



RESOLUTION 2020-05

111 W 5th Avenue Conditional Use

Whereas, Section 2.02.02(2)o, Land Development Code, provides that the Town Council may approve a proposed use not identified within the list of permitted uses with specific approval of Town Council with a finding that the proposed use is similar in character to another permitted use and is consistent with the overall purpose and intent of the Town's land development code and comprehensive plan.

Whereas, Section 8-82, Code of Ordinances, allows for the consumption of wine and beer on-premises, less than 1,000 feet of a church, school, or other place of business with consumption on premises with the approval of a conditional use pursuant to Article XV, Land Development Code.

Whereas, Article XV, Land Development Code, provides for the process and review criteria for the consideration of conditional use requests.

Whereas, Article XV, Land Development Code, empowers the Development Review Board to review and make recommendations for approval, approval with conditions or denial to the Town Council on conditional use requests.

Whereas, Article XV, Land Development Code, requires the Town Council to either affirm the Development Review Board's recommendation without a public hearing or may hold a public hearing to consider the conditional use application and grant, grant with conditions, or deny the application.

Whereas, 111 5th Ave LLC, owner of 111 W 5th Avenue, represented by Andrew McGhee, operator of Windermere Brewery, (see Exhibit A for legal description), submitted to the Town an application and supporting documentation for conditional use approval pursuant to Section 2.02.02(2)o, Land Development Code, and Section 8-82, Code of Ordinances, to allow the operation of a micro-brewery and taproom for on-site consumption of beer and wine on-premises at 111 W 5th Avenue, less than 1,000 feet from the First Baptist Church of Windermere and Tim's Wine Market.

Whereas, the Development Review Board held a duly notified public hearing to consider the conditional use application submitted for 111 W 5th Avenue on August 18, 2020. At the public hearing, the Development Review Board considered the application, supporting materials, and other pertinent testimony provided at the public hearing.

Whereas, the Development Review Board reviewed the conditional use application on the basis of the standards contained within Section 15.00.04 of the Land Development Code and a motion was made and seconded to approve the conditional use; however, the motion failed due to a two to two tie vote. The Development Review Board made no recommendation.

Whereas, the Town Council, at a public hearing on September 8, 2020, reviewed the conditional use application on the basis of the standards contained within Section 2.02,02(2) of the Land Development Code, and Section 15.00.04 of the Land Development Code and found the proposed micro-brewery and tap room is an allowed use in the Town's Commercial Zoning District.

Now Therefore, Be It Resolved by the Town Council of the Town of Windermere, Florida:

1. The Town Council approves the conditional use request to allow a micro-brewery and taproom to operate at 111 W 5th Avenue. The legal description of 111 W 5th Avenue is provided in Exhibit A.
2. The approval of the conditional use request is subject to the representations and commitments provided by the applicant within their application materials, attached as Exhibit B, and their testimony provided at the public hearing, the standards and regulations contained within Article XV, Code of Ordinances, any additional conditions imposed by the Town Council, and as acknowledged in the Affidavit – Conditional Use, submitted by the applicant.
3. The additional conditions for the conditional use as approved by Town Council are:
 - a. The retail hours of operation are:
 - i. Monday – 3 p.m. to 10 p.m.
 - ii. Tuesday – 3 p.m. to 10 p.m.
 - iii. Wednesday – 3 p.m. to 10 p.m.
 - iv. Thursday – 12 p.m. to 10 p.m.
 - v. Friday – 12 p.m. to 11 p.m.
 - vi. Saturday – 12 p.m. to 11 p.m.
 - vii. Sunday – 1 p.m. to 8 p.m.
 - viii. Last call 15 minutes prior to all closing times.
 - ix. All outdoor common areas will shutdown at 10 p.m. every night.
 - x. Special hours for holiday weekends or Town events may be approved by the Town Manager.
 - b. The brewery manufacturing hours of operation are 8 a.m. to 10 p.m. every day.
 - c. No smoking or vaping in the building nor on the subject property.
 - d. A living wall/landscape buffer of at least 8 feet in height shall be installed along the West and North property lines.
 - e. Shared use agreements for parking, trash disposal (dumpster), and loading/unloading with the Windermere Market, LLC property located at 428 Main Street (legal description PLAT OF WINDERMERE G/36 LOT 287 & LOT 288) shall be recorded in the public records of Orange County, Florida, and must remain in full force and effect.

