



WINTER GARDEN
CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
September 18, 2013

The Development Review Committee (*DRC*) of the City of Winter Garden, Florida, met in session on Wednesday, September 18, 2013 in the City Hall Commission Chambers.

Agenda Item #1: CALL TO ORDER

Chairman/Community Development Director Ed Williams called the meeting to order at 10:01 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 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, Planner Kelly Carson and Customer Service Representative Colene Rivera.

ABSENT

Voting Members: Economic Development Director Tanja Gerhartz

APPROVAL OF MINUTES

Agenda Item #2:

Approval of minutes from regular meeting held on September 4, 2013.

Motion by City Engineer Miller to approve the above minutes. Seconded by Building Official Lukert, the motion carried unanimously 3-0. (Assistant City Manager for Public Services Cochran was not present at this meeting during this vote.)

10:01 am Break in meeting
10:03 am Meeting resumed

DRC BUSINESS

Agenda Item #3: Auto Zone – SITE PLAN APPROVAL

Walker Street – 1089

George L. & Maria P. Bori/ Bernese Irene Fleming/ Allen Lee Stephens/ Queen Ella Fowler

Brady Lessard of Auto Zone, applicant for the project was in attendance for discussion. The following items were reviewed and discussed:

Assistant City Manager for Public Services Don Cochran arrived late at 10:05 am

Discussion of turning movement on this project – Chairman Williams will address with applicant at a later time.

SITE SPECIFIC ENGINEERING COMMENTS

3. **Utilities: Coordinate core bore on the existing sanitary manhole with City Utilities Department. This is a fiberglass manhole with a concrete base/bottom – verify core invert prior to construction to prevent damage to the manhole or base. City Inspector shall be present during core.** See note 34 on sheet C4 about installation. City Engineer pointed out the fiberglass manhole installation needs to be coordinated with City Utilities Department and applicant noted this.
4. **A Demolition permit issued by the Building Department shall be required prior to removal of any buildings or structures as shown. Removal of septic tank and drain field shall be permitted and verified with the Orange County Health Department.** See note 15 on sheet D1. City Engineer explained that these will become conditions of approval.
5. **Walker Road improvements: Add a 12” wide concrete ribbon curb on both sides of Walker Road to Water Street where there isn’t curb & gutter. It is not clear where the curb & gutter ends on the east side of Walker Road.** Will require curbing on Walker Road to Water Street and need to address the ditch area; may need F curb, inlet area, etc. Need more detail on plans.
8. **The City has spent a considerable amount of money on beautifying the medians on SR 50 and is responsible for their maintenance. Provide more detail on the extent of the median modifications proposed: Extent of concrete nose to prevent damage to the bricks, etc. Based on our experience, we have a concern that large trucks may still cause damage to the median even with the wider throat.** Applicant suggested that large trucks limit their deliveries to west bound entry only; City is suggesting a developer’s agreement to repair any roadway damage should any occur during construction. City is requesting more details to address potential damage to roadway during and after construction. City expressed concern about turning movements and access to site only in one direction and how that will affect the condition of the roadway.
9. **The City’s Transportation Consultant (Pegasus Engineering) shall review and approve the turning movement plan that was submitted prior to scheduling for City Commission.** City requesting to see details of proposed turning movements based on deliveries only from one side.

It was also requested when the applicants submit revisions to include a larger depiction of the turning movement plans so details can be easily read by staff for comments.

Motion by City Engineer Miller to have the applicant revise and resubmit the Site Plan for another full DRC review cycle. Building Official Lukert, seconded; the motion carried unanimously 4-0.

10:12 am Break in meeting

10:14 am Meeting resumed

Agenda Item #4: Crooked Lake Preserve – CONSTRUCTION PLANS

Marsh Road - 16303

Crooked Lake Holdings, LLC

Randy June and Jeff Sedloff of June Engineering, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

Chairman Williams explained that the City Attorney received a phone call from School Board wondering why the City was having this meeting. City Attorney explained in all our discussions that we have not had any concerns about infrastructure and the agreement has always been not to build houses.

ENGINEERING

4. ***Sheet 3: Swale “D” - conservation swale. Show that these swales will be within a drainage and conservation tract/easement, not on the lots, and maintained by the HOA. Also show this on the plan showing the swales. See below from the preliminary plat conditions of approval:***

“The Lakefront water quality BMP will need further definition and detail on final construction plans (slopes, depth, location, maintenance entity, etc.).

Typical section of Swale “D” has been provided, which shall be a tract/drainage easement maintained by the HOA.” Approved in preliminary plat that this shall be a tract/drainage easement.

