



**MAYOR AND COUNCIL OF THE TOWN OF WINDERMERE**

**Mayor Jim O'Brien**

**Council Members**

**Andy Williams**

**Bill Martini**

**Tony Davit**

**Mandy David**

**Molly Rose**

***Agenda***

***Agenda***

**February 14, 2023**

**6:00 PM**

**\*\*AMENDED AGENDA\*\***

**JOIN ZOOM MEETING: [HTTPS://US06WEB.ZOOM.US/J/81043596544?](https://us06web.zoom.us/j/81043596544?pwd=SLYZNWPPZLBYBTFTVML0T3NFS1I1ZZ09)  
PWD=SLYZNWPPZLBYBTFTVML0T3NFS1I1ZZ09**

**MEETING ID: 810 4359 6544**

**PASSCODE: 992459**

**WINDERMERE TOWN HALL**

**520 MAIN STREET**

**WINDERMERE, FL 34786**

**PLEASE TURN OFF ALL CELL PHONES AND PAGERS**

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceedings should contact the Office of the 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 conversation 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**

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

### **2. SPECIAL PRESENTATION / PROCLAMATION / AWARDS**

### **3. TIMED ITEMS & PUBLIC HEARING**

### **4. NEW BUSINESS**

#### **a. Minutes**

i. Public Workshop Minutes - December 6, 2022 (Attachments - Staff Recommends Approval)

ii. Town Council Meeting Minutes - January 10, 2023 (Attachments - Staff Recommends Approval)

iii. Public Workshop Minutes - January 23, 2023 (Attachments - Staff Recommends Approval)

iv. Town Council Workshop Minutes - January 24, 2023 (Attachments - Staff

Recommends Approval)

**b. Consent Items**

i. Z23-01 - 510 Jennifer Lane - Variance to Allow a Boat Dock with a Negative 50-foot Setback from the Projected Adjacent Property Lines (Attachments - DRB Recommends Approval)

ii. Z23-03 - 914 W 2nd Avenue - Variance to Allow a Gross Floor Area in Excess of 38% for the Installation of a Roof Over Existing 2nd Story Balconies (Attachments - DRB Recommends Approval)

**c. Resolutions / Ordinances for Approval / First Reading**

**d. Appointments**

**e. Contracts & Agreements**

**f. Financial**

i. Approval of Purchase of Playground Shade Structure for Palmer Park - Shade America \$26,530 (Attachments - Parks & Recreation Committee Recommends Approval)

**5. MAYOR & COUNCIL LIAISON REPORTS**

**a. Mayor O'Brien**

**b. Council Member Williams**

**c. Council Member Rose**

**d. Council Member Martini**

**e. Council Member David**

**f. Council Member Davit**

**6. STAFF REPORTS**

**a. Town Manager Robert Smith**

**b. Town Attorney Heather Ramos**

**c. Police Chief Dave Ogden**

**d. Public Works Director Tonya Elliott-Moore**

**e. Clerk Dorothy Burkhalter**

**7. ADJOURN**

- **REPORTS**
- **OTHER ITEMS**

## TOWN OF WINDERMERE

### Public Workshop Minutes

December 6, 2022

#### CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Andy Williams, Bill Martini, Mandy David, Tony Davit, and Molly Rose. Also present was Town Manager Robert Smith, Public Works Director Tonya Elliott-Moore, and Mr. John Fitzgibbon.

Manager Smith called the workshop to order at 6:00pm.

#### 1. WORKSHOP CALLED TO ORDER

#### 2. PRESENTATION

##### a. Map of Proposed Work

Manager Smith gave a review of the proposed project for 5<sup>th</sup> Avenue and Forest Street paving. He commented on the need for the paving for the traffic (safety), parking, handicap parking, and accessibility of the new pavilion. Manager Smith commented on the negative impact of using bricks. He then stated that at the Town Council's direction, the Public Works session has been called. Manager Smith explained the proposed project as paving 5<sup>th</sup> Avenue to Forest Street, adding an apron into the public parking, as well as paving the dirt area on the south side and add a few handicapped parking spaces.

#### 3. PUBLIC COMMENT/DISCUSSION

Manager Smith opened the floor to the public. Mr. Bob McKinley questioned if option A and B were included in the total amount. Manager Smith stated yes. Mr. McKinley stated he's in favor of the project. He then stated that in speaking with others, 5<sup>th</sup> Avenue needs to be blocked off at Forest Street. Manager Smith replied to Mr. Withers in the chat that a bond would be required. Mrs. Theresa Schretzman-Myers of 2713 Tryon Place stated she is not in favor of this project due to the impacts on the environment and trees. She stated that there are better solutions, decomposed granite for one. Mrs. Brandi Haines stated she agrees with Mrs. Schretzman-Myers regarding the trees and environment. She then commented on handicapped parking and the existing location that could be used for handicapped parking. Mrs. Haines commented on existing parking. Discussion followed. Mr. Tom Stroup commented on a concern of paving the road and creating more traffic flow because of the paving. He also commented that he is in favor of blocking off 5<sup>th</sup> Avenue. Mr. Stroup questioned the use of brick. Manager Smith stated that brick is maintenance and cost concern. He then stated that residents are in favor the dirt roads and bricking. Mr. Stroup stated he agrees with comments made by Mrs. Haines. He then questioned if the Town was under any ADA violations. Manager Smith stated currently no but building the pavilion could change the requirement. Mr. Stroup commented on concerns with the ripple effect of paving. He then thanked all for the open forum. Discussion followed. Mr. Jason Roland stated he would like the road to be bricked. He then commented that other projects needed to be completed before taking on others. Manager Smith stated that this project is self-funded which is much easier than through grants/other funding sources and requirements. Mr. Roland stated that the expense should not be on the residents. He then questioned if a golf cart parking zone could be established. Manager Smith commented on parking. Mrs. Angela Withers stated that she agrees with Mr. Stroup's comments. She then stated that consistency of maintaining the Town's charm. Mrs. Withers questioned if the paving should wait until the pavilion is being constructed. She then commented on the advantage of closing off 5<sup>th</sup> Avenue at Forest Street. Mrs. Withers thanked all for this forum. Manager Smith commented on the forty-five percent pavilion plans that will go before the Town Council. Mr. John Spears commented on water flow if paved. He stated that there is currently an issue stormwater on his road and is concerned with paving. Mr. Spears questioned what stormwater will be put in place. He then commented on parking concerns with golf carts and handicapped parking. Mr. Spears stated he agrees with previous conversation regarding tree protect and protecting the lakes. Ms. Debra Neil stated that is if it needs to be paved it needs to be permeable, brick should be used. She then stated that closing off 5<sup>th</sup> Avenue is a good idea. Mrs. Schretzman-Myers

## TOWN OF WINDERMERE

### Public Workshop Minutes

December 6, 2022

commented on the impact to the trees and their roots. She also commented on handicap parking space in the library parking lot that are accessible but not being discussed. Manager Smith stated that a certified arborist will be involved with any Town projects. Mrs. Haines commented on handicap parking, blocking off the road, and stormwater runoff. Mr. Roland stated that he's in favor of blocking off the road. He then commented on water run-off, parking and redesigning the parking and protecting the residential area. Discussion followed regarding trees, tree protection and construction. Manager Smith thanked all for their participation.

#### 4. ADJOURN:

Manager Smith adjourned the meeting at 7:03pm

Dorothy Burkhalter, MMC, FCRM  
Town Clerk

Jim O'Brien, Mayor

December 6, 2022  
Public Session.

00:35:41 StephenWithers: when the pavilion id under construction there will be heavy traffic =. The contractor should put up a bond to repair any paving damaged.

00:50:12 StephenWithers: Part of the problem with our bricks is that the underlayment was value engineered out. Any new brick needs to be engineered and there needs to have a proper sub strait. This will add cost but will be worth the cost

00:54:16 StephenWithers: Any paving will need to address rain water run off and collection.

01:09:08 StephenWithers: The church uses the parking lot. Could they contribute to the paving as they do not pay property taxes.

01:19:37 Theresa Schretzmann-Myers: Any construction using non-permeable surface whether it is brick or asphalt will impact the critical root zones of the trees. Please see [dntreelink.wordpress.com](https://dntreelink.wordpress.com)

01:25:00 Jason: <https://www.beldenbrick.com/brick/pavers/permeable-pavers>

01:25:20 Theresa Schretzmann-Myers: Asphalt stormwater run-off pollutants from non-permeable paved surfaces would include heavy metals, bacteria, chlorophenols, and polycyclic aromatic hydrocarbons (PAHs) and (VOCs) volatile organic compounds that would run into the Butler Chain of Lakes. Please leave the permeable dirt roads or pave with Decomposed Granite which is ADA accessible and would not impact the critical root zones of the trees.

01:26:30 tom stroup: Thank You

01:26:44 Theresa Schretzmann-Myers: Critical roots zones of trees go 2-3 the distance of the dripline. Please keep that in mind with any construction.

01:27:01 Jim OBrien: Thanks to everyone for all the input and suggestions.

01:27:04 tom stroup: Thank you and Merry Christmas, everyone

01:27:04 Angela Withers: Thank you!

01:27:11 Jason: Merry Christmas all!

**CALL TO ORDER:**

Present were Mayor Jim O'Brien, Council Members Bill Martini, Andy Williams, Mandy David, Tony Davit, and Molly Rose. Town Attorney Heather Ramos, Public Works Director Tonya Elliott-Moore, Deputy Chief Jayson Bonk, and Town Clerk Dorothy Burkhalter were also present. Town Manager Robert Smith was absent.

Mayor O'Brien called the meeting to order at 6:00pm and stated that a quorum was present. He then led everyone in the Pledge of Allegiance.

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

Ms. Thellie Roper of 610 W 2<sup>nd</sup> Avenue introduced herself. She then questioned when 2<sup>nd</sup> Avenue is scheduled for repaving. She voiced her concerns and displeasure with the project not being completed as of yet. Mayor O'Brien and Public Works Director Elliott-Moore explained the schedule for the project, where it is at for the Federal funding, and the proposed/ possible start frame. Mr. Bob McKinley of 536 Magnolia Street introduced himself. He then complemented the Public Works Department for being responsive and handling the Town's projects and needs as they arise. Ms. Nora Brophy of 426 Magnolia Street introduced herself. Ms. Brophy reported on the upcoming PetFest which will be held on February 25<sup>th</sup>. She then stated that she is not in favor of paving 5<sup>th</sup> Avenue but would favor bricks. Ms. Angela Withers of 712 Main Street introduced herself. She also commented on concerns with paving 5<sup>th</sup> Avenue and if need be, bricks would be better. Mrs. Withers stated that closing off 5<sup>th</sup> Avenue at Forest needed to be researched. She then stated that paving needed to be kept minimal and thanked the Council for the workshop. Mrs. Brandi Haines of 835 Oakdale introduced herself. She then stated that she opposes paving 5<sup>th</sup> Avenue or any road in town. Mrs. Haines then requested an update on the barricades on Oakdale Street. Director Elliott-Moore commented on the need of engineering prior to workshops. Mrs. Theresa Schretzmann-Myers of 2713 Tryon Place stated she would defer until the agenda item.

**2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS**

**a. 2023 Arbor Day Proclamation**

Mayor O'Brien read and proclaimed January 20, 2023 as Arbor Day in the Town of Windermere.

**3. TIMED ITEMS AND PUBLIC HEARING**

**4. OLD BUSINESS:**

**5. NEW BUSINESS:**

**a. MINUTES:**

**i. Town Council Meeting Minutes December 13, 2022**

Mayor O'Brien introduced this item. Member Davit made a motion to approve the Town Council minutes of December 13, 2022, as presented. Member Rose seconded the motion. Roll call vote was as follows: Martini – aye, Williams – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 5-0.

**b. CONSENT ITEMS:**

**i. March 2023 Municipal Election Contract**

Mayor O'Brien introduced this item. Member Davit made a motion to approve the Consent agenda as presented. Member Williams seconded the motion. Roll call vote was as follows: Rose – aye,

## TOWN OF WINDERMERE

### Town Council Meeting Minutes

January 10, 2023

Davit -aye, David – aye, Williams – aye, and Martini – aye. Motion carried 5-0.

#### c. ORDINANCES/RESOLUTIONS FOR APPROVAL/FIRST READING

##### i. **Resolution 2023-01 Money Purchase Plan - White to Thompson-Vegel**

Mayor O'Brien introduced proposed Resolution 2023-01. Member David made a motion to approve Resolution 2023-01. Member Davit seconded the motion. Roll call vote was as follows: Martini – aye, Williams – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 5-0.

##### ii. **Resolution 2023-02 457 Deferred Plan - White to Thompson-Vegel**

Mayor O'Brien introduced proposed Resolution 2023-02. Member Rose made a motion to approve Resolution 2023-02. Member David seconded the motion. Roll call vote was as follows: Martini – aye, Williams – aye, David – aye, Davit – aye, and Rose – aye. Motion carried 5-0.

#### d. APPOINTMENTS

#### e. CONTRACTS & AGREEMENTS

#### f. FINANCIAL

#### g. OTHER ITEMS FOR CONSIDERATION

##### i. **Paving of West 5<sup>th</sup> Avenue from Forest Street to Main Street**

Mayor O'Brien introduced this item. He then opened the floor to the public. First to speak was Mrs. Theresa Schretzmann-Myers of 2713 Tryon Place. She spoke in opposition of paving the road, and the benefits and protection of trees. Mr. Bob McKinley of 536 Main Street introduced himself. He then commented on negative reactions from residents in the past regarding paving; they don't want it. Mr. McKinley stated that brick should be used if the project needed to be done. Clerk Burkhalter read into the record comments received from residents opposing the paving of 5<sup>th</sup> Avenue. They were from Mr. Paul Gerding, Mr. and Mrs. Larry Roofner, Ms. Sue Leffler, Mrs. Nancy Spears, and Mr. John Spears (all attached.) Mayor O'Brien turned the floor over to the Council members. Member Rose Stated she is not in favor of paving the roads, and bricks are high maintenance upkeep. She then stated that she would like to discuss the possibility of barricading 5<sup>th</sup> Avenue to Forest Street off. Member Davit stated that the Long-Range Planning Committee needed to review the possible closure. Member Rose thanked staff for bringing this item forward that could have saved the Town money if it had been approved. Member Williams made a motion to deny paving of West 5<sup>th</sup> Avenue. Member Martini seconded the motion. Roll call vote was as follows: Rose – aye, Davit – aye, David – aye, Williams – aye, and Martini – aye. Motion carried 5-0.

#### 6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O'Brien reported on the passing of Ms. Rollie Allen. Member Martini reported on the upcoming Tree Giveaway on January 21<sup>st</sup>, no Treebute this year, and the Tree Board Replant Grant. Discussion followed regarding trees and replanting. Member David reminded everyone of the ASL classes beginning on Friday.

#### 7. STAFF REPORTS:

a. **TOWN MANAGER ROBERT SMITH** – Absent.

b. **TOWN ATTORNEY HEATHER RAMOS** – No report.

c. **DEPUTY CHIEF JAYSON BONK** – Deputy Chief Bonk reported on the Police Department accreditation, staffing, Chief Conference, and the HJ High award for the new facilities.

**TOWN OF WINDERMERE**

**Town Council Meeting Minutes**

**January 10, 2023**

**d. PUBLIC WORKS DIRECTOR TONYA ELLIOTT-MOORE** – Director Elliott-Moore reported on the lakes management company, storm drain cleanouts, and Travis Mathias attending stormwater classes.

**e. TOWN CLERK DOROTHY BURKHALTER** – Clerk Burkhalter reported on upcoming elections.

Resident Tom Stroup commended the Police Department on the recent accreditation. Discussion followed regarding ramp closures to the lakes.

**8. ADJOURN:**

Mayor O'Brien adjourned the meeting at 7:05pm.

Dorothy Burkhalter, MMC, FCRM  
Town Clerk

Jim O'Brien, Mayor

## Dorothy Burkhalter

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**From:** paul gerding <paulliephoto@gmail.com>  
**Sent:** Monday, January 9, 2023 3:47 PM  
**To:** Dorothy Burkhalter  
**Subject:** paving

hi dorothy...i dont want any Paving any where in Windermere....i understand you will read this e mail at town meeting...thanks paul gerding 606 butler st....

Sent from my iPad

## Dorothy Burkhalter

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**From:** Marilyn and Larry <lmroofner@gmail.com>  
**Sent:** Monday, January 9, 2023 6:15 PM  
**To:** Dorothy Burkhalter  
**Subject:** Paved streets

Ms. Burkhalter, will you please read this at the meeting on the Pavilion tomorrow. Thank you. We agree that brick only and block off 5th and Butler will stop cut through, speeding traffic and help eliminate parking on our streets.

Marilyn and Larry Roofner  
lmroofner@gmail.com

## **Dorothy Burkhalter**

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**From:** Sue Leffler <sueleffler@icloud.com>  
**Sent:** Monday, January 9, 2023 3:59 PM  
**To:** Jim O'Brien; Andy Williams; Tony Davit; Mandy David; Molly Rose; Bill Martini; Robert Smith; Dorothy Burkhalter  
**Subject:** Do not pave 5th

I would like this email read at the town Council meeting. I do not want fifth Street paved. And I would like some consideration given to blocking off fifth and Forest st to stop speeding traffic and excessive parking. Bricks or dirt would be acceptable, but not pavement.

Sent from my iPhone about

## **Dorothy Burkhalter**

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**From:** N Spears <nancyspears60@gmail.com>  
**Sent:** Tuesday, January 10, 2023 10:59 AM  
**To:** Nancy D Spears  
**Subject:** Paving of 5th Ave

As a resident living at 406 Forest Street, I request that any paving done on the section of 5th Ave between Main and Forest be done in brick rather than asphalt to be in keeping with other downtown areas of Windermere, and I also request capping of 5th Ave where it meets Forest to prevent further traffic and parking on this residential street.

Dorothy, please read this at the meeting tonight as appropriate on this topic.

Sincerely,  
Nancy Spears

Sent from my iPhone

## Dorothy Burkhalter

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**From:** John A. Spears <jspears@fmhainc.com>  
**Sent:** Tuesday, January 10, 2023 1:03 PM  
**To:** Dorothy Burkhalter  
**Subject:** Paving of West 5th from Forest to Main.  
**Attachments:** IMG\_6799.JPG; IMG\_6882.JPG

Morning Dorothy,

Please read this note to Council at tonight's meet. Show photos if you can.

I am not in favor of paving West 5<sup>th</sup> from Forest to Main.

ADA – accessibility is not a problem for the town. There is a H.C. parking space at Windermere Brewing that is not useable for accessible parking because of equipment and supplies blocking some of the space and all of the loading zone.

(This is a violation of federal law and should be ticketed if any vehicles or equipment blocks or impedes the use of a required H.C parking space, even if the business is not open.) Not sure why this violation is acceptable to our police department.

I am against inviting business traffic to the residential areas of our bedroom community. The amount of business traffic is

all ready unacceptable. We have large delivery trucks daily blocking Forest and 5<sup>th</sup>.

The church's new parking lot that is at the corner

of 5<sup>th</sup> and Forest Streets is rarely used by their congregation and they park up and down Forest Street instead.

On a normal rainy day the rain water flows from West 5th

down Forest Street and ends up flooding 4<sup>th</sup> Ave between Forest Street and Butler Street. More paving will increase run off.

For some reason the residents on Forest Street are paying the price (traffic) for the Business district.

I believe that the Council should take care of the residences first and not the Businesses and events that dominate our residential streets on a daily basis and every weekend.

The Town has other more important issues other than paving 5<sup>th</sup> from Forest to Main, that is really not going to help residences in any way, only Business and events.

Thank you,

*John Spears  
406 Forest Street  
Windermere, FL 34786*





## TOWN OF WINDERMERE

### Proposed Pavilion Virtual Public Workshop

January 23, 2023

#### PRESENT:

Mayor Jim O'Brien, Council Members Andy Williams, Bill Martini, Mandy David, Tony Davit, and Molly Rose. Town Manager Robert Smith, Town Attorney Heather Ramos, Town Clerk Dorothy Burkhalter, Public Works Director Tonya Elliott-Moore, and John Fitzgibbon were also present.

#### **1. WORKSHOP IS CALLED TO ORDER**

Manager Smith opened the public workshop at 6:00pm. He then reviewed the process that will take place.

#### **2. FAQs**

##### **a. Latest Rendering of the Healthy West Orange Pavilion**

Manager Smith gave a presentation regarding past discussions/meetings, project timelines, and renderings of the proposed pavilion. He then reviewed all comments in the chat box (attached). Concerns and opposition from residents were made. They were regarding: elevations, materials, upkeep/landscaping, trees, ownership, saving of greenspace, scaling back the size, residents' view staked out site, noise, traffic, rental concerns, need for public restrooms, no concession stand, sound buffering, push pavilion back, resident only rentals, and no pavilion at all. Manager Smith then went to those with raised hands. Mr. Doug Fay of 506 Butler Street stated he is opposed to the pavilion. Mr. Paul Gerding stated that it seems that the Town "has bit off more than it can chew." He also stated that the funds should go to renovating the back porch of Town Hall. Manager Smith explained that the funds are not the Town's but belong to the Healthy West Orange District. Mr. Tom Stroup thanked everyone for their work with this project. He then stated that the number one complaint is noise and traffic. He then stated that there is an effect on the immediate neighbors. Mr. Stroup commented that the Town is ninety-five percent residential, which is more of a "neighborhood." He commented on open space/green space, current events and adding events, and more consideration is needed for the downtown area residents who have been here for many years. Mr. Stroup stated that the design needs to be much smaller, include bathrooms, no rentals, no concession stand, and storage isn't needed. He then suggested amending the agreement with the Rotary and he is in favor of Mr. Withers' proposed design. Manager Smith turned the floor over to John Fitzgibbon. Mr. Fitzgibbon stated that an acoustician would allow control of the sound. He then commented on meetings he has had regarding sound, trees, and the pavilion. Discussion was made. Mr. Stephen Withers explained that the bathrooms are consistent with what had previously been there. He then reviewed his proposed plan which removed the concession stand. Mr. Withers then commented on sound control with vegetation. He then commented on the 500 Block meeting tomorrow night. Mrs. Angela Withers stated that scaling the project down would be better. Mrs. Theresa Schretzmann Myers commented that the trees are the best and natural sound defense. She then commented on trees and replacements. Mrs. Vicki Hurst commented that the pavilion is too large and needs to be moved back. She then commented on the need for trees and how the existing plan shows shadows that will not be there due to no trees or shade. Mrs. Hurst then questioned when the Council will vote on the 45% plans and how much square feet under roof will this pavilion and what was the square footage of the previous building (community room) with the bathrooms. Manager Smith stated that the vote is to be determined, probably March. Mr. Fitzgibbon stated that the square footage difference is 500 square feet. He then stated that larger oaks could be replanted. Mrs. Karen Fay questioned if rentals could be for residents only. She also questioned what could be done with the plaque from the Community Room for June Raboy Kent. Manager Smith stated the plaque could be displayed. He then stated that each rental will be determined on a "case by case" basis. Ms. Brandi Haines stated that Ms. Sara Lopez would like to not see anything built. She then stated that she and her husband agree on the need for bathrooms. Mrs. Haines commented that the pavilion needs to be scaled down considerably. She then commented on the sound issue. Mrs. Haines stated that she agrees with most regarding not building the pavilion as Town committees don't want it for their functions. Manager Smith commented on comments in the chat box. One comment was in favor of the pavilion which would add value to the homes and families would enjoy the new amenity. Manager Smith stated that these comments will be brought to the Town Council for discussion in the future. He then thanked everyone for their participation and comments. Manager Smith reminded all of the workshop tomorrow evening on the 24<sup>th</sup> regarding the 500 block.

## TOWN OF WINDERMERE

### Proposed Pavilion Virtual Public Workshop

January 23, 2023

#### 3. OPEN FORUM

Included above.

#### 4. ADJOURN:

Manager Smith adjourned the workshop at 7:53pm

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Dorothy Burkhalter, Town Clerk

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Jim O'Brien, Mayor

DRAFT

00:45:57 StephenWithers: 2 What are materials of roof, walls and trusses? This will greatly affect the cost of maintenance the Town will pay. 3 Plans do not show landscaping in renderings. Need to show paths and landscaping. 4 need plans with removed and saved trees marked on site (tape trees)

00:52:17 CT Allen: how many members are part of the Rotary foundation?

00:54:52 Nancy Nix: Does the Town of Windermere have final approval on who can rent the Pavilion?

00:55:19 Tonya Elliott Moore - Town of Windermere: Yes, and Robert will cover that shortly.

01:06:18 Theresa Schretzmann-Myers: My main concern is for the loss of green space and historic tree canopy including Long Leaf Pines, Oaks that have been taped for removal for the footprint of this pavilion which has grown much larger than the original size envisioned. You cannot replace historic tree canopy and the shade, storm water mitigation and carbon sequestration they do by destroying them. We don't need a concession stand or a stage, You can bring in risers and a tent just as we did during the Orlando Philharmonic Music Concert.

