provide input as directed by the Town. Kimley-Horn will prepare responses to questions submitted by the contractors to the Town during the bidding period.

Task 6 – Survey Services

Kimley-Horn will retain the services of PEC Surveying and Mapping, LLC (PEC) to perform the design survey from 2nd Avenue to just south of the canal, approximately 1,500 in length. The survey limits will be the Old Main Street right of way from 2nd Avenue to the canal. Refer to attached subconsultant proposal for additional information.

Task 7 – Geotechnical Services

Kimley-Horn will retain the services of Geotechnical and Environmental Consultants, Inc. (GEC) to perform auger borings, field permeability tests, LBR testing and laboratory soil classification tests for the proposed improvements. Refer to attached subconsultant proposal for additional information.

Task 8 – Subsurface Utility Investigation

Kimley-Horn will retain the services of ECHO Utility Engineering & Survey, Inc. (ECHO) to perform utility designates and utility test holes. Refer to attached subconsultant proposal for additional information.

Task 9 – Construction Phase Services

Kimley-Horn will review asphalt mix design, concrete mix design and drainage structure shop drawings submitted by the Contractor in accordance with standard FDOT procedures. The Town will be responsible for the receipt, distribution, and disposition of all contractor submittals, including project logs. The term "shop drawings" include all drawings, diagrams, illustrations, transportation procedures, manuals, and design calculations submitted by the Contractor to define some portion of the project.

Kimley-Horn will provide written responses to the Town for up to five (5) Contractor Requests for Information (RFI).

Kimley-Horn will attend up to five (5) progress meetings during construction as requested by the Town. This task does not include engineering inspection services.

Project Deliverables:

- Conceptual Typical Sections
- Roadway Plans
- Drainage Report
- SFWMD application package
- Geotechnical engineering report
- Utility test hole data sheets
- Opinion of probable construction cost
- Contractor bid tabulation form

Additional Services if required:

The following services are not included in this IPO, but may be performed if authorized by the Town. Payment for these additional services will be agreed upon prior to their performance.

- Lighting Plans
- Structural Plans
- Utility Plans
- Temporary Traffic Control Plans
- Landscape Plans
- Irrigation Plans
- Drainage structure cross sections
- Engineering inspection services
- Attendance at meetings in addition to those noted in the scope of services
- Certified Arborist evaluation for tree preservation

Information Provided By Client:

The Town will provide the following information, upon which Kimley-Horn can rely:

- Available right of way data
- Available record or as-built plans
- Available permits
- Data regarding the existing road conditions
- Direction on which alternative typical section to design

Schedule:

Tasks 1-8 are anticipated to be completed within 240 calendar days. Task 9 will be dependent on the

construction duration.

Method of Compensation:

Kimley-Horn will perform the services in Tasks 1-9 for a lump sum fee of \$104,919 inclusive of expenses. A breakdown of fee by task is provided in the table below.

Task	Fee
Task 1: Paving Old Main Street Conceptual Typical Sections	\$3,130.00
Task 2: Paving Old Main Street Roadway Plans	\$25,830.00
Task 3: Paving Old Main Street Drainage Design	\$14,955.00
Task 4: Paving Old Main Street Permitting	\$7,050.00
Task 5: Paving Old Main Street Bid Assistance Services	\$5,350.00
Task 6: Survey Services	\$19,250.00
Task 7: Geotechnical Services	\$8,119.00
Task 8: Subsurface Utility Investigation	\$8,000.00
Task 9: Construction Phase Services	\$13,235.00

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice.

ACCEPTED:

THE TOWN OF WINDERMERE, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.



BY: _____

BY: _____

Hao T. Chau, PE

TITLE: _____

TITLE: Assistant Secretary/Project Manager

DATE: _____

DATE: 7/30/2020



August 4, 2020

KIMLEY-HORN AND ASSOCIATES, INC.

Project: IPO 115 - Paving Old Main Street Improvements

Client: Town of Windermere

Summary of Fees and Charges

PROJECT LABOR	Hours	Lump Sum
Project: IPO 115 - Paving Old Main Street Improvements	440.0	\$ 69,550.00
1. Paving Old Main Street Conceptual Typical Sections	20.0	\$ 3,130.00
2. Paving Old Main Street Roadway Plans	165.0	\$ 25,830.00
3. Paving Old Main Street Drainage Design	98.0	\$ 14,955.00
4. Paving Old Main Street Permitting	45.0	\$ 7,050.00
5. Paving Old Main Street Bid Assistance Services	34.0	\$ 5,350.00
9. Construction Phase Services	78.0	\$ 13,235.00
SUBTOTAL KIMLEY-HORN LABOR FEES:	440.0	\$ 69,550.00
Subconsultant: 6. Survey Services (PEC)		\$ 19,250.00
Subconsultant: 7. Geotechnical Services (GEC)		\$ 8,119.00
Subconsultant: 8. Subsurface Utility Investigation (ECHO)		\$ 8,000.00
Total Subconsultant		\$ 35,369.00
GRAND TOTAL FEES AND CHARGES:		\$ 104,919.00



Consultant Name: **Kimley-Horn and Associates, Inc.**

Work Effort and Fee Estimate Table

Project: IPO 115 - Paving Old Main Street Improvements

task	Principal		Proj Manager		Sr Engineer		Project Engineer		Analyst/Designer		Clerical		task totals	
	hrs.	rate	hrs.	rate	hrs.	rate	hrs.	rate	hrs.	rate	hrs.	rate	hrs.	rate
1. Paving Old Main Street Conceptual Typical Sections	1	\$ 240.00	2	\$ 400.00	2	\$ 400.00	6	\$ 1,050.00	8	\$ 960.00	1	\$ 80.00	20	\$ 3,130.00
2. Paving Old Main Street Roadway Plans	3	\$ 720.00	19	\$ 3,800.00	19	\$ 3,800.00	50	\$ 8,750.00	71	\$ 8,520.00	3	\$ 240.00	165	\$ 25,830.00
3. Paving Old Main Street Drainage Design	2	\$ 480.00	9	\$ 1,800.00	9	\$ 1,800.00	29	\$ 5,075.00	47	\$ 5,640.00	2	\$ 160.00	98	\$ 14,955.00
4. Paving Old Main Street Permitting	1	\$ 240.00	5	\$ 1,000.00	5	\$ 1,000.00	14	\$ 2,450.00	19	\$ 2,280.00	1	\$ 80.00	45	\$ 7,050.00
5. Paving Old Main Street Bid Assistance Services	1	\$ 240.00	4	\$ 800.00	4	\$ 800.00	10	\$ 1,750.00	14	\$ 1,680.00	1	\$ 80.00	34	\$ 5,350.00
9. Construction Phase Services	2	\$ 480.00	16	\$ 3,200.00	16	\$ 3,200.00	21	\$ 3,675.00	21	\$ 2,520.00	2	\$ 160.00	78	\$ 13,235.00
Total Billable Labor													440	\$ 69,550.00

Principal	Proj Manager	Sr Engineer	Project Engineer	Analyst/Designer	Clerical
10 \$ 2,400.00	55 \$ 11,000.00	55 \$ 11,000.00	130 \$ 22,750.00	180 \$ 21,600.00	10 \$ 800.00
2.3%	12.5%	12.5%	29.5%	40.9%	2.3%

Notes:

K:\ORL_Roadway\MARKETING\Windermere\Contract\IPO #115_Paving Old Main Street



Surveying and Mapping, LLC

July 28, 2020

Kimley Horn and Associates, Inc.
Mr. Hao T. Chau, P.E.
189 S. Orange Avenue, Suite 1000
Orlando, Florida 32801

PS16664r-KHA

**Re: Old "Dirt" Main Project – Surveying and Mapping Services
Windermere, Florida**

Dear Mr. Chau:

PEC-Surveying and Mapping (PEC) is pleased to submit our proposal for surveying and mapping services in connection with the above-referenced project.

Old "Dirt" Main Design Survey: We propose to perform a Design Survey of the Old Main Street Project. The Survey Limits are shown on the attached Exhibit. The Survey consists of the Old Main Street Right-of-way from the north right-of-way of 2nd Avenue, extended north through the Hudson ownership and a portion of the Rubio ownership to the face of the Rubio garage together with the City ownership east of Old Main, being Orange County Assessor's Parcel Number 08-23-28-0000-00-005, and the Rubio ownership being Orange County Assessor's Parcel Number 08-23-28-0000-00-003 for a length of 1,500 feet.

The outfall easement from the project corridor to Lake Butler will also be Surveyed. For Purposes of this proposal the outfall Survey is approximately 230 feet.

A project base line will be established and referenced in the field for use in the Engineering and construction phase. The survey will locate the right of way boundaries and the approximate adjacent lot lines. The Horizontal Datum will be the Florida State Plane coordinate System based on the North American Datum of 1988

A Survey will be performed consisting of a full topographic survey of the Project Area. All above ground improvements including a profile of intersecting private drives extending beyond the right-of-way will be surveyed. Elevations will be measured on approximate 50-foot cross section intervals. Elevations will be relative to mean sea level datum NGVD of 1929 relative to two harmonious Orange County benchmarks to be consistent with the Towns Survey Database. Four project bench marks will be established in the field and will be shown on the survey drawings.

Evidence of all above ground utilities will be located. Invert elevations will be obtained of all drainage structures. Surface Designations of subsurface detectable utilities will be included if existent at the time of Survey.

Kimley Horn and Associates, Inc.
Mr. Hao T. Chau, P.E.
PS16664r-KHA
July 28, 2020
Page Two

Geotechnical Borings: Geotechnical Borings, if present at the time of Survey, will be Surveyed as a part of the Survey.

Tree Locations: All trees 4 inches in diameter and greater, as measured at breast height, within the Project Limits will be located with the size and type noted. Areas of landscaping shrubbery, hedges and landscape areas will be denoted.

Deliverables: Deliverables will consist of an AutoDesk CAD file to be used as the engineering basemap at a scale consistent with the proposed engineering Study.

Schedule: We are prepared to commence within five (5) working days from Notice to Proceed and can complete the assignment within ten (20) working days from commencement.

Fees: We propose to perform the work for the following Fees:

DESIGN SURVEY	
Right-of-way Survey:	\$ 3,750.00
Bench Levels:	\$ 1,250.00
Topographic Survey:	\$ 8,250.00
Tree Location Survey:	\$ 6,000.00

Thank you for the opportunity of submitting this proposal to you. Should this result in a contractual agreement please have the entity responsible for payment execute below and return to serve as our Notice to Proceed. This proposal is valid for 30 days.

Should you have any questions or comments please do not hesitate to contact us.

Sincerely

PEC Surveying and Mapping



David A. White P.S.M.
President

THIS PROPOSAL IS HEREBY ACCEPTED AND AUTHORIZATION TO PROCEED IS HEREBY GIVEN.

Authorized Signature: _____ Title: _____ Date: _____

Utilities - Utility
Designates and 10
test holes for SUE

Survey - Include
pedestrian ramp to
pedestrian canal crossing

Survey - Include tree
survey within topo
limits

Scope -
1,500 ft
of paving
old dirt
Main
from
canal to
2nd Ave

Survey -
Eastern
topo survey
limit is east
R/W Line of
Old Main
Street.
Include
eastern
R/W line of
Old Main
Street.
Include an
additional
20' of
survey past
eastern
R/W line.



Survey - Western topo survey limit is west R/W line of Old Main Street. Include western R/W Line of Old Main Street. Include an additional 20' of survey at driveways only.

Geotech - 1500 ft of paving old dirt main. Soil borings every 200 ft. Permeability testing for approximately 750 ft of french drains or ditches.



Geotechnical
and
Environmental
Consultants, Inc.

At the very foundation of our community

February 27, 2020

Revised March 3, 2020

Revised July 29, 2020

Kimley-Horn

189 S. Orange Avenue, Suite 1000

Orlando, FL 32801

Attention: Mr. Hao T. Chau, P.E.

