Present were Acting Chair Stephen Withers, Board Members Molly Rose, and Jennifer Roper. Town Manager Robert Smith, Town Council Liaison Andy Williams, Town Planner Brad Cornelius, and Town Clerk Dorothy Burkhalter were also present. Chair Frank Chase and Member Peter Fleck were absent.

Acting Chair Withers called the meeting to order at 6:31pm. He then led everyone in the Pledge of Allegiance.

**1. OPEN FORUM/PUBLIC COMMENTS:**

Acting Chair Withers opened the floor to the public. The first to speak was Ms. CT Allen. Ms. Allen spoke in opposition to the Conditional Use application.

**2. NEW BUSINESS:**

**a. Minutes**

**i. February 20, 2024, DRB Meeting Minutes**

Member Rose made a motion to approve the February 20, 2024, minutes as presented. Member Roper seconded the motion. All were in favor.

**b. General Items for Consideration**

1. **Z24-07 – 527 Main Street, Windermere Downtown Property, LLC/Sun Wine Inc., /Kara Ann Groves, Esq. – Conditional Use to allow on-site consumption of Beer or Wine**

Acting Chair Withers introduced this item and turned the floor over Mr. Brad Corenlius. Mr. Cornelius introduced and reviewed the request. He explained that the Conditional Use request is to allow on-site sale and consumption of wine. Mr. Cornelius further explained that approval is needed because it is located less than 1,000 feet from the Family Church, and three other locations with approval to sell and/or consume beer and wine: Tim’s Wine, Windermere Brewery, and Paloma Coffee. He then stated that per the Code of Ordinances, the Town Council may waive the 1,000-foot separation requirement through the approval of a Conditional Use. Mr. Cornelius explained the seven standards of review for Conditional Use. He then commented on proposed hours of operation (consistent with Developers Agreement), outdoor seating (only if approved by Town Council) and compliance with the Windermere Downtown Property PUD Ordinance 2023-02 (it will be within the unit that is part of the Windermere Downtown Property PUD). Mr. Cornelius explained that notices were sent out with three in support and seven in objection received back. Ms. Kara Ann Groves, Attorney and representative for the applicants introduced herself. She commented on her practice, location, and that she resides in Mount Dora (like Windermere). Ms. Groves explained that the proposed business is retail of high-end wines in which customers may sample prior to purchasing and receive education on wine. She then commented on the seven objections. Ms. Groves clarified a few of the objections for the record. She explained that three out of the seven received were from the Williams family, which seems to have a relation to Tim’s Wine Market and would be a conflict of interest. Ms. Groves also commented on a possible family member that sits on the Town Council which there would be a voting conflict on this item. She then addressed comments that have been received. One, that there is currently a wine store in town, and two, do not need noisy late-night spots and the welfare for the community. Ms. Groves explained that there is not a standard for review and anti-competition. She explained that the wine will be international high end and geared towards collectors. Ms. Groves commented that the price points on Tim’s Wine Markets website is below fifty dollars. She also commented that Tim’s Wine is originally based out of Orlando basically making it a small franchise with the Windermere location. Her clients would only have this one location, be good stewards and respectful of the community. She then stated she would answer any questions anyone might have. Acting Chair Withers commented on a concern of serving alcohol and not serving food. Ms. Groves stated that peanuts, olives and/or charcuterie boards have been thought of by her clients. She also stated that her clients would like to utilize local businesses for food. Acting Chair Withers questioned if parking requirements are met. Mr. Cornelius stated “yes” as long as additional seating is not added outside. Acting Chair Withers commented on item number seven “Welfare”, protection of the residents. Ms. Groves commented on businesses working together and members of the community regarding welfare. Acting Chair Withers questioned if there would be special events, coupons, sales, etc. Ms. Groves stated no. Member Roper commented on concerns with closing at 10:00pm. She would rather have an earlier closing time. Mr. Cornelius explained that per the Developers Agreement, all businesses must be closed by 10:00pm. Member Rose questioned if this business is sold, goes out of business, etc, does the alcohol license stay with the building/owner. Mr. Cornelius explained that there would be an administrative process for approval for another business to operate. Member Rose commented on concerns with the small town and more alcohol businesses in such close proximity to each other. Member Roper commented on concerns of hours of operation and not having food with the alcohol. Ms. Groves stated that conditions could be placed on the applicant. After some discussion was made, Member Rose made a motion to deny the request. Member Roper seconded the motion for discussion. After some discussion was made, roll call vote was as follows: Rose – aye, Withers – nay, and Roper – nay. Motin failed 1-2. Member Roper made a motion to recommend approval with the conditions that the business is closed at 7:00pm and not opened before 10:00am. Motion died for lack of a second. Acting Chair Withers made a motion to recommend approval as submitted. Member Roper seconded the motion. Roll call vote was as follows: Rose – nay, Withers – aye, and Roper – nay. Motion failed 1-2. Acting Chair Withers made the statement of, “pass the packet onto the Council with the indecisive series of motions made by the Development Review Board which could not come to an agreement on conditions or approval”. Manager Smith stated that due to the impasse this item will be forwarded to the Town Council. He stated that the Town Council meeting will be on May 14th at 6:00pm.

**ADJOURN:**

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

The meeting adjourned at 7:27pm.

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Dorothy Burkhalter, Town Clerk Frank Chase, Chair