

THE TOWN OF
Windermere



DEVELOPMENT REVIEW BOARD

Chair: Frank Chase

Peter Fleck

Jennifer Roper

Stephen Withers

Molly Rose

Council Liaison: Andy Williams

Agenda

Agenda

April 16, 2024

6:30 PM

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 Development Review Board:

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 Development Review Board 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 Development Review Board 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 CHAIRMAN**

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

2. NEW BUSINESS

a. MINUTES

**i. Development Review Board Meeting Minutes February 20, 2024
(Attachments-Board Option)**

b. GENERAL ITEMS FOR CONSIDERATION

i. Z24-07 - 527 Main Street, Windermere Downtown Property, LLC/Sun Wine Inc./Arjun Kumar,/Kara Ann Groves, Esq. - Conditional Use to Allow On-Site Consumption of Beer or Wine (Attachments).

3. ADJOURN

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

February 20, 2024

Present were Chair Frank Chase, Board Members Molly Rose, Stephen Withers, Jennifer Roper, and Peter Fleck. Town Manager Robert Smith, Town Council Liaison Andy Williams, Town Planner Amanda Warner, and Town Clerk Dorothy Burkhalter were also present. Member Norma Sutton resigned.

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

1. OPEN FORUM/PUBLIC COMMENTS:

Chair Chase opened the floor to the public. There were no public speakers.

2. NEW BUSINESS:

a. Minutes

i. December 19, 2023, DRB Meeting Minutes

Member Withers made a motion to approve the December 19, 2023. Member Roper seconded the motion. All were in favor.

b. General Items for Consideration

i. **Z24-06 – 212W 1st Avenue – Ryka, LLC – Variance to allow a Dock with Side setbacks less than 16 feet to allow side setbacks of 10.0 feet on the east side and 10.8 feet on the west side.**

Chair Chase introduced this item and turned the floor over to Ms. Amanda Warner. Ms. Warner introduced and reviewed proposed variance request Z24-06. She explained that the variance request is to allow reduced side setbacks for a boat dock, ten feet on the east side and ten feet eight inches on the west side. Ms. Warner stated that the required setback is sixteen feet. She then stated that currently there is a boat dock that has a six-foot setback from the west side property line and if approved, the existing dock would be removed and the new would be constructed. Ms. Warner reviewed the criteria needed for approval. She then stated that notices were sent out, two responses were received in support. Member Withers commented on property lines that go out into the lake (blue line). Ms. Warner commented on the blue lines for clarification. Some discussion followed. Chair Chase stated that Orange County's code is ten feet, and the Town is sixteen feet. Ms. Warner stated that this has been approved by the County. Ms. Shelia Cichra, representative for the owner, explained that there is a permit from the State and County for this dock. Much discussion followed regarding the normal high water, setbacks, State and County requirements, seawalls, shorelines, no wetland impact, the previous dock, run-off issues, and the roof overhang. Member Wither made a motion to recommend approval of the variance request with the condition of no roof overhang over the deck area. Member Roper seconded for discussion. Discussion followed regarding the overhang. Member Withers amended his motion to "recommend approval of the proposal with the exception that we don't have more than a six-inch overhang on the south and west side. Member Fleck seconded the amendment. All were in favor.

ii. **Z24-05 10910 Bayshore Drive – Adair Dillaha – Variance to allow a Covered Porch that Results in a Maximum Floor Area Ratio of 42% which exceeds the Allowed Total Maximum 38% Floor Area Ratio**

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

February 20, 2024

Chair Chase introduced this item and turned the floor over to Ms. Amanda Warner. Ms. Warner introduced and reviewed proposed variance request Z24-05. She explained that the variance is to allow a covered porch that will increase the floor area ratio to 42% in which 38% is allowed. Ms. Warner stated that this is the only variance being requested. She then explained that 177 square feet is being removed and 252 square feet is being added back which is the cause for the percentage increase. Ms. Warner stated that notices were mailed out with two in support being received and zero in opposition. Member Withers questioned the balcony. Ms. Warner stated that the balcony is not included only the covered area underneath. Member Rose made a motion to recommend approval of the variance request. Member Roper seconded the motion. Rose – aye, Withers – nay, Chase – aye, Roper – aye and Fleck – aye. Motion carried 4-1. Member Withers stated he voted no due to no hardship.

c. Norma Sutton’s Resignation

Chair Chase introduced this item and turned the floor over to Clerk Burkhalter. Clerk Burkhalter read Mrs. Sutton’s resignation for the record.