01:14:47 Tom's iPhone: I appreciate all the work our town has put into this. As a 20 year member of Rotary we want the best for the community and everyone on this zoom is so caring for our town. Hope we as Rotarians can help. Our club is committed to helping.

01:14:55 JoAnn Gatlin: Is the concession stand only used during events or is it open on a continuous basis?

01:15:49 steve: -If electrical service is provided there is no need for a concession stand. Rotary does not need to provide beer sales for it's limited events from a permanent location. The Windermere Brewery is across the street. Temporary setups can be installed for events where needed/ (tents, etc.).

- The footprint should be smaller and not threaten the tree cover.
- The design should be adjusted to aesthetically fit the character of Town Hall.
- The restroom footprint should be adjusted to reduce the visual scale of the structure face from Main Street\The stage size should defer to the needs of most event. Special events like the philharmonic can include a larger temporary stage and cover.

01:17:56 JoAnn Gatlin: Is there a plan that shows which trees are being removed? (Roger & JoAnn Gatlin)

01:23:45 Nancy Nix: Will bathrooms be open 24/7? Who will be in charge of cleaning and monitoring them? \$\$?

01:25:14 Tonya Elliott Moore - Town of Windermere: Hi Nancy, we already had restrooms in that park that are on them Town's current janitorial contract.

01:25:44 Tom's iPhone: Remember Rotary club of Windermere supports Rotary 501c maybe not 100% but that true of any 501c I know

01:26:16 Andy Williams: I know that the current proposed building layout is "staked out" in town square. To give residents more perspective on actual size. Could we do an" open house " later this week for residents to stop by and look to see the placement. How many and which trees we are losing and why. Maybe have staff person available on site to take questions and comments?

01:26:23 regianecidral: This is a beautiful project that will bring more organization to our town, no more rented portable restrooms, no more rented tents for the orchestra, food truck night will have a better lighting and won't need to

rent it anymore, no more renting screen for the movie nights and the list goes on. It is organizing what is already offered today... but with a plus!

01:26:48 Tonya Elliott Moore - Town of Windermere: Ms. Gatlin, yes there is a tree plan. Mr. Fitzgibbon has been working with the Tree Board Chair and brought in a certified arborist to complete a full arborist report.

01:27:02 iPhone Zach: I understand the intent is to not increase the amount of events but as you said, if you build it they will come. Will this be rentable for non town of Windermere residents?

01:28:56 Liz Beavers: I think a pavilion could be a great asset to the Town but I do have concerns about size and placement. I understand about septic drain fields and not building on top of them but wondering if all of that could be re-designed so the pavilion could be moved back and the angle shifted so it fits the space better and leaves more green space up front rather than wasted space in the back.

01:29:06 Pam S: In this age of food trucks, box lunches packed by local restaurants, food delivery apps, and sandwiches picked up at grocery stores, there is no need for including a concession stand in a public building. The idea is a relic from the past.

To have a concession stand in the proposed pavilion would incur unnecessary additional expenses to our town including selection and supervision of potential concessionaires plus maintenance and cleaning of the food and storage areas. It would be unused almost all of the time and would compete with local businesses the few hours it was staffed.

I recommend the square footage planned for a concession stand be eliminated. This would allow a smaller overall footprint of the pavilion, thus saving more of the park for green space.

01:31:07 Byron: There are 6 board members on Rotary Foundation

01:31:28 Karen Hairston: There are 7 members on Rotary Inc board.

01:32:03 Jim Willard: 1. Will the Town put a limit on the # of annual events?

01:33:06 Theresa Schretzmann-Myers: Why isn't the architecture more compatible and in keeping with the Florida Frame Vernacular of our historic buildings? This design does not complement our historic Town Hall architecture, aesthetics, or traditions.

01:33:21 Tom's iPhone: Yes

01:33:35 Andy Cingolani: Why is the back of the pavilion open to Forest St.? This does not blend in with existing Town Hall and Cal Palmer buildings.

01:34:38 Heathers iphone: I think a pavilion could be a great addition to Town and once location/size/placement/design additions are addressed, it could be a lovely addition. Moved back and angle shifted would provide more green space in front for enjoying the performances at the pavilion and at town hall.

01:36:37 Susan Carter: The trees that are being removed are tagged. The last time I walked the site, 5 trees were being removed. I am hoping to that we can make every effort to save as many as possible, especially the pines. The footprint of the building is staked, but it is a bit unclear. The current design of the building crosses the sidewalk and will result in the removal of an oak that has been tagged with tape.

01:38:20 Tom & Sharon Craven: Sound is a concern for us directly behind the pavilion. Can there be a taller wall behind the stage. Also, I liked the idea of plantings that also reduce the sound, My concern is the sub-woofers that their sound carry much further.

01:38:25 Andy Cingolani: If someone applies for an event there, what would the criteria be upon which that event is approved or denied?

01:39:30 Annamaye Clonts: The town administration/council will be different in the future from what it is now. Therefore any restrictions decided upon now are subject to change over time. True?

01:39:32 Jim Willard: Will there be a maximum decibel level so that amplification doesn't get out of control?

01:40:20 Bonny: I walked the staked out pavilion layout last wk. From my measurement it seems as though the pavilion structure is 10+ feet wider than Town Hall. The structure should not be wider than town hall. It should be a smaller structure that enhances the NW corner of town square grounds and not the feature. I do think this structure could be utilized on a much smaller scale, angled better and lots of landscaping behind it to keep sound issues from residents that live close by. For movie night the stage is currently facing the basketball courts that people do not sit on. With the enclosed sides it's going to limit the areas that can be used to see the screen. The angle of the orchestra event was great and allowed all of the town square grounds to be utilized for seating. Thank you for having this workshop and listening to the residents.

01:44:19 Karen Hairston: From the Bylaws of the Rotary Club, Inc.

01:44:58 Nancy Nix: I agree with Bonny. The pavilion should not dominate over the Town Hall.

01:45:33 Karen Hairston: 5.1 The Board shall consist of seven (7) Directors

01:46:13 CT Allen: I can only speak for Wine & Dine and Music Among the Lakes. By no means would I want these events be the decision factor for should we have a pavilion or not. But to clarify, neither of these events currently could utilize the pavilion. the pavilion would actually minimize WWD, and and Music among the lakes would not fit in the pavilion and would remove the space that we could actually hold the event.

01:48:34 iPhone: Thank you to everyone who has been working so hard on this project! I think it's important for everyone to remember that this is a generous donation to our town. This will add value to our homes and our families and neighbors will enjoy this new amenity to our town. I think the drawings shown this evening look great and are appropriately sized and designed to fit the evolving aesthetics of our town. This project is better than what we have especially as it relates to controlling sound at existing events. Not to mention, this project will reduce the cost of our existing events as we can eliminate stage rentals and portolets. -Milani and Jeff Walters (605 Oakdale Street)

01:49:54 Theresa Schretzmann-Myers: The additional noise, crowds, lighting and traffic this Pavilion brings to Windermere Residents on Forest, 4th, 5th, 6th and 7th Avenue is huge. Additionally, the Town Square green space is already dealing with overuse by crowds of people who do not live in Windermere who attend the Food Truck Fridays and the impacts to the trees, landscaping and monuments in Town Square are ongoing as these folks do not monitor their kids who climb all over the trees breaking their branches and on the monuments. They folks do not respect the Town Square because they don't live here. How does this benefit the Town of Windermere? How do you plan to beef up Police presence to stop this

from happening and budget for there presence there?

01:51:49 Brandi: Asking for someone trying to get on - is there a phone number to dial in? There is nothing listed on the website.

01:53:26 Ron Mathis: Thank you for your care and answering the questions, great project and thankful to see the participation. Ron Mathis

01:54:26 Bonny: Who will insure the pavilion?

01:54:44 Nancy Nix: Thank you Robert! Very helpful tonight!

01:55:23 Tom's iPhone: Great job Robert !

01:59:09 Jennifer Roper: I appreciate The Rotary and it's history in our town. this is just not the right thing for our small town square. Jennifer Roper, 425 Magnolia

02:03:09 Tom's iPhone: A pavilion is to control the sound . We have the sound now. Ask a musician ?

02:03:41 Tom's iPhone: Great comments Tom !!

02:05:49 regianecidral: All events already exist, they happen every week, every month, but they do not have a proper place to be held, the pavilion will bring a proper place for what we already have.

02:06:57 Liz Beavers: Loved all your comments, Tom!!

02:07:27 Tom's iPhone: Tom

Your comments changed . I can't agree with your ending

02:07:29 CT Allen: sadly the exisitng events, would not be availble

02:07:52 Annamaye Clonts: I strongly agree with all of Tom's comments.

02:08:22 iPhone Zach: The shape is fine but the size could be cut in half.

02:09:22 Tom's iPhone: Thank you

It is so great to have professionals in town.

All love to Windermere !!

02:11:49 Bonny: Can the septic area/unbuildable area also be staked out?

02:12:50 CT Allen: sorry, it sent before i finished. the existing events would not fit in the proposed pavilion and would not be using it.

02:13:00 nancy: Agree 100% with Tom Stroup

02:14:09 Cathy Tegeler: We also agree with Tom Sttoup! We do not need this and it is only going to bring chaos. The Tegelers. We support bathroom construction

02:17:36 Amanda: Thank you Tom for representing Forest St. Anyone praising this structure doesn't have it in their front yard. I hope the Town will consider Stephen's design.

02:18:29 Jennifer Roper: What are the dimension of the drawing up now?

02:19:14 Molly Rose: Scale is on bottom right.

02:19:28 nancy: We agree with Mr. Withers as well, that smaller is better. This is John and Nancy Spears 406 Forest Street.

02:20:33 Thellie Roper: I agree 100 percent with Tom Stroup why are we even thinking about this I have not talk to any neighbors that want this. We do not need or want this. Keep in mind with all Tom said he is correct and he cares about what this Town needs and wants. this does not blend with the history of our town and why we all moved here it wii just bring more noise and traffic. I understand we need bathroom just like the ones we demolished they could have been renovated. Why would the council approve this without getting approval of the towns people? now I hear we will have to repay rotary what they have spend on designs etc Does this mean the developer of Main and oakdale gets reimbursed for what he has spent if it is not approved? Thellie Roper 610 west Second

02:21:42 nancy: Absolutely right, Teresa. We are nothing in Windermere

without the trees. They cannot speak for themselves.

02:22:56 Cathy Tegeler: Well said Teresa!

02:26:35 StephenWithers: This is Angela. I think a good landscape architect could be very helpful.

02:30:33 iPhone Zach: Correct me if I am wrong but I thought town hall rental was for residents only...

02:32:24 Theresa Schretzmann-Myers: Keeping the historic trees and green space on Town Square is crucial. Tree leaves, branches and trunks all contribute to deflection of sound waves by creating a physical barrier. Large rigid tree trunks are by far the best sound deflectors, especially those with dense bark, like Oak, Long Leaf Pine for example. In addition to bouncing back toward the noise source, deflected sound waves can change direction and interfere with each other. This destructive interference has a noise-canceling effect. Keeping the trees dissipates sound waves and dampens the noise in the Town Square. Most important our trees protect Butler Chain of Lakes from storm water run-off generated by proposed Pavilion Roofs, Town Hall Roof, Porch, monuments, sidewalks, basketball courts, etc... We cannot replace these large trees with little 1-2 inch DBH trees without serious impacts from storm water. Recent hurricanes have taught us, our Urban Forest protects us from flooding. Recent hurricanes have reminded us of this.

02:33:35 Bonny: Can the septic area/unbuildable area also be staked out?

02:35:14 steve: Thanks to our Robert for his level presentation and considerate demeanor. With this guidance and oversight in place... I am less concerned across the board.

02:36:54 billmartini: Thanks everyone for your input and participation! Please join us again tomorrow evening at 6:00 for the 500 Bock redevelopment call.

02:36:54 Tom Stroup: Thank you everyone

02:37:05 Susan Raizor: Thank you all. Good meeting. I agree with smaller and no concessions.

**CALL TO ORDER:**

Present were Mayor Jim O'Brien, Council Members Andy Williams, Bill Martini, Mandy David, Tony Davit, and Molly Rose. Also present was Town Manager Robert Smith, Town Clerk Dorothy Burkhalter, and Mr. John Fitzgibbon.

**1. WORKSHOP CALLED TO ORDER**

Mayor O'Brien called the workshop to order at 6:00pm. He then led everyone with the Pledge of Allegiance.

**2. NEW BUSINESS****f. Other items for consideration****i. Windermere Downtown Properties Final Engineering Plan**

Mayor O'Brien reviewed the decorum for this workshop. He then turned the floor over to Mr. Brad Cornelius, Town Planner with Wade Trim. Mr. Cornelius gave a PowerPoint presentation and noted specific points. He stated that this was the third workshop required of the PUD process. Mr. Cornelius stated that the plans are to be consistent with the Town Zoning Codes, Comprehensive Plan, and the Town Center Design Guidelines. Mr. Cornelius commented on the constraints of the buffer requirements and the "right in/right out" on 6<sup>th</sup> Avenue that needed to be met. His presentation continued regarding parking space requirements, mitigation agreements for transportation and utilities, tree protection/mitigation, landscaping, stormwater management, managing construction to minimize impacts on residents, and consistency with land uses. Mr. Cornelius reviewed the proposed landscape plan, buffer, open space, parking spaces 4 or 3 1/2, parking mitigation fee/procedure, truck routing/access, right-in/right-out, truck access, roundabout and trees, buffer walls and requirements, mitigation fees, and pedestrian signal at 6<sup>th</sup> Avenue, possible mitigation for 5<sup>th</sup> Avenue, tree mitigation, and comments/concerns received from the residents. Mayor O'Brien commented on the parking challenge. He then questioned if the packet that has been received is the complete packet for the project. Mr. Cornelius commented that for the stage that the project is at, yes. He then stated that the full plan set would have been better for review prior to the first Public workshop. Mayor O'Brien commented on the need for having as much information as possible upfront. He then stated that he would like more information on the egress and flow for trucks. Member Davit questioned when the detailed plans would be available for review. He stated that there are many architectural deficiencies, sign, and civil detail to name a few. Mr. Cornelius stated that building style is in the packet, and signage and civil detail has not been submitted. He further stated that they would need to be submitted to staff prior to the plans going forward to the DRB and Town Council. Member Martini stated he concurs with the comments made by Mayor O'Brien and Member Davit. Member Martini commented on the 3'6" wall, stating that a 6' is needed for the residents along Oakdale Street. Member Martini questioned if a maximum truck and trailer combination will be established as well as making sure trucks do not circle around and go east on 6<sup>th</sup> Avenue. He then questioned the building locations to the street. Mr. Cornelius stated that they are correct. Member Martini then commented on trees and their protection. Mayor O'Brien questioned Member Martini if the Tree Board was pleased with the tree canopy, placements, preservation, etc. Member Martini stated that there is concern regarding tree safety during construction. Mr. Cornelius stated that a formal recommendation from the Tree Board will be supplied to the Town Council at the first Public Hearing. Member Rose questioned if the building setbacks meet the design code. Mr. Cornelius stated yes. Member Rose then questioned if an updated traffic study would be supplied. Mr. Cornelius stated no. He explained that the previous study, which implied the right lane turnoff, is the study that is being utilized. Member Rose then verified that sewer and septic plans are still to follow. Mr. Cornelius stated yes. Member Rose also verified that they would have County water. Mr. Cornelius stated yes. Mayor O'Brien questioned how close the road/traffic would be to the corner of Building #1. Mr. Cornelius stated that a guess would be 8-10 feet. Mayor O'Brien expressed his concern with the closeness to the road and traffic. Member Martini stated that there is a sidewalk at the corner as well. Mayor O'Brien turned the floor over to the applicant for their presentation. Mr. Cornelius advised Mayor O'Brien that there is approximately 17' from the building to the edge of the pavement. Mr. Brett Dargis and Mr. Keith Silverman, development partners for the Windermere Downtown Properties,

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introduced themselves. They then reviewed the three-dimensional renderings of the proposed project. Some proposed changes/updates reviewed were; reduced size of the corner tower, changed storefront glazing, removed sign bands (tenants will need to permit), cleaning up facades, mitigating tree damage, comparison plans of past workshops compared to this workshop, underground propane, parking spaces at 3.52, moved wall further from trees, clipped out some building foundations to protect trees, suspended foundation of tree root balls, tree impact mitigation plan, landscape plan, and landscaping to protect trees. Mr. Dargis turned the floor over to Mr. Marcus Geiger. Mr. Geiger reviewed the proposed truck sizes, routes, navigation especially around trees, site access, and lines of sight. Mr. Fitzgibbon commented on concerns with the swept analysis and the parking spaces along the south side of 5<sup>th</sup> Avenue, needing more study/review, widening of the curb, and maintenance concerns. Mr. Geiger stated that adjustments could be made to assist with the concerns. Mr. Dargis began review of the architectural renderings. He then turned the floor over to Mr. Matt Cormia. Mr. Cormia commented on floating foundation system and tree protection. Mr. Fitzgibbon commented on the same protection for the trees at the new facility. Mr. Dargis commented that the wall renderings were for design and not necessarily how they would look. He then stated that whatever size wall (3' or 6') that the Town wants, they will work with. Discussion followed regarding the proposed wall and landscaping. Mr. Fitzgibbon commented on light bleed into residential areas and keeping a 6' wall. Member Martini commented on the zig zag design. Mr. Cormia then reviewed tree protection during construction. Discussion followed regarding pavers, tree feeders, and post construction tree care. This completed their presentation. Mr. Dargis stated that this is the third workshop that is required. He stated that engineering has not been completed as this is the comment portion of the process. Mr. Dargis stated that the next step is approval of the final development plans, in which the engineering plans will be processed. Mayor O'Brien stated that based on public comments, the Town Council will state their preference of another workshop or not. He then emphasized the need to have all information prior to meeting for the review of the public and the Town Council. Mayor O'Brien opened the floor for discussion. Member David commented on trees and questioned how many are going to be removed. She then stated that all information for workshops/meetings needed to be provided prior to the meetings. Mr. Cornelius stated that information shown this evening had not been provided prior to the meeting. Mayor O'Brien stated that this has been requested several times from the applicant and hasn't been done as of yet. He stated that having the correct information prior is very critical. Member Davit stated that he agrees with the Mayor's comments. Having the information prior to review is very pertinent. He then questioned if the truck weights have been considered. Mr. Geiger stated that that information would be supplied to staff. Member Davit commented on the ten-ton weight limit. Member Rose wanted confirmation of the right-hand turn lane prior to 6<sup>th</sup> Avenue. Mr. Cornelius stated that a small right-hand lane will be put in place. Member Rose commented on parking requirements for restaurants. Mr. Cornelius explained that the Code has its own parking standards. Member Rose stated she is not in favor of accepting any parking space requirements of less than 4. Member Martini stated he agrees with the comments being made regarding seeing documentation for the first time at a meeting instead of receiving it prior. He then stated that he believes that three workshops required are at a minimum. Mr. Cornelius explained that three are required but not at a minimum. Mayor O'Brien commented that the Council can request additional workshops if needed. He further commented that this process does need to be "rushed through." Member Martini commented on efforts to save trees and the bridge foundation. Member Williams commented on truck access: specifically fire trucks, and delivery/large truck access from the north heading into Town. Mr. Geiger stated that trucks would proceed down Main Street and enter through 6<sup>th</sup> Avenue. Member Williams commented on his concerns with that process not being followed. He further commented that trucks will turn onto 5<sup>th</sup> Avenue, proceed onto 6<sup>th</sup> Avenue, and turn right onto Main Street to head north to Maguire/Hwy 50. Member Williams questioned if two cars could pass each other on 5<sup>th</sup> Avenue. Mr. Geiger stated yes. He then questioned the wide width of the parking spaces. Mr. Geiger stated the parking spots are nine feet wide. Mr. Fitzgibbon commented on fire trucks and how they will cut across lanes to get access to get in. He stated that this will need to be worked through by the Developer and the Fire Station. Mayor O'Brien commented that delivery trucks will do the same; access however they can. Mr. Fitzgibbon commented that the Ordinance states allowable local deliveries over the ten-ton weight limit. Mr. Cornelius stated that the Fire Department will need to sign off approval prior to the final. He then clarified the request for plans prior to tonight's meeting. Mayor O'Brien turned the floor over to Council Elect Tom Stroup. Mr. Stroup questioned the number of past workshops. Mr. Cornelius stated three. Mr. Stroup then questioned how many shops would be allowed in the new development. Mr. Cornelius explained that that it is undetermined at this point, as it's determined by the total square footage of the building and the Florida Building Code. Mr. Stroup questioned if the roundabout will be moved to accommodate this project. Mr. Cornelius stated no. He explained that the Town has had the proposed roundabout project prior to the proposed development. Mr. Stroup requested that Mr. Cornelius forward the date of the first workshop on this item to him. Mr. Cornelius stated he would forward the information to Mr. Stroup. Mr. Dargis stated that Building #1 is being marketed at

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seven spaces available and that Building #2 will be ACE Hardware. Mayor O'Brien commented that the mix of businesses is just important as the number of businesses. He then turned the floor over to Tree Board Chair Susan Carter. Ms. Carter thanked everyone for their assistance on this project. She then introduced Ms. Jen Hitchcock, a representative for the Tree Board. Ms. Carter commented on protection of trees, height of buildings, pruning in stages, growth regulator be applied, landscaping or wall design not approved by Tree Board, and rendering misleading with the oak that is shown. Mrs. Vicki Hearst stated that there is a laurel oak that is not marked on the rendering and included in the mitigation plan. She then commented on the landscape plan, tree fencing, appreciates concerns with tree, protection of trees, guttering/drain system, opposes underground propane, and questioned how a trash truck will access the dumpster if only right in is allowed and the dumpster faces north. Eric Hoyer commented on pruning, implementing plant growth regulators, that pruning in phases not necessary, and the protection of additional trees. Mrs. Hearst questioned the runoff/gutters. Mr. Dargis stated that there will be a gutter system. He then stated that in regard to the trash pick-up, coming in from 5<sup>th</sup> Avenue is not prohibited. Mr. Withers commented that the plans need north arrows and graphic scales, as stated in guidelines, a different facade every twenty feet, repetitive facades, that he would like to see tower at 6<sup>th</sup> Avenue and Main Street disappear, and tree protection concerns in Pocket Park. Mrs. Withers commented on trees and landscaping, and the buildings. Ms. Nancy Nix questioned if she could get a rendering to include the current block and proposed block of 5<sup>th</sup> Avenue to 6<sup>th</sup> Avenue. Mayor O'Brien stated that the overlay can be requested. He then questioned the V3 team if this could be done. Mr. Dargis explained that their buildings will be shorter than the two-story building that will remain. Ms. Nix commented that the renderings would assist resident visualization. She then commented on a concern with ACE Hardware placing items on display out front. Mr. Dargis explained that this ACE will be a boutique and not one selling grills, etc. out front. Mr. Cornelius stated that, per the PUD, outdoor displays are not allowed unless consistent with the Town code. Mr. Fitzgibbon commented on the importance for the Developer show a photo overlay. Mrs. Brandi Haines questioned if the wall system would now be a prefab wall and will there be a transparent "bird's eye view" of a tree overlay. Mr. Dargis stated that this was in the packet for Workshop #2. He then stated that the wall was changed to minimize root ball damage to the trees. Mrs. Haines commented on the number of trees that will be removed, which are more than what's being shown. She further commented on trees and tree protection. Mrs. Haines stated that the Town's rules need to be met. She then stated that the four-space parking requirement needs to be met and if it can't be met, then the buildings need to be scaled down. Mrs. Haines then questioned the intent of the Wayne Tree System. Mr. Hoyer stated that the Wayne's Tree Feeder system specs will be used. Mrs. Haines then commented on the prefab wall installation and the use of a Boom truck. Mr. Dargis stated that a skid steer will be used. Mr. Daniel Floyd introduced himself. He then commented on the lack of information that has been given. Mr. Floyd explained that until this meeting, he had not seen any renderings/drawings of what the buildings would look like, be made of, and what the wall will look like. Mr. Dargis stated that the wall will be prefab concrete with stucco. Mr. Floyd commented on the need for having drawings that are to scale and accurate. He then stated that, as a homeowner directly behind the parking area, no mention of lights, parking lights, etc. had been mentioned. Mr. Floyd questioned how the trees will block light pollution and where the propane tank would be buried. Mayor O'Brien commented that he understood Mr. Floyd's concerns. He then commented on the need for accurate renderings. Mayor O'Brien stated that once the workshop process is completed, the next steps will be very detailed. Mr. Cornelius stated yes. Mr. Cornelius stated that there are very specific requirements for lighting. Mrs. Theresa Schretzmann-Myers commented on the current tree survey, tree canopy on the overlays missing, tree concerns, protections of trees, the need for a 3-D rendering of actual trees, no two-story building at 6<sup>th</sup> Avenue and Main Street, better landscaping plan, benefit of the permeable pavers, grease trap location for the restaurant, and concerns with asphalt. Mr. Hoyer stated that tree barricades will be used, root pruning machine will be used, air spade used to locate roots, seven forty-inch heritage trees will remain out of eight, removal of two twenty-nine-inch oaks at the corner of the building. Mrs. Schretzmann-Myers questioned what mitigation will be put into place. Mr. Hoyer stated that the landscape architect would need to provide that answer. Ms. Pamela Schrimsher also commented on the renderings compared to actual. She requested if an accurate rendering/plan can be supplied. Mayor O'Brien stated that renderings have been requested by all. He then commented on comments in the chat box (attached). Mr. Fitzgibbon stated that the developer has done a great job following the Design Guidelines. He thanked V-3, Jim Karr, Developers, and all involved as they are doing everything possible to meet the Town's needs and requirements. Mayor O'Brien questioned the Town Council's direction. Member Davit questioned if the next step would be 100% design review. Mr. Cornelius stated yes. Member Davit proposed an intermediate step prior to the final (workshop). Member Rose stated she will not approve anything unless than four parking spaces per thousand square feet. She also stated that if everyone feels the same way, the developer will need to go back and resubmit. Member David stated she is comfortable moving forward but she is also concerned with parking, traffic and need of transparency of the slides. Member Martini stated he is not comfortable

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with moving to 100% plans. He further stated that a clear review is needed as well as another workshop. Member Williams stated he has concerns with lack of detail and will need to abstain from voting in the future. Mayor O'Brien questioned if another workshop is an option. Manager Smith stated that the goal of the Developer is to have an approval. He then stated that staff will work with the Developer and Mr. Cornelius to verify the next step. Mr. Cornelius stated it would be beneficial for another workshop with more detailed plans, but the applicant can move forward knowing the risk. Mayor O'Brien requested that the developer come back with "real" renderings. Member Davit stated that Mr. Cornelius commented that the developer should be at sixty-ninety percent, then they need to show the Council those plans. Mr. Dargis commented that they are currently working under the Preliminary Development Plan. He stated that the next step after the three workshops will be moving towards the final development plans, which will go before the Development Review Board and the Town Council as required. Mr. Dargis stated he would like to move to the Final Development stage. He stated they will incorporate the 3-D renderings, and the 60% plans for the DRB meeting. Mayor O'Brien stated that the Town Council is not ready to move forward without the additional workshop. He stated that the Developer could take the risk and move forward. Member Martini stated that as the Development Review Board Liaison, he feels very certain that this would not get approval from the DRB as it currently is. No further discussion was made.