5. ***Sheet 4: Swales SWM-4 and SWM-5 shall be within a tract, owned and maintained by the HOA (see above).*** City advised applicants to include strong language in the covenants, plat and HOA documents, so that these swales are maintained by HOA and not by individual lot owners.

PUBLIC SERVICES

34. ***A permanent generator shall be required for the lift station given the proximity to the karst feature.*** City Staff explained that this is a standard requirement and needs to be followed due to the proximity to the Karst feature.
36. ***All pipe crossings on Marsh Road shall be directional drill or jack and bore.*** Applicants will need to discuss with Public Services to address this comment and determine a drilling method plan for this development. Storm and sanitary crossings will be difficult

to perform via directional drill or jack & bore.

FIRE DEPARTMENT

39. **Any community, if gated, shall require a Click-2-Enter device to be installed on any and all automatically controlled gate(s) to allow emergency vehicle access. In addition, all gates shall be equipped with a battery backup system which will allow gates to open and remain open due to a power failure. Please submit information on secondary means of entry i.e. Keypad.** Applicants are requesting to wait on decision about gated community until closing. Staff indicated this is a standard comment and if they determine that the community will be gated, then the applicant will agree to follow this standard comment and will note so in future submittals.

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

10:24 am Break in meeting

10:25 am Meeting resumed

Agenda Item #5: Canopy Oaks – PREMLININARY PLAT

Roper Road - 12900

Sift Oaks Investments, LLC

Andrea Jernigan-Gwinn of Civil/Site Engineering Inc., Mason Simpson and Tom Garver of AR Bailey Homes, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

2. **The environmental report states that gopher tortoises are active on site and that there is no evidence of sand skinks. Provide approvals from FFWCC prior to construction that these species have been addressed.** Discussed this comment and is related to similar comments under Planning and Zoning comments #34 through 46.
3. **Provide geotechnical report, including location and depth of organic soils are present. Provide the muck delineation overlay on the final construction plans to ensure that these areas will not fall on building lots without the muck being removed.** City Engineer explained that applicants will need to submit geotech report and preliminary drainage calculations prior to final construction plans but OK for applicants to submit muck overlay for lot determinations with final plans.
7. **Eastern Entrance Cross Section Detail (Sheet C-4): Show 24 foot width on exit lanes, for left and right turns.** Discussed and applicants will provide details of alternate proposed plan for City Staff review.
8. **Provide more detail on the box culvert crossing Roper Road (to provide a safe sidewalk crossing at this location).** City Staff OK'd applicants to have 6' wide sidewalk against curbing.
9. **Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA. Clarify where the existing R/W line on Roper Road is located;**

wall and landscape tract shall be outside of the existing R/W. Clarified why this needs to be a separate tract belonging to HOA with specific wording stating HOA maintenance, etc. City Staff requested applicants to present proposal combination of brick wall and landscaping for review and to include lines of site on plans.

10. Will the project be gated or public streets? If gated, the streets will be private and maintained by the HOA. While portions of the right-of-way may be dedicated to the City, maintenance of special pavements, landscaping, hardscaping, etc. shall be performed by the HOA under an R/W maintenance agreement. Applicants explained that at this time, they are not proposing for this community to be gated but inquired of staff about requirements of gated community.
11. All proposed easements shall be 30' minimum width for sanitary, water and storm; improvements shall be centered within the easement. Common areas not abutting right-of-way shall include a tract (not easement) for access and maintenance. This comment was discussed and clarified. Applicants stated that they have 10' setbacks on each lot.
12. Utilities: Minimum 8" potable water (internal), 8" reuse water and minimum 6" sanitary force main is required. Utilities shall be extended the full property frontage per Code. Upsizing agreement may be necessary for extending the water and reuse mains on Roper Road (see comments from Public Services). This comment was discussed and clarified. Applicants are planning to come with proposed smaller size pipe and will be reviewed for consideration by staff.
14. Some of this property appears to be "A" type soils and may require adherence to the Wekiva protection regulations. Wekiva Protection requirements as outlined in the Comprehensive Plan shall be met, especially for drainage. Applicants will submit the geotech report and review and/or revise if needed to be in compliance. Also relates to Planning comment #28.
16. Street lighting shall be pursuant to City Code, including frontage on Roper Fullers Cross Road, meeting dark skies requirements (Code Section 118-1536(k)). Submit street lighting plan from Duke Progress Energy prior to preconstruction meeting. Comment applies to applicants but correction on location. Should have read Roper Road and Duke Energy.
19. The 100 year flood boundary is shown to encroach on many of the lots abutting the 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. Fill within the 100 year flood zone will only be allowed if compensating storage is provided. City Staff explained that this will need to be submitted prior to final plat.