4. ADJOURN:

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

The meeting adjourned at 7:18pm.

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

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

Town Clerk
DOROTHY BURKHALTER

Development Review Board April 16, 2024

Town Council May 14, 2023

Case No.: Z24-07

Applicant/Representative: Sun Wine, Inc. d/b/a SolVino – Arjun Kumar
Kara Ann Groves, Esq. , BrewerLong

Property Owner: Windermere Downtown Property, LLC

Requested Action: Conditional Use to allow on-site consumption of beer or wine

Property Address: 527 Main Street, Unit 101, Windermere, FL 34786

Legal Description: PLAT OF WINDERMERE G/36 LOTS 247 & 248

Future Land Use/Zoning: Commercial (Town Center Overlay District)/Planned Development

Existing Use: Vacant – Downtown Windermere Redevelopment Project Under Construction

Surrounding Future Land Use/Zoning

North: Commercial (Town Center Overlay)/Commercial
East: Residential/Residential
South: Commercial (Town Center Overlay)/Commercial
West: Public/Public

Need for Conditional Use Approval: To allow a business in the Windermere Downtown Property Redevelopment (aka 500 Block Project) that has on-site sale and consumption of beer or wine requires a Conditional Use approval because it is located less than 1,000 feet from the Family Church and the three other locations with approval for on-site sale and consumption of beer and wine (Tim's Wine, Windermere Brewery, and Paloma Coffee) (Section 8-82, Code of

Ordinances). However, Section 8-82, Code of Ordinances, also provides that the Town Council may waive the 1,000 foot separation requirement through the approval of a Conditional Use.

Below is a 2023 aerial from the Orange County Property Appraiser that identifies the subject property and the other uses within 1,000 feet that require the approval of the Conditional Use for the proposed on-site sale and consumption of beer or wine.



Source: Orange County Property Appraiser Mapping April 8, 2024

Section 15.00.04 of the Land Development Code provides the standards of review for a Conditional Use for the DRB and Town Council. The standards of review are:

1. Whether the conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
2. Whether the conditional use will preserve any town, state or federally designated historic, scenic, archaeological, or cultural resources.
3. Whether the conditional use will be compatible with adjacent residential development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features
4. Whether the conditional use will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, truck and other delivery trips, the amount, location, and nature of any outside displays, storage, or activities, potential for increased litter, and privacy and safety

issues.

5. Whether the transportation system is capable of safely supporting the conditional use in addition to the existing uses in the area.
6. Whether the minimum off-street parking area required, and the amount of space needed for the loading and unloading of trucks, if applicable, has been provided and will function properly and safely.
7. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made. The applicant provided a plan of operation. The following provides a summary of the plan of operation and review comments where additional information is needed or recommended conditions of operation.

The applicant provided a response to all seven criteria and is included in this agenda item.

Proposed Hours of Operation: Section 8-83, Code of Ordinances, prohibits the sale of alcoholic beverages between the hours of 12:00 am and 7:00 am. The applicant proposes to be closed by 10 p.m. each day, which is consistent with the Development Agreement for the Windermere Downtown Property (Ordinance 2023-02). Under the Conditional Use, the Town has the ability to regulate the hours of operation and impose other operating hours.

Outdoor Seating: The applicant proposes outdoor seating only if approved by the Town. For the information, the Development Agreement for the Windermere Downtown Property (Ordinance 2023-02) requires that permanent outdoor seating areas must be included in the total gross floor area of the project, which would impact the number of required parking spaces. Any additional gross floor area above what was previously approved under Ordinance 2023-02 will require additional parking over the 79 parking spaces that are being provided.