#### 3. MAYOR AND COUNCIL LIAISON REPORTS

None

#### 4. STAFF REPORTS

None

#### 5. ADJOURN

Mayor O'Brien adjourned the workshop at 9:32pm

Dorothy Burkhalter, MMC, FCRM  
Town Clerk

\_\_\_\_\_  
Jim O'Brien, Mayor

00:37:12 Brandi: Is there a phone number for tonight? I know there wasn't last night

00:37:42 Robert Smith: it should be on website

00:39:28 Brandi: Only number is this 407-876-2563 is it that?

00:40:11 Theresa Schretzmann-Myers: Go to Town of Windermere Website. Click on Town Council Workshop in Calendar. It should directly you to the Zoom Link.

00:40:25 Theresa Schretzmann-Myers: It should direct you to the Zoom Link.

00:40:58 Theresa Schretzmann-Myers: Click on Zoom Link and you will be let in by the Zoom Administrator

00:42:37 Theresa Schretzmann-Myers: Invite Link is copied here: <https://us06web.zoom.us/j/88231888042?pwd=SG9JYjhKbVVFVVGJvY2xKTmFKSt4QT09>

00:53:11 Theresa Schretzmann-Myers: Where is the CURRENT Tree Survey and Tree Protection Overlay? There are many historic Oaks on that property that are 40" Inches DBH and above which means they are heritage trees. One 40" Inch DBH Live Oak can handle 48,000+ gallons of storm water per year and keep it out of the Butler Chain of Lakes. Live Oaks often reach 250-500 years old. I've walked that property and measured the Live Oaks DBH and am very concerned that you will be impacting their critical root zone.

00:56:32 Theresa Schretzmann-Myers: Instead of using a cement privacy wall with footers, how about using a green buffer of Native Trees and Shrubs along the 6th Avenue Perimeter and along the East Perimeter road?

00:57:18 VIDEOGRAPHER Jennifer Roper: Theresa, My memory is that is a 20 ft vegetation buffur. I don't remember a concrete wall.

00:58:09 VIDEOGRAPHER Jennifer Roper: 10 ft wide parking spaces so it is a pleasure to park when you shop there.

00:58:28 Robert Smith: Chat eliminated until public comment

00:59:07 Robert Smith: All comments directed to Staff, TC and Applicant

01:04:17 Robert Smith: Public Comment will be opened once TC indicates

02:37:03 Robert Smith: Chat is open

02:41:07 Karen Fay: Well done, I feel that I know more after these workshop. I know that I was told before, but it was so long ago I have forgotten. Can you tell me why there is a wall along Oakdale instead of a barrier like that is along Forest and Fifth? And... It is hard to see and I know that in some of the discussion the set back on 6th was discussed but you tell me the actual set back of the building from 6th street

02:41:08 StephenWithers: This is Angela. Re building design: I feel strongly that the towers at the corner and north end of the structures are not desirable for our town. These are used in generic shopping centers for visibility on a 4 lane highway. It would be much more appropriate, and less expensive for the developer to reduce the height of the buildings and use a traditional hip roof.

02:41:55 Debra Neill: Angela: I agree

02:42:10 Chris Rucki: Can you briefly recap the traffic study outcome and its impact to the area.

Is there planned upgrades to the intersections of main & chase and main and Windermere rd to roundabouts to keep traffic moving through town. How would improvements to just 6th and main round about improve those other intersections if they are not improved?

02:44:19 Robert Smith: If you don't open and improve the choke point relieving the other two sections first would create more issues at 6th

02:45:10 StephenWithers: Also very important to pull the structure back from the corner at the roundabout - perhaps by angling the corner - to maintain the attractive open feel of this main approach to the town. The square footage saved could reduce the need for a parking space.

02:46:44 Chris Rucki: Replying to "If you don't open an..."  
 Sorry if not clear, that is my point. Are we turning main and Windermere rd and main and chase into roundabouts to provide relief to these choke points?

02:47:08 Robert Smith: Replying to "If you don't open an..."

possible or other improvements

02:48:54 Susan Raizor: Sounds like we need another workshop.

02:49:31 steve: Agree on the "tower" designs. If it is designed for Windermere, ... stock lego designs can be improved on. Let us make sure the integrity of the town aesthetics are supported and preserved.

02:51:15 Debra Neill: I would hope we will have another workshop. There are too many unresolved questions at this point.

02:52:35 Robert Smith: First Workshop: 3/3/2022

02:52:47 Robert Smith: Second Workshop: 9/7/2022

02:55:20 Theresa Schretzmann-Myers: I am most concerned with protecting what heritage trees we have on site. Will Tree Protection Zones be set up for all the saved trees that at minimum will be at the tree drip line? Grade changes can be devastating to trees, even if the change is not severe because grade changes tend to cut or damage roots, compact soil and alter patterns of water movement. The most important consideration is the amount of root system that will remain after grading. Will roots be cut cleanly using radial trenching and sharp pruning tools instead of ripping them out with excavating equipment? An air excavation radial trenching device can be used to remove soil around roots before cutting roots with a saw or loppers. To reduce tree stress before cutting roots or pruning branches, especially during heat conditions will trees be irrigated prior to cutting roots or pruning branches? If roots must be severed or root pruned, please consider cutting them while the trees are dormant.

02:56:38 Susan Raizor: It would be nice if the design complemented our historic Town Hall instead of mimicking current strip mall designs.

02:58:08 Robert Smith: In the first part of the PUD process there were 2 Town Council Workshops: 3/31/2021 and 5/26/2021

02:58:34 Robert Smith: Also DRB 2/16/2021

02:59:16 Robert Smith: Town Council Public Hearings: 4/13/2021 6/8/2021

02:59:47 Daniel Floyd: Pocket Park

03:02:27 Robert Smith: Please direct questions to staff, developer and TC.

03:02:46 Robert Smith: Town Arborist is on the call as well

03:03:08 Robert Smith: All comments will be included on the record and minutes

03:04:36 Robert Smith: Please one speaker at a time

03:05:20 Tom Stroup: thank you Robert for workshop dates

03:05:32 Vicki: was option B shown? it is still 26' tall.

03:07:03 Debra Neill: The tower is unattractive in my opinion and detracts from the Windermere "look."

03:08:47 StephenWithers: The former United Medical building across 6th is taller but is set much further back from the street and roundabout than the new structure.

03:10:45 Karen Fay: Can you tell me why the wall on Sixth is not like the 'berm' on 5th and can you tell me how much the set back is on 6th?

03:11:12 Theresa Schretzmann-Myers: Will you be creating an actual Tree Protection Plan and Landscape Plan that utilizes the actual existing tree canopy against the proposed building site plan with elevations so we can see the impact to the trees? The conceptual site plan does not show this. Its a computer graphic rendering. I do not want to see a two story building on the corner of 6th and Main where the roundabout is. That will required the elimination of much of the tree canopy on that Heritage Oak tree in order to accommodate the 2nd story Tower there. Can the Landscape Architects and Engineers come up with a better plan to utilize the existing tree for what they do best? Absorb enormous amounts of water? Can you create a better green engineering plan utilizing the tree and their roots systems to do what they do best? Storm water mitigation? Kudos on the water permeable pavers to allow water to the roots of the trees.

03:12:12 Susan Raizor: Thank you all for working so hard to protect the trees!

03:12:13 Daniel Floyd: Its in the September package

03:12:16 Daniel Floyd: I am looking at it

03:12:54 Daniel Floyd:  
<https://town.windermere.fl.us/wp-content/uploads/2022/05/9.7.22-Town-Council-Workshop.pdf>

03:12:57 Daniel Floyd: Page 7

03:26:25 Brittany Grier: Looks way better than the collapsing houses that are currently there

03:27:46 Milani Walters: I agree, those homes and the green fence is an eye sore to all of us. Thank you to everyone working so hard on this project!

03:45:10 Brandi: Replying to "If you don't open an..."

Is making the 6th Ave roundabout 2 lanes still a possibility?

03:45:52 Robert Smith: Replying to "If you don't open an..."

Possible but for N & S like the one at Roberson

03:45:56 Karen Fay: Thank yuo

03:45:56 Theresa Schretzmann-Myers: Why can't you lower the Tower on the corner of 6th Street and Main to protect the existing Oak Canopy? We don't need a two story tower on that corner. This project is already to large that it is wiping out most of the tree canopy to accommodate this buildings. Why can't we make the building heights and footprints smaller to protect more tree canopy?

03:46:31 Jennifer Hitchcock: Representing arborist to tree board (comments only):

Looking for more information on the details of the tree protection plan above and beyond what type of structure or tree protection materials will be used and placement. Pruning. Grading. etc including a treatment plan e.g. growth regulator and after construction monitoring plan as construction can impact several years afterwards.

A tree growth regulator's purpose is to slow new growth or leaf production while increasing finer root production to better assist the tree when expecting root loss (construction) where less water will be available to the tree. Best to apply 1-2 months prior to construction to allow uptake in the tree

Do not recommend fertilizer in general unless its is a special blend just for root growth (potassium) only. Preferred not to push new leaves (Nitrogen) when root loss occurs.

Any pruning reduction cuts made in the canopy of a tree should not remove more than 25% of total growth in a single branch in the same year per ANSI stan

03:46:45 Jennifer Hitchcock: Look forward to addressing more details in future meetings

03:49:48 Brandi: Replying to "If you don't open an..."

Ok, thanks for the reply.

04:05:37 Nancy Nix: Replying to "If you don't open an..."

Didn't dare try that game!

04:06:46 Chris Rucki: Adding .5 per thousand sq ft doesn't add that many more parking spaces + it just encourages more vehicular visits. By finishing the bridge on main we'll get cars off the road in town and open multi-modal/golf cart access which will reduce vehicle traffic and eliminate more parking needs.

04:09:05 Tom Stroup: thank you

# 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 January 17, 2023

## Town Council February 14, 2023

**Case No.:** Z23-01

**Applicant/Representative:** Sheila Cichra and Mary Doty Solik

**Property Owners:** Wallace Palladino and Mari Beaudrault

**Requested Action:** Variance to allow construction of a boat dock that extends across the Town's 15-foot undeveloped, platted right-of-way and to encroach across 713 E 6th Avenue's extended property line by 35 feet, for a total of a negative 50-foot setback.

**Property Address:** 510 Jennifer Lane Windermere, FL 34786

**Legal Description:** WINDERMERE OAKS 10/27 LOT 12

**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 Down

## **CASE SUMMARY:**

The applicant proposes to construct a new boat dock that extends across the Town's 15-foot undeveloped, platted right-of-way and encroaches across 713 E 6th Avenue's extended property line by 35 feet, for a total of 50 feet encroachment.

The applicant provided a site plan, survey, and Florida Department of Environmental Protection Determination of Sovereign Submerged Lands. This information is included with the agenda item.

The subject property 510 Jennifer Lane is located on Lot 12 of the Windermere Oaks subdivision, which was approved by the Town in 1981. The Windermere Oaks Plat is included with this agenda item.

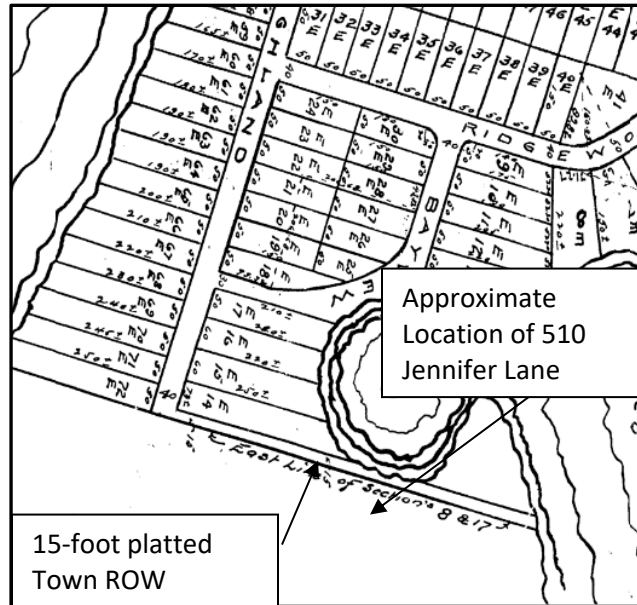
The subject property is along a cove of Lake Down. See image below of the location of 510 Jennifer Lane (2022 Orange County Property Appraiser):



The applicant proposes new boat dock on Lake Down. The Town's Land Development Code (LDC) requires boat docks to be at least 16 feet setback from the side property lines projected into the lake. The proposed boat dock is 16 feet from the subject property's north side property line projected into the lake and 97 feet from the subject property's south side property line projected into the lake.

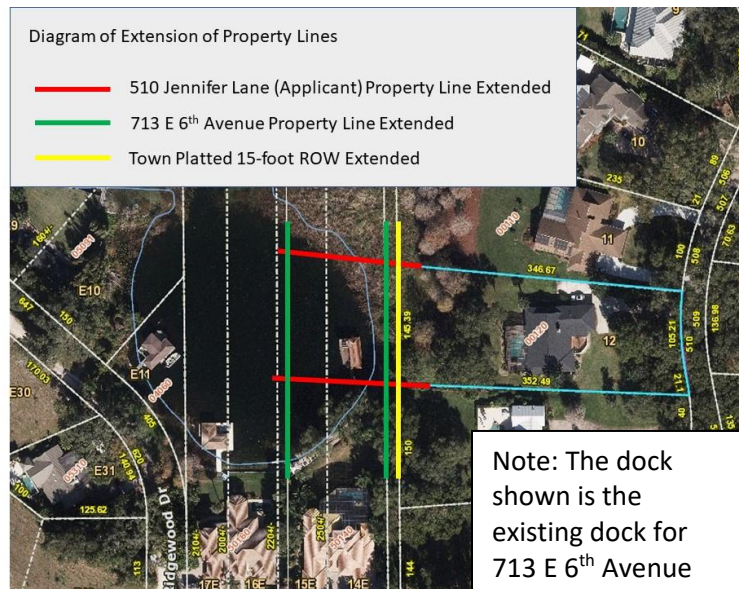
However, due to the location of the subject property on the f Lake Down cove, the projection of the side property lines intersects the projected property lines of the property located at 713 E 6th Avenue. Due to the orientation of the properties on the cove, the proposed dock at 510 Jennifer Lane extends 35 feet across the projected property line of 713 E 6<sup>th</sup> Avenue.

In addition, the Plat of Windermere, G38, Public Records of Orange County, Florida, show a 15-foot platted right-of-way that runs from E 6<sup>th</sup> Avenue and along the western boundary of 510 Jennifer Lane. See image below:



Currently, the portion of the platted 15-foot Town ROW adjacent to 510 Jennifer Lane is underwater and located waterward of the normal high-water elevation.

The image below shows the application of the extension of property lines of 510 Jennifer Lane, 713 E 6<sup>th</sup> Avenue, and Platted Town ROW:



As shown, due to the cove, the extended property lines intersect and result in the need for the variance.

This same variance (termed “waiver” by Orange County) was also required by the Orange County Environmental Protection Division (OCEPD). Orange County uses the same property line extension requirement as the Town for dock setbacks. The Orange County Environmental Protection Commission (EPC) held a hearing on October 26, 2022, and approved the requested waiver for the negative 50-foot setback. On November 4, 2022, Nathan Hill, Jr. and Eudene Harry, owners of 713 E 6<sup>th</sup> Avenue, filed an appeal with the County requesting the Orange County Board of County Commissioners (BOCC) rescind the EPC approval of the waiver. However, Ana Long, attorney representing Nathan Hill, Jr. and Eudene Harry, submitted a letter to OCEP withdrawing the appeal to the BOCC of the EPC approval.

On January 30, 2023, the South Florida Water Management District (SFWMD) issued their permit for the construction of the proposed dock. The SFWMD permit is attached for information.

Please note, the approval of the waiver by Orange County and the issuance of the SFWMD permit does not require the Town to approve the variance. The Town retains its independent authority to approve or deny variances based on the Town’s Land Development Code. Also, as a point of information, for the proposed dock to be constructed requires the approval of three independent permitting agencies: South Florida Water Management District, Orange County, and the Town. If any one of the three permitting agencies denies the request to construct the proposed dock, then the proposed dock cannot be constructed.

Also, the Town’s regulation of dock setbacks is not based on the determination of riparian lines. It is based on the straight projection of the side property lines. This is consistent with OCEPD. However, the State uses riparian lines for permitting purposes, which may differ from the straight projection of property lines.

On January 10, 2023, Mary Doty Solik, attorney for the owner of the subject property, submitted a Florida Department Environmental Protection (FDEP) title determination, file number APP NO 22115-36590, that states *“Based on records within the title and land records section of the BOT holds title to the lands below the OHWL of Lake Down at the subject site.”* This document is included with the information provided by the applicant.

There was a disagreement between the applicant and the owners of 713 E 6<sup>th</sup> Avenue (Nathan Hill, Jr. and Eudene Harry) regarding riparian rights. However, on February 6, 2023, Ann Long, attorney for Mr. Hill and Ms. Harry, submitted an email to the Town advising that Mr. Hill and Ms. Harry no longer opposed the approval of the variance for the proposed dock at 510 Jennifer Lane. The email from Ms. Long is attached.

The 15-foot platted Town ROW, which runs along the western edge of 510 Jennifer Lane,

is a narrow passage with the portion along 510 Jennifer Lane underwater and waterward of the normal high-water elevation. Based on discussions with the Town Manager and Town Attorney, if the variance is approved by the Town Council, then the Town Manager will approve the crossing of the Town's platted ROW through a standard Town right-of-way use permit.

As part of the OCEPD permitting process, the Orange County Sheriff's Office completed a navigation check for the proposed dock to determine if would cause a navigation conflict with surrounding properties. On September 23, 2022, Sargent Richard Broxton, Orange County Sheriff's Office Marine Enforcement Unit, sent an email to OCEP to advise that the proposed dock should not create a navigational hazard or interfere with the existing dock at 713 E 6<sup>th</sup> Avenue. Sgt. Broxton's email is included with the agenda item.

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.

#### **PUBLIC NOTICE:**

Public notices were mailed to property owners within 500 feet of the subject property. As of February 7, 2023, 7 responses were received in support, 3 in objection, and 1 with no comment. The response received from Nathan Hill, Jr. and Eudene Harry, owners of 713 E 6<sup>th</sup> Avenue, with the dispute regarding property rights with the applicant, submitted a response advising they hired a professional land surveyor to document the riparian lines and expect to receive the results by the end of January 2023. On February 6, 2023, the attorney for Mr. Hill and Ms. Harry advised that they do not oppose the variance. A map showing the location of the responses is provided in the agenda item.

#### **DEVELOPMENT REVIEW BOARD RECOMMENDATION:**

On January 17, 2023, the Development Review Board (DRB) reviewed the proposed variance and based on information provided with the agenda item and testimony provided at the DRB hearing, the DRB found that the variance meets the requirements of Section 10.02.02, LDC, for the approval of a variance. The DRB recommends the Town Council approve the variance as presented (Vote 3-1).

**From:** [Broxton, Richard](#)  
**To:** [Rysak, Edward J](#); [Lowers, Bim](#)  
**Subject:** RE: Nav check while Adam Popp is out  
**Date:** Friday, September 23, 2022 9:52:20 AM  
**Attachments:** [image003.png](#)  
[510 JENNIFER LN 1.jpg](#)  
[510 JENNIFER LN 4.jpg](#)  
[510 JENNIFER LN 3.jpg](#)  
[510 JENNIFER LN 2.jpg](#)

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Based on the current marked position, this should not create a navigational hazard or interfere with the neighboring dock.

Let me know if you have any questions.

Rick

Richard Broxton  
Sergeant  
Orange County Sheriff's Office  
Special Operations Division  
Specialized Patrol  
Marine Enforcement Unit  
321-229-4948

---

**From:** Rysak, Edward J <Edward.Rysak@ocfl.net>  
**Sent:** Thursday, September 22, 2022 11:21 AM  
**To:** Broxton, Richard <Richard.Broxton@ocfl.net>; Lowers, Bim <Bim.Lowers@ocfl.net>  
**Subject:** FW: Nav check while Adam Popp is out

Hello Richard and Bim,

Per my teammates email below, I was guided to contact you all for a Navigational Hazard assessment request while Adam Popp is out. He is the one we typically contact for Nav checks.

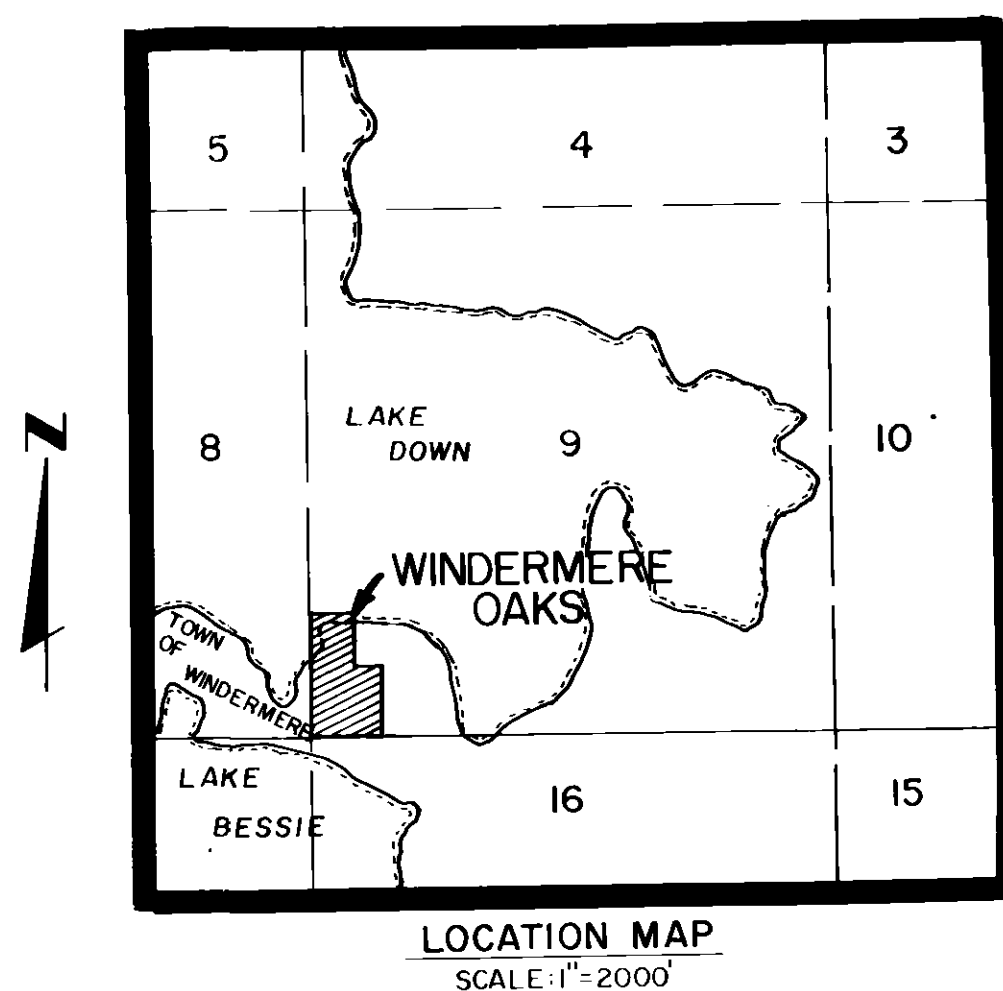
I have this current Nav check request (see attached email to Adam) which contains the location info, etc. for the request in question. It is for a proposed dock whose terminal platform has been field staked with white PVC stakes at the site location described in the attached email. It is located in a 'cove' on the south side of Lake Down.

