



# WINTER GARDEN

## CITY OF WINTER GARDEN DEVELOPMENT REVIEW COMMITTEE MINUTES January 30, 2013

The Development Review Committee (DRC) of the City of Winter Garden, Florida, met in session on Wednesday, January 30, 2013 in the City Hall Commission Chambers.

### **CALL TO ORDER**

Chairman/Community Development Director Ed Williams called the meeting to order at 10:03 a.m. The roll was called and a quorum was declared present.

### **PRESENT**

**Voting Members:** Community Development Director Ed Williams, City Engineer Art Miller, Building Official Harold (Skip) Lukert and Mike Kelley, Assistant Director of Operations (representing 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:** Economic Development Director Tanja Gerhartz and Assistant City Manager for Public Services Don Cochran

### **APPROVAL OF MINUTES**

#### **Agenda Item #3:**

Approval of minutes from regular meeting held on January 23, 2012.

***Motion by Building Official Lukert to approve the above minutes with modifications. Seconded by Senior Planner Pash, the motion carried unanimously 3-0. (City Engineer and Representative for Assistant City Manager for Public Services were not present for this vote)***

10:03 am Break in meeting

10:04 am City Engineer and Assistant Director of Operations arrived to meeting

10:06 am Resume in meeting

## DRC BUSINESS

### Agenda Item #4: Avalon Reserve Village 1 – FINAL PLAT APPROVAL

Avalon Road- 1400

June Engineering

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

## ENGINEERING

7. **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. Please provide the page or pages of these documents that show this requirement is being met.** City Engineer and Assistant City Attorney will review with applicants the specific language in the HOA documents (Applicants to provide).
8. **Repeat Comment: A draft Right-of-Way maintenance agreement for landscaping, irrigation, medians, signs, retaining walls, etc. within City rights-of-way shall be submitted to the City Attorney for review prior to final plat approval (median at entrance, retaining wall between Lots 17 & 18 within Tract "E", etc.). Contact City Attorney for draft R/W Maintenance Agreement.** Requested of applicants that they submit details for the Agreement pertaining to the retaining wall along the back, median along the front, and separate landscaping details.
9. **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.** This comment was discussed and clarified. Staff determined that the amount was OK and applicants were directed to work with Engineering staff and City Attorney to coordinate the details.
10. **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.** This item was discussed and clarified. Determined that Applicants were OK on this comment.
15. **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). This comment had been addressed and should have been removed from this last round of staff comments. It will be removed.

#### CITY ATTORNEY

18. We have not been provided with the required Affidavit(s) Certifying absence of Reserve Strips. The original executed affidavit will need to be submitted to the City prior to scheduling the final plat for approval. City staff will verify if they need originals submitted and applicants will provide if determined this is needed.

19. We have been provided with a copy of the proposed Declaration of Covenants, Conditions, Restrictions and Easements for Avalon Reserve ("Declaration") for review. A redline of the Declaration incorporating the requirements of Chapter 110, Article 111, Code of Ordinances was e-mailed to Jeff Sedloff on January 27'h; please resubmit Declaration with revisions made. The original executed Declaration including provisions required by Chapter II 0 and mortgagee Joinder and Consent to the Declaration must be provided to the City prior to scheduling the final plat for approval. Applicant's attorney will coordinate with City Attorney.

20. We have been provided with a copy of the Statement of Lien Settlement Requirements for Current Year of Payable Taxes, Tax Sales, and Capital Improvements. However, the original must be provided to our office at the same time as the approved final plat to send to recording. Applicant's attorney will coordinate with City Attorney.

22. 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.

Applicants will need to establish the HOA and acquire the insurance for the HOA.

23. Pursuant to Section II0-4(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.

Staff agreed that this step in not needed as the work has been completed.

27. We have been provided with a copy of the proposed Joinder and Consent to Plat to be executed by First Colony Bank. The Joinder and Consent needs to be revised to reference the second mortgage documents as reflected in the title work. Also, the original executed instrument will need to be submitted to the City prior to scheduling the final plat for approval. Applicants will revise.

28. We have been provided with a hard copy of a proposed Right-of-Way Maintenance Agreement; unfortunately the applicant has modified the standard required language. Please have the applicant make the following revisions and resubmit with an electronic version for comparison with standard form language. The standard paragraph 2 reading as following is missing (please insert):

License. Subject to the terms and conditions provided in this Agreement, the City hereby grants Developer and the HOA the non-exclusive right, privilege and license to use the Roads for the purposes described hereinafter. The license granted herein by the City is terminable by the City as provided for in

this Agreement. Termination of the Agreement shall constitute termination of the license It is expressly stipulated that this Agreement shall not operate to create or vest any property rights to any portion of the Roads in Developer or HOA." Staff requested that applicants include attachment of landscaping plan and details for the retaining wall.