Compliance with the Windermere Downtown Property PUD – Ordinance 2023-02: The proposed business will be within unit that is part of the Windermere Downtown Property PUD, which was approved by Ordinance 2023-02. The approved PUD allows for the proposed business with the approval of a Conditional Use. The approved PUD requires that the proposed business be developed (building façade, signage, etc.) and operated consistent with the requirements of the PUD under Ordinance 2023-02. The applicant has acknowledged and agreed develop and operate complaint with the PUD requirements under Ordinance 2023-02.

Public Notice: Public notices were mailed to property owners within 500 feet of the subject property. As of April 8, 2024, no responses have been received. An update to responses received after April 8, 2024, will be provided at the DRB meeting.

AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Windermere Downtown Property LLC, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 527 Main Street, Unit 101, Windermere, FL 34786, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Arjun Kumar, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, _____, 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.

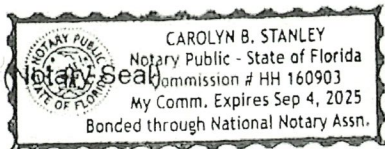
Date: 3/6/24 _____
 Signature of Property Owner _____
 Print Name Property Owner John C. Vick, III, Agent of Owner

Date: _____
 Signature of Property Owner _____
 Print Name Property Owner _____

STATE OF FLORIDA :
 COUNTY OF Seminole :

I certify that the foregoing instrument was acknowledged before me this 6 day of March, 2024 by John C. Vick, III. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 6 day of March, in the year 2024.



Carolyn B. Stanley
 Signature of Notary Public
 Notary Public for the State of Florida
 My Commission Expires: 9/4/25

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #:
282317933602470
LEGAL DESCRIPTION:
PLAT OF WINDERMERE G/36 LOTS 247 & 248

PROJECT NARRATIVE FOR CONDITIONAL USE APPLICATION

Applicant: Sun Wine Inc.
Address: 527 Main Street, Unit 101
Windermere, FL 34786

Applicant, Sun Wine Inc., d/b/a SolVino (“SolVino” or “SolVino – Fine and Rare Wines”), by and through its managers, Arjun and Sara Kumar, requests Conditional Use approval for certain proposed uses at 527 Main Street, Unit 101, Windermere, FL 34786 (the “Premises”). Specifically, Applicant intends to operate a small, high-end wine retailer for on and off-premises consumption (the “Proposed Use”).

INTRODUCTION

For many years, the Town of Windermere has been a destination for high-end retailers and entertainment. The Town consistently hosts and facilitates community events involving a variety of local dining and drinking establishments to highlight its small businesses and attract diverse visitors to the area. SolVino hopes to become a valuable addition to this existing Town center as part of the Windermere Downtown Property Planned Unit Development recently approved through Ordinance No. 2023-02 (the “Downtown Development”). Owners Arjun and Sara Kumar, former tech entrepreneurs of Canada’s largest publicly traded health company, have developed a deep-rooted passion for the Town. They stepped down from their executive roles to relocate to Windermere full-time and make it their home.

The Downtown Development is set to include several boutique retail and restaurant uses. Pursuant to Section 4(c)(ii) of the Planned Development Agreement (the “Agreement”), the Permitted Land Uses for the Downtown Development include food or beverage services consistent with the Town’s Comprehensive Plan and Land Development Code. The concept for SolVino aligns with the Permitted Land Uses set forth in the Agreement. SolVino aims to transcend the wine retailer industry by providing an educational, personalized purchase experience which focuses on quality over quantity.