Subject: Proposal for Geotechnical Engineering Services

PAVING OLD DIRT MAIN

IPO #114 #115

Windermere, Florida

GEC Proposal No. P10100G

Dear Mr. Chau:

Geotechnical and Environmental Consultants, Inc. (GEC) is pleased to provide this proposal for the above-referenced project. Our proposed scope of services is based on the project information you provided to us, as shown on Attachment 1, and our correspondence on February 26, 2020 and July 28, 2020. The purpose of this investigation is to explore soil and groundwater conditions at the site and to use the information obtained to provide geotechnical engineering recommendations for the design of the roadway paving and drainage. This proposal presents our understanding of the project, our recommended scope of services, and a cost and schedule for providing those services.

Site Location and Project Description

The site is located along Main Street from 2nd Avenue to the canal at approximately 900 feet north of North Drive in Windermere, Florida as shown on Attachment 1. The general vicinity of the site is characterized by single-family residential.

We understand that this project includes the paving of approximately 1,500 feet of old Main Street, and up to about 750 feet of French drains or linear ponds for drainage.

919 Lake Baldwin Lane, Orlando, FL 32814

P: 407/898-1818 F: 407/898-1837

www.g-e-c.com

OFFICES IN ORLANDO AND KISSIMMEE

Scope of Services

Based on the project information provided, our experience, and the local standard of care, we recommend the following scope of services:

- Stake boring locations at the site.
- Clear utilities at the boring locations.
- Mobilize truck drilling equipment and personnel.
- Perform 3 auger borings to a depth of 15 feet and 3 permeability tests along the proposed French drains or linear pond.
- Perform 4 auger borings to 8 feet, alternating along the 1,500-foot segment of the road.
- Perform routine laboratory soil classification tests to enhance visual soil classification of samples obtained.
- Issue a geotechnical engineering report that will address the following topics:
 - Subsurface conditions at the boring locations
 - Measured and estimated seasonal high groundwater depths
 - Site preparation
 - Fill selection, placement and compaction
 - Suitability of soil excavated for use as engineered fill
 - Unconfined aquifer parameters for drainage
 - Pond volume recovery analysis (optional)

The geotechnical report will be signed and sealed by a Geotechnical Engineer licensed in Florida.

Cost and Schedule

The cost to provide the scope of services is a LIMITING AMOUNT fee of \$8,119.00. Attachment 2 documents our detailed scope of services and fees. *Our fees will be billed based on the actual units of work performed and the unit rates shown on Attachment 2; however, we will not exceed the limiting amount without your authorization.* This fee includes an electronic copy of our report emailed to you.

If pond volume recovery analyses are requested, our fee would be \$500 for each pond/swale analyzed. If you would like GEC to perform the stormwater volume recovery analyses, please indicate the number of ponds/swales to be analyzed in your authorization.

Our schedule to complete the work will be about 4 to 5 weeks from your written notice to proceed. If requested, verbal recommendations can be provided after the field work is completed.

Limitations

This proposal is subject to the following limitations: 1) The site will be accessible to the drilling equipment assumed above. If other types of drilling equipment become necessary due to site and/or weather conditions, appropriate adjustments to the actual fees will be necessary; 2) undisturbed samples and consolidation tests are not included, unless stated above; and 3) we assume no responsibility for damage to underground utilities and/or structures that are not located by the owner or Sunshine State One-Call.

Closure

GEC appreciates the opportunity to submit this proposal. If you have any questions regarding this proposal, or if we can be of further assistance, please contact the undersigned.

Very truly yours,

GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS, INC.



Ryan J. Petersen
Project Engineer



Christopher P. Meyer, P.E.
Principal Engineer

RJP/CPM/alc

Utilities - Utility
Designates and 10
feet holes for SUE

Survey - Include
pedestrian ramp to
pedestrian canal crossing

Survey - Include tree
survey within topo
limits

Scope -
1,500 ft
of paving
old dirt
Main
from
canal to
2nd Ave

Survey -
Eastern
topo survey
limit is east
RW Line of
Old Main
Street.
Include
eastern
RW line of
Old Main
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Include an
additional
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Survey - Western topo survey limit is west RW line of Old Main Street. Include western RW Line of Old Main Street. Include an additional 20' of survey at driveways only.

Geotech - 1500 ft of paving old dirt main. Soil borings every 200 ft. Permeability testing for approximately 750 ft of french drains or ditches.

Attachment 2
 Geotechnical Scope of Services and Cost
PAVING OLD DIRT MAIN (IPO 114)
 Windermere, Florida
 GEC Proposal No. 10100G

	Quantity	Units	Unit Rate	Cost
Field Services				
Mobilization of Truck-Mounted Rig Engineering Technician	1	ls	\$600.00	\$600.00
(Site Recon, Boring Layout, and Utility Clearance)	6	hr	\$60.00	\$360.00
Auger Borings (4 @ 8 ft, 3 @ 15 ft)	77	ft	\$12.00	\$924.00
Field Permeability Test (0-10')	3	ea	\$420.00	\$1,260.00
Double Ring Infiltration (DRI) Test	0	ea	\$600.00	\$0.00
Drill Rig and Crew - Truck (2 person)	1	hr	\$220.00	\$220.00
Two-Person Soil Survey Crew	0	hr	\$160.00	\$0.00
GPS Unit for Boring Locations	1	day	\$100.00	\$100.00
Portable Safety Signs for MOT	1	day	\$50.00	\$50.00
			Field Subtotal	\$3,514.00
Laboratory Testing				
Engineering Technician (Soil Classification)	1	hr	\$60.00	\$60.00
Percent Fines	5	ea	\$45.00	\$225.00
Organic Content	2	ea	\$50.00	\$100.00
Atterberg Limits	2	ea	\$110.00	\$220.00
Natural Moisture Content	4	ea	\$15.00	\$60.00
Corrosion Series	1	ea	\$200.00	\$200.00
Laboratory Permeability	1	ea	\$300.00	\$300.00
			Laboratory Subtotal	\$1,165.00
Engineering Analysis & Report				
Principal Engineer	0	hr	\$250.00	\$0.00
Senior Engineer	5	hr	\$160.00	\$800.00
Project Engineer	15	hr	\$120.00	\$1,800.00
Engineer	0	hr	\$100.00	\$0.00
CADD Draftsman/GIS Specialist	6	hr	\$100.00	\$600.00
Secretary	4	hr	\$60.00	\$240.00
			Engineering Subtotal	\$3,440.00
TOTAL LIMITING AMOUNT FEE				\$8,119.00



July 28, 2020

Hao T. Chau, PE
Kimley-Horn
189 S. Orange Ave. Ste. 1000
Orlando, FL 32801

CC: Jay Jackson, PE

PROPOSAL FOR UTILITY INVESTIGATIVE SERVICES

Project: Windermere, Old Main St. Topographical and Utility Survey, Orange County, FL

Re: Ward Trail

Dear Mr. Chau:

At ECHO UES, Inc. (ECHO) we value your consideration and appreciate the opportunity to provide a technical proposal for the provision of professional services. This technical proposal, inclusive of economical offer and schedule, details the approach we consider as the most suitable for this project.

Project Synopsis: Based on the information made available to ECHO, we understand the project consisting of engineering design services for roadway improvements of Old Main St. in Windermere. ECHO's professional services were requested to provide utility investigation services to address existing utilities in the project plans. Utility information as produced by ECHO will be surveyed by the Team's Survey Firm (PEC).

Project Limits: ECHO's proposed services will be performed within well-defined limits (i.e. Project Limits) as shown on the provided exhibits.

Subsurface Utility Engineering (SUE) Services: Using a combination of field investigative techniques and technology, including surface geophysical instruments, and vacuum excavation if needed, ECHO will perform the following services.

1. **Identification and marking of existing utilities.** Utilities potentially in conflict with the project and located within the project limits will be investigated in the attempt

to identify their position. The results will be marked on the ground surface using the most appropriate method (i.e. pin flags, paint etc.) and showing the approximate position of the identified utilities.

Utilities that ECHO will attempt to identify and mark are utilities located within the project limits, with the exclusion of gravity lines (sanitary and storm), irrigation lines and service lines.

2. **Verification of utility location and characteristics.** At specific locations ECHO will attempt to expose utilities via minimally intrusive methods (e.g. use of vacuum excavation) to confirm their characteristics (e.g. type, size, material, direction, configuration) and provide an accurate location. At completion of each excavation (test hole) ECHO will record all verifiable utility information, mark the utility location with the most appropriate method (e.g. wooden lathes, "X" mark on concrete, disc and nail on asphalt) and restore the field to as close as possible to its original conditions.

Up to 10 utility verification test holes will be performed at locations identified by the EOR.

Deliverables:

- Field deliverables will consist of field marks (e.g. pin flags, paint marks, wooden lathes, nails/discs etc.) showing the position of the designated and located utilities.
- Office deliverables will consist of utility sketch (not to scale) based on aerial publicly available and test hole data report.

Proposed Schedule: To be discussed and agreed upon with the Client following acceptance of this proposal. The proposed schedules shall be valid barring any unforeseen conditions.

Notes and Limitations:

1. Client shall facilitate access to the site and provide any relevant project information.
2. Site must be clear from obstacles impeding access to any portion of the project limits.
3. Standard work hours are from 7:00am to 4:00pm, Monday through Friday; additional charges may occur (following discussion with the Client) in case of weekend or nighttime work.
4. ECHO will not work on any site that is known to be contaminated with any hazardous or harmful substance.
5. Any permit or fee requested to perform the work complying with any stakeholder's requirement will be submitted to the Client with a 5% administrative markup.
6. FDOT Design Standards (Index 600 Series) will be utilized for the Maintenance of Traffic (MOT). Should the site require modification to the Index 600 for non-standard MOT arrangements, ECHO will seek the Client's concurrence to obtain signed and sealed project's specific MOT plans (to be provided by others).
7. Any cost associated with signed and sealed MOT plans will be submitted to the Client with a 5% administrative markup.
8. Unless otherwise stated within this proposal, test holes have usual depth of up to eight (8) ft. from the ground surface, and diameter of up to 1 ft. Should there be a need for deeper or wider excavations, additional charges may apply.
9. The original ground surface at each test hole location will be restored to as close as possible to its original conditions, using concrete mix or asphalt cold patch as applicable. Any deviation from this standard (e.g. use of hot asphalt, flowable fill etc.) may require additional charges and the use of specialty subcontractors.

10. Regardless of the type of estimate proposed (e.g. lump sum, time and materials, etc.) such estimate should be considered indicative and based on preliminary information. Should any situation out of ECHO's control heavily impact ECHO's field work performance (e.g. adverse site conditions), ECHO reserves the right to seek additional funds to complete the work.
11. The exact location of any underground utility is not guaranteed unless clearly exposed and visually verified at a specific location. Utility characteristics, methods of installation, soil conditions and the surrounding environment all may impact adversely the results of any utility investigation with surface geophysical instruments and technology. No guarantee is made that all utilities will be found and identified.
12. Independently from ECHO's scope of work and performance, the Client shall comply with the relative chapter from the Florida (or any other applicable) Statutes: "Underground Facility Damage Prevention and Safety Act" and call 811 prior to any excavation taking place.
13. Subsurface Utility Engineering, Designating and Locating terms all refer to the American Society of Civil Engineers / Construction Institute Standard for the Collection and Depiction of Subsurface Utility Data (ASCE/CI 38-02). Should ECHO adopt this standard for the performance of the scope of work and preparation of deliverables, clear mention to the Standard shall be made throughout the deliverable.

Fee: ECHO's competitive offer, which is inclusive of all field, office, materials, supplies, and equipment costs is detailed below.

- **Utility Investigation Services, Lump Sum fee: \$8,000.00**

Inclusive of up to 10 utility verification test holes

Acceptance: We will honor this proposal for 90 days. If accepted, please return to our attention together with a professional services agreement / task work order authorization and official Notice to Proceed.

At ECHO UES, Inc. we believe in collaboration and communication with our clients and are driven to understand their needs and provide time efficient and cost-effective solutions. ECHO strives to provide quality utility and survey reliable data to design better, build faster, and safely enhance Engineering, Design, Construction and Maintenance of infrastructure.