Please let me know if you all need any additional info to perform the Nav check at your earliest convenience or if I should redirect my request elsewhere.

Thank you so much and please feel free to reach out to me any time.

## 40

SECTION 9, TOWNSHIP 23 SOUTH, RANGE 28 EAST  
WINDERMERE ORANGE COUNTY FLORIDA

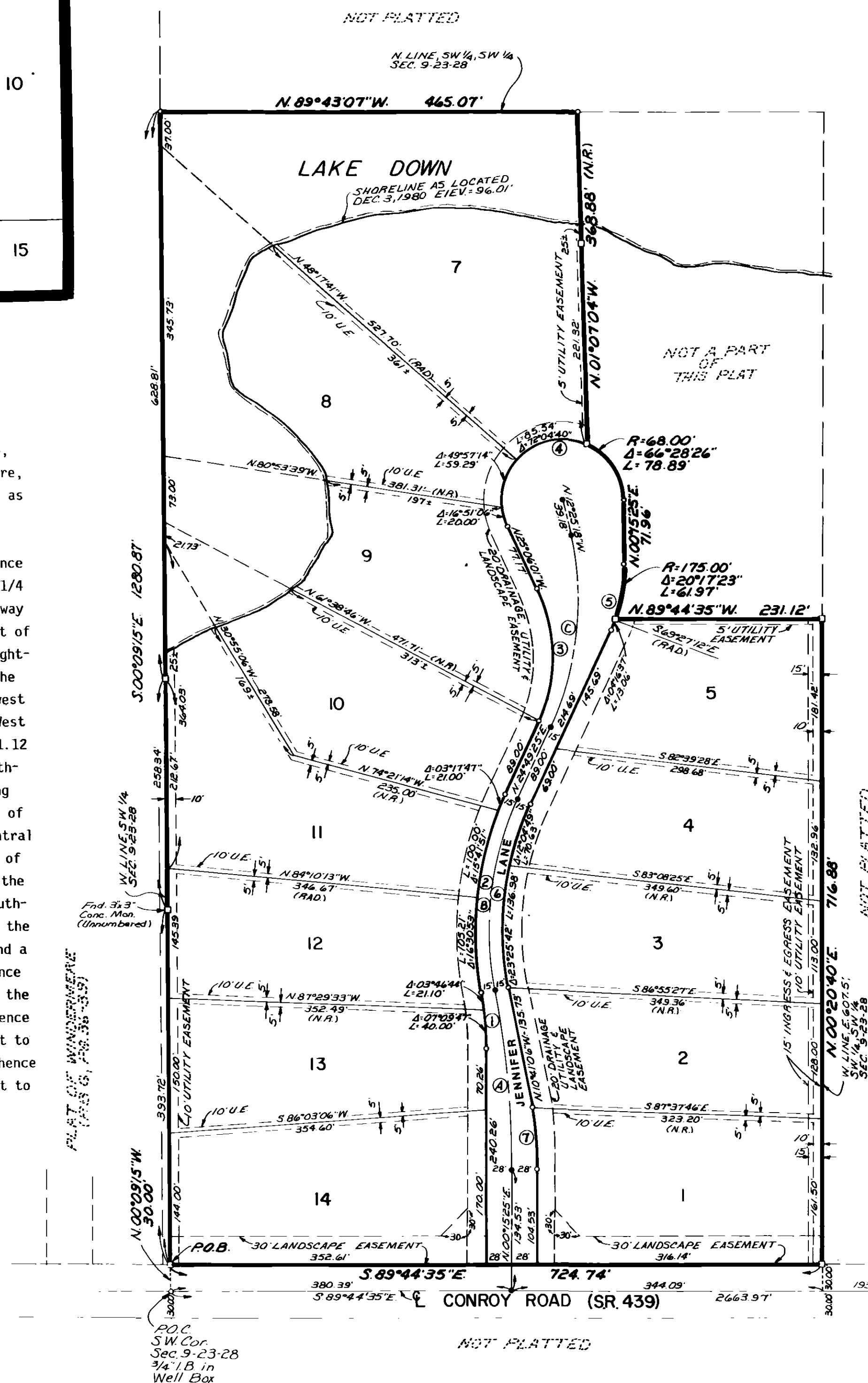


## LEGAL DESCRIPTION

A part of the Southwest 1/4 of the Southwest 1/4, Section 9, Township 23 South, Range 28 East, Windermere, Orange County, Florida; more particularly described as follows;

Commence at the Southwest corner of Section 9; thence N.00°09'15"W. along the West line of the Southwest 1/4 of Section 9 for 30.00 feet to the North right-of-way line of Conroy Road, (State Road 439), and the Point of Beginning; thence S.89°44'35"E. along said North right-of-way line for 724.74 feet to the West line of the East 607.5 feet of the Southwest 1/4 of the Southwest 1/4 of Section 9; thence N.00°20'40"E. along said West line for 716.88 feet; thence N.89°44'35"W. for 231.12 feet to a point on a circular curve concave Northwesterly, a radial line to said point bearing S.69°27'12"E.; thence Northeasterly along the arc of said curve, having a radius of 175.00 feet and a central angle of 20°17'23", for 61.97 feet to the point of tangency; thence N.00°15'25"E. for 71.96 feet to the point of curvature of a circular curve concave Southwesterly; thence Northerly and Northwesterly along the arc of said curve, having a radius of 68.00 feet and a central angle of 66°28'26", for 78.89 feet; thence N.01°07'04"W. for 368.88 feet to the North line of the Southwest 1/4 of the Southwest 1/4, Section 9; thence N.89°43'07"W. along said North line for 465.07 feet to the West line of the Southwest 1/4 of Section 9; thence S.00°09'15"E. along said West line for 1280.87 feet to the Point of Beginning;

Containing 18.21 acres, more or less.



CURVE DATA TABLE - CENTERLINE				
NO.	RADIUS	DELTA	LENGTH	TANGENT
A	1050.00	10° 56' 31"	200.52	100.57
B	350.00	35° 30' 31"	216.91	112.06
C	337.77	37° 14' 43"	219.57	113.82

CURVE DATA TABLE - RIGHT-OF-WAY				
NO.	RADIUS	DELTA	LENGTH	TANGENT
1	319.95	10° 56' 31"	61.10	30.64
2	365.00	35° 30' 31"	226.21	116.87
3	175.00	49° 55' 26"	152.48	81.46
4	68.00	20° 34' 31"	24.72	
5	1.00	4° 34' 31"	5.03	38.10
6	335.00	35° 30' 31"	207.61	107.26
7	362.95	10° 56' 31"	69.31	34.76

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being the owner in fee simple of the lands described in the foregoing caption to this plat, do<sub>es</sub> hereby dedicate said lands and plat for the uses and purposes therein expressed and dedicate the EASEMENTS

IN WITNESS WHEREOF, The undersigned has hereunto set  
his hand and seal on February 4, 1981

**WITNESSES:**


Bruce K Andersen  
BRUCE K ANDERSEN

James R. Crain  
JAMES R. CRAIN

STATE OF FLORIDA COUNTY OF DRAY  
THIS IS TO CERTIFY, That on FEBRUARY 11 1981  
before me, an officer duly authorized to take acknowledgments in the  
State and County aforesaid, personally appeared

to me known to be the person described in and who executed the foregoing dedication and severally acknowledged the execution thereof to be ..... free act and deed for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set  
my hand and seal on the above date.

  
 NOTARY PUBLIC  
 My Commission Expires JUN 11 1974

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, ~~being~~  
licensed and registered land surveyor, does hereby certify that, on  
February 4, 1981, he completed the survey  
of the lands as shown in the foregoing plat; that said plat is a correct  
representation of the lands therein described and platted; that perma-  
nent reference monuments have been placed as shown thereon as re-  
quired by Chapter 177, Florida Statutes; and that said land is located in  
Windermere  
Orange County, Florida. Dated February 4, 1981

Victor A. Nass Registration No. 3185

CERTIFICATE OF APPROVAL  
BY MUNICIPALITY

THIS IS TO CERTIFY, That on 2-10-81 the  
Town of Windermere  
approved the foregoing plan

Samuel E. Darlin Jr.  
MAYOR.

ATTEST:  
Helen Catron  
CITY CLERK.

CERTIFICATE OF APPROVAL  
BY ZONING COMMISSION


THIS IS TO CERTIFY, That on 2-10-81 the  
Zoning Commission of the above Municipality approved the foregoing  
plat.

**CERTIFICATE OF COUNTY COMPTROLLER**

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on Feb. 16, 1981 at 4:02 pm File No. 1617310

Thomas H. Lochner  
County Comptroller  
in and for Orange County, Fla.

B. J. Ethier C. L. JOHNSON


**POST, BUCKLEY, SCHUH & JERNIGAN, INC.**  
*CONSULTING ENGINEERS AND PLANNERS*  
 3191 MAGUIRE BOULEVARD, SUITE 101  
 THE PORTERFIELD BUILDING  
 ORLANDO, FLORIDA 32803

SURVEYOR'S NOTES

- 1) Bearing structure based on centerline Conroy Road being S.89°44'35"E.
- 2) 15' INGRESS & EGRESS EASEMENT provided for access to parcel shown as NOT A PART OF THIS PLAT

LEGEND

- Permanent Reference Monument (PRM)
- Permanent Control Point (PCP)
- P.I., P.C., P.T., etc. (No Point Set)
- ===== Utility Easement and Width



Date: October 28, 2022  
To: Brad Cornelius  
From: Sheila Cichra  
Re: Variance Request for 510 Jennifer Lane, Windermere  
Boat dock side setback from projected property line

The attached files are an application package for a side setback variance from 16' to negative 50' for a proposed boat dock.

The parcel belongs to Wallace Palladino and Mari Beaudrault.

We are in the process of obtaining an OC EPD boat dock setback waiver and we have already obtained a DEP permit for the proposed boat dock.

The adjacent property owner to the North has signed a setback waiver to reduce the required setback from 25' to 16'.

The reason for the variance request is that the Eastern projected property line for 713 East 6<sup>th</sup> Avenue and the Town of Windermere's platted 15' ROW cuts directly across my client's shoreline, instead of out into the lake, like most parcels. The proposed dock does not encroach on any adjacent property owner's riparian rights, but it does cross those projected property lines.

The site of the terminal platform was carefully staked out and positioned to minimize the impact to the adjacent dock. The OC Sheriff's Department has done a navigation check and it is their professional opinion that the proposed dock will not create a navigational hazard for the adjacent dock.

Thank you for your consideration.



Date: October 27, 2022  
To: Brad Cornelius  
From: Sheila Cichra  
Re: Variance Request for 510 Jennifer Lane, Windermere  
Boat dock side setback from projected property line

*Special Conditions and Circumstances* are created by the fact that the Palladino/Beaudrault property and the Hill/Harry property are at right angles to each other due to being on a small circular cove of Lake Down. This creates projected property lines that are also at right angles to each other and cuts off any access for a dock to be constructed at adequate mooring depth on the Palladino/Beaudrault property.

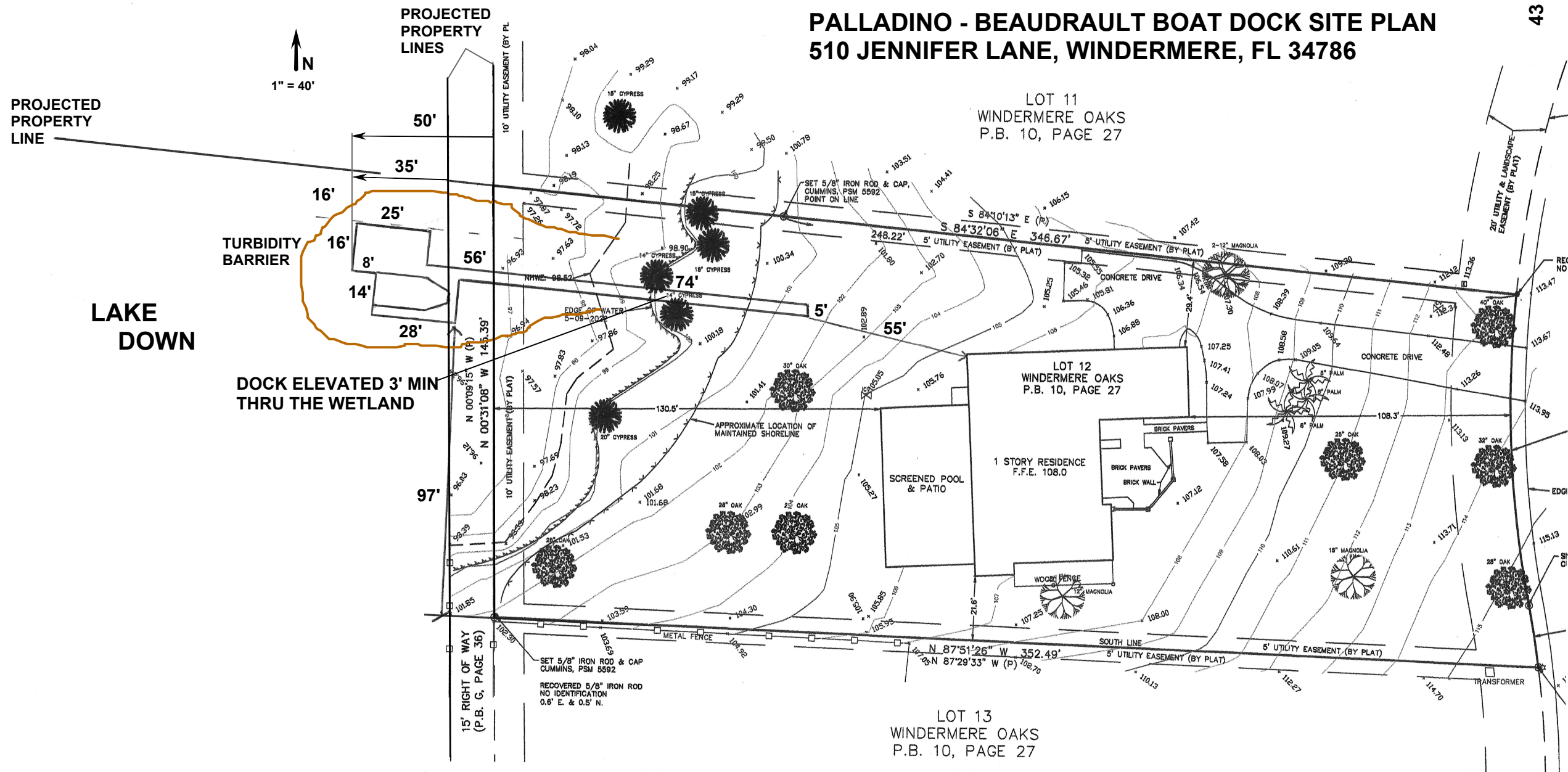
*Not Self Created* This situation is created by the small circular form of Lake Down in the area and the subject properties being located at right angles to each other.

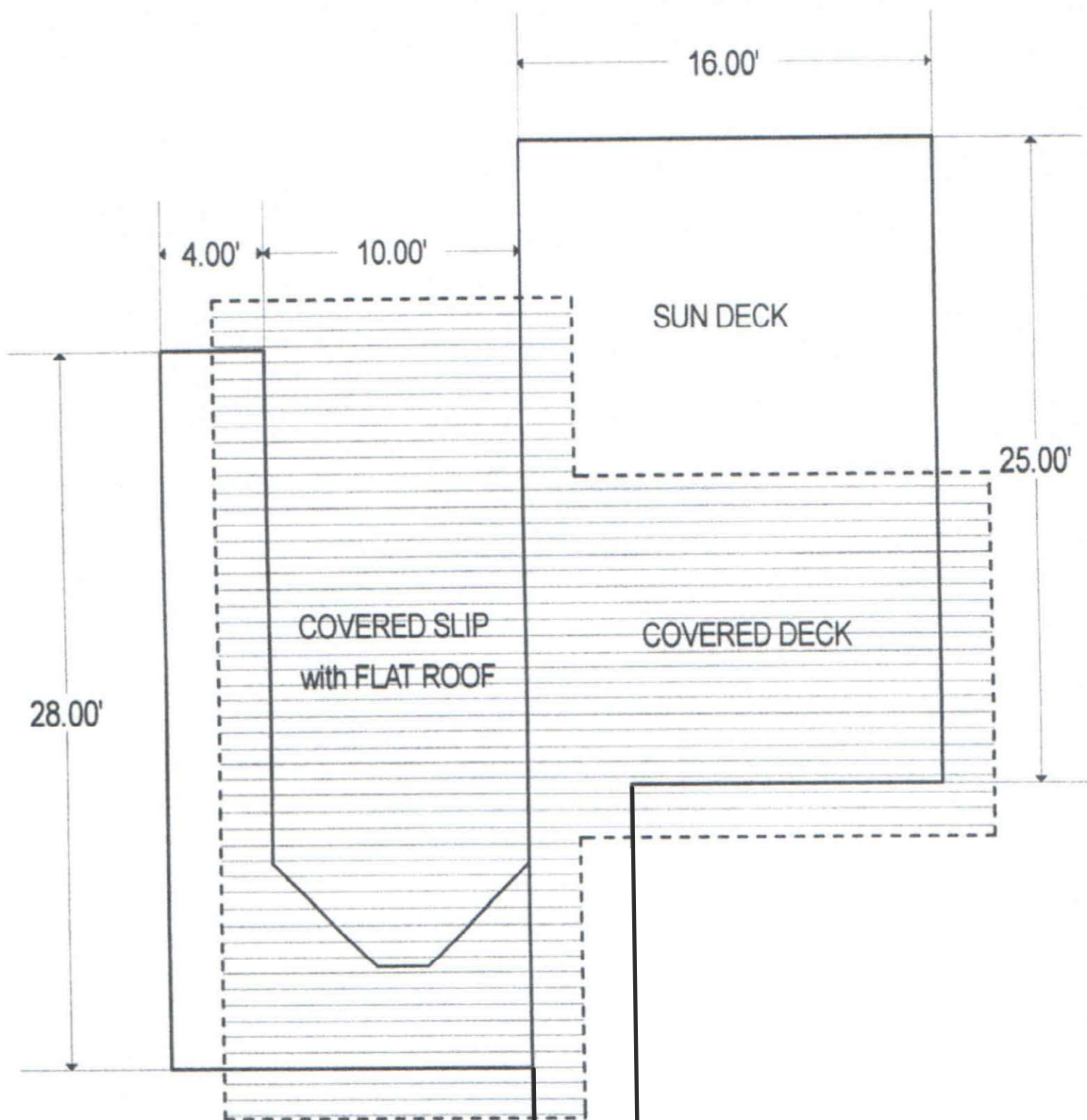
*No Special Privilege Being Conferred:* This variance is necessary solely due the intersection of projected property lines at right angles-a unique situation created by the small circular from of this Lake Down cove. The Hill/Harry owners already enjoy an existing dock constructed within the Palladino/Beaudrault riparian lines.

Regarding *Deprivation of Rights*, if this variance isn't approved, the owners won't be able to build a functional boathouse, due to the inadequate water depth of the area that *does* meet the required setback.

We are requesting the *Minimum Possible Variance*. The boat dock that we are proposing would be located just barely in adequate water depth for mooring. The walkway length was minimized to position the terminal platform as close to the NHWE as possible.

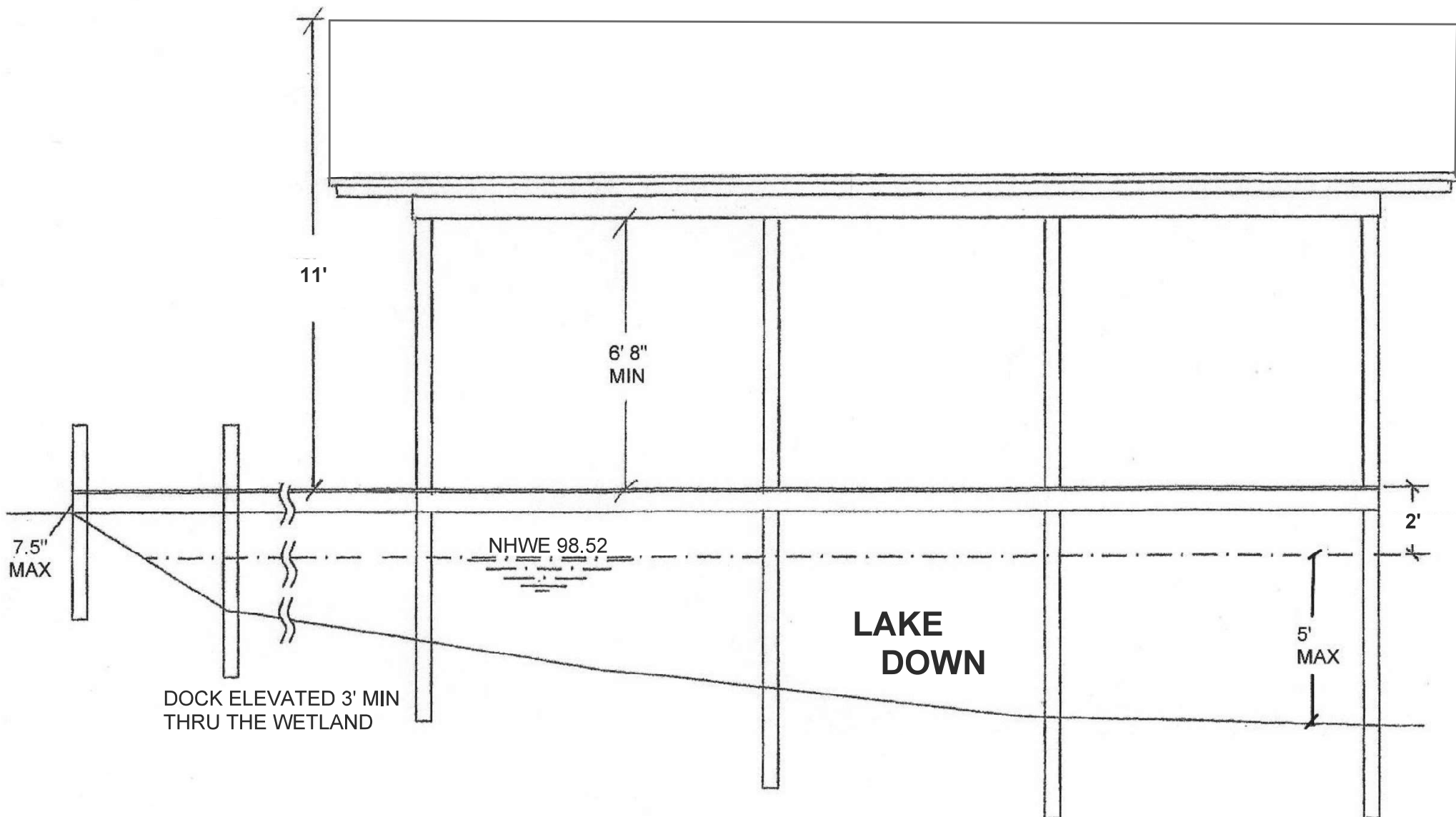
No one would be negatively impacted by the construction of the proposed boathouse and without the variance, my client couldn't build a dock like most of his neighbors have. We believe that is a good example of the *Purpose and Intent* of such a zoning variance.






















PALLADINO PLAN VIEW  
510 JENNIFER LANE  
WINDERMERE, FL 34786  
44

**PALLADINO ELEVATION**  
**510 JENNIFER LANE**  
**WINDERMERE, FL 34786**





# OCPA Web Map

 Florida Turnpike	 Major Roads	 Proposed Road	 Residential	 Commercial/Industrial/Vacant Land	 Parks	 6 Lot Number
 Interstate 4	 Public Roads	 Brick Road	 Agriculture	 Agricultural Curtilage	 Lakes and Rivers	 06060 Parcel Number
 Toll Road	 Gated Roads	 Block Line	 Commercial/Institutional	 Hydro	 Building	 3106 Parcel Address
 Road Under Construction	 Lot Line	 Governmental/Institutional/Misc	 Waste Land	 E Block Number	 111.9 Parcel Dimension	



Created: 9/12/2022 16:47 Aerial 2022

This map is for reference only and is not a survey



## Cornelius, Brad

---

**From:** msolik@dotysoliklaw.com  
**Sent:** Tuesday, January 10, 2023 12:57 PM  
**To:** Cornelius, Brad; heather.amos@gray-robinson.com  
**Cc:** Wallace Palladino; maribeaudrault@gmail.com; Sheila Cichra  
**Subject:** FW: 221115-36590 Palladino Boathouse  
**Attachments:** 221115-36590\_AgencyComments\_20221208.pdf (1).pdf

This message originated from outside of Wade Trim

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Brad:

Yes there are updates. Please see the email below with attachment. The DEP has determined that in the area of the Palladino property everything below the OHWE is state owned. In coordination with and direction from DEP we have had the OHWE located (survey crew was onsite last week doing the field work) and have confirmed that the OHWE falls well within the Palladino lot. We should have our survey by the end of the week. Because the OHWE falls within the Palladino lot, all areas of the 15' platted ROW abutting the Palladino property will also be claimed as state-owned. Lisa Prather has indicated that as soon as we get our survey to them the District will issue our permit.