CONCEPT BACKGROUND

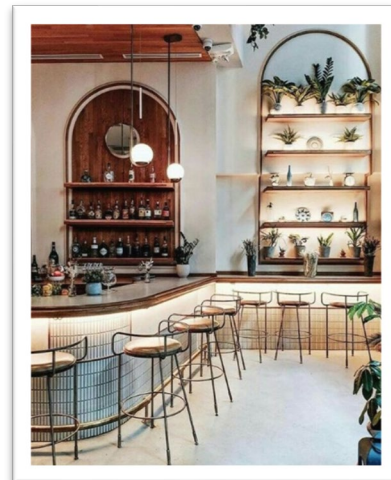
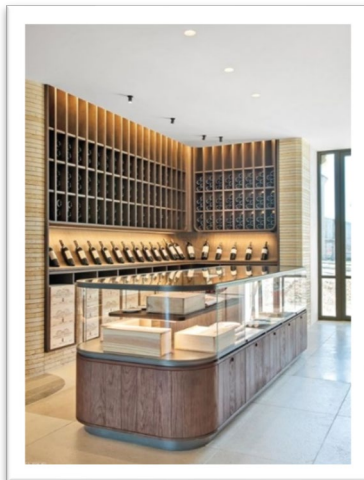
Drawing inspiration from European bottle shops and neighborhood cafés, SolVino will feature a meticulously curated selection for carry out and limited on-premises consumption. To create a distinct ambience unique to the Downtown Development and the surrounding area, SolVino will incorporate an intimate, “by-the-glass” educational experience for visitors wishing to consume certain high-end products on-site. Comparative to, and complimentary of, other wine retailers in the Town, SolVino – Fine and Rare Wines will



highlight collectible, rare bottles ranging from affordable to luxury pricing. As part of this effort to differentiate from its neighboring retailers, SolVino will update and rotate its selections monthly to offer fresh and exciting options to the community.

SolVino’s principal managers, Arjun and Sara Kumar, have spent years cultivating a personal collection with retailers and wholesalers across the country and intend to use those established relationships to procure exclusive brands otherwise unavailable in the area. The Premises will open to the public in the early afternoon and will close by 10 PM or earlier in accordance with Sec. 4(c)(ii) of the Development Agreement. SolVino does not intend to host live music and will not prepare meals on Premises to minimize its impact on noise ordinances, parking and the wastewater systems. SolVino – Fine and Rare Wines instead hopes to offer shelf-stable or pre-packaged snack options from local restaurants and markets in the area. Further, in an effort to lift up community members in the service industry, SolVino will hire local and pay its employees a salary, as opposed to hourly or part-time positions.

Overall, the design of SolVino will compliment its unique offerings by providing an elegant but comfortable atmosphere. Applicant hopes to include approximately thirty flexible seating options with high top and lounge tasting areas centered around a twenty (20) foot display case and the outdoor courtyard. *See attached Conceptual Site Plan, attached hereto as Exhibit A.* Applicant aims to create a cozy setting for tasting and educational events similar to vineyard-to-glass experiences across the country. Design elements of SolVino will likely include the following (the “Intended Design”)



STANDARDS FOR REVIEW

Applicant seeks permission for its Proposed Use pursuant to Ordinance No. 2014-08 which allows 2COP license holders to apply for a conditional use related to the separation requirements of Section 8-82 of the Town Code. The following Standards for Review are set forth in Article XV for approval of a conditional use application, which SolVino addresses as follows:



- (1) Whether the conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.

Applicant's Proposed Use and Intended Design is consistent with the character of the surrounding area given that it is being constructed within the Downtown Development. Pursuant to Sec. 4(c)(iii) of the Development Agreement and corresponding Construction Plans for Windermere Downtown Property dated July 11, 2023, all site design shall be "consistent with the architectural building design and adjacent buffering intent of the Town Center Design Guidelines..." Applicant has a signed lease agreement with the relevant parties to the Development Agreement and has agreed to be bound by those terms.

Further, Applicant's Intended Design and Site Plan for the interior of the Premises offers an upscale but accessible layout harmonious with the neighboring cafes such that the essential character of the surrounding area will not change.

- (2) Whether the conditional use will preserve any town, state or federally designated historic, scenic, archaeological, or cultural resources.

