



**CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
January 9, 2013**

The Development Review Committee (*DRC*) of the City of Winter Garden, Florida, met in session on Wednesday, January 9, 2013 in the City Hall Commission Chambers.

CALL TO ORDER

City Engineer Art Miller called the meeting to order at 10:22 a.m. (filling in for Community Development Director Williams). The roll was called and a quorum was declared present.

PRESENT

Voting Members: City Engineer Art Miller, Building Official Harold (Skip) Lukert, and Assistant City Manager for Public Services Don Cochran

Others: City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, Senior Planner Steve Pash, Senior Planner Laura Smith, and Customer Service Representative Colene Rivera.

ABSENT

Voting Members: Chairman/Community Development Director Ed Williams and Economic Development Director Tanja Gerhartz

APPROVAL OF MINUTES

Agenda Item #3:

Approval of minutes from regular meeting held on December 19, 2012.

Motion by Building Official Lukert to approve the above minutes. Seconded by Assistant City Manager Cochran, the motion carried unanimously 3-0.

DRC BUSINESS

Agenda Item #4: Heller Bros Pacing Corp – Plant Modification – SITE PLAN APPROVAL

9th Street – 306

Heller Bros Packing Corp

Don Barwich of Heller Bros Packing Corp, Nicolle Van Valkenburg and Lance Bennett of Poulos & Bennett, applicants for the project were in attendance for discussion. The

following items were reviewed and discussed:

ENGINEERING

2. **As requested previously, please provide description and location of site drainage outfalls along Smith Street, 9th Street, and railroad.** Applicants will meet with Public Services contact to coordinate location of drainage.
5. **Trench drains are shown in the de-greening building; provide details on where these will be connected and outfall (sanitary). Will there be any additional floor drains in the buildings?** Applicants will adjust plans.
6. **Provide permit or exemption from SJRWMD for stormwater. Permits or exemptions will also be required from FDEP for water, wastewater, and NPDES NOI as applicable.** Applicants will get staff a copy of the St. Johns exemption letter.
10. **Storm Pipe Legend: Provide pipe sizes and pipe material type.** Mislabeled and will be fixed in revised plans.
11. **Water main improvements along Ninth Street need to be discussed with Public Services Utilities (i.e. cost share agreement; design and permitting? Etc.).** Discussion of Developer's Agreement; applicants will need 12" pipe and City is planning on replacing existing 8"; Applicants would like to proceed with plans and work on Cost Share Agreement. Staff was in agreement for applicants to proceed with survey and Engineering design of project. Applicants were advised to work with City Engineer, Assistant City Manager for Public Services and Assistant City Attorney for Developer's Agreement.

PLANNING

12. **Provide a landscape plan showing the location of all existing and proposed landscape (trees, plant material, shrubs, ground cover, etc.).** Applicants will comply
13. **Provide color building elevations/renderings for the portion of the proposed building indicated on site plan.** Applicants will provide renderings.

FIRE DEPARTMENT

14. **Fire sprinkler coverage and a fire alarm system are required.** Applicants will comply with this comment.

Staff explained that several of the comments were repeated from January 2012 to current comments simply because Staff did not get a response to the comments from 2012, so they carried over.

- Applicants discussed changes in plans from January 2012 submittal and current plans; not expanding cooler area – expanding the degreening area only.
- Building Department comment from January 2012; Skip explained comment and clarified.

Applicants had received combined comments from January 2012 as an error, so their comments were slightly different from what staff had as current comments. Current comments will be sent to applicants.

Motion by City Engineer Miller to have the applicant revise and resubmit the Site Plan for another full DRC cycle. Building Official Lukert, seconded; the motion carried unanimously 3-0.

Agenda Item #5: Shoppes at Avalon – SITE PLAN APPROVAL

Colonial Drive W – 15020

Kirby Engineering, LLC

Alan Wolfe of Alan Wolfe Architect and John Kirby of Kirby Engineering, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

Discussed driveways and sidewalks of area with access points as part of the agreement with FDOT. These are included in plans per request of client.

SITE SPECIFIC COMMENTS/CONDITIONS

15. **On-site lighting will be required pursuant to City Code; dark skies lighting is required. Provide photometric plan (response referenced a lighting plan, but it was not in our package).** Staff explained that the lighting exceeds dark sky requirements. Needs to be adjusted to meet requirements.

PLANNING

25. **A six (6) foot high wall needs to be installed along the south property buffer yard. Your response to comments indicates that the wall is provided but wall is shown on the plans.** Staff requesting that the wall be shown and clarified on site plans.
27. **The proposed elevations do not meet the requirements of the West State Road 50 Overlay. Changes need to be made to the building more symmetrical and create a building that better fits the area.** Applicants are requesting clarification on what staff is looking for in elevations and façade. Applicants will meet with staff as a side bar meeting at a later date.