Resolved this 8th day of September, 2020.

TOWN OF WINDERMERE, FLORIDA

By: Town Council

By: _____

Mayor Jim O'Brien

Attest:

Town Clerk



Exhibit A

Legal Description

**Plat of Windermere G/36, the E 80 Feet of Lot 289 and East 80
Feet of Lot 290
Parcel ID 17-23-28-9336-02-891**

Exhibit B

Approved Operating Plan

WINDERMERE BREWING COMPANY

ESTD  2018

Windermere Brewing Company Conditional Use Proposal

05.28.2020

Revised: 8.21.20

Andrew McGhee

Co Founder | Head Brewer
Windermere Brewing Company
111 W. 5th Ave.
Windermere, FL 34786

Overview	1
Defining a Micro Brewery & Taproom	1
Production Volume	2
Production Growth	2
Projected on Site Alcohol Sales	2
Hours of Operation	3
Entertainment & Noise	3
Smoking Policy	3
Deliveries & Trash Pickup	3
Beverages	4
Drinking Responsibly	4
Traffic & Parking	4
Outdoor Storage	4
Conclusion	5
Appendix A - Proposed Floor Plan	6

Overview

Windermere Brewing Company plans to operate a combined micro brewery & taproom within Windermere, Florida at 119 W. 5th Ave., Windermere, FL 34786. The purpose of this

proposal is to inform all parties involved in the Town of Windermere's decision making process as to what the operation of this business would require within the scope of the Town's conditional use review process.

Defining a Micro Brewery & Taproom

A micro brewery is a small scale malt beverage production facility that is self contained & does not create external noise pollution or foul odors. Although breweries may look like a large scale processing facility, most equipment is simply intended to hold liquids (i.e. water, fermenting process tanks, & beverage serving tanks). The primary purpose of the brewery is to supply the taproom with malt beverage for on-premise & to-go retail sales. The taproom serves to support the brewhouse with retail beverage sales and a gathering place for customers to enjoy their beverages on-site. A taproom operates much differently than the typical "bar" as we promote a place for the community to come together and enjoy conversation in a family-friendly environment.

Production Volume

Windermere Brewing Company will produce beer with a 7 barrel, stainless steel brewing plant. Production capacity of our 7 barrel brewing plant with 5 initial 14 barrel fermenters is approximately 1,785 barrels per year (1 barrel equals 31 gallons, which equals two standard 15.5 gallon kegs). The addition of more fermentation tanks at regular intervals will increase capacity to 3,570 barrels per year by year 5 and will be the full capacity of the facility. The management team intends to produce and sell approximately 1,050 barrels in the first year and then grow by a modest 18% year over year for the first 3 years. Thereafter, the management team will increase production and sales until the 3,570-barrel maximum capacity has been reached.

Production Growth

Once the maximum capacity has been reached within our brewhouse to be located at 111 W 5th Ave, Windermere Brewing will seek an outside solution to continue increased growth for distribution sales that will have no impact on the Town of Windermere or increase capacity at the proposed site.

Projected on Site Alcohol Sales

The management team of Windermere Brewing Company is determined to produce approximately 1,050 barrels during the first 12 months of production. These

approximately 2,100 kegs (15.5 gallon full keg) will be sold primarily through retail sales on premises and secondly through wholesale to distributors. The first 12 month split will be a concentration of 75% taproom sales to 25% wholesale. The wholesale market is of little gain to most micro breweries and serves primarily as a marketing source while driving minimal revenue. It is the intention to keep this percentage of on-site sales versus wholesale consistent year over year. Retail sales on premises consist of primarily on-site alcohol consumption & secondly through beer-to-go sold within the taproom.

Hours of Operation

Windermere Brewing Company is requesting the following hours of operation with the absolute willingness to negotiate hours based on the feel of the Town:

- Monday - Closed
- Tuesday - 3pm - 10pm
- Wednesday - 3pm - 10pm
- Thursday - 12pm - 10pm
- Friday - 12pm - 11pm
- Saturday - 12pm - 11pm
- Sunday - 1pm - 8pm

This request falls in line with the Town's Code of Ordinances in regards to alcoholic beverage sales under [Article IV Sec. 8-83](#).