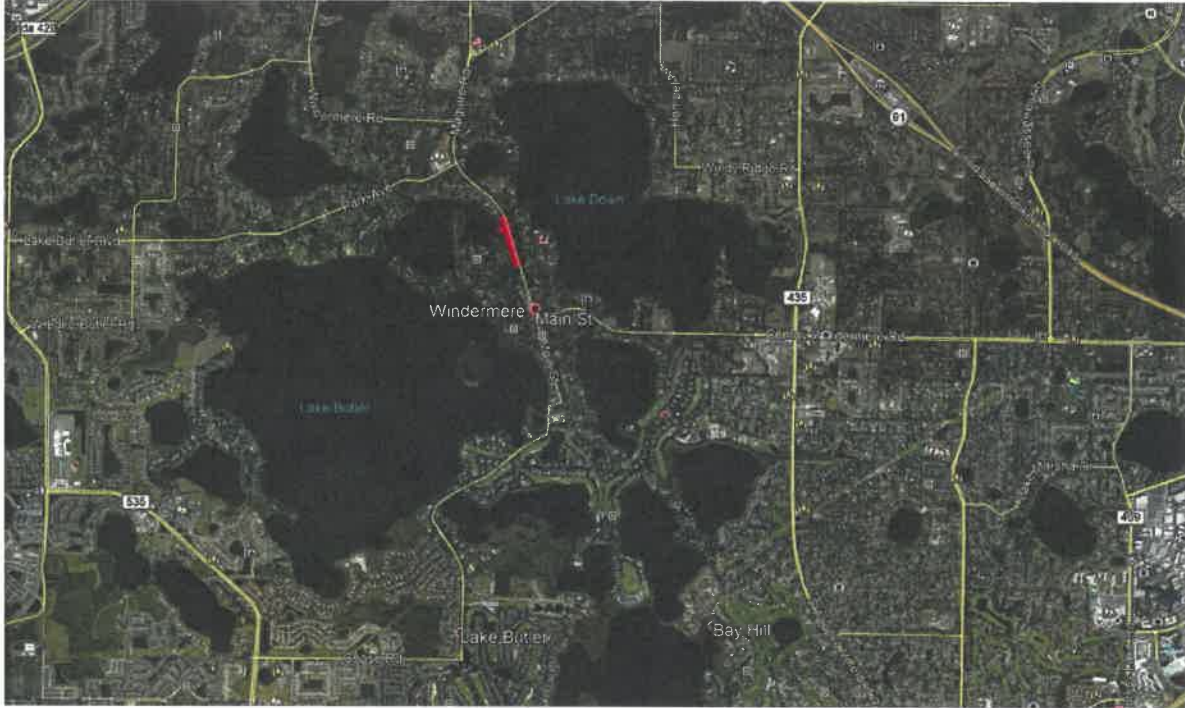
Thank you for considering ECHO for this important project and please do not hesitate to contact me directly should you have any questions or concern.

Sincerely,

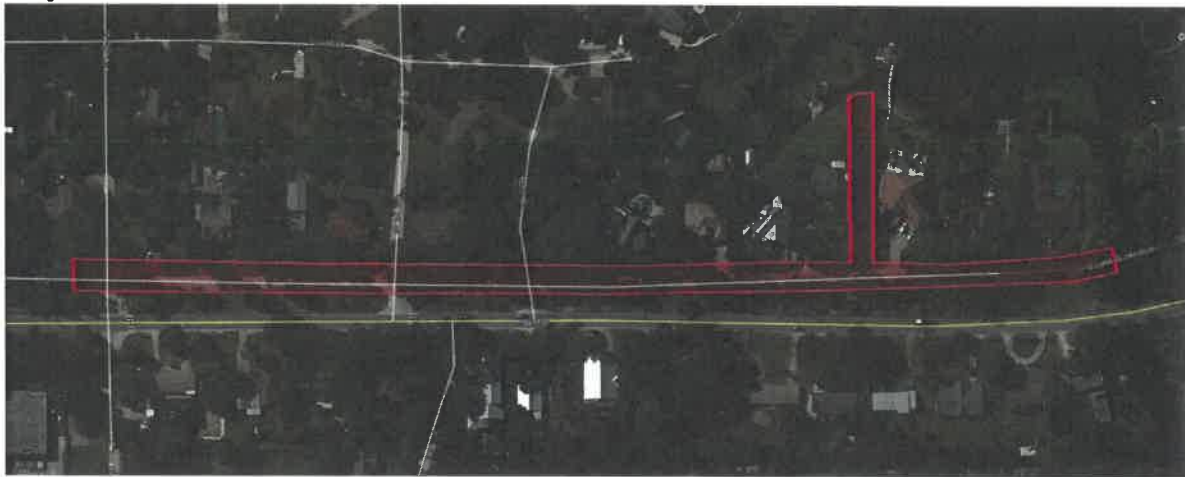


Carlo Pilia
Vice President
ECHO UES, Inc.

Vicinity Map:



Project Limits:



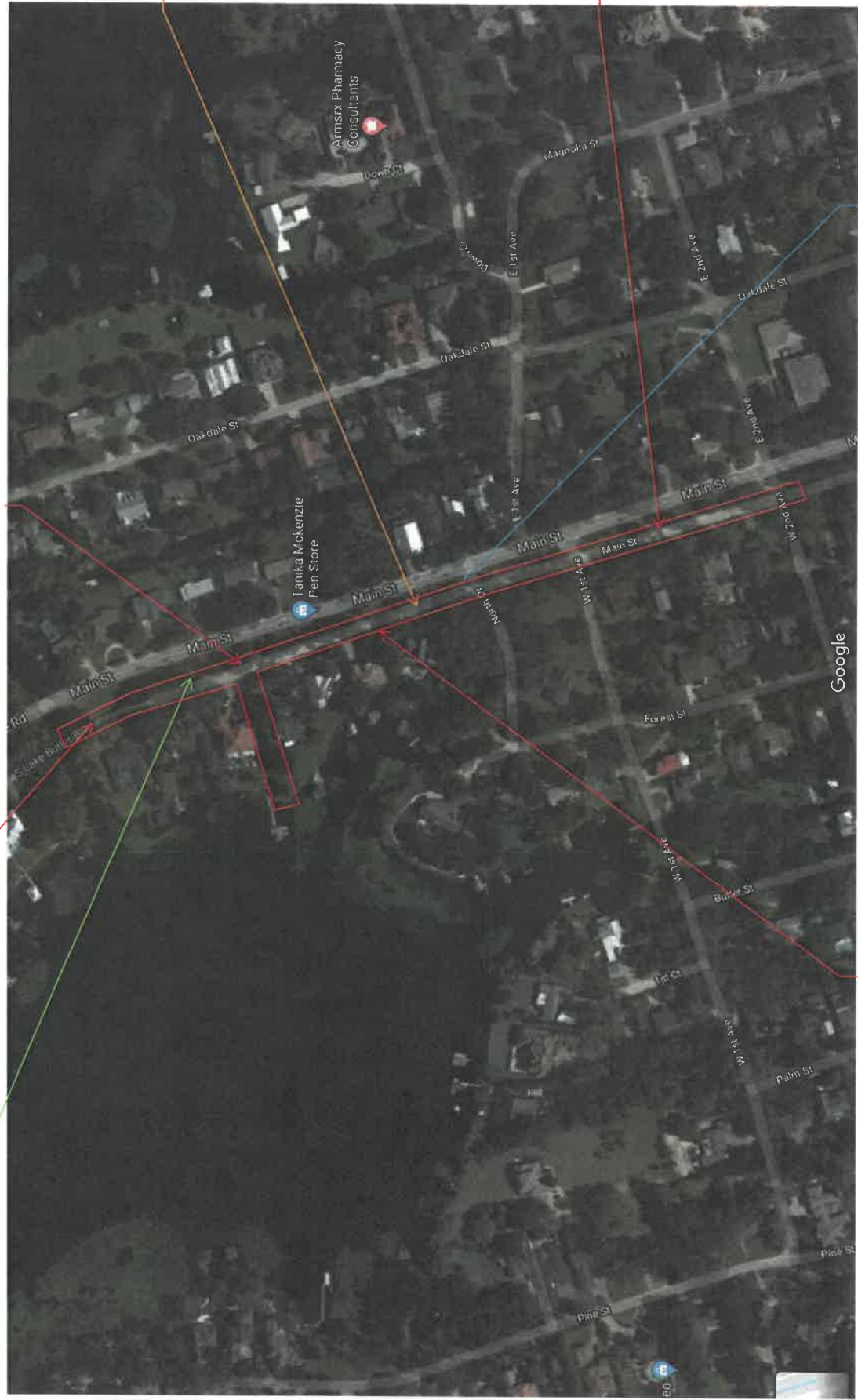
Utilities - Utility
Designates and 10
test holes for SUE

Survey - Include
pedestrian ramp to
pedestrian canal crossing

Survey - Include tree
survey within topo
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Scope -
1,500 ft
of paving
old dirt
Main
from
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Survey -
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Include an
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Geotech - 1500 ft of paving old dirt main. Soil borings every 200 ft.
Permeability testing for approximately 750 ft of french drains or
ditches.

Survey - Western topo survey limit is west RW line
of Old Main Street. Include western RW Line of
Old Main Street. Include an additional 20' of survey
at driveways only.

PROJECTS UPDATE MEETING AUGUST 2020

For previous updates on each item please refer to July 2020 minutes

Attendees:

- **Scott Brown, Public Works Director**
- **John Fitzgibbon, Town of Windermere**
- **Nora White, Town of Windermere**
- **Chris Sapp, Councilman Liaison**
- **David Hansen, Orange County Environmental Protection Division – Not in attendance**
- **Mike Woodward, Kimley-Horn Associates, – Not in attendance**
- **Hao Chou, Kimley-Horn Associates**
- **Victor Gallo, Kimley-Horn Associates – Not in attendance**
- **Mike Galura, Michael Galura Engineering Consultants**

1. **NPDES (National Pollutant Discharge Elimination System): *The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States.* Since the Town discharges into the lakes we are required to maintain this permit. 10/18: MBG addressed additional comments for NOI and Annual Report. Per conversation with Jason Maron, response to audit is complete. Awaiting completeness and acceptance letter. Issuance of NOI, Cycle 4 pending. MBG will distribute forms to be used for compliance (i.e., fleet maintenance, erosion/sedimentation control, etc.). Community project scheduled for Saturday, November 3rd (clean-up on lakefront, etc.) per Scott Brown. Final reading for ordinance scheduled for November 13th TC meeting. TM to coordinate with Da'Shanta and Diane on distributing Stormwater pamphlets with Boat Ramp Keys. TM reached out to BC and PDCS as well. Town received additional comments for NOI from Jason Maron. MG to address and resubmit. Comments are minor – MG to try to have responses by next week. MG to work on additional stormwater related brochures for rack in front of receptionist desk. MG coordinate with Diane on Gazette articles and number of Gazettes' issued. MG to provide Town with public education brochures for front magazine rack. Mike had DEP public notice published in February 10, Sunday edition of Orlando Sentinel. Inquiries to be made to Jason Maron, FDEP. Expecting NOI to be issued this month. MG contacted Jason Maron, DEP, for status of pending NOI. Received violation by residential builder. Coordinate with Dianne on Gazette on stormwater related articles. Awaiting Notice of Public Petition to be published in Orlando Sentinel (to be published this Saturday). Once published, need to forward proof of publication to Jason Maron, FDEP. Proof of Publication for Public Petition from Orlando Sentinel forwarded to Jason Maron, FDEP. Issuance of NOI Cycle 4 pending (permit issued May 3, 2019). KH to pick up NPDES tasks from MG based on KHA being selected as Town Continuing Consultant. KHA will prepare NPDES brochure and in-house training**