Thanks,  
Mary



Mary Doty Solik  
121 S. Orange Ave., Suite 1500  
Orlando, FL 32801  
407 367 7868  
407 925 4738 Mobile  
[www.dotysoliklaw.com](http://www.dotysoliklaw.com)  
[msolik@dotysoliklaw.com](mailto:msolik@dotysoliklaw.com)  
Licensed in FL and GA

---

**From:** Prather, Lisa <lprather@sfwmd.gov>  
**Sent:** Wednesday, December 14, 2022 3:26 PM  
**To:** msolik@dotysoliklaw.com  
**Cc:** Sheila Cichra <sheilacichra@gmail.com>; Veguilla, Elizabeth <eveguil@sfwmd.gov>; Therrien, Patricia <ptherrie@sfwmd.gov>; Griffel Dalager, Alexander <agriffel@sfwmd.gov>  
**Subject:** RE: 221115-36590 Palladino Boathouse

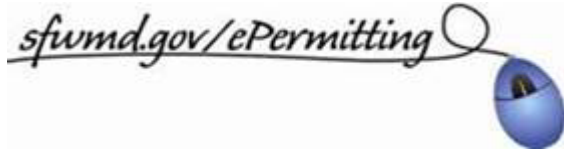
Ms. Solik - The District contacted the DEP Division of State Lands to confirm ownership below the ordinary high water line at the subject property. DEP confirmed that the submerged lands are state owned. Please refer to the attached title determination.

If you have additional questions please let me know.

Regards,



Lisa Prather, P.W.S., C.W.E.  
Regulation Section Administrator  
Orlando Regulatory Division  
South Florida Water Management District  
1707 Orlando Central Parkway, Suite 200  
Orlando, FL 32809  
[lpather@sfwmd.gov](mailto:lpather@sfwmd.gov)  
(407) 858-6100 ext 3818





**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**TITLE AND LAND RECORDS SECTION**  
**BOARD OF TRUSTEES LAND DOCUMENT SYSTEM**  
**WORKSHEET SHORT FORM (FOR INTERNAL DEP USE ONLY)**

WORKSHEET ID: 126020  
COUNTY: Orange  
FILE NUMBER: APP NO 22115-36590  
APPLICANT: WALLACE PALLADINO  
COMPANY:  
SITE: 510 JENNIFER LANE; PARCEL 09-23-28-9354-00-120-872 ACRE LAKE; LOT 12 WINDERMERE OAKS  
TYPE OF ACTIVITY: BOATHOUSE, SUBMERGED LANDS DETERMINATION  
PROJECT LOCATION: 9 23S 28E  
AQUATIC PRESERVE: N/A  
WATER BODY: LAKE DOWN  
  
DETERMINATION STATEMENT: BASED ON RECORDS WITHIN THE TITLE AND LAND RECORDS SECTION THE BOT HOLDS TITLE TO THE LANDS BELOW THE OHWL OF LAKE DOWN AT THE SUBJECT SITE.  
  
TO ALEXANDER @ SFWMD  
DW 11/29/2022  
  
PREPARER: WHITE\_DJ  
DATE APPROVED: 12/06/2022  
APPROVED BY: MCMILLAN\_K  
WORKSHEET STATUS: Approved



# FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

August 3, 2022

Edward Rysak  
Orange County Government  
3165 McCrory Place, Suite 200  
Orlando, Florida 32803

RE: Lake Down  
Worksheet #125007

Dear Mr. Rysak:

This letter is in response to your recent inquiry requesting a determination of state owned lands in Section 9, Township 23 South, Range 28 East; Orange County.

Records on file within the Title and Land Records Section indicate that the Board of Trustees of the Internal Improvement Trust Fund holds title to the lands below the ordinary high water line of Lake Down at the subject site.

The conclusions stated herein are based on a review of records currently available within the Department of Environmental Protection as supplemented, in some cases, by information furnished by the requesting party. Additional records will be reviewed if provided.

Should you have any questions regarding this determination, please contact Donelle White, Program Consultant, at mail station 108 at the above address or call at (850) 245-2788.

Sincerely,

*Karen McMillan, for*

Scott Woolam, PSM, Bureau Chief  
Division of State Lands  
Bureau of Survey and Mapping  
SW/dw

G:\TITLE\Donelle\2022 July-Sept\Orange\letter to edward @ orange county government lake down 8-3-2022docx



**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, John or Rebecca Prawlocki, a legal property owner of property located at 508 Jennifer Lane,  
(Adjacent Property Owner Name) (Address)

have reviewed the dock construction plans dated 06/05/2022, for the property located at  
510 Jennifer Lane, and have no objections.

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

☒ John Prawlocki  
(Signature - Adjacent Affected Property Owner)  
JOHN PROWLOCKI  
(Print Name - Adjacent Affected Property Owner)

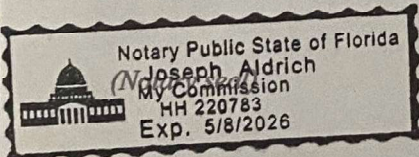
6/15/22  
(Date)

**ACKNOWLEDGEMENT:**

STATE OF FLORIDA  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 15 day of June 20 22, by John Prawlocki.

NAME OF NOTARY  
Joseph Aldrich



[Signature]  
(Signature of Notary Public - State of Florida)

Personally Known \_\_\_\_\_ OR Produced Identification 2

Type of Identification Produced FL DL

# TOWN OF WINDERMERE AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Wallace Palladino or Mari Beaudrault, AS THE OWNER(S) OF THE  
REAL PROPERTY DESCRIBED AS FOLLOWS, 510 Jennifer Lane, 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: 9/23/2022



Wallace D. Palladino  
Signature of Property Owner

Wallace D. Palladino  
Print Name Property Owner

Date: \_\_\_\_\_

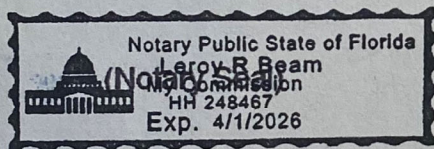
\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Name Property Owner

STATE OF FLORIDA :  
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 23 day of Sept.  
2022 by Leroy R. Beam. He/she is personally known to me or has produced  
DRIVER 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 23 day of  
Sept. in the year 2022.



Leroy R. Beam  
Signature of Notary Public  
Notary Public for the State of Florida

My Commission Expires: 4-1-24

Legal Description(s) or Parcel Identification Number(s) are required:

PARCEL ID #: 09-23-28-9354-00-120

LEGAL DESCRIPTION: WINDERMERE OAKS 10/27 LOT 12

## Cornelius, Brad

---

**From:** Anna Long <ALong@deanmead.com>  
**Sent:** Monday, February 6, 2023 11:54 AM  
**To:** Cornelius, Brad  
**Cc:** Eudene Harry MD; nathanhill9537@gmail.com  
**Subject:** RE: 510 Jennifer Lane Boat Dock Variance - Town of Windermere Town Council Agenda Item for 2/14/2023

This message originated from outside of Wade Trim

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Brad,

Please be advised, my clients will not be opposing the DRB's recommendation to the Town Council. Thank you.

Anna



**Anna Long**

**Attorney at Law**

[ALong@deanmead.com](mailto:ALong@deanmead.com)

O: 407-841-1200 F: 407-423-1831 D: 407-428-5120 M: 407-484-3466

Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.

420 S. Orange Avenue, Suite 700, Orlando, FL 32801

Orlando | Fort Pierce | Tallahassee | Viera/Melbourne | Vero Beach | Naples



Bio [vCard](#)

PRIVILEGED INFORMATION DISCLAIMER: This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please delete this email, destroy any hard copies thereof, and notify us immediately by telephone. Thank you.

---

**From:** Cornelius, Brad <bcornelius@wadetrim.com>  
**Sent:** Monday, February 6, 2023 11:37 AM  
**To:** MSolik@DotySolikLaw.com; sheilacichra@gmail.com; WDPalladino@iCloud.com; Mari Beaudrault <maribeaudrault@gmail.com>; Anna Long <ALong@deanmead.com>; Sandi Kracht <skracht@krachtlawfirm.com>  
**Cc:** Robert Smith <rsmith@town.windermere.fl.us>; heather.ramos@gray-robinson.com; Warner, Amanda <AWARNER@WadeTrim.com>; Mastison, Sarah <smastison@wadetrim.com>; Baird, Connor <cbaird@wadetrim.com>; Liz.Johnson@ocfl.net; Edward.Rysak@ocfl.net  
**Subject:** 510 Jennifer Lane Boat Dock Variance - Town of Windermere Town Council Agenda Item for 2/14/2023

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

I need to submit the agenda item for this variance case to the Town by tomorrow (2/7/2023) for the Town Council meeting on 2/14/2023. I will be including the material reviewed by the DRB at their meeting and the recommendation of the DRB to approve the variance by a vote of 3-1.

If you have any new information since the DRB meeting that you want me to include in the Town Council agenda item, please email it to me by the end of the day today 2/6/2023.

Again, this email is to all parties, so all are aware.

Thank you,  
Brad

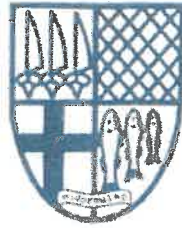


Brad Cornelius, AICP, CFM, CPM, Vice President  
201 N. Franklin Street, Suite 1350, Tampa, FL 33602  
813.882.4373 office  
813.415.4952 cell



# 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

December 15, 2022

HILL NATHAN B JR  
PO BOX 620  
WINDERMERE, FL 34786

**RE: Public Notice of Variance Public Hearing for 510 Jennifer Lane Z23-01**

Sheila Cichra, representative of owners Wallace Palladino and Mari Beaudrault of 510 Jennifer Lane in the Town of Windermere, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The Town's code requires boat docks to be setback a minimum of 16 feet from the projected side property line. The owners are proposing to construct a boat dock that extends across the Town's 15-foot undeveloped, platted right-of-way and to encroach across 713 E 6<sup>th</sup> Avenue's extended property line by 35 feet, for a total of 50 feet.

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 using the enclosed stamped envelope to Wade Trim, Inc. by **January 6, 2023**.

This matter will be presented to the Development Review Board on **Tuesday, January 17, 2023, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, February 14, 2023, at 6:00 p.m.** You may attend the meetings in person at Town Hall, located at 520 Main Street. 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](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND – Z23-01 (510 Jennifer Ln.)**

**APPROVAL:** \_\_\_\_\_ **DISAPPROVAL** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

It has come to our attention, the permit previously issued by the SFWMD, is no longer valid, as the site plans were changed and the applicant, as a result, has submitted a new permit application. The SFWMD issued an RAI to the applicant's consultant requiring that a licensed surveyor include riparian lines on the site that was submitted. The response to the RAI, as of this writing has not been submitted. In addition, we have hired an expert in professional land surveyor who is an expert in riparian issues. We expect to have the results of his efforts by the end of January. We believe it is important for all agencies to base their respective decisions on factual data.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

HILL NATHAN B 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

December 15, 2022

LONDEREE ROBERT D  
PO BOX 1077  
WINDERMERE, FL 34786

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Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND – Z23-01 (510 Jennifer Ln.)**

APPROVAL: \_\_\_\_\_ DISAPPROVAL \_\_\_\_\_

COMMENTS: NO COMMENT FROM ME.

SIGNATURE: Ral J Soudan

DATE: 12/18/22

LONDEREE ROBERT D

RECOMMEND - Z23-01 (510 Jennifer Ln.)

APPROVAL: YES DISAPPROVAL

COMMENTS:

SIGNATURE: 


CRAIN JAMES

DATE: 12-27-2022

RECOMMEND Z23-01 (510 Jennifer Ln.)

APPROVAL: X DISAPPROVAL

COMMENTS: THE PROPERTY OWNERS HAVE OUR  
COMPLETE SUPPORT FOR THIS USE OF THEIR  
LAND AND TOWN RIGHT OF WAY

SIGNATURE:  DATE: 12/23/22

MALAND STE

RECOMMEND - Z23-01 (510 Jennifer Ln.)

APPROVAL: X DISAPPROVAL

COMMENTS: As long as it does not cross our  
projected property line - hard to read the diagram.  
Let me know!!

SIGNATURE:  DATE: 12/22/22

PRAWLOCKI JOHN J

# 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

December 15, 2022

LITVANY WILLIAM M LIFE ESTATE  
515 JENNIFER LN  
WINDERMERE, FL 34786

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Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND – Z23-01 (510 Jennifer Ln.)**

**APPROVAL:** ✓ **DISAPPROVAL** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

**SIGNATURE:** William M Litvany **DATE:** 12/19/22

LITVANY WILLIAM M 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

December 15, 2022

FRAHM ANTON PHIL  
512 JENNIFER LN  
WINDERMERE, FL 34786

**RE: Public Notice of Variance Public Hearing for 510 Jennifer Lane Z23-01**

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Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND – Z23-01 (510 Jennifer Ln.)**

**APPROVAL:** ☒ **DISAPPROVAL** ☐

**COMMENTS:** \_\_\_\_\_

**SIGNATURE:** Anton Phil Frahm **DATE:** 12/20/22

**FRAHM ANTON PHIL**

RECOMMEND - Z23-01 (510 Jennifer Ln.)

APPROVAL: ✓ DISAPPROVAL \_\_\_\_\_

COMMENTS: No objections as proposed

SIGNATURE: [Signature] DATE: Dec 20, 2022

RABAJA DAVID R

RECOMMEND - Z23-01 (510 Jennifer Ln.)

APPROVAL: \_\_\_\_\_ DISAPPROVAL ✓

COMMENTS: I vehemently disapprove this request. Allowing land locked owners to gain water access, thereby increasing the value of their home drastically, sets a dangerous precedent and threatens current home owners.

SIGNATURE: [Signature] DATE: 1/2/23

PAGANE JOSEPH

RECOMMEND - Z23-01 (510 Jennifer Ln.)

APPROVAL: ✓ DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

SIGNATURE: [Signature] DATE: 12/28/22

CADE YOLANDA CLARK

# 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

December 15, 2022

BONNETT TRAVIS SEAN  
620 RIDGEWOOD DR  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 510 Jennifer Lane Z23-01

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Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

### RECOMMEND – Z23-01 (510 Jennifer Ln.)

APPROVAL: \_\_\_\_\_ DISAPPROVAL X

COMMENTS: Allowing This Dock greatly reduces  
the function and access to the existing  
adjacent dock. Drawing shown in provided package

SIGNATURE: [Signature] DATE: 12-26-22 Should include

BONNETT TRAVIS SEAN

existing dock so  
everyone can see  
the whole story.  
paperwork provided does not!!

# 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

December 15, 2022

G & J FAMILY TRUST  
C/O GEORGE POELKER TRUSTEE | 405 W 3RD AVE  
WINDERMERE, FL 34786

**RE: Public Notice of Variance Public Hearing for 510 Jennifer Lane Z23-01**

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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 using the enclosed stamped envelope to Wade Trim, Inc. by **January 6, 2023**.

This matter will be presented to the Development Review Board on **Tuesday, January 17, 2023, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, February 14, 2023, at 6:00 p.m.** You may attend the meetings in person at Town Hall, located at 520 Main Street. 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](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND - Z23-01 (510 Jennifer Ln.)**

APPROVAL: \_\_\_\_\_ DISAPPROVAL X

COMMENTS: The property lines involved are  
not "extended" but actual property lines. (Look it up!)  
You cannot build on someone else's property.

SIGNATURE: 6/7 DATE: 12/21/22

G & J FAMILY TRUST

---

RECOMMEND – Z23-01 (510 Jennifer Ln.)

APPROVAL: ✓ DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

SIGNATURE:  DATE: 12/19/2022

CHAVY PIA

# 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 SunRail	Agriculture	Agricultural Cattle	Parks	Hospital	



Created: 12/14/2022 14:44 Aerial 2022

This map is for reference only and is not a survey



**South Florida Water Management District  
Environmental Resource General Permit No. 48-107991-P  
Date Issued: January 30, 2023**

**Permittee:** Wallace Palladino  
510 Jennifer Lane  
Windermere, FL 34786

**Project:** Palladino Boathouse

**Location:** Orange County, See Exhibit 1

**Application No.** 221115-36590

**Description:** Construction and operation of a boat dock to serve a single-family residence located on Lake Down, an Outstanding Florida Water [62.302.700(9)(i)4], in accordance with the attached Exhibits. The Florida Department of Environmental Protection title and land records section determined that the Board of Trustees holds Title to the lands below the ordinary high water line of Lake Down. This authorization includes a letter of consent to use sovereign submerged lands, pursuant to Section 18-21.005(1)(c) F.A.C. The work performed shall be consistent with the terms and conditions herein.

**Rule:** **62-330.427, F.A.C.:** General Permit for Certain Piers and Associated Structures

**Expiration:** January 30, 2028

Your application to use a General Environmental Resource Permit has been approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource General Permits.
- The attached Specific Conditions.
- The attached General Conditions for Authorizations for Use of Sovereign Submerged Lands.
- All referenced Exhibits.

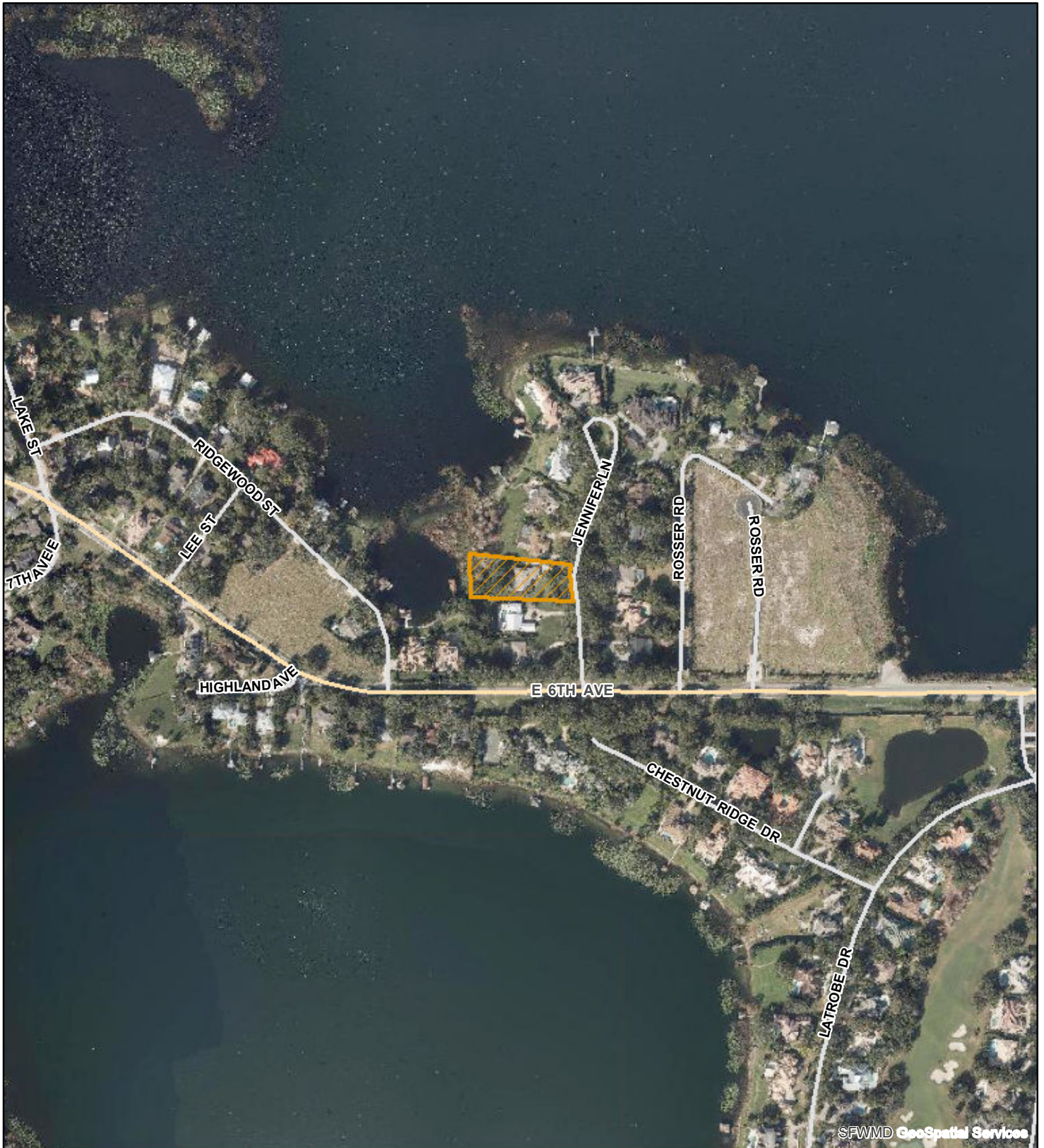
Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

**Certificate of Service**

I hereby certify that this written notice has been mailed or electronically transmitted to the Permittee (and the persons listed in the distribution list) on January 30, 2023, in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website ([www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting)).

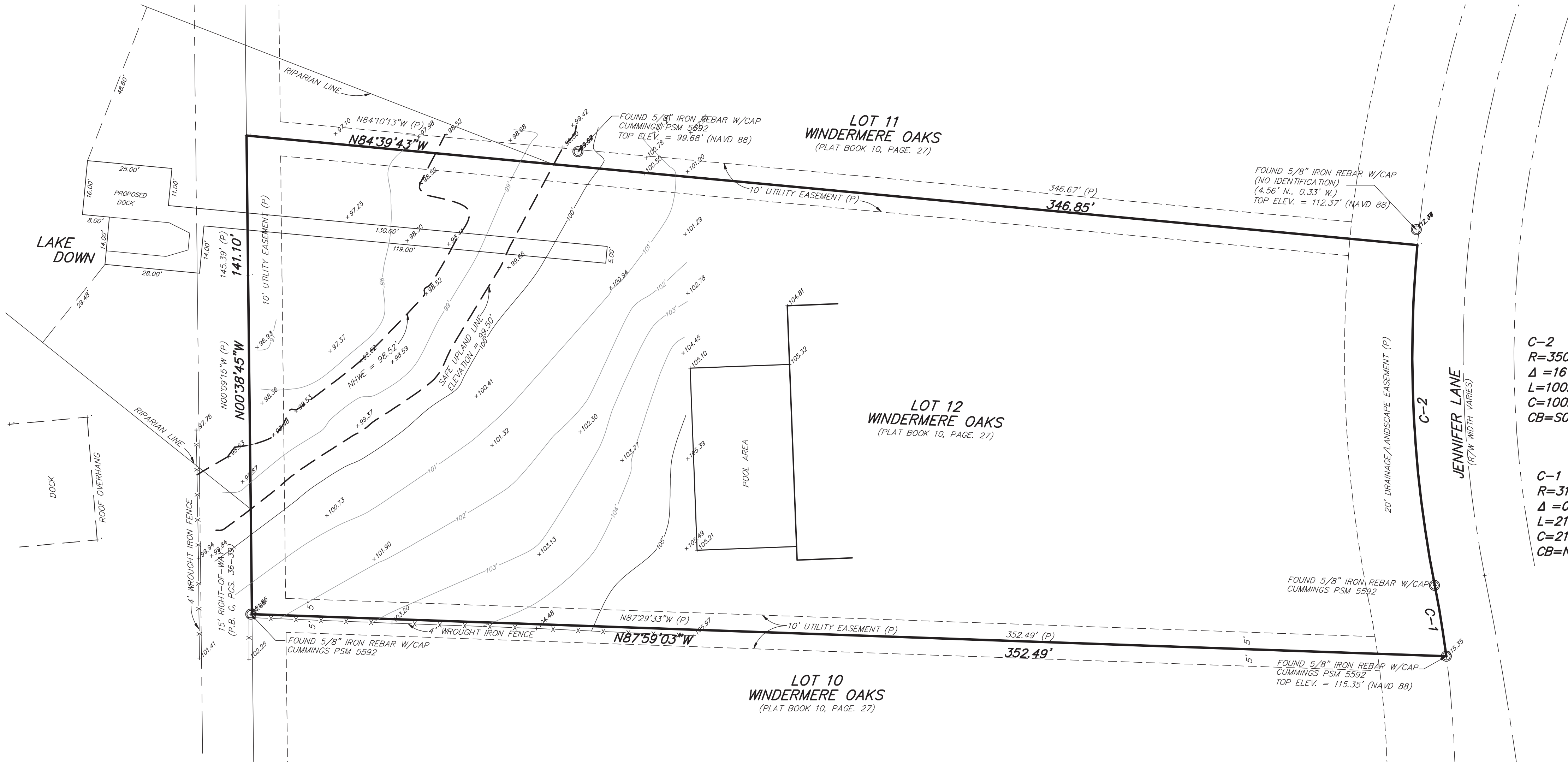
A handwritten signature in blue ink that reads "Lisa Prather".