Applicant's Proposed Use is unrelated to any state or federally designated resources. However, Applicant believes its Proposed Use further supports the Town of Windermere's focus on the community's cultural experience and its vibrant culinary scene, which includes several elite restaurants, alcohol manufacturers and wine retailers. Applicant will elevate this element of the community by attracting visitors interested in the educational and cultural experience it hopes to provide and dissuade those looking for a cheap bar or package store.

- (3) Whether the conditional use will be compatible with adjacent residential development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features.

Applicant's Proposed Use and Intended Design is compatible with adjacent residential development given that it is being constructed within the Downtown Development. Pursuant to the Development Agreement and corresponding Construction Plans for Windermere Downtown Property dated July 11, 2023, impact of all construction activities to the surrounding residential areas will be minimized by certain management requirements such as limited staging of equipment and storage and screen barriers to protect residential view. Applicant has a signed lease agreement with the relevant parties to the Development Agreement and has agreed to be bound by those terms.



- (4) Whether the conditional use will have significant adverse impacts on the livability and usability of nearby land due to: noise, dust, fumes, smoke, glare from lights, late-night operations, odors, truck and other delivery trips, the amount, location, and nature of any outside displays, storage, or activities, potential for increased litter, and privacy and safety issues.

Applicant's Proposed Use will not have significant adverse impacts on the livability and usability of the nearby land because the Premises will not be open past 10 PM, will not offer live music, will not require any outside storage, displays or other activities, and is focused on quality over quantity with respect to the sale of its products.

Applicant will procure its products through a local wholesaler and will likely have the bottles brought on-site by way of private vehicles or small vans. The nature of the product SolVino offers does not demand commercial truck or similar deliveries. In the event a commercial truck is required, the delivery frequency would be much less than that of a traditional wine retailer.

- (5) Whether the transportation system is capable of safely supporting the conditional use in addition to the existing uses in the area.

Pursuant to Sec. 4(a) of the Development Agreement, the Downtown Development to which Applicant is subject is required to pay for transportation improvements related to the proposed uses. Accordingly, the transportation system will be developed to safely support Applicant's use and those of the surrounding businesses.

- (6) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, has been provided and will function properly and safely.

Applicant has affirmatively chosen to not serve plated meals and to restrict the quantity and scope of its inventory to avoid any off-street parking issues related to its customers or deliveries. Further, the Development Agreement requires the construction of additional parking within the Downtown Development and has allotted a certain number of spaces to each business according to square footage measurements. Applicant is unaware of whether the Town will approve of any outdoor patio or lounge area and will act in accordance with the Town's directive.

- (7) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made.

Applicant believes the health, safety and welfare of the Town of Windermere will be preserved because its Proposed Use is of minimal impact to the surrounding area. Technically, a carry-out only APS license is available to Applicant, which



would completely remove the on-site consumption and congregation element. However, the APS license in the modern alcohol licensing industry is primarily reserved for convenience and liquor stores, neither of which are consistent with the culture and make-up of the Downtown Development.

Further, the 2COP license allows Applicant to reduce its overhead with competitive pricing from its wholesalers that is not otherwise available to it as an APS license holder. Applicant is then able to pass off those lower costs to the customer by offering higher quality products. Finally, the entire SolVino concept centers around fostering relationships within the community in a way that is otherwise absent in many modern Florida cities. This business model depends on the slow but steady building of trust within the community, which can only be done through intimate, one-on-one "by-the-glass" experiences with its customers.