schedule. MG to send SOP's to HC for NPDES compliance. HC to prepare brochure for stormwater related subjects. Articles to also be published in quarterly Gazette. Violations being documented. HC to prepare stormwater related articles for the quarterly Gazette. Training is will also be initiated (late March and before Memorial Day for Town employees). Subject will range from illicit discharge to stormwater and sediment control. HC preparing for FDEP audit. Jason Maron, FDEP, to be in Town 10/24 to review Town NPDES program. KHA will be working on Gazette article for next publication. SB to provide deadline for submittal. Monthly sweeping and documentation will continue. Two (2) violations noted by JF and coordinated with BC of Wade-Trim. KHA working on Illicit Discharge power-point presentation, scheduled for March/April 2020. Draft of presentation to be provide to TM and SB in November. SB and KHA attended FDEP audit. SB and KHA to continue to coordinate with NPDES staff to provide documentation and forms. Supply KHA with street sweeping and vacuum truck quantities. Submitted article for Gazette. First training in March to include documentation forms. SB spoke to EnviroServices to map drainage infrastructure. HC coordinating with SB on street sweeping and drainage structure debris quantities. March training HC. KHA and SB addressing FDEP questions noted in their Ph II MS4 Cycle 4 Year 1 Focused Audit Report. Reply to be completed by March 2, 2020. ON schedule. Moving forward with Town stormwater inventory via CCTV all systems (to set the control point), GPS and building mapping system for recording, reporting and monitoring current and future needs/cleanings, etc. This will be a team effort through KHA, Enviro Waste Services and SB. Debris removals being recorded via HC. 2/3: HC provided MG with quantities for street sweeping. MG to include with STAR report to DEP. SB to provide estimate to TM for decanting of dewatering. SB to also work with Vacuum trucks to identify GPS locations and quantities per GPS location to monitor any issues. Article has been submitted for Gazette. KHA and SB has responded to FDEP questions on focused audit. Vacuum truck services have completed GPS and CCTV work at 12th Street and Oakdale. KHA and SB to work on how to get this information into GIS. Potential dates for training in April. Training slides sent to SB for approval (slides approved). Training session to be scheduled. First set of inlets from truck vac for inventory. Proposal to incorporate vacuum information. Tentative training to be conducted in July-August. Two sessions: 1) Public Works and 2) Police Department. SB to coordinate with Chief on scheduling training. HC to submit projected budget impacts for next FY. Gazette articles submitted. Vac trucks working on drainage structure inventory. All training material prepared per HC. Year 2 reporting due by June 2021 – may defer training until COVID-19 restrictions are eased. Thursday nights are best for training with PD per TM. HC and SB to coordinate on when the training can be conducted (for all Town Staff). KHA agreement approved at last TC meeting. Inspection for 505 and 1108 Dirt Main sent out by JF (now in compliance) for noncompliance.

1. Orange County LMS: Orange County Local Mitigation Strategy (LMS) is comprised of the County and other governmental jurisdiction within it to plan and prepare for natural disasters. These projects are funded by FEMA. FEMA has dedicated \$15 million to the County to fund various projects. TOW has submitted 7 projects for funding including W Second Ave. This is a 25% match program. The process takes about 2 years. 10/18: MBG ask Jason

Taylor for status. MG to review comments for 5 HMGP projects from DEM (Douglas Galvan) and address within 15-days for 5 projects. MG to resubmit by DEM timeline. MG resubmitted revised Pre-Disaster application for funding of Preliminary Engineering for West Second Avenue. Geotechnical and Surveying services were not eligible because the services were performed before the Hurricane Irma disaster declaration. Awaiting word on technical review of HMGP applications. Update on Hurricane Irma HMGP applications (contact Douglas Galvan on status update). LMS Working Group Meeting scheduled for later in May (May 22nd). Jason Taylor encouraged the submittal of applications for Tier 3 projects under Hurricane Michael disaster declaration. JT feels that there will be substantial money available due to rural and smaller communities in the Panhandle not being able to provide matching funding sources for HMGP applications. MG to notify JT of budget change for West Second Avenue for Preliminary Engineering. KHA to work on Hurricane Michael applications (due August). MG to continue on Hurricane Irma tasks. MG to address comments from Mitchell Plummer, Engineering Specialist, Mitigation Bureau, Florida Division of Emergency Management by 07/12/2019. These projects are:

- 4337-693: 3rd Avenue and Magnolia Street Drainage Improvements;
- 4337-694: 6th Avenue and Butler Street Drainage Improvements; and
- 4337-695: 9th Avenue/10th Avenue and Oakdale Street Drainage Improvements
- 4337-697: West Second Avenue TM executed agreement and it was sent back to DEM for their execution and authorization to proceed with the Phase I design services.

DEM is reviewing the technical/engineering aspects of these projects for eligibility, feasibility and cost-effectiveness.

MG to attend LMS meeting on Wednesday August 21st at Orange County OEC (10:00 am). MG mentioned money may be available under Tier 3 funding for Hurricane Michael. Town to consider projects.

MG is to submit an HMGP for the Lake Down retaining wall under Hurricane Michael. Project will only be eligible under Tier 3 money. Applications considered by the State (DEM) is on a first come, first serve basis.

MG continuing to prepare HMGP application for the Lake Down retaining wall improvements under Hurricane Michael. MG to e-mail DEM engineers for application status for Hurricane Irma. MG re-submitted Lake Down Wall Improvement project to Daniel Negron, P.E., Orange County Public Works, for consideration by the Planning Committee for endorsement.

Initial approval for West Second Avenue Phase I Design with funded budget of \$80,000. After Phase I is complete then Phase II for Construction will begin. Estimated total cost is \$900,000 for both phases. Still waiting to hear back on other 3 projects.

Administration change at the Orange County LMS. Jason Taylor no longer LMS Manager.

Executed contract. Waiting on FEMA to sign. MG to revise scope and TM to work on title search for end of Second Avenue and easement. Public workshops will be included again. 18 months since last meeting. 2/3 MG prepared first quarterly report to Douglas Galvan, DEM (September-December 2019). Final design for West Second Ave to be on TC agenda for February 2020 meeting. MG emailed LMS and received RAI for two projects. MG to respond by /10 deadline.

MG submitted FEMA-4399-DR-FL HMGP application for Lake Down Retaining Wall to Kathleen Marshall, FDEM, Mitigation Bureau, on February 25, 2020. Project will be considered for Tier 3 funding under Hurricane Michael.

MG address environmental comments from DEM regarding applications 4337-693 (3rd Avenue and Magnolia Street) and 4337-694 (6th Avenue and Butler Street). The comments were from Kayla Born, FDEM. Two projects were considered ineligible for HMGP funding by the FDEM. These projects are 4337-695 (9th/10th Avenue and Oakdale Street) and 4337-696 (9th Avenue and East Boulevard Regional Stormwater Pond). RS mentioned infrastructure stimulus package may have money available for CIP's.

Received notification from DEM (Douglas Galvan) that Project 4338-443-R (693) 3rd Avenue and Magnolia Street Drainage – Phase I (Design and Permitting) has been approved for funding under the Hazard Mitigation Grant Program (HMGP). The Project Total Cost under Phase I: \$72,500; Federal Share: \$54,375; Local Share: \$18,125. The contract with DEM will be forthcoming for the Town's execution.

Reimbursement Request No. 1 processed by the DEM. Additional information submitted to Claudia Purser, DEM regarding 9th/10th and Oakdale and 9th/East Boulevard Regional Stormwater Pond. MG to follow up with Claudia on status of additional information. MG to prepare and submit quarterly report and Reimbursement Request No. 2 by the first week in July.

Second quarter reports sent to TM for his digital signature. Awaiting execution of two new project contracts with DEM.

New quarterly reports forms prepared and executed by the TM for the three (3) Town project – 4337-297-R (West Second Avenue); 4337-443-R (3rd Avenue and Magnolia Street); and 4337-449-R (6th Avenue and Butler Street) and submitted to Douglas Galvan, FDEM. All contracts executed and quarterly reports submitted.

2. **FIRST Avenue and FOREST Street Drainage Improvements:** Grant awarded to TOW to address flooding within the Basin. 10/18: MBG awaiting all cancelled checks to prepare reimbursement form to SFWMD (Nestor Garrido). No further complaints on the project. Town is monitoring system for condition and adjust as needed per TC directive. Vacuuming service RFP sent out by SB. Bid opening November 8th at 3:00 pm at Town Hall. MG to still look at possibility of covering grates on roadway. MG submitted initial request for reimbursement. SFWMD responded and needs unique Town invoice number to process request. Debbie Wilson provided MG with unique Town invoice number. MG resubmitted invoice to Nestor Garrido. Town received \$175,000 reimbursement from the SFWMD. Project Complete. MG to review alternatives to grates in lieu of Mack Concrete's recommendation to cut inlet top and precast top with manhole frame and cover. Potential filter per JF – test site. Further evaluate grates on First Avenue on whether to cap or maintain. MG to apply for DAC Recovery funding from DEM. \$31,564.07 is requested for DAC funding. MG to work to submit next week. DAC application submitted to Amanda Campen, Florida DEM, Bureau Chief of Recovery, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32301 on July 1st, 2019. MG to follow up on submittal. KHA to review drainage system and provide Individual Project Order (IPO) for recommendations and possible upgrades. Data collection for project fix. MG provided topographic information to SB per resident request. Project completed; reimbursement received. KHA to address additional concerns regarding project improvements. IPO released to KHA on analyzing alternatives to maintain stormwater within the Town right-of-way. HC to provide summary to TM. Draft Report to be submitted to TM and SB by Monday 10/7. KH submitted draft report to TM and SB. TM and SB have reviewed and have no comments. KH to submit final report with opinions of probable construction costs. HC reviewed DRAFT report which will be revised and submitted to SB for review. TC meeting on 12/18 for discussion of the report. Final report submitted by HC to TM and SB. Workshop with TC scheduled for January 28th (KHA to present). TC to review scope of concept design. KHA completed and presented study to TC during January workshop. Recommend adding 24" connector to existing culverts on Forest to assist with high demand discharge events and high-water conditions, as we have been seeing for several years. Further provided alternative road options, dirt and porous for considerations. Also provided recommendation to alleviate private lot drainage via property owners providing drainage easements to place a culvert system in to discharge their private lot drainage. March 4th: March 10th presentation to TC on recommendation for improvements to First Avenue and Forest Street drainage improvements. David Hansen mentioned the OC has a project the Town may wish to explore relative to establishing swales or berms on both Town and Residential properties with appropriate landscaping. TM and David to coordinate with Councilmember Andert for more info and see if we can incorporate in the Butler, Bessie and Forest projects. KHA will prepare three IPOs for March Town Council agenda. KHA to review survey files previously provided by MG. KHA to include septic drain fields in project survey. Schedule kick-off meeting – TC approved one CIP – upgrade and include equalizer pipes and swale details. IPO expanded to include topographic survey in private property. Rain event monitored by KHA. First field visit conducted as well as kick-off meeting. KHA completed field visits and prepared drainage maps to prepare conceptual construction plans. PEC Surveying and Mapping conducting survey work. KHA to present to TC in July (tentative). Rain events to be continued to be monitored. Meeting to property owners

before TC meeting. MG to coordinate with HC on modeling of W. Second Avenue as part of the First Avenue and Forest Drainage Improvements. Schedule kick-off meeting – TC approved one CIP – upgrade and include equalizer pipes and swale details. IPO expanded to include topographic survey in private property. Rain event monitored by KHA. First field visit conducted as well as kick-off meeting. Drainage analysis and conceptual design underway. Coordination with MG on W. 2nd Avenue. Meetings to be scheduled with residents upon completion of the conceptual. Concept and approach to tentatively presented in two (2) weeks. VG conducted review and will provide TM with update after storm observation.