Motion by Building Official Lukert to have the applicant revise and resubmit the site plan (after side bar meeting with Planning staff) for another full DRC review cycle. City Engineer Miller, seconded; the motion carried unanimously 3-0.

Agenda Item #6: Avalon Reserve Village 1 – FINAL PLAT APPROVAL

f/k/a Avalon Reserve Village Townhomes

Avalon Road – 1400

June Engineering

Ben Snyder of Hanover Capital and Jeffrey Sedloff of June Engineering Consultants, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

Review from Engineering Department

8. City Attorney shall review and approve the Dedication, HOA/CCR's, and Surveyors Notes for maintenance responsibilities and City's ability to lien individual lot owners if City performs maintenance, etc. Applicants will spell out details with their attorney to include in HOA documents. Advised to send back for regular submittal.
9. Pursuant to the final construction plan approval, the plan shows a common retention area, shared by the commercial and residential sites. Commercial parcels shall be required to participate in maintenance. The final plat and CCR/HOA/POA documents shall provide provisions for participation in the pond maintenance by the commercial tracts. Provide specific language contained in the Declaration and HOA documents. Applicants will spell out details with their attorney to include in HOA documents. Advised to send back for regular submittal.
12. Maintenance Bond: A maintenance bond or letter of credit is required in the amount of 20% of the cost of the improvements and shall comply with the City's pending ordinance concerning duration. Based on the final pay application submitted, the cost of the improvements for this phase is \$1,146,372.19 and the maintenance bond amount shall be \$229,274.44. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion. Need to have this amount and applicants waiting on getting this back to submit.
13. Performance Bond: The improvements are not completed. A Performance bond or letter of credit in the amount of 120% of the cost of all incomplete improvements shall be provided to the City, based on the Design Engineer's certification and executed construction contract. Performance Bond/LOC amount shall include cost of street lighting from Progress Energy; street and regulatory signs, required landscaping, walls, amenities, etc. City Attorney shall approve the form of the bond or letter of credit prior to final plat recording. Final plat will not be forwarded to Planning & Zoning Board or City Commission for approval without performance bond. Applicants advised that street lights are in and ready, landscaping has been submitted for review.
14. The Certificate of Completion has not been issued for this phase. Upon completion of all improvements, the Design Engineer shall provide signed and sealed as-built record drawings (2 sets), electronic copies of record drawings, all permitting clearances, and a certification letter stating that all improvements have been completed in substantial compliance with the approved plans and specifications. Copies of all clearances, certifications, etc. from other permitting agencies shall be provided to the City. Has been submitted and staff will review and sign.
18. Documentation that all outstanding fees owed the City for review by legal, surveying and engineering consultants shall be provided prior to final plat recording. Additional inspection fees are due in the amount of \$1,002.91 for the \$44,573.83 in additional construction cost (change orders 1-5). Applicants will take care of fees due.

Review from City Attorney

20. Pursuant to Fla. Stat. § 177.041(2), every plat submitted must be accompanied by a title opinion for which we have not received a copy for review. Also, the title opinion must be certified to the City of Winter Garden and to Fishback, Dominick, Bennett, Ardaman, Ahlers, and Langley & Geller LLP. An update of this title opinion must be provided within thirty (30) days prior to final plat recording. Applicants will need to submit updated title. Need 30 days prior to final plat recording.
28. In any event, a Certificate will need to be issued by the City Engineer certifying that the subdivider has complied with one of the alternatives listed in Section 110 152(2) of the City Code as follows: City Engineer clarified this comment.
34. Please have the applicant provide a signed certificate of insurance covering the HOA and evidencing compliance with the requirements of Section 110 160 of the City Code. Clarification was given that this was for the HOA.
35. Pursuant to Section 110 4(a) of the City Code, evidence of workers' compensation insurance, public liability insurance of at least \$500,000.00 and property damage coverage in the amount of at least \$100,000.00, needs to be provided by the applicant. Clarification was given that this is for the Contractor.

Review from Planning Department

53. The Planned Unit Development allows a variety of setbacks within this development and requires that a minimum of forty (40) percent of the homes will have a garage door setback five (5) feet from the front building façade or have side-loaded garages. Due to this requirement, a manual showing how the lots will be developed shall be provided prior to approval of the Final Plat. Staff will show an example to applicants so that they know what to provide for this comment.

Applicants inquired about Orange County Public Schools impact fees payment for development. Advised to go back to agreement to see how this needs to be handled.

Motion by Building Official Lukert to have the applicant revise and resubmit the revised Final Plat for another full DRC review cycle. City Engineer Miller, seconded; the motion carried unanimously 3-0.

ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 11:05 a.m. by City Engineer Miller.

APPROVED:

ATTEST:

Chairman Ed Williams

Customer Service Rep Colene Rivera