CONCLUSION

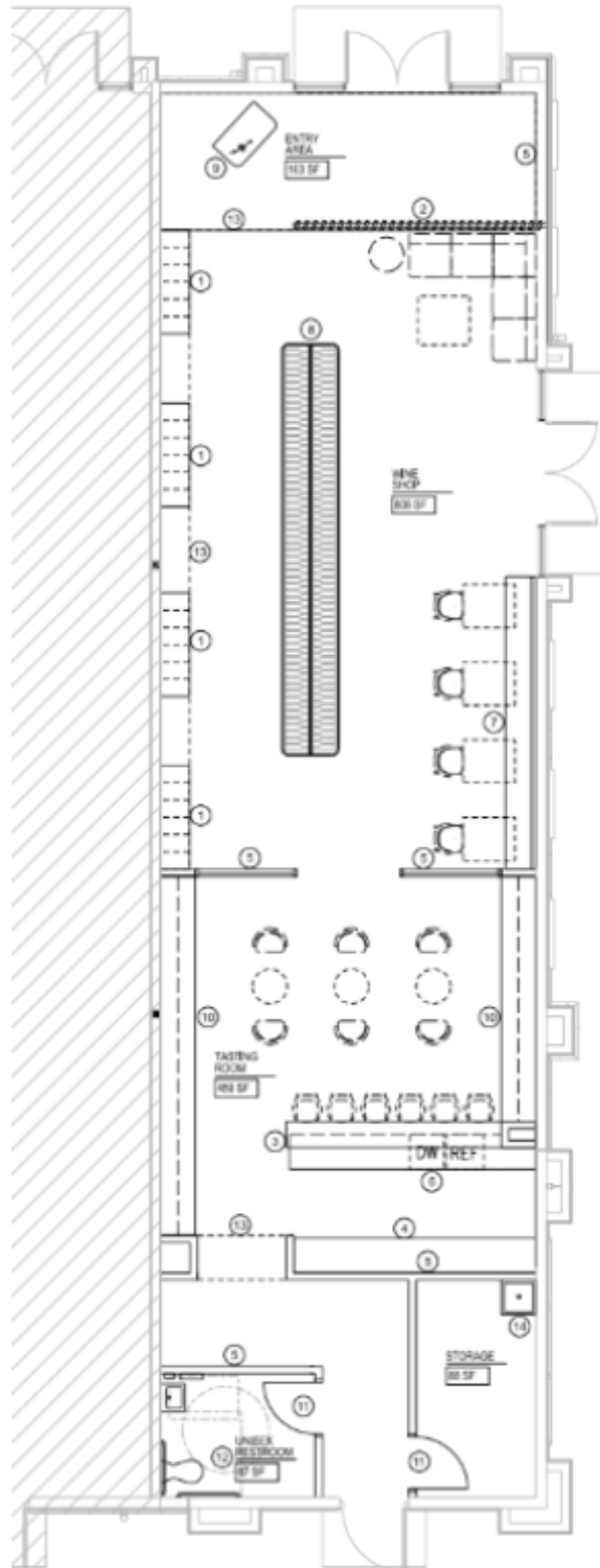
Ultimately, Mr. and Mrs. Kumar hope to be an integral part of the Downtown Development and the Town of Windermere. They offer an international perspective which focuses on fostering meaningful connections with their visitors to keep them coming back to both the SolVino storefront and the Windermere community at-large. Applicant looks forward to the Department's feedback and direction on the aforementioned uses, and is flexible in its approach in order to address any concerns of the Town.



Kara Ann Groves, Esq.