4. RR ROW (Sidewalks, Multi Modal Path, RR ROW): Town Council approved the purchase of the Ward/DP Lynn interests in the Railroad ROW. Once acquired the Town would be able to use the property for various projects: multi modal, stormwater, and landscaping) This would also allow for possible property swaps with those that own the RR Row so the TOW would have a continuous corridor from 12th/chase to Windermere Rd. 10/18 November 1st advertising period. TM working on negotiations for property swap. Conceptual design will commence once the property agreement is finalized. SB is coordinating with the Rubio's on property donation adjacent to Lake Down-Lake Butler canal. Still waiting on Wards. Awaiting on closing on property swap with the Town. Expect closing in April. Next agenda for resolution to vacate 20' on Dirt Main and provide it for the property owner (Ward). TM negotiating with property owner adjacent to Lake Down canal. The closing is next week. TM providing information to closing agent. Workshop held Monday night. TC approved property swap. TM to talk to residents on Lake Butler Boulevard for swap/purchase of RR property. SB still talking to Rubio's, updating TM on status. TM looking for funding sources for project (FRDAP, etc.). Rubio's agreed to donate land pursuant to conditions to be addressed by the Town. To be on July TC meeting. TM sent documents to Sorenson. SB to discuss contract with Rubio's. Heather to draft agreement for Rubio's. TM – after property acquisition, review multi-modal concept plan with Wade-Trim or KHA. SB working on funding opportunities to design project. To be named Windermere-Ward trail (prototype name – provisional). SB still negotiating with Rubio's – language in agreement for disclosure statement. Gray-Robinson to prepare agreement language for the Rubio's to approve. Memorial plaque to be provided as part of the agreement. No change. SB continuing to coordinate with the Rubio's regarding donation of railroad right-of-way property. Sorenson property in closing stage. Anticipated completion by December 2019. Scott spoke Rubio and will continue to coordinate with Rubio for their review and signature. TM to work with both KH and Wade Trim on survey, concepts and design from North to Park Ave. Rubio property donation completed. Phase I will be from Park Avenue to North Avenue. Funding to be applied through the MPO TAC. KHA working on scope for Concept Design. TM received scope and under review for approval at January TC meeting. KHA moving forward with the concept design phase. Project added to OC tax increase project list for possible funding source as part of a regional trail. 2/3 IPO approved at January TC meeting. Windermere WD looking to help fund portion of the project. LRP needs to select stake-holder to represent at coordination meeting with various boards. TM to schedule first stakeholder meeting in February. Meeting occurred in February. Direction was given to KHA on look and feel of walk way. KHA and SB have a site visit scheduled in March. After the field visit, KHA will prepare draft concept for TC workshop. MW presented

preliminary alignment for multi-modal path and concept plan for typical sections. The alignment is a curvilinear alignment with a 10-foot width and in an elevated section along the top of the existing berm. Discussion regarding public meeting – pending on when a public meeting can be held. KHA to amend plans to remove elevated path. TC workshop to be scheduled by SB/HC. Present to LRP/TB in July prior to TC meeting workshop in the end of July for conceptual approval. IPO to be prepared for final design upon approval by TC of conceptual plan. TM to secure some initial funding for the project (without pedestrian bridge). Information to be ready by 6/12 for TB meeting on 6/18. Review plan with LRP on 6/25. Property on 10th Avenue, alignment to be adjusted. TM discussed with LRP and TB to be submitted to TC for conceptual approval of plan at next TC meeting. Coordination with Ocoee, MW provided multi-modal information. Once concept is approved, TM to take to West Orange for funding opportunities (connection to West Orange Trail). TM to request IPO from Mike Woodward, KHA. Work with TB regarding tree selection. Work with residents on type of vegetation to be planted. Include separate Add-Alternative for bridge. Need probable cost for pedestrian bridge.

5. W. Second Ave Roadway and Drainage Improvements: Town Council approved the widening and stormwater projects for West Second Ave. Staff met with public and have a conceptual design. Staff waiting on Orange County LMS response for funding before design can be brought back to residents and TC for Approval. 10/18. No change. Awaiting Notice of Funding from FEMA/DEM from Hurricane Irma. MG to address comments from DEM (Douglas Galvin) regarding project costs. MG addressed with Douglas Galvan. MG to coordinate with Douglas Galvan, DEM, on project status. No Change. MG e-mailed Douglas Galvan – no response to date. Applications under technical review – fiscal review complete. Continue to fill in edge of pavement. None. MG addressed RFI's from DEM Environmental Reviewer regarding project limits (project limits in latitude/longitude format). No change. MG to request status of HMGP application review. Still waiting on LMS contract. TM to coordinate design approval and workshops. TM executed Phase I agreement and sent back to DEM for approval and authorization to proceed. Total authorization is \$79,400 (75% Federal, 25% local share). Awaiting on executed contract with DEM for authorization for Notice to Proceed. Need easement and title search to be conducted to verify existing rights-of-way/easements. Also, more public hearings to be scheduled. 2/3 Coordinate with Gray-Robinson on title search for "right-of-way" for stormwater outfall to Wauseon Bay/Lake Butler. TM – pave Old Main from 2nd Avenue to Canal (IPO by KHA). TM emailed GR. MG submitted 4th Quarter report to FDEM in compliance with the executed contract conditions. Next quarterly report to be submitted by April 15, 2020. MG to coordinate with Gray-Robinson regarding title search for existing right-of-way bisecting West Second Avenue for stormwater management outfall to Lake Butler/Wauseon Bay. MG to coordinate with Diane Edwards on reserving Town Hall for 2 public forums (east of Pine Street/west of Pine Street). MG to coordinate with Wade-Trim regarding the existing 2" water main on West Second Avenue for upgrading per the water master plan. RS and MG to also meet with cul-se-sac owners regarding the Town taking over the cul-de-sac if agreed on with owners, including the securing of outfall easement to Lake Butler/Wauseon Bay. Title search by Gray-Robinson revealed that no rights-of-ways or drainage easements exist where originally mapped by the Orange County Property Appraiser. Their maps were updated to reflect no right-of-way or drainage easements. A public forum is to be scheduled (pending on pandemic lockdown) to solicit drainage easement(s) from residents. Mike Galura will coordinate

with Scott Brown, Hao Chou and John Fitzgibbon on PRELIMINARY drainage design. TM to schedule a Town Hall Meeting for specific residents regarding the outfall easements at the middle of the project and at the end of the project (cul-de-sac). June may be the tentative month for a face-to-face public forum. MG to re-print presentation boards for public forum. MG to also coordinate with WT on relocation and re-construction of existing water main as part of roadway improvements. MG to have updated presentation boards prepared for public forum. 2nd quarter report due first week in July. MG to coordinate with SB, JF and HC on design plans and calculations. Three meetings: 1) East of Pine Street residents; 2) West of Pine Street residents; 3) Cul-De-Sac residents. MG conducted video conference call with SB and KHA (HC, VG) to discuss peer review comments by KHA. MG to amend plans accordingly. MG to coordinate with WT regarding water main design to be incorporated with the plans. SB and WT coordinating with OCU regarding the water main design. Tentative August 5th meeting with OCU. Quarterly report submitted to Doug Galvan by TM. MG prepared and submitted Reimbursement Request No. 2 to Doug Galvan. MG continuing to revise plans per KHA peer review and prepare boards for public forum(s). MG to submit revised computer models to Victor Gallo, KHA. Schedule to have 90% plans completed by September. TM and MG to conduct Zoom meeting with residents on public forum.

6. Downtown Lighting Project: The Town of Windermere recently changed from halogen to LED lights. We are now working on getting additional lights in areas but looking to work with Duke on process/need/cost. In addition, we are working with various companies looking to co-located small cell towers on our existing lighting. 10/18 Crown Castle considering 5G cell towers in Windermere. No applications received by Brad Cornelius (BC) as of yet. Working on application process. SB talked to Mike Smith, Duke Energy, for light/pole installation and FDEM permitting. TM needs application, cost estimate and clarification on policy. Major corridors (Biscayne – 12th Avenue to Windermere Road) and residential areas (Top Hats) for lighting envelope. No response from Mike Smith on SB's e-mails. Continue to follow-up with Duke Energy on street lighting. Send e-mail to Debbie Clements. SB met with Mike Smith last week. Look at photo metrics for area north of canal where it is currently not lighted. Still waiting on Duke Energy on photo metrics. SB waiting on Mike Smith. No change. New liaison with Duke. SB has received monthly cost from Duke for lighting from Parkridge Gotha to North. Duke to provide construction cost estimate for what Town is responsible for. Anticipated receipt from Duke in 60 days. Possible item at the Feb 2020 Board Meeting. Mike Smith to provide costs for lighting based on concept drawings. Mike Smith provided cost to SB. From Parkridge-Gotha Road to Lake Down-Butler Canal, it would cost \$240,000 during the day and \$280,000 for night work (Construction and MOT). 2/3 Need flood lighting for Windermere Wine & Dine. Nothing further at this time. Lighting may be incorporated into the multi modal pathway project. No new updates. On hold, awaiting stimulus money. TM to meet with Duke regarding franchise agreements and whether additional lighting can be provided to the Town. SB video-conferenced with Duke Energy. Discussions on MOT during the day by working within the existing right-of-way. SB directed Duke on their phasing plan and updated costs for each phase. SB spoke with Duke contractor on line alignments. Duke to return with options and associated costs. Town tentative funding in FY 2022. Still waiting on Mike Smith regarding costs. Still awaiting Duke Energy. Awaiting on Mike on lighting project.

7. Signage: TOW looking for consistent signage within Town. Part of Branding Revitalization. Street signs have been installed along major roadways. Now focusing on interior signage to make sure they are correct type, meet specs and are justified and enforceable. 10/18: SB to look into Parking Directional Signage when 5th/Forest is complete. Town Entrance Signage placed on hold. SB to look at parking directional signage. Parking directional sign ordered by SB. SB to meet with contractor on parking signs and public parking signs. Keep 10-ton weight limit for bridge over canal. SB to order sign for 10-ton limit. Parking signs are expected to be received this week. New speed limit signs installed by SB. Look at installing DO NOT BLOCK INTERSECTION signs at intersections. SB to look to add in next round of regulatory signs. Most signs have been maintained by PW. Some signs may need to be replaced due to age. SB to monitor. SB awaiting quotes for flashing beacons. DO NOT BLOCK INTERSECTION signage to be included in next FY budget. Re-visit event signage – coordinate with LRP. No change – Advanced warning “Stop Ahead” beacons have been ordered and will be installed at approach to Windermere Road on Maguire Road. Beacons on hold due to backorder at manufacturer. PW to continue to maintain sidewalks. Posts were received but were damaged and were return. LRP tabled entry and event signage for next meeting. Footers laid for the 2 beacons. Start upgrading regulatory signs. Main and First pedestrian signage – LRP to prioritize. LRP prioritized First and Main. New signs and decorative posts have been ordered to replace existing from Parkridge Gotha to downtown. New signs and decorative signs completed. Upgraded all regulatory signs from Parkridge-Gotha to downtown. Working on first reading for Ordinance for right-turn only and fine amounts for violations. Radar trailer purchased by PW (can be used for educational purposes). New and regulatory signs have been completed. 2/3 Take pictures of new pedestrian cross-walks and post on Town website (Windermere Rd and Main). Order signage for southeast quadrant. New no right-turn signs at six locations and speed humps have been installed on Ridgewood. CS suggested that flags be temporarily placed on new signs, a temporary info board from PD could be used, and to put down traffic counters. SB will get with PD on these items. KHA to look at providing past traffic counts. There was a discussion on how to get this information reported to Waze and Google Maps. LRP made recommendation for RFW w/sign company to design, construct and operate Town Facilities event and gateway signs. PD monitoring, will get count when traffic patterns return to normalcy. Hold off on internal signs. Park Avenue signs to be updated. CS to set up LRP meeting – schedule workshop in August-September. SB put signs on bridge. Park Avenue signage ready to go (SB spoke with contractor). Resolve issue with property owner and WT on signage. SB and CS discussed with LRP and they need more information on scope of work. SB should have some notes to CS sometime this week to get a signage company onboard regarding the Town’s brand (beyond regulatory and traffic signage). SB reached out to OCPS regarding scopes for consistent signage. Make recommendation on branding and styles to be presented to TC for approval.