Lisa Prather, PWS  
Section Administrator



SFWMD GeoSpatial Services

Exhibit No:1.0	Exhibit Created On: 2022-11-16	ORANGE COUNTY, FL	<div data-bbox="959 1669 1047 1717" data-label="Image"> </div> <div data-bbox="1086 1675 1215 1709" data-label="Text"> <p>Application</p> </div> <div data-bbox="1372 1663 1466 1834" data-label="Image"> </div> <div data-bbox="923 1764 1202 1794" data-label="Text"> <p>Permit No. 49-107991-P</p> </div> <div data-bbox="923 1806 1326 1838" data-label="Text"> <p>Application Number: 221115-36590</p> </div>
<div data-bbox="130 1840 221 1933" data-label="Image"> </div> <div data-bbox="326 1737 702 1772" data-label="Section-Header"> <h3>REGULATION DIVISION</h3> </div> <div data-bbox="269 1780 677 1812" data-label="Text"> <p>Project Name: Palladino Boathouse</p> </div> <div data-bbox="310 1893 729 1961" data-label="Figure"> </div> <div data-bbox="807 1828 865 1945" data-label="Image"> </div>			



LEGEND  
PSM.....PROFESSIONAL SURVEYOR AND MAPPER  
R.....RADIUS  
Δ.....CENTRAL ANGLE  
L.....ARC LENGTH  
C.....CHORD LENGTH  
CB.....CHORD BEARING  
P.B.....PLAT BOOK  
POS.....PAGE(S)  
(P).....PLATTED  
NHWE.....NORMAL HIGH WATER ELEVATION  
ELEV.....ELEVATION

C-2  
R=350.00'  
Δ=16°30'53"  
L=100.88'  
C=100.53'  
CB=S02°55'09"E

C-1  
R=319.95'  
Δ=03°46'43"  
L=21.10'  
C=21.10'  
CB=N09°17'14"W

- LEGAL DESCRIPTION  
LOT 12, WINDERMERE OAKS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 27, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- SURVEYOR'S NOTES:
- (1) THIS MAP OF BOUNDARY SURVEY IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IDENTIFIED BELOW.
  - (2) NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
  - (3) ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 AND ARE BASED ON THE FOLLOWING ORANGE COUNTY ENGINEERING DEPARTMENT'S BENCHMARKS:  
FOUND 3 1/2" ALUM. O.C. CONTROL DISC IN SIDEWALK AT CROSS-WALK ON S. SIDE OF E. 6TH AVE (CONROY WINDERMERE RD); 8' +/- S. OF EDGE OF PAVEMENT; E. OF ADD. 712 E. 6TH AVE.; 270' +/- E. OF INTERSECTION OF RIDGEWOOD AND E. 6TH AVE. ELEVATION = 115.974'
  - (4) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM 1983 EAST ZONE, BASED ON THE SOUTHERLY LINE OF LOT 12, WINDERMERE OAKS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 27, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING NORTH 87°59'03" WEST.
  - (5) THE "LEGAL DESCRIPTION" HEREON IS IN ACCORD WITH THE DESCRIPTION FURNISHED BY THE CLIENT.
  - (6) UNLESS OTHERWISE NOTED OR SHOWN HEREON, APPARENT AND/OR UNOBSTRUCTED, SOME ABOVE GROUND IMPROVEMENTS WERE LOCATED. UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATIONS AND UTILITIES, WERE NOT LOCATED.
  - (7) THE LANDS SHOWN HEREON LIE IN ZONE , DEFINED AS , PER [SEE LOMAR INSERT BELOW, IF APPLICABLE] FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. , DATED OR MAP REVISED:  
THE LIMITS OF SAID ZONES ARE GRAPHICALLY DEPICTED HEREON AS NEAR AS MAY BE SCALED FROM SAID MAP.
  - (8) THIS SURVEY IS CERTIFIED TO:
  - (9) THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.
  - (10) THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY, AS SUCH.
  - (11) THE CLASSIFICATION USE OF THE LAND, PURSUANT TO THE STANDARDS OF PRACTICE SET FORTH IN RULE CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES 472.027, IS COMMERCIAL/HIGH RISK. THE MINIMUM RELATIVE DISTANCE ACCURACY OF THIS MAP OF BOUNDARY SURVEY ACHIEVES OR EXCEEDS ONE FOOT IN 10,000 FEET.
  - (12) THE VERTICAL CONTROL ESTABLISHED FOR THIS SURVEY IS BASED ON A CLOSED LEVEL LOOP, HAVING A CLOSURE ACCURACY WHICH MEETS OR EXCEEDS THAT REQUIRED BY THE STANDARDS OF PRACTICE SET FORTH IN RULE CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES 472.027.
  - (13) ADJOINING PARCEL OWNER AND RECORDING INFORMATION DELINEATED HEREON WAS OBTAINED FROM THE COUNTY PROPERTY APPRAISER'S PUBLIC ACCESS SYSTEM.
  - (14) THE SURVEYED LANDS MAY BE SUBJECT TO JURISDICTIONAL ENTITIES.
  - (15) ATTENTION IS DIRECTED TO THE FACT THAT THIS MAP MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
  - (13) SYMBOLS DEPICTED HEREON DO NOT REFLECT ACTUAL SIZE.



Digitally signed by  
David A White  
Date:  
2023.01.13  
09:06:14 -05'00'

DAVID A. WHITE, P.S.M.  
FLORIDA REGISTRATION NO. 4044  
PEC - SURVEYING AND MAPPING, LLC  
CERTIFICATE OF AUTHORIZATION L.B. #7808  
DATE OF FIELD SURVEY: 01-12-2023  
DATE OF SIGNATURE: 01-13-2023

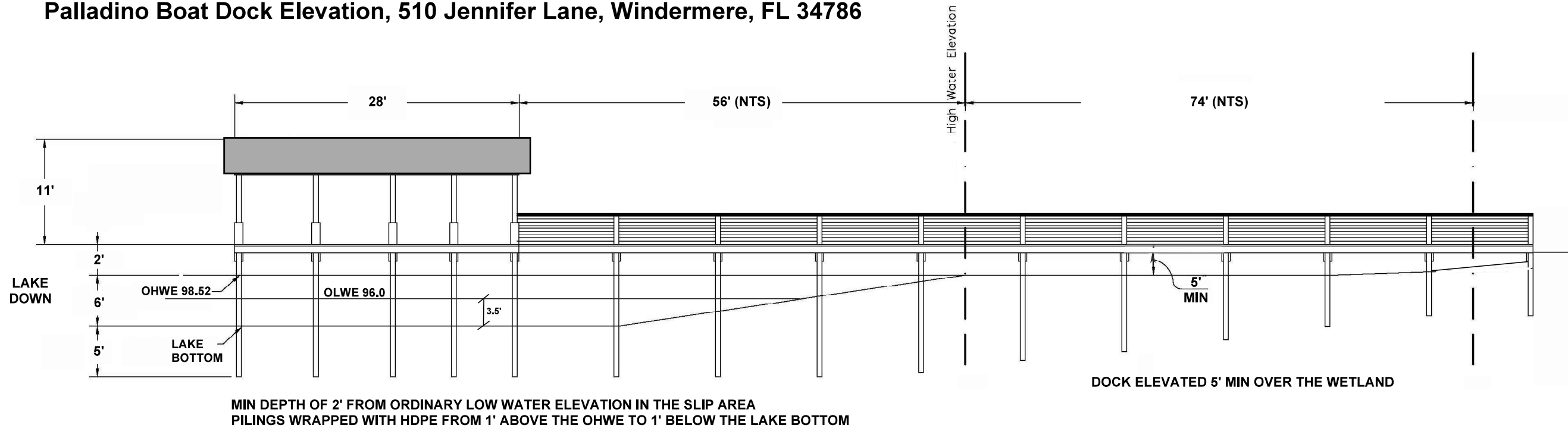
DATE	BY	REVISIONS

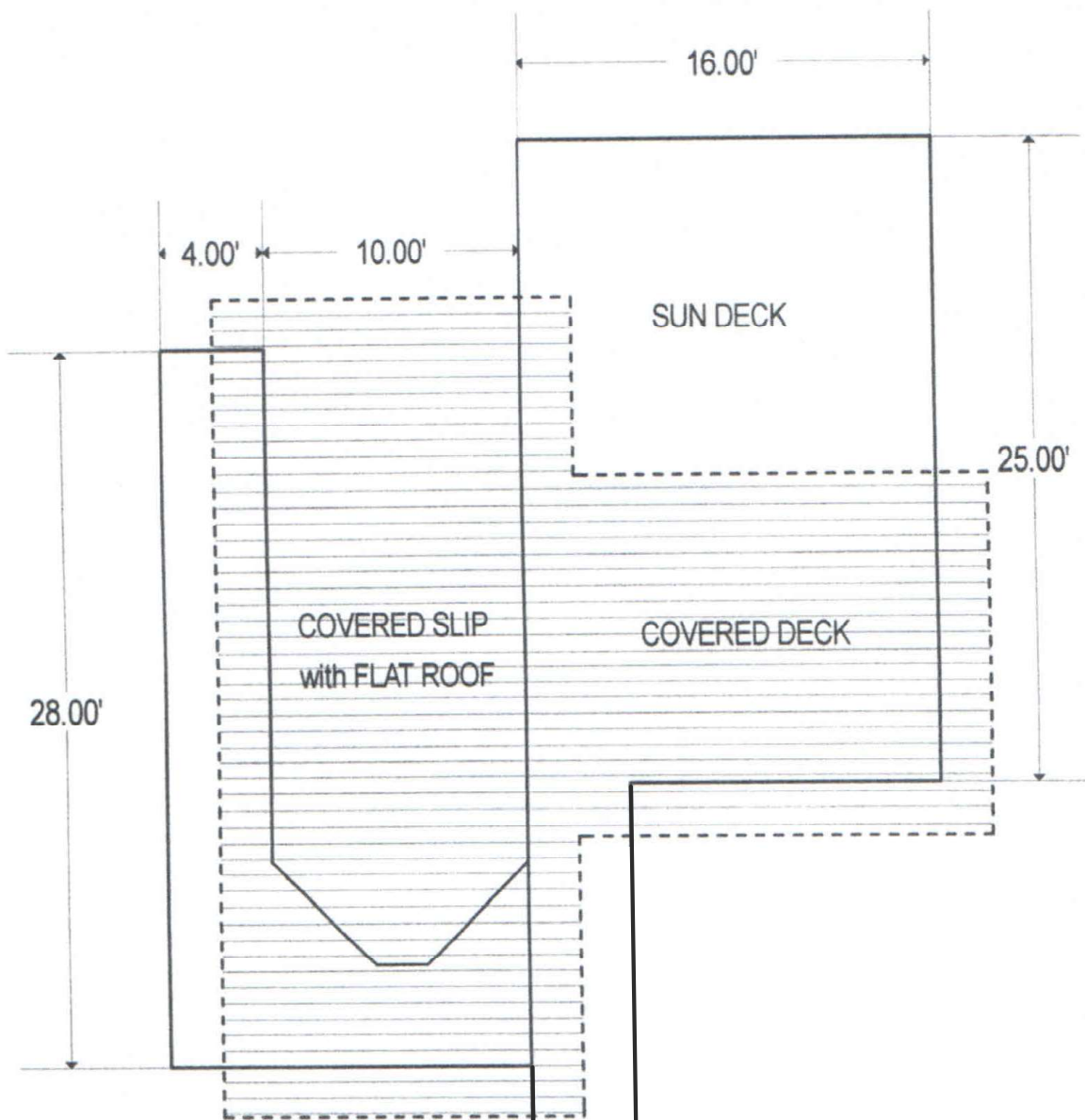
**PEC** | **SURVEYING AND MAPPING, LLC**  
CERTIFICATE OF AUTHORIZATION NUMBER LB 7808  
2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967  
WWW.PECONLINE.COM dw@peconline.com

**MAP OF BOUNDARY AND SPECIFIC TOPOGRAPHIC SURVEY**  
LOCATED IN  
SECTION 9, TOWNSHIP 23 SOUTH, RANGE 28 EAST  
**CITY OF WINDERMERE, ORANGE COUNTY, FLORIDA**

JOB NO.:	23-001
DATE:	1-11-2023
DRAWN BY:	J.L.M.
CHECKED BY:	D.A.W.
F.B.	2460
PAGE(S)	39-43

Palladino Boat Dock Elevation, 510 Jennifer Lane, Windermere, FL 34786





LAKE  
DOWN

DOCK MAY MEANDER TO  
AVOID IMPACTING TREES

OHWE

DOCK ELEVATED 5' MIN  
THRU THE WETLAND

DOCK LENGTHS NTS

56'

**5' X 74' UPLAND BOARDWALK**  
**5' X 56' DOCK**  
**16' X 25' DECK**  
**+ 2' X 14' + 2' X 11' ROOF O.H.**  
**14' X 28' BOATHOUSE**  
**+ 2' X 12' + 2' X 12' ROOF O.H.**  
**1,170 SQ.FT. OVER WATER**  
**1,540 TOTAL SQUARE FEET**

74'

5.0'

**PALLADINO PLAN VIEW**  
**510 JENNIFER LANE**  
**WINDERMERE, FL 34786**  
**71**



**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**TITLE AND LAND RECORDS SECTION**  
**BOARD OF TRUSTEES LAND DOCUMENT SYSTEM**  
**WORKSHEET SHORT FORM (FOR INTERNAL DEP USE ONLY)**

WORKSHEET ID: 126020  
COUNTY: Orange  
FILE NUMBER: APP NO 22115-36590  
APPLICANT: WALLACE PALLADINO  
COMPANY:  
SITE: 510 JENNIFER LANE; PARCEL 09-23-28-9354-00-120-872 ACRE LAKE; LOT 12 WINDERMERE OAKS  
TYPE OF ACTIVITY: BOATHOUSE, SUBMERGED LANDS DETERMINATION  
PROJECT LOCATION: 9 23S 28E  
AQUATIC PRESERVE: N/A  
WATER BODY: LAKE DOWN  
  
DETERMINATION STATEMENT: BASED ON RECORDS WITHIN THE TITLE AND LAND RECORDS SECTION THE BOT HOLDS TITLE TO THE LANDS BELOW THE OHWL OF LAKE DOWN AT THE SUBJECT SITE.  
  
TO ALEXANDER @ SFWMD  
DW 11/29/2022  
  
PREPARER: WHITE\_DJ  
DATE APPROVED: 12/06/2022  
APPROVED BY: MCMILLAN\_K  
WORKSHEET STATUS: Approved




## Interoffice Memorandum

February 6, 2023

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Tim Boldig, Interim Director  
Planning, Environmental, and Development  
Services Department

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager**   
**Environmental Protection Division**  
**(407) 836-1406**

SUBJECT: February 21, 2023 – Public Hearing  
Appeal of the Environmental Protection Commission  
Recommendation for a Request for Waiver to Side Setbacks  
for the Palladino and Beaudrault Dock Construction Permit  
(BD-22-06-120) – **Withdrawn**

On June 16, 2022, the Environmental Protection Division received an Application to Construct a Dock (BD-22-06-120) on behalf of Wallace Palladino and Mari Beaudrault, which included a request for waiver to Orange County Code (Code), Chapter 15, Article, IX, Section 15-343(b) (25' side setback). The project site is located at 510 Jennifer Lane, Windermere, FL 34786 (Parcel ID Number 09-23-28-9354-00-120) on Lake Down in District 1. At their meeting on October 26, 2022, the Environmental Protection Commission (EPC) voted unanimously to recommend approval of the waiver request.

On November 4, 2022, Attorney Sandi Kracht submitted an appeal of the EPC's recommendation on behalf of Nathan Hill and Eudene Harry pursuant to Code, Chapter 15, Article IX, Section 15-349(b). However, on February 6, 2023, Attorney Anna Long, who now represents Nathan Hill and Eudene Harry, withdrew the appeal. Therefore, a public hearing is no longer necessary.

TB/DJ:jk

# 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 January 17, 2023

## Town Council February 14, 2023

**Case No.:** Z23-03

**Applicant/Representative:** Roland Krantz

**Property Owners:** Jared and Michelle Remington

**Requested Action:** Variance to allow construction of roofing over balconies that result in a Floor Area Ratio of 0.40 (40%).

**Property Address:** 914 W 2<sup>nd</sup> Avenue, Windermere, FL 34786

**Legal Description:** ALADAR ON LAKE BUTLER N/47 LOT 13 (LESS SELY 32 FT) & LOT 15 (LESS WLY 4.9 FT ON LAKE RUNNING TO PT ON NW COR)

**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 proposed to roof over several existing balconies that results in the total gross floor area ratio of the existing home to increase from 37% to 40%, which exceeds the permitted gross floor area of 38%.

The gross floor area of the existing home is 8,289 square feet on a 22,400 square foot property. The existing home has a 37% gross floor area ratio and is slightly below the permitted maximum floor area ratio of 38%. To stay within the 38% limitation, the maximum gross floor area cannot exceed 8,512 square feet, which would allow in increase of 223 square feet.

The requested variance increases the gross floor area of the existing home by 861 square feet to total gross floor area of 9,150 square feet, which is a 40% gross floor area ratio. The roof overs of the balconies on the front of the existing home also partially enclose the roofed areas with walls. This does not change the variance request, as the presence of walls does not change the calculation of the gross floor area.

The Town's Land Development Code requires all roofed areas, including balconies and porches, to be included in the calculation of the gross floor area of a home.

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.

#### **PUBLIC NOTICE:**

Public notices were mailed to property owners within 500 feet of the subject property. As of February 7, 2023, 11 responses were received in support and none in objection.

#### **DEVELOPMENT REVIEW BOARD RECOMMENDATION:**

On January 17, 2023, the Development Review Board (DRB) reviewed the proposed variance and based on information provided with the agenda item and testimony provided at the DRB hearing, the DRB found that the variance meets the requirements of Section 10.02.02, LDC, for the approval of a variance. The DRB recommends the Town Council approve the variance as presented (Vote 3-1).



A L A I R

CUSTOM HOMES · RENOVATIONS

Dear Brad Cornelius,

I'm writing to request a variance for the existing home at 914 W 2<sup>nd</sup> Ave. Windermere, FL, 34786. Our request for variance is in regard to Floor Area Ratio. The home was non-conforming when it was built. It is our intent to cover the rear and front 2<sup>nd</sup> floor balconies with a roof. This would increase the usability of existing balconies. This would provide a needed dedicated office space and a child's bedroom in the front. This would be inconsequential in obstructing any of the neighbor's or passersby view of the lake as the proposed work is positioned in the center of the 2<sup>nd</sup> floor. *(See attached design plans)*

This would not increase the footprint of the existing home in any way. This would not increase any impervious surface area on the property or produce any additional runoff. This proposed work would not contribute to any additional congestion or traffic on the street. Much consideration and discussion by the Remington family was given as to how their home project would contribute to and complement the homes of their friends and neighbors on their street. This proposed work would not diminish the property value of the surrounding area but would instead tastefully contribute to the aesthetic, character, personality, and property values that the surrounding neighbors work hard to maintain.

Prior to the Remington family purchase of this property at 914 W. 2<sup>nd</sup> Ave., the home was in need of extensive restoration due to maintenance neglect leading to water ingress throughout the home. One of the reasons the Remington family was drawn to this property on 2<sup>nd</sup> Ave was because the size of the home although it needed work to remedy the previously mentioned critical concerns had the potential to serve the needs of their large family. Through this process of restoration to make this home usable, it is the family's intent to restore the home to a quality standard beyond its original build while honoring land area constraints in the community.

We respectfully request that you consider our application for a variance.

Sincerely,

Roland Krantz  
Alair Homes Orlando

# AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Jared and Michelle Remington, AS THE OWNER(S) OF THE  
REAL PROPERTY DESCRIBED AS FOLLOWS, 914 W. 2nd Ave., Windermere, FL 34786, DO  
HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Roland Krantz,  
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: 10/31/22

  
Signature of Property Owner

Jared Remington  
Print Name Property Owner

Date: 10/31/22

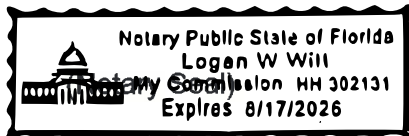
  
Signature of Property Owner

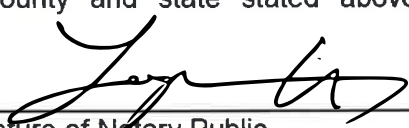
Michelle Remington  
Print Name Property Owner

STATE OF FLORIDA  
COUNTY OF Orange

I certify that the foregoing instrument was acknowledged before me this 31st day of October,  
2022 by JARED & MICHELLE REMINGTON He/she is personally known to me or has produced  
Florida 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 31 day of  
October, in the year 2022.



  
Signature of Notary Public  
Notary Public for the State of Florida

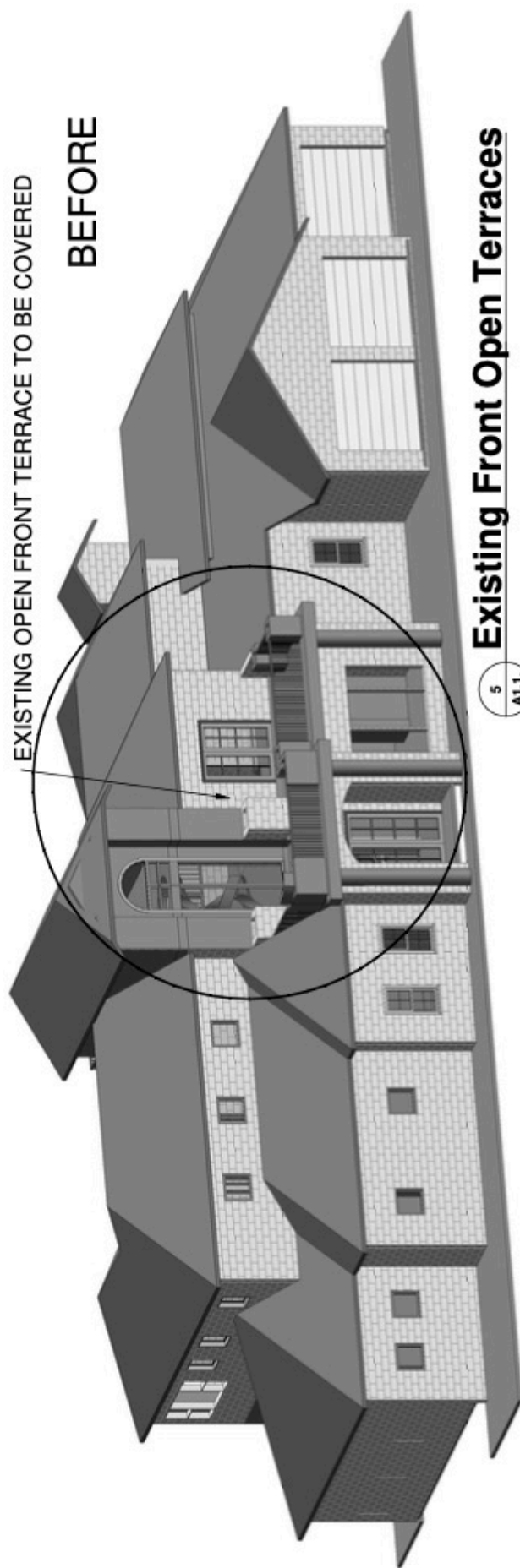
My Commission Expires: 8-17-2026

Legal Description(s) or Parcel Identification Number(s) are required:	
PARCEL ID #:	07-23-28-0044-00-131
LEGAL DESCRIPTION: 07-23-28-0044-ALADAR ON LAKE BUTLER N/47 LOT 13 (LESS SELY 32 FT)	
& LOT 15 (LESS WLY 4.9 FT ON LAKE RUNNING TO PT ON NW COR)00-131	