Add the following language to the end of the existing Paragraph 2 D (Road Work):

"In the event that any work to be conducted by the Developer or the HOA requires streets or traffic lanes to be closed or obstructed, the Developer or the HOA shall, pursuant to the City ordinances, obtain all permits from and pay all applicable fees to the City, and shall obtain approval of its maintenance of traffic plan from the City's Police and Public Works Departments prior to commencing such work. In the event that the Developer, or the HOA, or their agents, damages any portion of the Roads while maintaining or installing the Landscaping and Improvements, the Developer or the HOA, as the case may be, at its sole expense, shall restore such portion of the Roads to their prior condition."

Delete ", which consent shall be reasonably withheld" from Paragraph 2 F.

Change the address for the City Manager and City Attorney in Paragraph 10 B. to "300 West

Plant Street"

Change the word "Grantee" in Paragraph 10 P. (Non-Waiver of Sovereign Immunity) to "City."

Renumber the paragraphs and cross-references accordingly. The cross reference to Paragraph 6.

C. in Paragraph 7 A. is currently incorrect.

Applicants will get with their attorney and work out these revisions.

29. Please revise the Plat as follows:

- a. The word "managed" in Plat note 3 should be changed to "maintained." "Tract A and C is Storm water Management Areas hereby dedicated to and shall be maintained by..."
- b. Plat note 5 needs to be revised to delete all words after the City of Winter Garden. The conveyance of Tract D should not be subject to any easements.
- c. Plat note 7 needs to be revised to state: "The Landscape Buffer (L.B.) is an easement dedicated to and shall be maintained by the Avalon Reserve Homeowners Association."
- d. Write "[Seal]" under the signature line for Hanover Avalon Reserve, LLC, or when executing the plat affix the corporate seal or draw a circle with the word Seal within it. This is an OC Comptroller recording requirement.
- e. Certificate of Approval by Planning Director should be "Certificate of Approval by Community Development Director." Revise signature line for

### Community Development Director.

Applicants will get with their attorney and work out these revisions and send a PDF of these changes.

30. **The Property being platted is subject to a Grant of Drainage Easement (Recorded at O.R. Bk. 9753, Pg. 5664) and Amendment to Grant of Drainage Easement (Recorded at O.R. Bk. 10382, Pg. 6674). DRC should review the terms of such easement to determine whether an amendment to such easement is necessary as a pre-condition to plat approval.** Discussion took place about plat notes regarding lift station tract and Drainage Easement. The drainage easement may need to be amended since it could affect the City's lift station tract that shall not be subject to the drainage easement.

*Motion by City Engineer Miller to recommend the revised Final Plat be placed on the next available Planning and Zoning Board agenda, provided the applicant resubmits revised plans and documents addressing all City Staff conditions to the Planning and Zoning Department for staff review and approval. Building Official Lukert, seconded; the motion carried unanimously 4-0.*

10:27 am Break in meeting

10:31 am Resume meeting

### Agenda Item #5: Bradford Creek WEST – SUBDIVISION CONSTRUCTION PLANS

420 Winter Garden Vineland Road

Kirby Engineering, LLC

John Kirby of Kirby Engineering, LLC, Drew Abel of Standard Pacific Homes and Brian Denham of Denham Engineering; applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

Meeting started with discussion of School Board approval and reminding applicants that this item needs to be brought to City Commission for approval. Also discussed demo permit process for this project – one permit for all the addresses.

### ENGINEERING

4. **Sheet CW4/CW5: Call out the specifications for muck removal on what will be a building lot. Also show (outline) this area on the grading plans, with specific instructions as to muck removal, testing and building permit application. Building Permit application for any lots in the muck removal area shall be accompanied by a detailed report, signed and sealed by a Florida Professional Engineer, that these lots are suitable for construction, and shall contain special foundation designs as appropriate. The Building Department may have additional requirements.** Explained muck removal process and needing signed and sealed Engineer's Report.

**Provide proof of wetland mitigation from SJRWMD and USACOE.** Applicants will verify as required by City ordinance requirements and comply. Applicants will coordinate with City as well as County and other agencies having jurisdiction.

5. **Sheet CW6: Call out conservation swale easement (see #3 above); Add curb inlets on both runs – these are too long.** Applicants clarified that there is a break/ raised area so it is not a continuous run. Staff was OK with this clarification.  
**Do Lots 1 and 2 have the minimum required 35 foot frontage at the R/W?** Applicants will clarify on plans and make the dimensions more visible.  
**Maintenance of the conservation swales shall be by the HOA and shall not be located on the platted lots.**  
**Paving, Grading and Drainage Notes: Add City of Winter Garden in addition to the FDOT for standard specifications that shall be followed.** These comments were clarified and applicants will comply.
7. **Sheet CW9: Entrance Manhole required for the lift station. This is not clear on the plans, as it appears both gravity lines will enter the lift station wet well and not an entrance manhole.** Reviewed comment and applicants will comply. Discussion of perimeter wall and entrance to lift station.
9. **Sheet CW11/CW12: 100' minimum vertical curves required (75' shown).** Applicants will review and comply. There were some areas for discussion and applicants are going to follow up with City Engineer about these specifics later.
10. **Undertrains are required when the SHGT is within 18" of the bottom of the base (2" asphalt; 10" base).** Comment was discussed and clarified.
17. **Plans show filling in an existing wetland that will reduce the flood capacity of this basin. Compensating storage will be required unless a positive outfall is provided. Flood stages on surrounding properties that abut or drain into this wetland shall not be increased.** Comment was discussed for entire project and then specifics per lot as needed during construction. Applicants are to see Steve Pash for tree removal details.
19. **A portion of the site is jurisdictional wetlands. A LOMR shall be filed with FEMA as a condition of final plat approval for any areas requiring fill within the 100 year flood zone.** This comment was discussed and explained to applicants on what is being asked to assist with individual lot owners down the road with acquiring mortgage loans. Applicants understood and will comply.