8. Town Facility Update: TC approved new facilities and to work on building in existing location. The funding would require a vote which should happen in March 2019. 10/18: ADG and Steven Withers working on the facility. Final drafts in November and public outreach in January in preparation for March 2019. Conceptual plans ready by November 27th TC workshop. Stephen Withers working with ADG on conceptual plan. TM to meet with public on Tuesday’s and Thursdays in January. Public forums scheduled for February. TC to review wording on referendum. Workshops continuing. Location seem to be getting a consensus from various committees. Referendum to be conducted in March. Next presentation on Tuesday at Rotary Club. Referendum for Town Facility

passed. TM to meet regarding logistics of the implementation of the Town Facilities. Selection of Architect/review of concepts. RFQ for consultant selection and RFP for construction (sealed bids). Meetings with ADG and stakeholders. Working on RFQ for Construction Management At-Risk. To be advertised for responses from consultants with Construction Management capabilities (particularly for vertical construction). TM still negotiating with ADG. Awaiting on schedule for TM to issue Gantt chart. TM to prepare RFQ for Third Party Construction Management At-Risk. ADG contract to next TC meeting. Construction Management At-Risk services to likely be approved in July/August TC meeting. CMAR submittals being reviewed by selection committee (Stephen Withers, John Fitzgibbons, Scott Brown) for short list. ADG to go to July TC. Last public hearing completed. Concept plan to be adopted at August 13th TC meeting (Option 1). Once accepted, project will proceed with final design. CMAR shortlisted (three firms) and oral presentation this week. Once firm is selected, will be approved at September TC meeting. TC at August special meeting approved Town staff to begin negotiation with HJ High on CMAR contract. Council agenda for CMAR. ADG to do topographic and tree survey. Once completed, will meet with Town to discuss. Coordinating meeting with all parties. A kickoff meeting was held with ADG, HJ High and stakeholders. They are waiting on survey and geotechnical services to be completed. They are to provide Town with schedule. Phase I contract has been approved. KH to provide TM with IPO for 6th Ave roundabout analysis. KHA to request roundabout plans. MG to provide to Town and KHA. Closed on the loan. 2nd report received on how to deal with trees during construction. Specific updates and milestones to be provided to TC. Scheduled for approval at TC on March 11th. Arborist report received. TB has the report for review. Workshop scheduled for end of April. Schematic design has been received for the permanent facilities. This has been reviewed and sent back. Meeting to occur with architect/contractor for baseline budget. TC workshop anticipated in April. JF working with Stephen Withers and Town Staff on Design Development package with ADG. Working with ADG and CMAR thru DD phase. TM said to tentatively schedule on 4th Tuesday in April, depending on lockdown to provide update review with TC. CS asked about the roundabout. MW said that traffic counts were taken before lockdown. KHA going through concepts regarding the relation of the roundabout configuration with the final Town Facilities site and will provide to JF for site plan review for the Permanent Facilities. (see below for updates for the New (permanent) Facility and the Temporary Facility updates).

9. **New Facility:** Awaiting preliminary DD budget numbers from HJ High. Coordination with MW regarding impact to roundabout from new facility construction. JF to coordinate with ADG for modifications and scope on 6th Ave including ingress-egress to the library. This was not part of the original budget and will be priced separately for Robert to determine budget parameters. Maintenance Bldg. will be priced separately since it was not included in the original scope. The arborist was on site Friday May 2nd to perform air spading the trees that are to remain. The report will indicate tree root pruning plans. Determination was made that no special foundations will be required based on proposed building foundations and existing tree root extent. JF working on AIA102 form for GMP for review in July with HJ High. Early demo and foundation packages plan to be submitted in August for pricing and contracting. Demo tentatively to be completed 8/1. Meetings this week with design teams. JF to send current design schedule to Robert for TC. JF/ADG to present update to TC by 7/28 (workshop). Any TC directions can be approved at August meeting. Two workshops to be conducted per TM. Transition into construction document phase. Anticipate having demo package by mid- to latter part of August. Preliminary construction meeting to be conducted before

demolition. Provisions for ventilation requirements for COVID-19 to be considered as part of budget increase. Received 50% CD set from ADG Thursday of last week. JF and Stephen Withers to prepare redlines and schedule meeting with ADG to further discuss. ADG working on 50% CD budget. Bidding abatement out. Abatement will be done as Change Order to. Waiting review comments from HJH. TM – request waivers for demo contractors (hold Town harmless). JF coordinate with demo contractor on turning off power. CS – coordinate on salvaging of materials from Town offices to be demo'ed and documented.

10. Temporary Facility Update: Approved KHA for the temporary facilities site plan (including survey). Preliminary arborist report received. Finance to be including in all meetings. 2/3 Finalized temporary facilities schematics (501 Forest Street). Will need to take site plan to DRB for approval (Brad Cornelius). DRB scheduled for February 18th. Present to TC February 11th. Scheduled for approval at TC on March 11th. Temporary facilities site plan has been reviewed and approved by LRP, DRB and Tree Board. Pending final approval from TC in April. JF needs to meet with residents. JF received pricing and it looks to be within budget. Final temporary site plan provided by KHA and under review by Wade-Trim. JF working with HJ High on breakdown of cost for temporary facility to submit to TC on 4/28 virtual town council meeting for approval. Timing for relocation and prep for demolition is currently under review. Temporary facilities approved by TC. Minor landscaping to be provided during the duration of temporary facility. JF sent TC draft of contracting format for review – to also be sent to Heather Ramos (Gray-Robinson) for her review. Construction to begin in June (tentative) per JF. Construction estimated to be 30-days. TM to coordinate with staff and PD regarding the move to the temporary facilities. Change order with HJH approved. JF working on Final trailer layouts – including lease agreement for Town and will general liability on trailers with Nora. JF to coordinate with KHA on site plan to be submitted for permits (BC). Phone services to be worked directly with CenturyLink. JF to coordinate with Town and Clinton on servers. TM to meet with adjacent property owners 6/3. Temporary facility site grading completed. Awaiting trailers from manufacturer. Anticipate July 31st for turning over facilities to staff. JF to coordinate with SB regarding trimming of trees along Forest Street for building delivery. Discussed with contractor regarding timing of demolition in relation to provision of internet access by Spectrum. Last week decking completed and final electrical completed. Met with Duke to set meter to be turned over to the Town. PD moved some items over to temporary facilities. Furniture are in the trailers per JF. JF to coordinate with NW and Dorothy on office setup. Currently no power in the temporary facilities. Fiber optic is in. Awaiting on server depending on power from Duke. Trailer skirting pending with landscaping to be done afterwards.

11. Fernwood Park FRDAP Grant: \$50,000 Awarded for Fernwood Park improvements. 10/18 SB working on RFP for Park Improvements for Fernwood. Project will match IDG approved plans. All contracts have been signed and waiting work from Andy Easton. All contracts signed. SB getting surveys done for site. Have not received Notice to Proceed. Awaiting boundary survey which is required per FRDAP. All commitment documents submitted to FDEP. Title search kicked back by FDRP (prepared by Gray-Robinson). Awaiting Notice to Proceed from FDEP. Notice of Commencement received from FDEP. 5-year CIP list to be built (SB to coordinate). TM requested items to be put on March/April TC agenda. Got Notice of Commencement. Come up with priority list for capital

projects. PR to have a CIP list for SB. Central and Fernwood to be priority for FRDAP. SB has received cost estimates for drinking water fountains and butterfly garden. Dock quotes to be solicited by SB. Shoreline clearing will be in next FY budget. SB awaiting prices to remove invasive species from vendors. Dobson has removed invasive species in upland areas. Trees will also need to be removed. Aquatics company will continue to treat vegetation in waters. FWC and Orange County EPD permits have been amended. Invasive species being removed. Boardwalk concept pending based on removal of additional vegetation along projected alignment. SB stated approximate ETA for design is 6-months. Took down some large invasive trees. SB met with PR on footprint for trail and walkway. Obligation for boat ramp repair. Deadline to complete in 14 months under FRDAP conditions. Contractor is developing draft footprint and estimated cost for the boardwalk. Contractor provided SB with quote for the design, engineering and permitting of elevated nature walk. Nature trail in design phase by Contractor. Final concept drawings completed. Moving into construction plans and scope of work. 2/3 Final concept prepared including elevated nature trail. Sent to PR for review. Concept in design. FRDAP schedule through April 2021. TM and David Hansen to coordinate on driveway within the park. Partnership with OC, FWC and TOW. Need to stabilize the driveway and launch area. David Hansen to help guide Town through OC permitting and variances. Video conference with SFWMD – will require a permit for the boardwalk. Meeting with Orange County EPD – 2 permits required including tree survey and wetland delineation. Draft concept prepared, beginning preparation of construction plans. 4-6-months estimated for design. FRDAP grant deadline April 2021. 5K run has been postponed, but not canceled. SB working with OC EPD on wetland delineation. Surveyors are picking up wetland flagging. Also virtually met with SFWMD on permit submittal. FRDAP forms sent to TM for execution. TM coordinating with FDEP regarding parking configuration. SB said that the SFWMD is requesting an individual permit for the boardwalk due to encroachments to Sovereign submerged lands. FRDAP grant application withdrawn. Meeting tonight at 5:00 pm to discuss. Town to conduct a charette for presentation (to be conducted on Zoom). Coordinate with Councilman McKinley on P&R input.

12. Central Park FRDAP Grant: \$50,000 Awarded for Central Park improvements. 10/18 SB working on RFP for Park Improvements for Central Park. Project will match IDG approved plans. All contracts have been signed and waiting work from Andy Easton. SB getting surveys for site. Title search kicked back by FDRP (prepared by Gray-Robinson). Awaiting Notice to Proceed from FDEP. SB getting quotes on drinking fountain and Frisbee golf baskets. SB expects quotes this month. Also getting quotes on exercise stations and drinking water fountain. SB waiting on final quotes for exercise stations. Will need to coordinate with OCU on connection for water fountains. PR recommended wood as opposed to metal exercise equipment. Still waiting on final quotes. Coordinating with OC Utilities for meter for drinking fountain. PR recommended metal as opposed to wood. Exercise equipment and drinking fountain (including water meter hookup) to be considered for TC agenda. Repairs completed on split rail fences and walking trail. SB expects Central Park improvements to be completed within the next couple of months. Include maintenance schedules from exercise equipment. Exercise equipment has been ordered. SB is coordinating to have the water meter installed for the drinking fountain. Exercise equipment installed. Awaiting OC for water meter installation for drinking fountain. OC completed water meter installation. Exercise equipment completed. OC meter account set up and active. Awaiting meter to be activated. Signage has been ordered, awaiting receipt of signs to be installed. TB to secure a landscape architect (with certified arborist) for tree mitigation plan. Signage

installed. Met with Andy Eason (grants manager) to review, take photos, and go over close out documents. Finalizing Limitation of Use agreement to be recorded with OC, As Builts, expense records and final documents. 2/3 Close-out phase initiated. Determining what is required for the close-out document. Tree Board to focus on site for tree plantings. SB met with grant manager to close out. Grill has been purchased which was the last item to upgrade picnic area. Central Park completed. Walk-through conducted by SB and Andy Easton. Project is completed -

13. Cross Walk Improvements: W&D has funded two cross walk improvements. First one on Second/Main and the next on 6th/Magnolia. 10/18 Two additional locations – 6th Avenue east of Ridgewood, and Main Street near Estancia. Funded one cross-walk. Location to be determined. Consideration for cross-walk locations: 1) 6th Avenue near Ridgewood Drive; 2) Main Street near Estancia. LRP to make recommendation and present to TC for approval. LRP has reviewed and approved Johnson Park crossing (east of Ridgewood), to be presented to TC for approval. More usage and higher volume of traffic. Cross-walk improvements completed. Look at an additional cross-walk based on availability of funding. LRP made 2 recommendations – 1) Estancia; 2) First Avenue and Main Street. Retrofit existing cross-walks. LRP recommendations made. Awaiting funding. No change. Waiting on Windermere W&D funds. No change. No Change. Awaiting on Windermere Wine & Dine. Crosswalk on Windermere Road and Main should be completed soon. 2/3 Windermere W&D agreed to fund new cross-walk at 1st Avenue and Main Street. On TC agenda for 2/11. Windermere Road and Maguire Road has been completed. TC approved RRFB at Main Street and 1st Ave. Footers have been poured. Awaiting deliveries for RRFB's. RRFB's completed at Main Street and 1st Avenue and operational. Nothing additional.