Exhibit A
Conceptual Site Plan



NO.	REVISIONS	DATE	BY

WWW.KIMLEY-HORN.COM
165 SOUTH GRANT AVENUE, SUITE 1000, OAKDALE, IL 62450
PHONE: 618-392-2811

Kimley»Horn

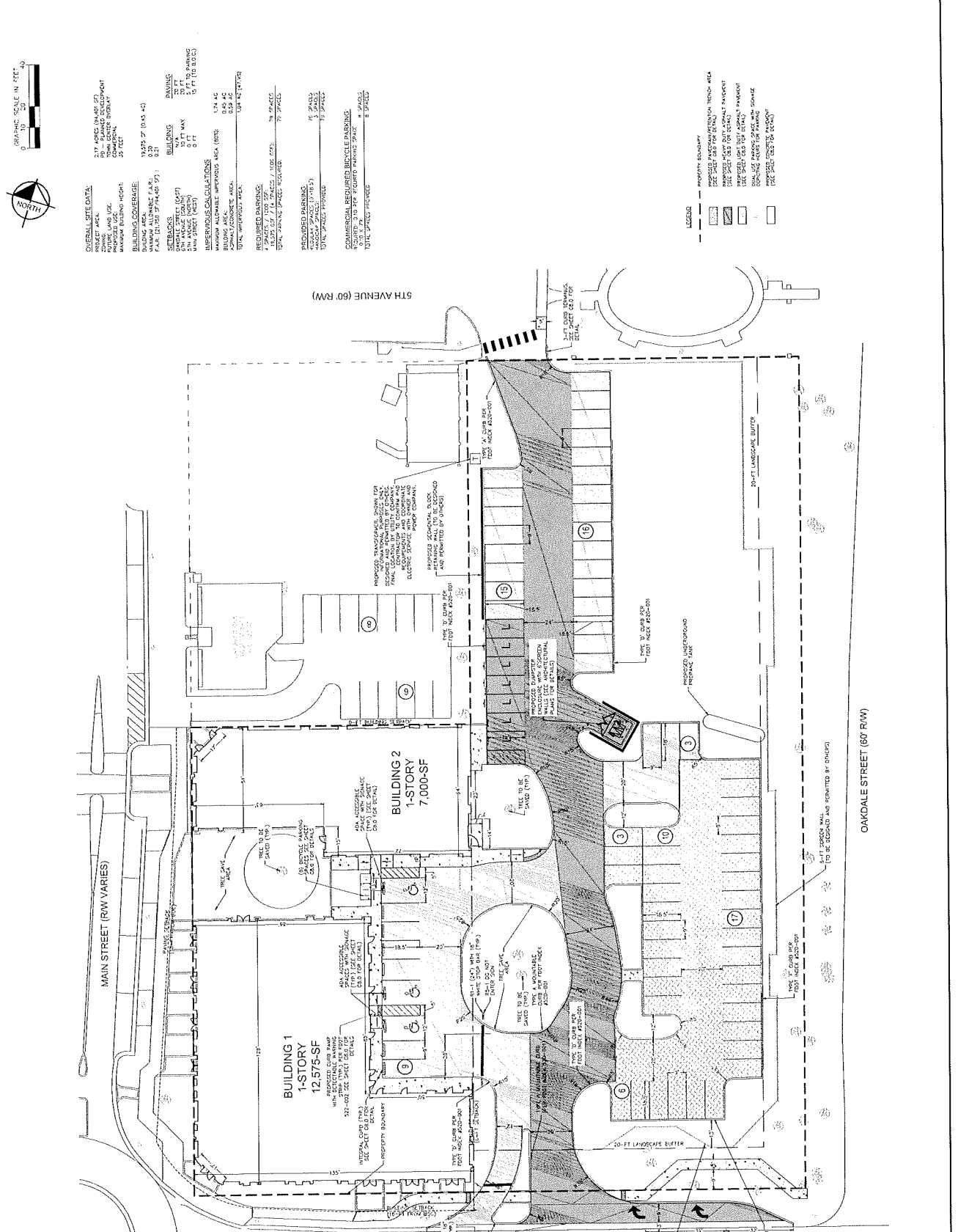
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
PROJECT MANAGER: MASONRY & ROBERT, P.E.
IL LICENSE NUMBER: 0213-001-89199

WIND PROJECT
DATE: 07/11/2023
SCALE: AS SHOWN
DESIGNED BY: JAC
CHECKED BY: MJC
DRAWN BY: CUL
PROJECT NO.: 23001-001

SITE PLAN

TOWN OF WINDERMERE
PROPERTY
DOWNTOWN WINDERMERE

SHEET NUMBER
C4-0



6TH AVENUE (60' RW)

5TH AVENUE (60' RW)

MAIN STREET (ROW VARIES)

OAKDALE STREET (60' RW)