#### **PUBLIC SERVICES**

25. **Shouldn't the wastewater calculations be using 250 gpd and not 300 gpd?** This comment was clarified to the applicants that the City will be only giving applicants use of 250 gpd as required by City ordinance.
29. **Provide construction details for the sanitary sewer crossing CR 535. This road crossing shall be jack and bore.** Upon discussion of this comment it was determined that this is OK.

*Motion by City Engineer Miller to have the applicant revise and resubmit the Subdivision Construction Plans for the West Parcel for another full DRC review cycle. Building Official Lukert, seconded; the motion carried unanimously 4-0.*

## **Agenda Item #6: Bradford Creek EAST – CONSTRUCTION PLANS APPROVAL**

420 Winter Garden Vineland Road  
Kirby Engineering, LLC

John Kirby of Kirby Engineering, LLC, Drew Abel of Standard Pacific Homes and Brian Denham of Denham Engineering; applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

### **ENGINEERING**

2. **Sheet CE2: Either lower the underdrain depth, or move it to behind the sidewalk, to prevent groundwater from day-lighting behind the sidewalk and flowing over it. Underdrains are required when the SHGT is within 18” of the bottom of the base (2” asphalt; 10” base).** This comment was discussed and clarified – Applicants will comply.
4. **Sheet CE6: Paving, Grading and Drainage Notes: Add City of Winter Garden in addition to the FDOT for standard specifications that shall be followed.**  
**R/W of Bradford Creek Boulevard shall be reviewed upon final plat review as to public/private and access rights of ad joinders.**  
**Modified MES details (E1 and O1) – show actual cross section of these structures in the creek (elevations, etc.).**  
**Conveyance swale along Lots 80 – 84 shall be within a tract to be owned and maintained by the HOA. Final plat shall show that this swale will be within a drainage easement, not on the lots, and maintained by the HOA.** Applicants were in agreement and will clarify this aspect on the plans.
5. **Sheet CE9: The northbound left turn lane on Daniels Road shall be lengthened; add a striped crosswalk across the new curb cut at Bradford Creek Boulevard; add southbound right turn lane on Daniels Road at Bradford Creek Boulevard.** Applicants explained that this was designed for 35 mph speeds. City staff will have Tony Luke review and make a recommendation.
6. **Sheet CE11/ CE12/CE13: Plan and profile sheets are incomplete – need to show all pipe sizes, slopes, structure elevations, etc.**  
**All lots shall have the minimum required 35 foot frontage at the R/W.** Applicants will spell this out on plans.  
**Maintenance of the conveyance swale shall be by the HOA and shall not be located on the platted lots.** Applicants agreed and will spell out on plans.
10. **Street lighting shall be pursuant to City Code, including frontages on CR 535 and Daniels Road, meeting dark skies requirements (Code Section 118-1536(k)). Submit street lighting design letter from Progress Energy prior to preconstruction meeting.** This comment was discussed and clarified. Reminded applicants that letter from Progress Energy shall be submitted prior to pre-con meeting.

18. A portion of the site is jurisdictional wetlands. A LOMR shall be filed with FEMA as a condition of final plat approval for any areas requiring fill within the 100 year flood zone. Same request as for the West side Engineering Comment number 19.

### PUBLIC SERVICES

26. Consider flipping the water and reuse connection on Bradford Creek Blvd at Daniels Road. With the property owner's permission, the vacant parcel on the northeast corner of Daniels and Roper could allow for the layout of directional drill pipe to go under Daniels road. Applicants understood and will change.

Discussion of landscaped median prior to entrance area; Applicants were encouraged to coordinate with Sonata.

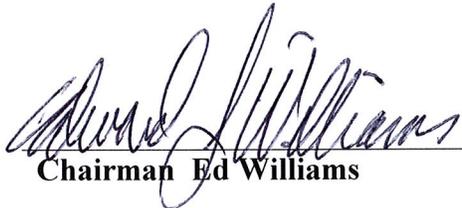
*Motion by City Engineer Miller to move to have the applicant revise and resubmit the Subdivision Construction Plans for East side parcel for another full DRC review cycle. Building Official Lukert, seconded; the motion carried unanimously 4-0.*

### ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 11:19 a.m. by Chairman/Community Development Director Ed Williams

**APPROVED:**

**ATTEST:**

  
Chairman Ed Williams

  
Customer Service Rep Colene Rivera