14. 1887 Schoolhouse: HPB and Tree Board have worked on the planning and implementation of repairing and improving the grounds and structures. Currently HPB is looking at making sure the building is sound prior to making additional improvements. SB sent out various requests for contractors and engineers to look at to no avail. In addition, SB was able to get a vendor to take care of the grove area to make sure it is well maintained and healthy. 10/18. Approved to replace citrus trees that have died and contract with maintenance firm. HPB to make decision on structure analysis. Working with Amanda Black on search for architect. HPB still searching for tree/grove maintenance. Architectural evaluation approved by TC. Based on architectural evaluation, HPB will generate a CIP. Architectural evaluation awaiting. The architect has conducted initial condition of schoolhouse. Architect to return to review the condition of the schoolhouse. Architect has returned several times to continue to evaluate. Architect sent in plans to Town for review. SB to be liaison for Eagle Scout project. HPB working with architect and on future CIP. HPB creating scope of work based on architect's evaluation. HPB still having open discussions regarding the architect concept. HPB meets 1/8/20. HPB discussing options for materials to use and style of final look. 2/3 HPB still having discussions. To keep status on National Historic Register, HPB will need to maintain the same architectural look. HPB had conference call with SHPPO about signage and marker. No changes. TM to meet with potential volunteers for community hours.

15. Street Sweeping: Best Management Practice (BMP) under the stormwater NPDES program. 10/18 Ongoing. MG has article to send to TM, SB and JF. Ongoing. HC to consider street sweeping article for Gazette. No change. Ongoing. KH to prepare article in Winter Gazette about street sweeping. Due date is 11/22. MG to get street sweeping quantities from SB and determine TN (Total Nitrogen) and TP (Total Phosphorous) and submit the removals to DEP under their STAR program (State Annual Report). HC to provide MG with quantities. MG to submit as part of STAR to the FDEP doe pollutant load reduction reporting. 2/3 MG received quantities from HC. Will combine with NPDES section. Ongoing. SB and KHA submitted street sweeping volumes to FDEP. KHA and USA Services documenting quantities. Continuing to document. Quantities are continuing to be documented. Still documenting on monthly basis.

16. Vacuum-Truck Services – Cleaning of stormwater structures and storm pipes. Bid awarded by Town to Waste Services Group at January TC meeting. Started on 8th and Bessie Street to Magnolia. Log of linear footage of pipe cleaning and volume of debris collected. Completed in 1-1/2 days. Scheduled for 12th Avenue and Oakdale Street stormwater project. MG to provide SB with copy of recorded drainage easements for the storm sewer system in the back of the homes. Next project is west 8th and Forest Street. Plan is to initially clean the entire system with a future target of bi-annual cleaning of systems. SB to receive cleaning logs from WSG for documentation for NPDES measurable goals. Provide measurable goals for NPDES reporting. Done with cleaning 12th and Oakdale Street. Moving next to west 8th Avenue drainage system for cleaning. TM to coordinate with SB on availability of funding for continuing work. Working on funding. Continuing the cleaning of stormwater/drainage structures. Plan to conduct bi-annually. SB to provide budget amount to TM. Completed west 8th Avenue and currently working on Lake Street. Targeting North Oakdale (north of 1st Avenue). Completed North Oakdale including First Avenue stormwater pond. Next is Johnson Park pond then Ridgewood ponds. Completed. SB will continue working with vacuum trucks for other projects. Completed main drainage basins. Biannual treatment of all infrastructure and also CCTV of infrastructure. Structures will also be GPS's for inventory. SB to draft release on dewatering so there is no confusion as to what is being placed in stormwater ponds. Will also get costs on transport. 2/3 Completed cleaning of all stormwater systems, including Main street and its associated detention chambers. Crews returning this week to begin return cleaning off the dirt roads, as well as to start GPS and CCTV all systems to record current conditions and control points moving forward with an overall inventory of the Town's stormwater system. Will combine with NPDES section. 12th Street and Oakdale vacuum, GPS and CCTV services have been completed. 12th and Oakdale completed. Videoing process. SB working with KHA on GIS for inventory. GIS being prepared for drainage infrastructure mapping. Continuing GIS mapping of Town's MS4 system. Completed west 8th Avenue – working towards First and Forest.

17. Lakefront Maintenance: TOW to control invasive species along lakefront that is under Town jurisdiction. 10/18: Awaiting Orange County for permits. Once received, invasive plants to be removed by selected contractor. Awaiting Orange County permits. To start in January. Received OC permits. All permits now received. Start herbicide spraying. Pond by Windermere Elementary also maintained. Aquatic Systems has been onsite for a couple of months. SB coordinating with David Hansen, Orange County Environmental Protection Division, regarding limits of herbicide application.

Information on cleaning Town's social media pages. Ongoing. Monthly treatment (15 locations). Vegetation cleared at Windermere Rec Center pond. Ongoing. SB to assess Windermere Rec Center pond on water recovery – check lake levels for comparison. Spraying is on a monthly basis on lakeshore and in the parks. Continuing on monthly basis. On Lake Down, 5 cypress trees planted and sent documentation to OCEPD to close out the complaint. Ongoing. SB received quotes to clean up the lakeshore (vegetation removal and tree removal). Continue to construct elevated boardwalk for nature trail. 2/3 DH discussed possibly funding “backyard BMP’s” (swales, rain gardens, planting, etc.). Ongoing. SB to provide TM with budget numbers. Continuing.

18. Town Hall: PW to inventory entire Town hall for improvements and repairs. 10/18: TM asking for long term needs of Town Hall – full assessment (i.e., lighting, kitchen, audio-video, etc.). SB contacted Landmark Construction for proposal. SB spoke with Landmark for numbers for quote. SB to contact Landmark Construction. SB talking to other contractors regarding quotes. SB requested proposal from Edmundson. SB has meeting with general contractor to give him some prices. Ongoing for quotes. Need all fixed assets identified and provided to NW (for insurance purposes). W&D to consider helping with Town Hall fix. No Change. TM needs to complete inventory. W&D want to invest in Town Hall including: roof; kitchen; etc. Working on pricing with contractor over the next 60 days. W&D has interest in TH improvements. SB has requested scope of work and cost from HB & Associates for TH improvements. SB to meet with CPWG to do a complete evaluation of Town Hall (both interior and exterior), subsurface to roof including electrical, HVAC, sound and lighting, foundations, etc. 2/3 Met twice with cpwg as well as their co-consultant MLD Architects. MLD has an extensive history with historic buildings and are familiar with the State Historic Preservation Office (SHIPO) requirements aka Secretary of Interior. Some opportunities for grants may be possible for the historic portions of the work.

SB met CPWG to provide a cost to evaluate Town Hall. MLB architects to also provide review of historical elements of Town Hall. SB to look at mid-end of March for scope of work. Will need RFQ. Contractor just send SB scope of work and cost. SB is reviewing. On Hold.

19. Water Utility Master Plan: TC approved master plan for water utilities for entire TOW. 10/18 - TM to issue RFQ for water master plan (entire Town). TM spoke with Wade-Trim on structure of RFQ. WT to meet with Orange County Utilities (OCU) regarding what OCU will need for RFQ. RFQ to be issued today on Town Website and DemandStar. Wade-Trim, KHA and CPH are the three consultants short listed for study. SB, JF and MG to review their proposals and select consultant for study. Oral presentations conducted on 3/17/19 (Wade-Trim, KHA). Consultant selection pending. Selection of consultant will be on TC agenda for approval. SB to issue ranking of consultants. Scheduled for April TC meeting. Awarded to Wade-Trim at April 9th TC meeting. WT to schedule kick-off meeting (SB, JF, MG to attend). Tentative schedule of 12-months to complete study. TM to consider lobbyist (2020-2021 FY, approximately \$60,000 for lobbyist) to assist in securing funding for implementing plan. June Technical Advisory Committee (TAC) meeting for project. Awaiting follow up schedule from Wade-Trim. TAC meeting with Wade-Trim (meeting in July). Presentation at September TC meeting. Web conference call between WT, Town and OC Utilities to be scheduled by SB regarding the water utility master plan on September 19th. Additional workshop with TC on September 23rd to be conducted to

provide update and information on project status. October 22nd TC workshop with Wade-Trim to provide status of project. Scheduled for completion in March 2020. Presentation was completed on 10/20. OCU to provide flow information. Scheduled completion in March 2020.

Ongoing. Coordinating with Orange County Utilities. WT requesting meter readings on hydrants for more accurate data. WT to provide update on coordination with Orange County. Confirm some flows and reevaluate fire hydrants (Orange County). 2/3 Final flows and calculations have been completed. JF and SB meeting with WT to review drawings and design. Preliminary plans sent to Angie Brewer to review for possible funding sources. Goal to have TAC meeting mid-March with outcome moving toward TC in April. TC workshop in March. Final TAC meeting on 3/10 at 2pm. Workshop pending. Monitoring infrastructure package to see if funding is available. MG to coordinate with SB on 2nd Avenue water main improvements (6") WT to provide status update to TC regarding water main improvements. Awaiting final report. Presentation by W-T at last TC meeting. MG to coordinate on W. 2nd Avenue. Discussion on funding opportunities. Follow up meeting with OCPU to discuss plan. Discussion on funding and verification of low rates.

20. Cut-Through traffic: Town Council approved KHA to do study on cut thru traffic and determine where traffic originates. 10/18 Town Council Workshop on 10/30 Schedule follow-up meeting with KHA. KHA to conduct TC Workshop scheduled on 1/22/19. Includes evaluation of continuous right turn southbound from Main Street to Chase Road. Await recommendations. Presentation by KHA at February TC meeting Tuesday night. Work with OC on county level on Windermere Road/Main Street roundabout and Main Street northbound to Chase Road with exclusive right-turn lane to relieve traffic congestion. Brought to TC Tuesday night. Police to continue with 90-day study – compile data and further evaluate with KHA study. TM asked Brad Cornelius for an urban planning study – possibly RFQ. Workshop in May, included in budget analysis by TM. Workshop planned this month. CS – Update from PD. Number of travel counts received from KHA. Data evaluated and will be discussed again at July TC meeting. TM had meeting for ideas for cut-thru traffic. TM has meeting with County Administrator. To be discussed at September 23rd TC workshop. LRP took no action on cut-thru IPO's. Work on cut-thru traffic plan for Ridgewood Drive. LRP will look at Oakdale Street improvements. TM to schedule workshop for LRP recommendation for SE Quadrant. LRP made second recommendation for SE quadrant and Ridgewood Drive. No right turns on Ridgewood Drive and Lee Street (at certain times). LRP recommending to table the Ridgewood Drive one-way ordinance indefinitely and move forward with requesting revised traffic engineering study for time limitation no right-turn only on 6th Avenue at Ridgewood Drive and Lee Street. SE quadrant discussion at a later date depending on effectiveness of no-right turn signage at Ridgewood Drive and Lee Street. MW to review plan before 12/18 TC meeting. OC has requested projects from the Town. 2/3 TM working with Winter Garden, Ocoee and Oakland: West Orange Transportation Alliance (WOTA). TM worked with staff and KHA and submitted projects list to Ocoee and will submit to OC on 2/4. TM meeting with OC Staff about 1 cent sales tax. WOTA to meet on Friday. TM to update TC on Feb 11. New no right turns signs at six locations and speed humps have been installed on Ridgewood. CS suggested that flags be temporarily placed on new signs, a temporary info board from PD could be used, and to put down traffic counters. SB will get with PD on these items. KHA to look at providing past traffic counts. There was a discussion on how to get this information reported to Waze and Google Maps. Monitor right-turn issues. TM asking OC on 6th Avenue and Chase Road round-about road improvements (sales tax).