Entertainment & Noise

In keeping with the Town Ordinance on the prohibition of "nightclubs", Windermere Brewing Company has no plans for live entertainment, which, in turn will allow for a low level of noise on site. Other mitigating factors we will take in tandem with the building owners to mitigate noise on site are landscape buffering & if our proposed hours are approved,, shutting down outdoor areas after 10pm.

Smoking Policy

Windermere Brewing Company will operate as a smoking prohibited business including all communal areas inside and outside the entire property.

Deliveries & Trash Pickup

All deliveries will be limited to the hours allocated by Town ordinance & be kept to a minimal schedule based on the supply needs of the brewhouse. The building plan for the brewery allows for a delivery pad directly in front of the brewhouse to allow for trucks to sit

stationary and off the main thoroughfare. Trash pickup will be scheduled in accordance with Town code & synchronized with other business trash pickups. Windermere Brewing Company will work with its suppliers to fit deliveries into timed windows that would be the least likely to impact traffic & noise. These hour will be set in two windows:

Monday - Thursday: 10am - 12pm & 2pm - 4pm

Beverages

Windermere Brewing Company plans to operate first and foremost as a cereal malt beverage manufacturer under State & Federal license. We pride ourselves on creating quality lagers & ales and in an effort to promote responsible alcohol consumption, we keep most ABV (alcohol by volume) around 4 - 6%. In addition to alcoholic beverage options, Windermere Brewing Company intends to produce NA (non-alcoholic) offerings such as root beer, ginger ale, & other "sodas" keeping with our commitment to a family friendly environment.

Drinking Responsibly

Windermere Brewing Company believes that alcohol should be enjoyed but never over consumed. Although, as dedicated by applicable laws already in place such as overserving & VIPs (visually intoxicated persons), Windermere Brewing Company will provide certified training to every employee on safe alcohol sales and also provide free ride share service to any consumers who we deem unable to operate a motor vehicle. The American Brewers Associations along with the Florida Brewers Guild provides a fund to help with this rideshare effort. It is our view that through elevated training, promoting healthy lifestyles, & enforcing our policies, we will act as a model for safe & responsible alcohol consumption.

Traffic & Parking

Windermere Brewing Company understands residents concerns over parking and traffic. First & foremost, we are dedicated to our local community, we know that many residents will utilize our space and many of them can either walk or utilize golf carts to come to our establishment. We also know that we will still attract outside Town Limit consumers, we are dedicated to working with the Town to alleviate any concerns that arise from this and continually improve our operations SOPs to ensure we are acting as a good business neighbor to our community. In addition, we in tandem with the building owners have planned a hard surface walk between our establishment & Windermere Market to facilitate the use of those parking spaces before other parking is sought. We also believe that any patron coming in from outside the Town will be traveling along Main & the first available

visible parking would be at Windermere Market were we are requesting our parking spaces be approved.

Outdoor Storage

Windermere Brewing will not have any outdoor storage or operational equipment on the outside of the building. The only exception will be a brewing water effluent holding tank on a rear concrete pad on the production plant side that will serve in our water recycling efforts. This tank will have no mechanical parts and produce no noise or odors and will be screened from public view.

Conclusion

Windermere Brewing Company looks forward to working with the Town to bring a great communal space to our wonderful area. As both owners are also indeed residents of the Town, our intent is simply to provide a unique place for our Town to relax, unwind, & have good conversation. We believe in a happy & vibrant Windermere with options in the business center for our residents.



Among the Lakes

RECEIVED
SEP 15 2020



Check Request

The Town of Windermere
614 Main Street
Windermere, FL 34786
407-876-2563

Date: September 12, 2020
Invoice #

PAY TO: Orange County Comptroller
Official Records Department
PO Box 38
Orlando, FL 32802-0038

Phone

Permit Number	Payment Terms
Example	Due on receipt

Description	Total
Recording Fees for Resolution 2020-05 - 111 W 5 th AVE LLC - Windermere Brewery Requesting Dept: Clerk Account # 001-5125-000-7519	103.50
Total Due	
	103.50

RECEIVED
SEP 15 2020

DOC # 20200517196
10/05/2020 10:58:23 AM Page 1 of 1
Phil Diamond, Comptroller
Orange County, FL