## FRONT TERRACES COVERAGE

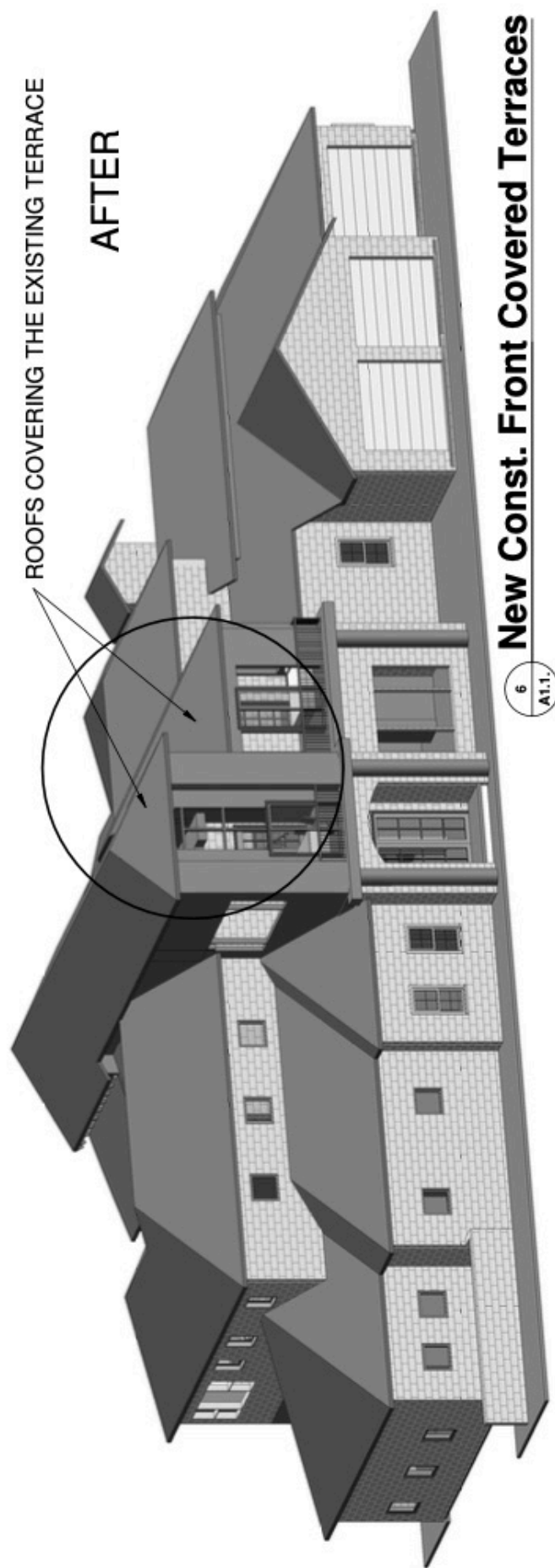
EXISTING OPEN FRONT TERRACE TO BE COVERED

BEFORE

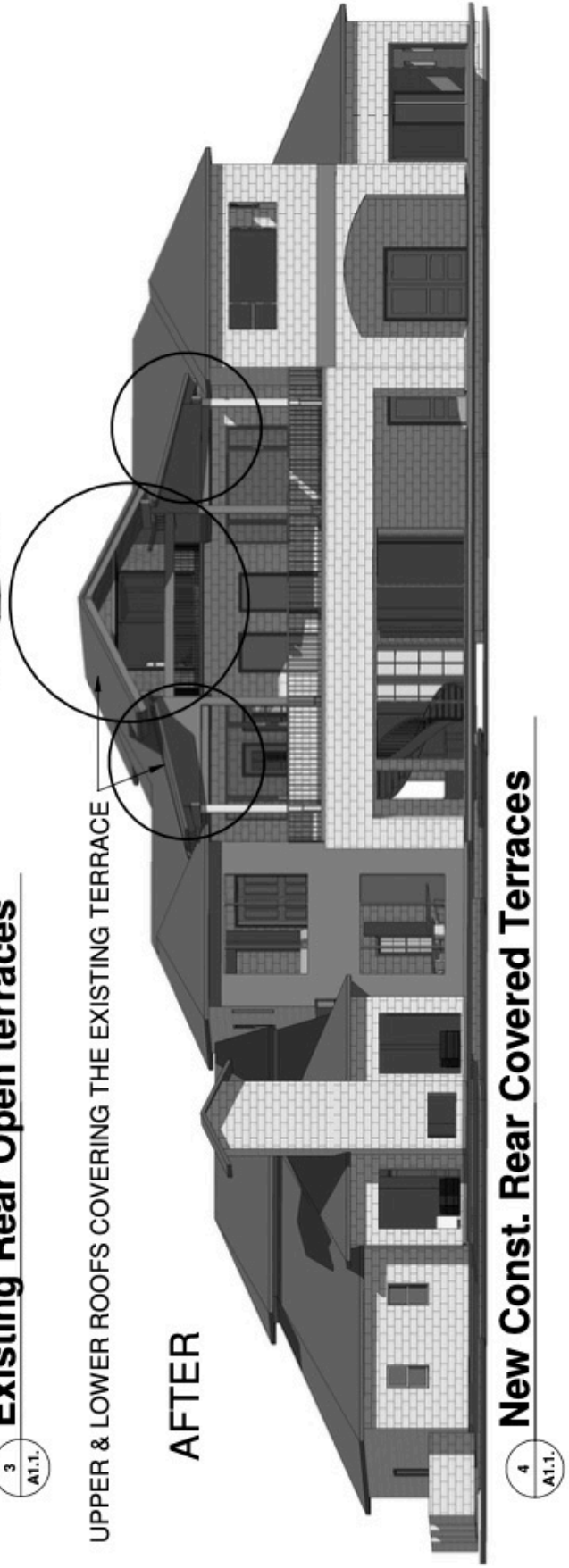
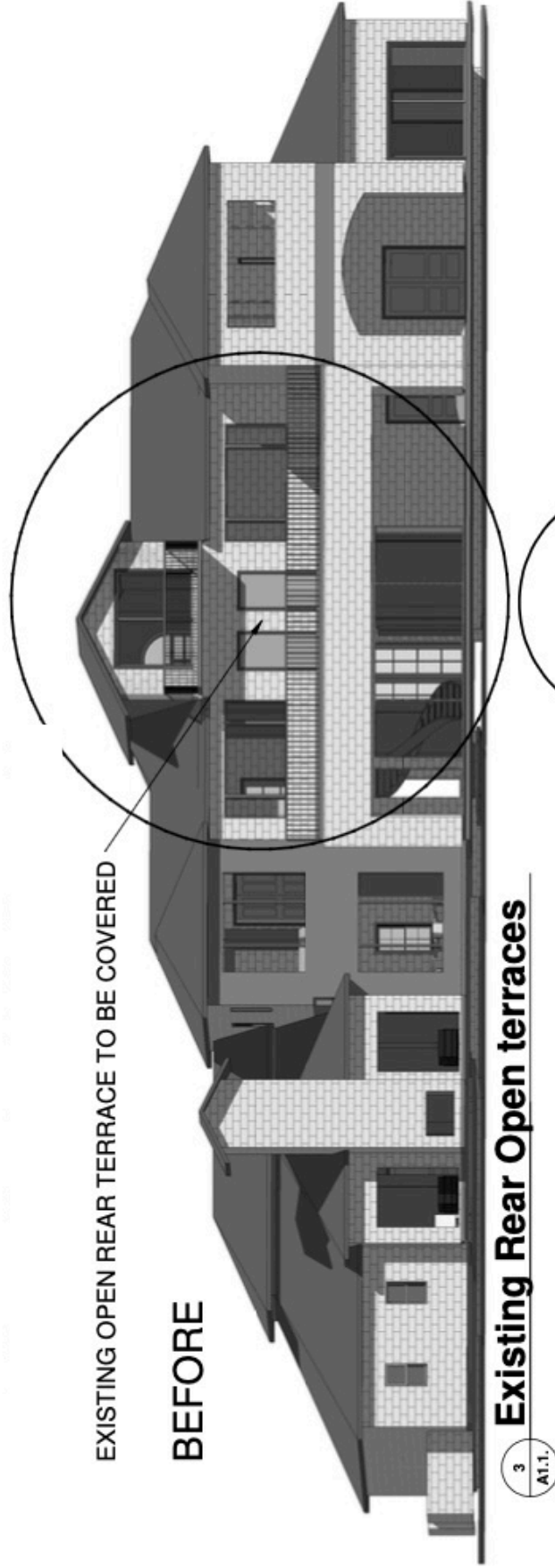


ROOFS COVERING THE EXISTING TERRACE

AFTER



# REAR TERRACE COVERAGE



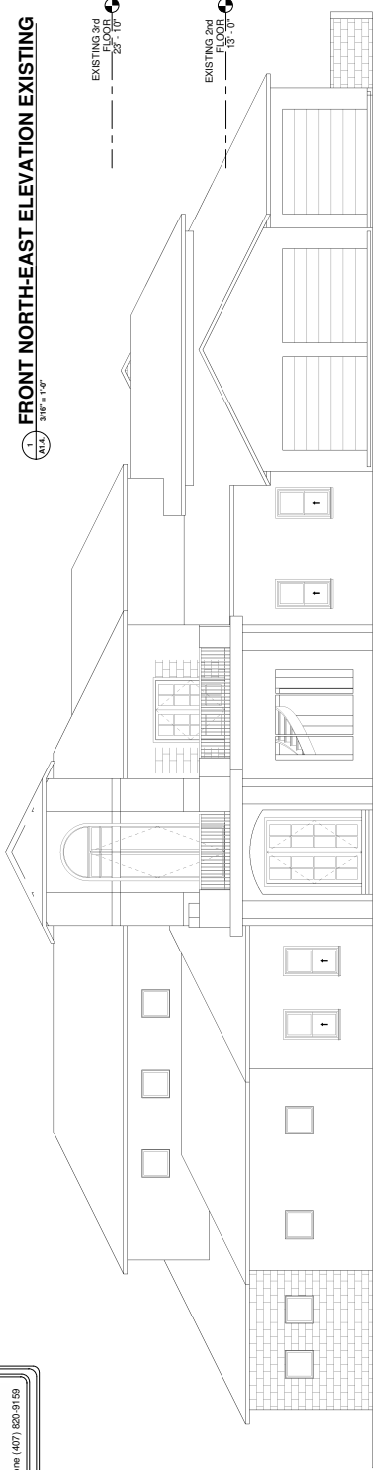
# EXISTING ELEVATIONS

Project management provided by:

**RM**  
ARCHITECTURAL DESIGN, LLC  
Rmarchdesign@outlook.com Phone: (407) 820-9159

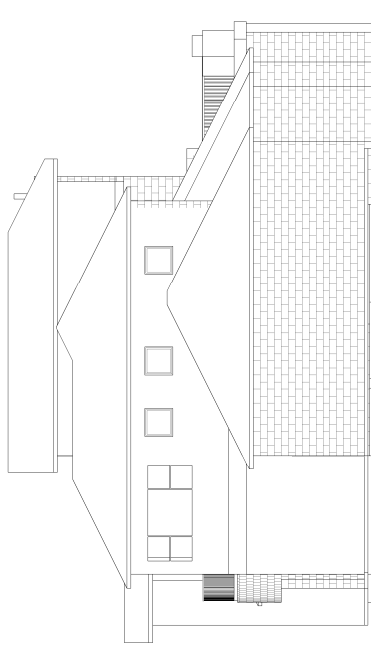
Date: 2022.08.17  
18:54:27  
-04'00'

1. FRONT NORTH-EAST ELEVATION EXISTING  
A1.4 3/8" = 1'-0"

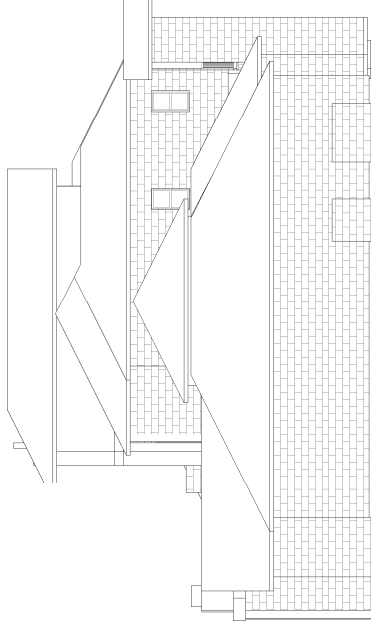


NOTE: ALL DIMENSIONS  
TO BE VERIFIED ON SITE

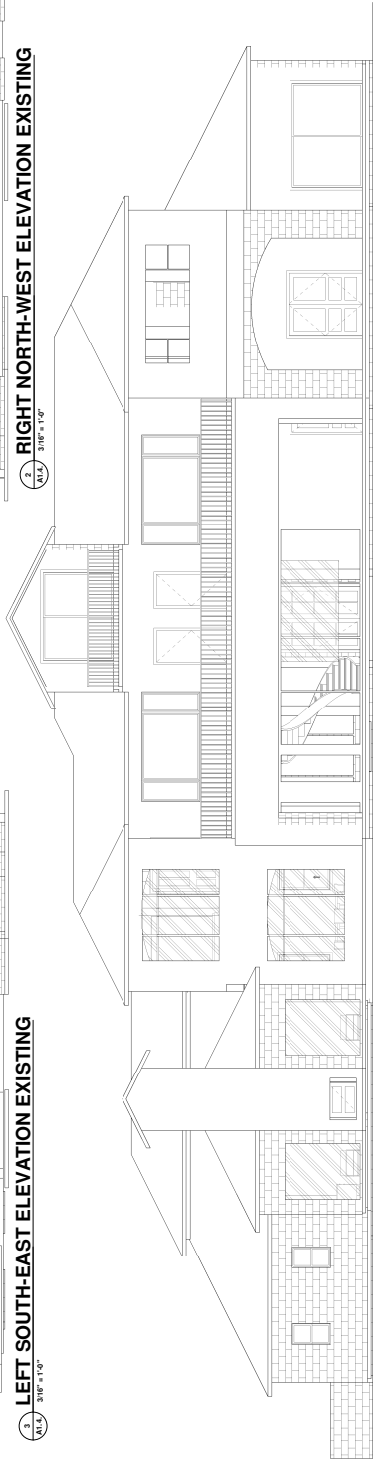
2. LEFT SOUTH-EAST ELEVATION EXISTING  
A1.4 3/8" = 1'-0"



3. RIGHT NORTH-WEST ELEVATION EXISTING  
A1.4 3/8" = 1'-0"



4. REAR SOUTH-WEST ELEVATION EXISTING.  
A1.4 3/8" = 1'-0"



**RAUL VARGAS**  
CIVIL ENGINEER, M.S., P.E., C.O.C.  
Email: ravarini@hotmail.com  
Phone: (407) 722-0690

**GELACIO PEREZ**  
ARCHITECTURAL DESIGNER INTERNATIONAL ASSOCIATE AIA  
Email: gelacio\_p@hotmail.com  
Phone: (407) 255-4815

**ROGER MEDINA**  
ARCHITECTURAL DESIGNER INTERNATIONAL ASSOCIATE AIA  
Email: marcdesign@outlook.com  
Phone: (407) 820-9159

CLIENT: THE REMINGTON'S FAMILY  
CLIENT ADDRESS: 914 W 2nd St. Windermere, FL 34786  
PROJECT NAME: Remodeling of The Remington's Home  
on Lake Butler  
PROJECT ADDRESS: 914 W 2nd St. Windermere, FL 34786

Mark	Date

REVISIONS

Job Number: P-159  
Starting Date: 04-27-2022  
Up-Date:  
Checked:  
Checked:

TITLE

EXISTING  
ELEVATIONS

CONSECUTIVE SHEET No

**5/12**

SHEET

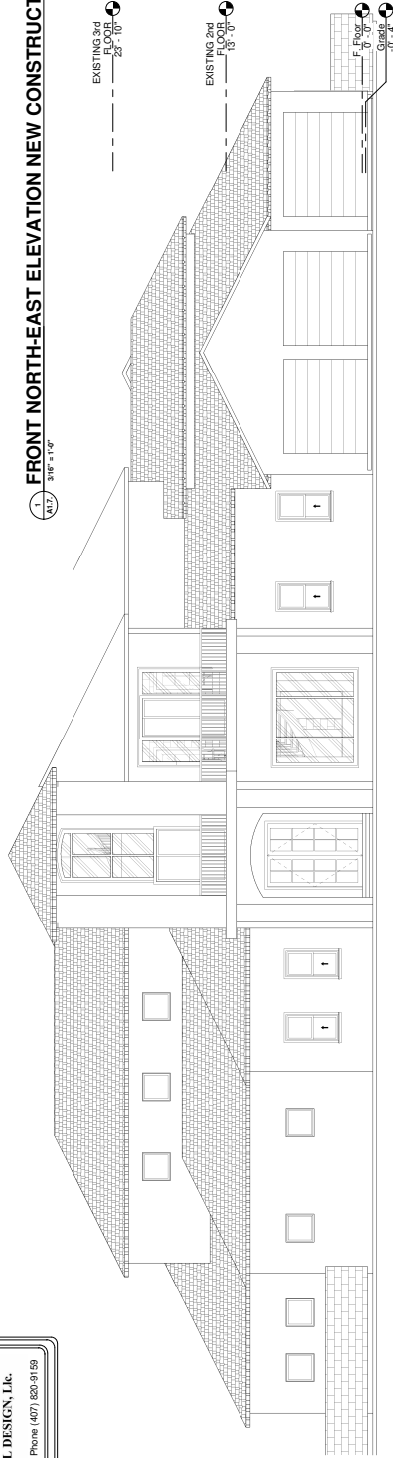
**A1.4.**

# NEW CONSTRUCTION ELEVATIONS

Project management provided by:  
**RM**  
 ARCHITECTURAL DESIGN, LLC  
 Rmarchdesign@outlook.com Phone: (407) 820-9159

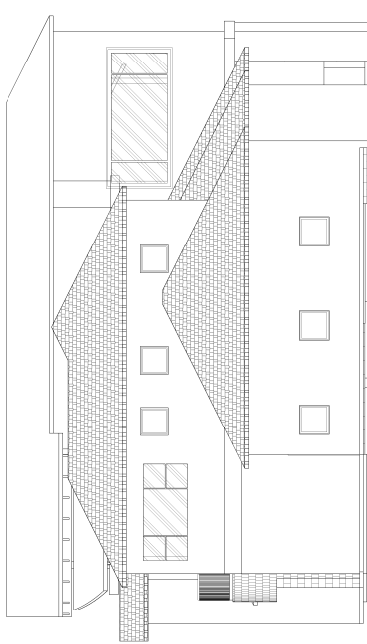
Date:  
 2022.08.17  
 18:52:22  
 -04'00'

1 FRONT NORTH-EAST ELEVATION NEW CONSTRUCTION.  
 3/16" = 1'-0"

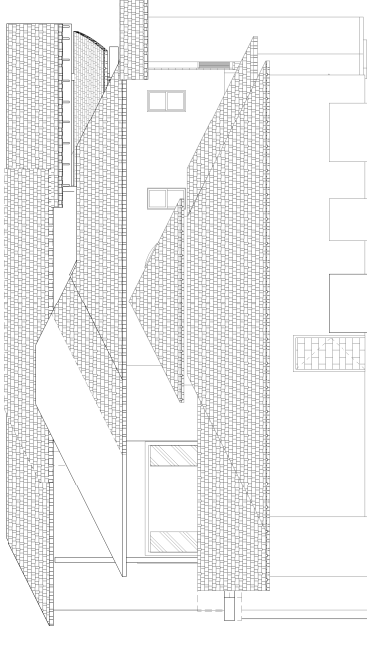


NOTE: ALL DIMENSIONS  
 TO BE VERIFIED ON SITE

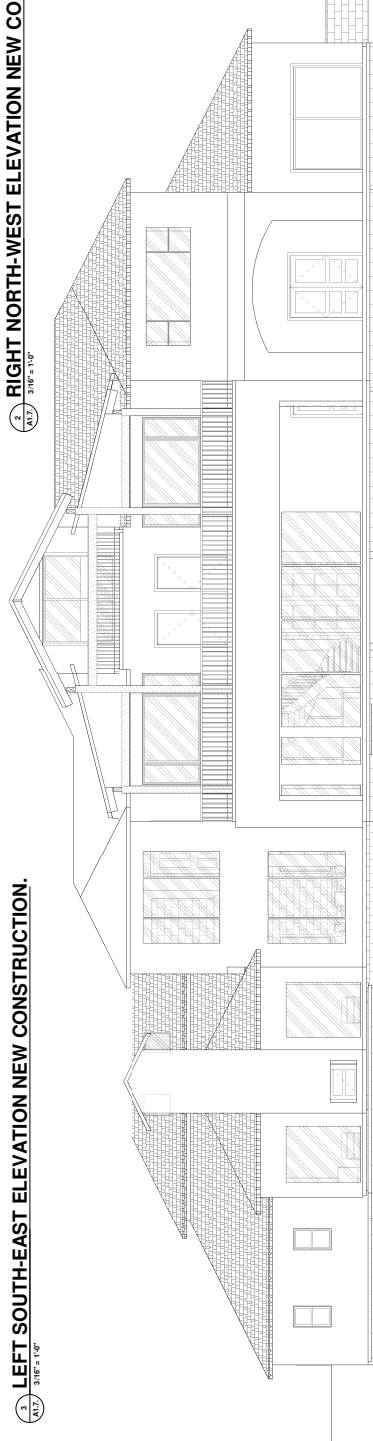
3 LEFT SOUTH-EAST ELEVATION NEW CONSTRUCTION.  
 3/16" = 1'-0"



2 RIGHT NORTH-WEST ELEVATION NEW CONSTRUCTION.  
 3/16" = 1'-0"



4 REAR SOUTH-WEST ELEVATION NEW CONSTRUCTION..  
 3/16" = 1'-0"



**RAUL VARGAS**  
 CIVIL ENGINEER, M.S., P.E., C.O.G.  
 Email: rvarvahi@hotmail.com Phone: (407) 722-0690  
**GELACIO PEREZ**  
 ARCHITECTURAL DESIGNER INTERNATIONAL ASSOCIATE AIA  
 Email: gelacio\_p@hntamal.com Phone: (407) 255-4815  
**ROGER MEDINA**  
 ARCHITECTURAL DESIGNER INTERNATIONAL ASSOCIATE AIA  
 Email: marcdesign@outlook.com Phone: (407) 820-9159

CLIENT: THE REMINGTON'S FAMILY  
 CLIENT ADDRESS: 914 W 2nd St. Windermere, FL 34786  
 PROJECT NAME: Remodeling of The Remington's Home  
 on Lake Butler  
 PROJECT ADDRESS: 914 W 2nd St. Windermere, FL 34786

Mark	Date

REVISIONS  
 Job Number: P-159  
 Starting Date: 04-27-2022  
 Up-Date:    
 Checked:    
 Checker:  

TITLE  
 NEW CONST.  
 ELEVATIONS

CONSECUTIVE SHEET No  
**8/12**

SHEET  
**A1.7.**



## Cornelius, Brad

---

**From:** Logan Witt <logan.witt@alairhomes.com>  
**Sent:** Wednesday, January 11, 2023 10:43 PM  
**To:** Cornelius, Brad  
**Cc:** Warner, Amanda; Mastison, Sarah; Baird, Connor  
**Subject:** Re: Additional Document - Permit # 22-08-036

This message originated from outside of Wade Trim

---

Brad,

Thanks for your call this afternoon. I was able to calculate the square footages several times to make sure I was in line with every aspect of the Town's definition of Floor Area. Please let me know if there is anything else you need. The tabulations are as follows:

Lot Area above NHWL: 22,400 sq. ft.

Existing : 8289 sq. ft. = FAR of 37%

Proposed: 9150 sq. ft. = FAR of 40%

Blessings,

**Logan Witt, PMP**  
Project Manager  
540-599-7772



A L A I R

CUSTOM HOMES · RENOVATIONS

---

**From:** Cornelius, Brad <bcornelius@wadetrim.com>  
**Sent:** Wednesday, January 11, 2023 5:00 PM  
**To:** Logan Witt <logan.witt@alairhomes.com>  
**Cc:** Warner, Amanda <AWARNER@WadeTrim.com>; Mastison, Sarah <smastison@wadetrim.com>; Baird, Connor <cbaird@wadetrim.com>  
**Subject:** FW: Additional Document - Permit # 22-08-036

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

Clerk  
DOROTHY BURKHALTER

85

# 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

December 21, 2022

GARNER JAY M  
799 W 2ND AVE  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 914 W 2<sup>nd</sup> Ave. Z23-03

Roland Krantz, on behalf of Jared and Michelle Remington, the owners of 914 W 2<sup>nd</sup> Ave. in the Town of Windermere, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The Town's code limits the Floor Area Ratio onsite to 0.38 (38%). The applicant is requesting to increase the floor area ratio beyond the allowed 38%.

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 using the enclosed stamped envelope to Wade Trim, Inc. by **January 6, 2023**.

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Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

RECOMMEND – Z23-03 (914 W 2<sup>nd</sup> Ave.)

APPROVAL: YES DISAPPROVAL \_\_\_\_\_

COMMENTS: CONCUR WITH REQUEST TO COVER THE  
EXISTING TERRACE FOR THE HOME AT 914 WEST  
2<sup>ND</sup> AVE, WINDERMERE.

SIGNATURE: [Signature] DATE: 24 DEC 2022

GARNER JAY 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

December 21, 2022

VOORHEES STEVEN COERT  
1040 W 2ND AVE  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 914 W 2<sup>nd</sup> Ave. Z23-03

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813.882.4373  
[town@wadetrim.com](mailto:town@wadetrim.com)  
Encl.

---

RECOMMEND - Z23-03 (914 W 2<sup>nd</sup> Ave.)