21. Park Ave Stormwater Project: TOW received complaints about standing water and flooding on south Park Ave across from School. Town put on notice of possible legal action. KHA, PW, and Staff working on solutions. 10/18: SB met with KHA to review and provide answers. MG and JF to review with SB (possible French Drain system). TM to approve KHA IPO for Design and Survey. Project 1 on list of CIP projects for FY 18/19 KHA (Mike Woodward) to proceed on design for project. SB and JF reviewed KHA plans and provide comments. Once completed, TC will issue project for bid. Notifications to be done by JF and SB for residents to be affected by construction. Coordinating with Orange County Utilities. OCU (Christina Crosby) has approved scope and fee for the relocation of their utility relocation as part of the drainage improvements. KHA to conduct design for utility relocation. Target Bid in April, construction in June. 90% design complete. OCU water main to be relocated. OCU will work with KHA to design relocate within the prescribed Town timeline. SB to upload the bid set plans on DemandStar and Town website. OCU has hired KHA for water main relocation improvements. Need agreement between Town and OCU on reimbursement for water main labor and materials for project. No bids received. SB to look at options for constructing the project. Quote received from Barracuda (lowest quote received). HC to request qualifications. Additional quotes received and to be evaluated. Project to be presented to August TC. HC to discuss with contractor lane closures. On TC agenda for approval. Contract with OCU to be signed by TC. Barracuda to initiate construction on October 1st, 2019. Shop drawings reviewed by KHA and approved 10/4. AT&T permit review completed on 10/3. Contractor to start construction on 11/06. 60% of sidewalk demolished, water DIP exposed to determine size of tapping sleeve. Dog house structure shop drawing approved by KHA for installation by Barracuda. Project delayed by OC. Barracuda to request a change order for the bonding of the entire project. Original was to bond only for the utility improvements (per Orange County Utilities). 2/3 Project moving forward, slow progress, as expected, due to conflicts with existing underground utilities and water taps. Bacterial testing scheduled for this week. Positive outcome will result in moving forward with removal of existing conflicting water line and begin stormwater system. Ongoing. Contractor submitted changed order for restraining existing 12" water line. KHA has forward this change order for OCU review/approval. Contractor will be laying storm pipes on evening/night shifts. Bacteriological tests completed and FDEP clearances submitted to OCU for signature (Christina Crosby). Once received and approved by FDEP, water main will be operational. Expecting to complete stormwater by the next 2 weeks. Includes removal of existing water main. Clearances approved by FDEP. Remove old water mains and proceed with completion of stormwater improvements. Revised storm box by Barracuda. Asset Management spreadsheet submitted to OC and approved by OC. To be completed by JF and HC by July 20th! Striping completed, As-Built to be completed. KHA to prepare RECORD DRAWINGS utilizing as-built information, which will be archived and submitted to the Town. Completed on July 17th. Final walk through conducted by SB and HC. HC coordinating with OC on reimbursement to the Town.

22. Sidewalk improvements/repairs (maintenance budget) outside of multi-modal project: 10/18: TC at approved budget. PW to inventory sidewalks and prioritize for repairs. SB to inventory after first of the New Year. Await till February for inventory, work to be done after school is out for summer. No change. SB to inventory existing sidewalks, which will establish the funding needs

to improve sidewalks. SB met with sidewalk contractor on project in front of Johnson Park. Contractor to begin sidewalk improvements on Summit and Highland. SB working on sidewalk list. Work in the Manors. Priorities to be established by next month. Sidewalk Repair Inventory prepared and completed by JF/SB. Based on sidewalks that need corrective action to be compliant with ADA. Survey presented in 8 sections with linear footage for each section for sidewalk repair/improvement. Planned for 2-year capital improvement plan. TM to update CIP based on JF inventory. Awaiting QES update on pavement management plan. SB – met with contractor. Manors will be first location to be addressed then Park Avenue. SB and JF to work on prioritization in developing a sidewalk CIP. CS requested a written CIP for each sidewalk improvement project in order to appraise citizens of project status. SB and JF completed priority map. SB & JF to provide CIP with year and cost. SB has a CIP for review of projected costs over a 5-year period (CIP attached to these minutes). Currently working in the Manors with approximately 75% complete of root-damaged sidewalks and other sidewalks in disrepair (i.e., trip hazards, cracking, etc.). Contractor working at Manors on repairs, removing cracked panels and trip hazards. 2/3 Manors repairs completed, as well as portions on north side of Park Avenue between the Manors and Marquises Court. No new updates. Budgeted money spent for FY. Last project completed for Town Hall. TM needs second year estimated CIP costs of sidewalk improvements. Awaiting budget for sidewalk improvement for next fiscal year. Waiting on budget approval for next FY.

23. Bessie Street Stormwater Improvements: #2 priority on Stormwater improvements. Continuous maintenance issues and flooding. 10/18: MG to provide scopes. SB provide scopes to TM. On Hold. Awaiting HMGP application review. IPO to be presented at August TC. To be on August 27th special meeting agenda. TC provided direction to revise IPO scope for September 10th agenda. TM to review revised IPO from KHA. KH to contact OC representative responsible for lake water quality testing. KH to provide responses to IPO comments. Awaiting to complete responses to resident concerns by KHA. TM to review revised. 2/3 IPO revised as requested and moving forward. IPO has been approved. SB and KHA to have kickoff meeting in March. IPO approved by TC. Kickoff meeting conducted between SB and KHA. Design survey and geotechnical services underway. 4/22 field review by KHA. Surveyor to complete this week and move on to Butler Street. KHA received topographic survey. HC working with SB on typical sections. End of June, preliminary concepts to the Town (SB, TM, CS). HC to schedule meeting. Preliminary concept plans to be presented by KHA at scheduled meeting or review and approval before moving to final design. HC coordinating with SB on concept plan.

24. Butler Street Stormwater Improvements: #3 Priority on Stormwater improvements: Continuous maintenance issues and flooding. 10/18: MG to provide scopes. SB provide scopes to TM. On Hold. Awaiting HMGP application review. IPO to be presented at August TC. To be on August 27th special meeting agenda. TC provided direction to revise IPO scope for September 10th agenda. TM to review revised IPO from KHA. KH to contact OC representative responsible for lake water quality testing. KH to provide responses to IPO comments. Awaiting to complete responses to resident concerns by KHA. Awaiting to complete responses to resident concerns by KHA. 2/3 IPO revised as requested and moving forward. IPO has been approved. SB and KHA to have kickoff meeting in March. IPO approved by TC. Kickoff meeting conducted between SB and KHA. Design survey and geotechnical services underway. Wetlands delineated in Fernwood Park. Design survey to be completed this week

and field reviews by KHA forthcoming. KHA received topographic survey. HC working with SB on typical sections. End of June, preliminary concepts to the Town (SB, TM, CS). HC to schedule meeting. Preliminary concept plans to be presented by KHA at scheduled meeting or review and approval before moving to final design. MG to forward HC quarterly reports to be prepared by KHA for the project (HMGP Project # 4337-449-R), Project has been selected for HMGP funding under Hurricane Irma. Concept plan in final review by SB and TM.

25. Windermere Pavilion: – JF coordinating with DBC on site plan. Received two proposals for outdoor pavilion preliminary design (site plan and concept drawing). Presented to TC at April meeting. Meeting on Thursday. JF to follow up with Hunton-Brady. Review rough draft of rendering. Subcommittee revisions to concept plan provided by HB. Meeting scheduled for review on 9/11 at 10:00 am. Hunt-Brady to complete final plan and renderings. JF received updated version of renderings and will distribute to committee. JF awaiting on sketch of interpretation of drop-down roof version of rendering. Providing comments to H-B to complete final plan. One minor comment on the pavilion elevation, addressed by H-B. Expected cost to be between \$400K and \$500K. 2/3 To be run through LRP prior to TC meeting. TC/CS to provide direction moving forward. Received preliminary plans, TC wants to go through DRB and conduct a workshop. CS has been coordinating with BC at Wade-Trim for their review. JF to send information to CS. CS to schedule with TM to discuss pavilion status. Workshop to be scheduled for May 19th. JF sent package to CS. DRB approved preliminary plans. Next step is to present to TC in early August meeting (budget meeting). Discussion on funding options and opportunities. Concept approval. Awaiting funding opportunities from DBC.

26. Website: TM getting quotes. Payment issue resolved. TM to add additional items to website. Beta test completed. Work out final details. Beta test to be sent out. TM to ask Diane for update. Beta test to be sent out (CS). CS to provide notes to Diane. No change. Looking at mid-October launch of new website. Ongoing. Anticipated implementation by January 1st. TM continuing to work with vendor. Need meeting with Chatter Buzz due to hosting issues on existing URL. 2/3: TM and Staff working with Chatterbuzz and other software firms to incorporate into new site. Ongoing. App released. Working with website vendor. Firewall being created.

27. Dirt Main (Rose Property): Road water not flowing. Stormwater solutions pending (contingent on railroad right-of-way property swap). PW to address. Possible use of Town-owned property north of 10th Avenue for stormwater use. On-going. Ongoing. HC submitted proposal to TM and SB for improvements to Dirt Main. SB to work with HC to review possible drainage/road re-alignment design

28. Pavement Management Plan: SB working with four (4) professional engineering companies to develop a scope of work and costing for the Town's PMP. The survey/study will evaluate the existing roadway system conditions and provide future recommendations for paving and longevity. SB received no response. Received proposal from QES on budget (\$60,000). On hold for this FY. RFQ slated for next FY (original PMP prepared by QES). SB working on RFQ – pending.

29. **RFQ for Tree Board:** Master services agreement to be prepared by SB. Waiting for input from TB. SB completed RFQ. Waiting for TB approval

30. **RFQ for Sign Company:** CS working with LRP (i.e. gateway signs, etc.) and get SB input. SB and CS to coordinate before going to LRP. Prepare a draft and send to LRP. SB completed RFQ (combine with Project No. 7).

31. Highland Avenue drainage – SB to provide updates.

Acronyms

ADG: Architect Design Group

BC: Brad Cornelius, Wade-Trim

CIP: Capital Improvement Project

CE: Code Enforcement

CS: Chris Sapp, Town Council Liaison

CP: Claudia Purser, Florida DEM

DAC: Direct Administrative Cost

DBC: Downtown Business Committee

DEM: Division of Emergency Management (State of Florida)

DG: Douglas Galvan, Florida DEM

DH: David Hansen, Orange County Environmental Protection Division (EPD)

EPA: Environmental Protection Agency (Federal)

FEMA: Federal Emergency Management Agency (Federal)

FDEP: Florida Department of Environmental Protection (State of Florida)

FDOT: Florida Department of Transportation (State of Florida)

FRDAP: Florida Recreation Development Assistance Program (FDEP)

H-B: Hunton-Brady Architects.

HC: Hao Chau (Kimley-Horn and Associates)

HJH: HJ High

HR: Heather Ramos (Gray-Robinson)

HMGP: Hazard Mitigation Grant Program (FEMA/Florida DEM)

IDG: Innovative Design Group

JF: John Fitzgibbon, Town of Windermere

KHA: Kimley-Horn and Associates

LA: Liz Ardent, Town Council Member

LAS: Legacy Arborist Services

LMS: Local Mitigation Strategy (Orange County Office of Emergency Management)

MG: Mike Galura (Michael Galura Engineering Consultants)

MPO: Metropolitan Planning Organization

MW: Mike Woodward (Kimley-Horn and Associates)

MS4: Municipal Separate Storm Sewer System (USEPA acronym)

NOI: Notice of Intent

NPDES: National Pollutant Discharge Elimination System (EPA/FDEP)

NW: Nora White, Town of Windermere

PA: Public Assistance

PD: Police Department

PMP: Pavement Management Plan

PW: Public Works Department

PDCS: Town Permitting Consultant

RFP: Request for Proposals

RFQ: Request for Qualifications

RR: Railroad

ROW: Right-of-Way

SB: Scott Brown, Town of Windermere

SFWMD: South Florida Water Management District

STAR: State Annual Reporting (DEP)

SW: Stormwater

TAC: Transportation Advisory Committee.

TB: Tree Board

TC: Town Council

TM: Town Manager (Robert Smith)

TOW: Town of Windermere

WBC – Windermere Baptist Church

WT – Wade-Trim