APPROVAL: ✓ DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: Steven Voorhees DATE: 12/27/22

VOORHEES STEVEN COERT

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



Clerk  
DOROTHY BURKHALTER

88

# 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

December 21, 2022

GANOV/GROVELAND LLC  
11450 LAKE BUTLER BLVD  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 914 W 2<sup>nd</sup> Ave. Z23-03

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[town@wadetrim.com](mailto:town@wadetrim.com)  
Encl.

---

RECOMMEND – Z23-03 (914 W 2<sup>nd</sup> Ave.)

APPROVAL: \_\_\_\_\_ DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

SIGNATURE: Mark Lawrence DATE: 12/26/22

GANOV/GROVELAND LLC

# 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

December 21, 2022

FISHER JOHN EDWIN  
1100 W 2ND AVE  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 914 W 2<sup>nd</sup> Ave. Z23-03

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[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

RECOMMEND – Z23-03 (914 W 2<sup>nd</sup> Ave.)

APPROVAL: ✓ DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

NO REASON NOT TO APPROVE

SIGNATURE: [Signature] DATE: 12/28/2022

FISHER JOHN EDWIN

# 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

December 21, 2022

PARKER SHELBY  
804 W 2ND AVE  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 914 W 2<sup>nd</sup> Ave. Z23-03

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[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

RECOMMEND – Z23-03 (914 W 2<sup>nd</sup> Ave.)

APPROVAL: ✓ DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

SIGNATURE:  DATE: 12/27/22

PARKER SHELBY

# 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

December 21, 2022

KIRBY OUIDA BRIDGES LIFE ESTATE  
931 W 2ND AVE  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 914 W 2<sup>nd</sup> Ave. Z23-03

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[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

RECOMMEND – Z23-03 (914 W 2<sup>nd</sup> Ave.)

APPROVAL: X DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNATURE: Quida Bridges Kirby DATE: 12-24-22

KIRBY OUIDA BRIDGES LIFE ESTATE

Encl.

RECOMMEND - Z23-03 (914 W 2<sup>nd</sup> Ave.)

APPROVAL: ☒ DISAPPROVAL ☐

COMMENTS: \_\_\_\_\_

SIGNATURE: *[Signature]* DATE: 1/3/2023

SHAHER FAMILY REVOCABLE TRUST

RECOMMEND - Z23-03 (914 W 2<sup>nd</sup> Ave.)

APPROVAL: ☒ DISAPPROVAL ☐

COMMENTS: \_\_\_\_\_

SIGNATURE: *Cherry Winters* DATE: 12-26-2022

WINTERS CHERRY T LIFE ESTATE

---

APPROVAL: ✓ DISAPPROVAL           

COMMENTS: \_\_\_\_\_

SIGNATURE: Jennifer Clarke DATE: 1/5/23

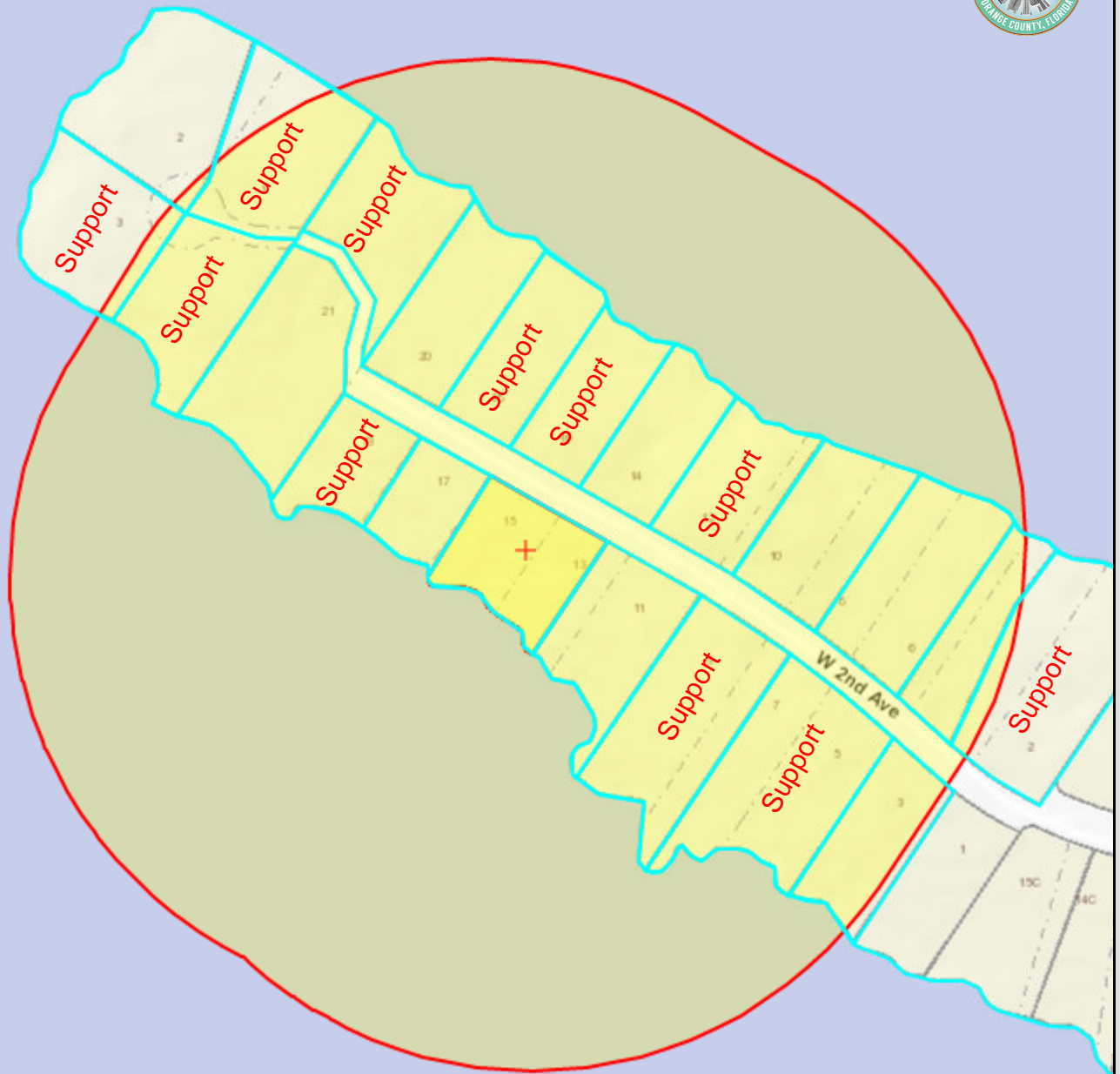
**CLARKE REVOCABLE TRUST**

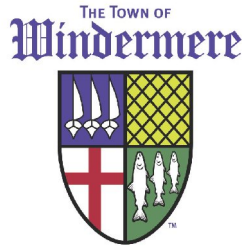
# OCA Web Map

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 SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital



Orange County Property Appraiser





## EXECUTIVE SUMMARY

**SUBJECT:** Approval of Purchase of Playground Shade Structure Palmer Park – Shade America

**REQUESTED ACTION:** \_\_\_\_\_

☐ Work Session (Report Only)  
☒ Regular Meeting

**DATE OF MEETING:** 02/14/2023

☐ Special Meeting

**CONTRACT:** ☐ N/A

Vendor/Entity: Shade America, Inc.

Effective Date: \_\_\_\_\_

Termination Date: \_\_\_\_\_

Managing Division / Dept: \_\_\_\_\_

Public Works

**BUDGET IMPACT:** \$26,530.00

☒ Annual

**FUNDING SOURCE:** \_\_\_\_\_

**Funds available in Parks Committee Line Item**

☐ Capital

**EXPENDITURE ACCOUNT:** \_\_\_\_\_

001 9150 000 5692

☐ N/A

---

## HISTORY/FACTS/ISSUES:

Mayor & Council,

The Parks and Recreation committee has been dedicated to improving the Parks system within the Town and have worked tirelessly to bring more recreation opportunities and activities to the residents of the Town.

As part of this important work the Committee identified a need to install a shade structure at the playground at Palmer Park.

The Committee and Town Staff worked together to obtain three quotes for this project as follows:

Swartz Associates, Inc. - Declined to quote  
Shade America Inc. - \$26,530.00  
360 Recreation LLC - \$44,291.68

The Parks and Recreation Committee recommends moving forward with Shade America in the amount of \$26,530.00. Funds are available in the Parks and Recreation budget to cover the new equipment expense.

---

Shade America, Inc.  
 3604 Harbor Drive  
 Saint Augustine, FL 32084  
 US  
 (904)217-0516  
 sholton.shadeamerica@outlook.com  
 http://www.shadeamerica.com



Estimate 2855

**ADDRESS**

Sue Ann Reichard  
 Town of Windermere

DATE  
 01/10/2023

TOTAL  
 \$26,530.00

ACTIVITY	QTY	RATE	AMOUNT
<b>Materials &amp; Installation</b> Supply and Installation, (including foundations, equipment and labor) of a 35' x 45' x 12'H 4-Post Hip Design Shade Structure with Powder Coated Poles and Frame	1	23,880.00	23,880.00
<b>Engineering</b> Sealed Engineering Drawings	1	2,650.00	2,650.00

This proposal is valid for 30 days. All discounts reflected here will apply.

50% deposit is required with order and balance is due upon installation.

Shade will be installed within 6-8 weeks from deposit receipt and signed purchase order/proposal. All materials will remain the property of Shade America, Inc. until balance is paid.

Shade America, inc. will make every effort to insure that underground cables or pipes are not damaged when digging foundations. It is the customer's responsibility to advise of such obstacles prior to job start and to cover costs associated with removal and/or relocating.

**TOTAL**

**\$26,530.00**

THANK YOU.

50% DEPOSIT REQUIRED

Accepted By

Accepted Date



# *Commercial*<sup>®</sup>

## 95 340

**Architectural Shade Fabric**

TENSION STRUCTURES

AWNINGS

SHADE SAILS



# Commercial®

## 95 340

### Architectural Shade Fabric

Commercial 95® 340 is the flagship of GALE Pacific's Architectural Shade Fabrics range. It is the name synonymous with commercial-grade shade cloth in many parts of the world. Designed for use on tension structures and suitable for a wide variety of applications, Commercial 95® 340 offers the ultimate combination of maximum sun protection, strength and durability to ensure maintenance-free, long-life performance.

Made from high quality UV-stabilised HDPE in GALE Pacific's off-shore facility – Commercial 95® 340 was engineered in Australia as a strong and stable outdoor fabric for tension structures and shade sail applications.

It is 100% lead and phthalate free and is the first architectural shade cloth in the world to be granted Oeko-Tex® 100 and Greenguard® certification.

Features	Benefits
Knitted lock-stitch construction	Fray and tear resistant
Tape and monofilament yarn	Excellent balance between strength and UV block
Strong HDPE	Won't rot or absorb moisture
Stentured (heat set)	Virtually eliminates any possibility of shrinking once installed and provides ease of fabrication
UV Block range 89.3% - 97.7%	Reduces sun exposure for safe and extended time outdoors
10 Year UV degradation Warranty on fabric	Reduced costs; Peace of Mind
100% Lead and Phthalate free	Healthier environment
Greenguard® and OEKO-TEX® certified	Confidence in operational quality assurance
Engineered in Australia	Meets harsh environmental conditions
100% Recyclable	Addresses environmental concerns

#### Applications

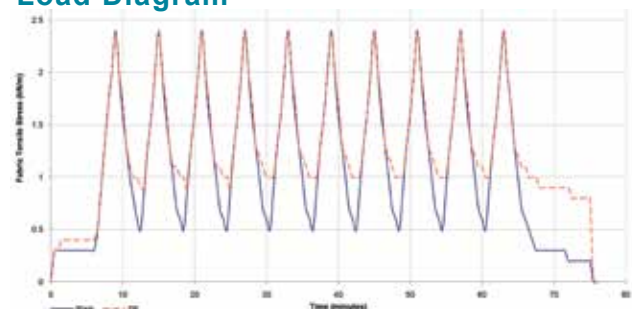
- Tension structures
- Awnings
- Shade sails
- Car Park structures

#### Usage Instructions

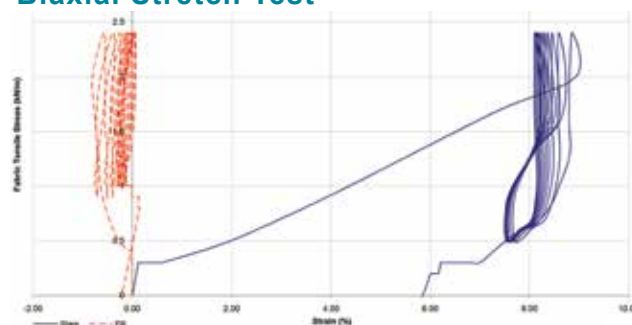
Do not use against flames.

Contact with organic solvents, halogens or highly acidic substances may reduce the service life of the fabric and void the warranty.

#### Load Diagram



#### Biaxial Stretch Test





Material

Yarn	Knitted UV-stabilised HDPE
Construction	Monofilament & tape
Pattern	Lock-stitch knitted
Temperature range	-30°C to +70°C
Roll length	40m
Roll width	3m width (folded)

Elongation at break (%)	70.4
Bursting Pressure (mean) (AS 2001.2.4)	3500 kPa
Bursting Force (mean) (AS 2001.2.19)	2146 N

Properties

Nominal fabric mass (AS 2001.2.13)	340gsm ± 20
Approximate thickness	1.6mm

Flammability

(AS2001.2.19)	
Flammability Index (range0-100)	14

Performance

Tensile Strength-Warp	635 N/50mm
Elongation at break (%)	95.6
Tensile Strength-Weft (AS 2001.2.3.1)	2494 N/50mm
Wing Tear – Warp (mean)	187 N
Wing Tear – Weft (mean) (AS 2001.2.10)	359 N

Lead & Phthalate Tests

(CPSIA Section 101(a)(2))	
Lead not detected	PASS
(CPSIA Section 108)	
Phthalate not detected	PASS

Suggested Specification

Shadecloth fabric shall be compliant to Australian standard AS 4174 and shall be Commercial 95 340 knitted HDPE monofilament & tape shade fabric offering a UV block up to 97%.

Colour	Code	Nom Width*	Length**	Cover Factor	Shade Factor	Av % Trans	Av% UVR Trans	Av PAR Trans	%UVR Block	PF	PF Calculated
Aquatic Blue	444938	3m	40m	96.8	90.2	9.8	6.4	11.2	93.6	15.0	32.2
Black	444945	3m	40m	98.2	97.4	2.6	2.6	2.7	97.4	35.0	59.8
Navy Blue	445010	3m	40m	96.2	94.4	5.6	4.7	5.7	95.2	14.7	33.3
Sky Blue	445034	3m	40m	95.2	90.4	9.6	6.2	9.9	93.8	16.0	21.3
Brunswick Green	444952	3m	40m	96.2	93.9	6.1	4.9	6.3	95.1	15.0	32.6
Cayenne	455255	3m	40m	92.0	87.0	13.0	6.0	11.6	94.0	11.0	14.7
Cedar	465360	3m	40m	94.9	87.7	12.3	5.3	12.6	94.7	18.0	19.4
Charcoal	444969	3m	40m	94.7	94.2	5.8	5.3	5.8	94.7	11.4	23.2
Cherry Red	444976	3m	40m	90.1	75.3	24.7	10.7	22.4	89.3	8.8	12.1
Desert Sand	444983	3m	40m	94.0	85.0	15.0	3.6	16.1	96.4	10.0	20.3
Gun Metal	455262	3m	40m	97.1	96.2	3.8	2.3	3.9	97.7	23.0	54.9
Natural	445003	3m	40m	97.9	74.3	25.7	3.2	30.1	96.8	35.0	62.4
Deep Ochre	444990	3m	40m	95.1	91.3	8.7	5.6	8.5	94.4	12.1	26.3
Rivergum	445027	3m	40m	94.7	85.0	15.0	7.7	15.6	92.3	12.6	20.8
Steel Grey	445041	3m	40m	95.6	88.4	11.6	7.0	12.3	93.0	13.1	26.1
Turquoise	445065	3m	40m	94.0	90.0	10.0	5.7	11.7	94.3	11.9	18.0
Yellow	445072	3m	40m	98.3	77.2	22.8	2.9	25.0	97.1	45.0	71.3

Approx. roll weight: 44kg

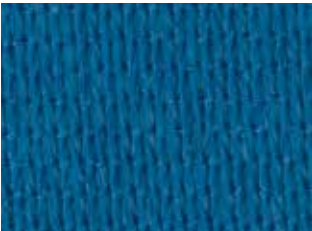
Approx. roll diameter: 0.32m

Core diameter: 35mm

*\*Folded. \*\*Roll.*  
*The above results are typical averages from independent testing and quality assurance testing and are not to be taken as a minimum specification nor as forming any contract between GALE Pacific and another party. Due to continuous product improvement product specifications are subject to alteration without notice.*  
*As the use and disposal of this product are beyond GALE Pacific’s control, regardless of any assistance provided without charge, GALE Pacific assumes no obligation or liability for the suitability of its products in any specific end use application. It is the customer’s responsibility to determine whether GALE Pacific’s products are appropriate for the specific application and complies with any legal & patent regulations.*  
*The calculated protection factor is for the material only and does not account for the effect of indirect UVR when situated at a distance from the persons being protected.*



## Colours Available



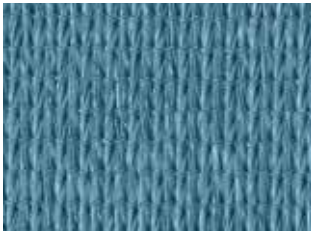
**Aquatic Blue** 444938  
93.6% UVR Block



**Black** 444945  
97.4% UVR Block



**Navy Blue** 445010  
95.2% UVR Block



**Sky Blue** 445034  
93.8% UVR Block



**Brunswick Green** 444952  
95.1% UVR Block



**Cayenne** 455255  
94.0% UVR Block



**Cedar** 465360  
94.7% UVR Block



**Charcoal** 444969  
94.7% UVR Block



**Cherry Red** 444976  
89.3% UVR Block



**Desert Sand** 444983  
96.4% UVR Block



**Gun Metal** 455262  
97.7% UVR Block



**Natural** 445003  
96.8% UVR Block



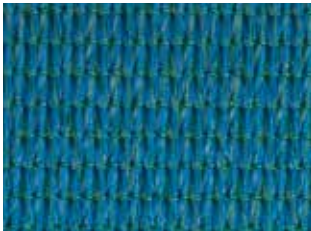
**Deep Ochre** 444990  
94.4% UVR Block



**River Gum Green** 445027  
92.3% UVR Block



**Steel Grey** 445041  
93.0% UVR Block



**Turquoise** 445065  
94.3% UVR Block



**Yellow** 445072  
97.1% UVR Block

Please note, due to the limitations of the printing process, colours may not represent the true colour

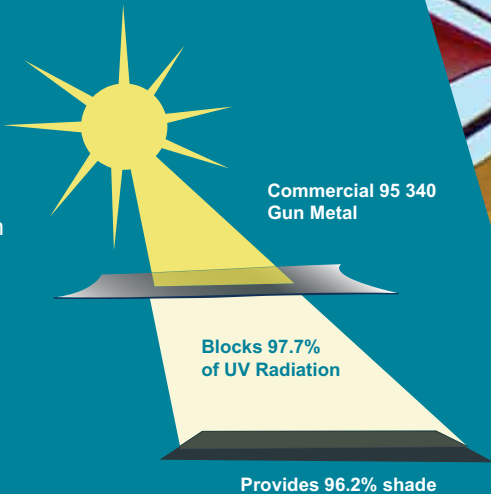
GALE Pacific architectural shade fabrics are designed to be strong and stable for use in architectural, outdoor, large-scale tension structures. All GALE Pacific architectural shade fabrics offer the ultimate combination of maximum sun protection, strength and durability to ensure maintenance-free, long-life performance.

GALE Pacific architectural fabrics are 100% lead and phthalate free and the first architectural shade cloth in the world to be granted Oeko-Tex Standard 100 and Greenguard Certification.

**UVR Block & PF Ratings**

All GALE Pacific shade fabrics have been fully tested according to AS4174 by the Australian Radiation Protection & Nuclear Safety Agency and feature the highest PF results available to deliver the highest level of UVR protection of any commercial shade cloth. Commercial 95 340 shade fabric ranges up to 97.7% UVR block which is considered as “excellent protection” under guidelines set by Australia’s Sun Smart and the Cancer Council.

The % UVR block relates to the ability of the shadecloth to reflect or absorb UVR within the 290nm to 400nm range of the spectrum. Heightened exposure to UVR has been shown to increase the rates of skin cancer. Therefore, the percentage of UVR block is an important factor when selecting shadecloth designed to protect people.



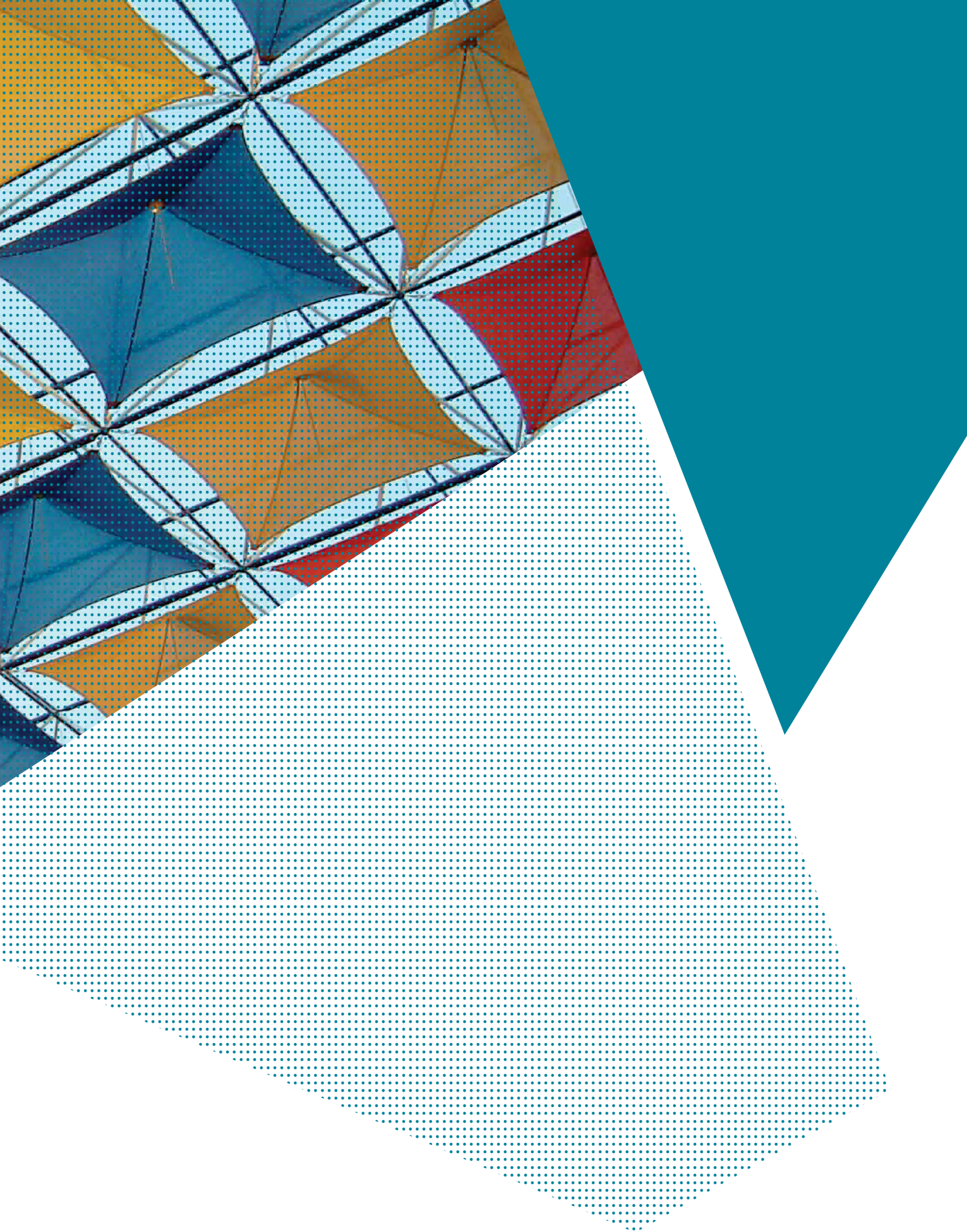
**Commercial 95 340 is OEKO-TEX® Standard 100 and Greenguard children and school certified.**

As the demand for healthy, sustainable products continues to expand, consumers and building industry professionals increasingly demand substantiation of product sustainability claims and rely on trustworthy third-party certifiers to guide purchasing and specification decisions. GREENGUARD & Oeko-Tex Standard 100 Certification provides the market with solutions and resources to ensure healthier environments, and provides manufacturers with credible tools to legitimize and promote their sustainability.

**The GREENGUARD and Oeko-Tex Standard 100 Certifications set stringent limits for products to achieve in several key areas such as:**

- Limiting Volatile Organic Compound (VOC) content
- Lowering formaldehyde emissions
- Lowering lead and phthalate content





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