PLANNING

22. Please include a Density Calculation Table that provides information about the gross and net developable area and residential density, making note of any excluded areas (wetland areas, etc.). Applicants advised to work with Planner Carson on this comment.
24. Tracts R and X are not considered acceptable recreation areas. Concerning tract R, a recreation area cannot also be utilized as a dry storm water pond. Tract X has a significant slope which renders the recreational potential extremely limited. Tract X doesn't appear to be included in the recreation calculation in the site data table, and the hatching on C-3 is shown beyond the tract limits. Applicants advised to work with Planner Carson on this comment

29. Lot 11 doesn't appear to meet the 75' lot width requirement at the building front setback line. Please review this lot for compliance. Discussion took place about this lot and applicants will go back to review to ensure that it meets the requirements.
30. Please review side and front setback requirements for corner lots. If a lot corner has a curve, it must still comply with setbacks from the inside of the curve. Please lots for compliance: 30, 33, 40, 46, and 51. City Staff requested applicants provide details for these lots.
34. Please provide information detailing how the subdivision will be buffered from Roper Road and surrounding properties. Applicants were requested to provide details for this comment.
35. Parcel D, which is not currently owned by the developer, is described as an outparcel. The City has grave concerns about this area given the Phase I ESA's determination of contamination within this site and potential migration of contaminated groundwater to adjacent parts of the property. The City needs more information regarding the true extent of the contamination, the likelihood of the contamination migrating onto the development area, and any potential environmental mitigation needed to prevent or mitigate said migration. If Parcel D is deemed to be undevelopable, restrictions will need to be put in place that limit or prohibit future site development. Applicants explained that this outparcel was determined to be unbuildable, so therefore they did not purchase this property. City Staff explained that applicants will need to provide paperwork ensuring any migration of contaminants or pollutants will not affect the proposed developer's lots. This paperwork will need to be certified to the City.
38. Please provide concurrency determination from Orange County Public Schools. City Staff clarified this comment that this is required prior to preliminary plat. Staff explained that when a development submits for zoning and comp plan changes, the school board requires that applicants submit a capacity determination report and then once the development submits a preliminary plan, a second report of concurrency is required for the School Board. Agreed that this is one of the same things but what the School Board does require, so that they have two chances to review. Since this development was already zoned they didn't have to submit the capacity report. Also discussed was the timeframe that the School Board has to return the concurrency report back to development.
39. Please submit a copy of the LOMR-F submitted to FEMA. City Staff clarified this comment.
41. Please provide an exhibit depicting the development's encroachment into the 100-year flood zone. What is the developer's justification for impacting the surface water in Tract T? Applicants explained that this is currently under review and they are planning to move a hydraulic pump area and fill in to move this location.

City Staff explained that they will need an updated documentation letter from the environmental consultant relating to comments #43-46 and have it certified to the City prior to Construction. Staff explained to applicants the timeline of this process so as to meet the needed conditions prior to Construction plan approval.

43. An Environmental Assessment must be submitted for 12902 Roper Road parcel determining the presence of threatened or endangered species habitat on site.

44. *A 100% Gopher Tortoise study was conducted for 12900 Roper Road parcel, but there's no information given about the potential presence of other protected species besides a description on the Memorandum referencing "...site reviews which began in 2007". Have there been other environmental assessments conducted for this parcel which ruled out the existence of other threatened or endeared species?*
45. *The Environmental Assessment and Phase I ESA for the 13036 Roper Road parcel were prepared in 2007. Both of these documents need to be updated to reflect current site conditions.*
46. *All required environmental mitigation items- including wetlands, trees, contamination, and protected species habitat- will need to be determined and included as part of the D.A. prior to preliminary plat approval.* Explained that this work is done upfront and applicants will need to either do this prior or build in a condition that is worded in the DA.

PUBLIC SERVICES

49. *Please separate the water main and reuse main. Please place them on opposite sides of the street.* Clarified that this comment was referencing internal water lines.
50. *Given the close proximity to the wetland, the lift station shall be required to be supplied with a permanent generator.* Applicants inquired if lift station could be placed somewhere else but City Staff replied probably not but willing to review any proposed alternatives. Applicants inquired if this could be private but stated no due to serving more than one area.

Motion by City Engineer Miller to have the applicant revise and resubmit the Preliminary Plat for another full DRC review cycle. Building Official Lukert, seconded; the motion carried unanimously 4-0.

11:14 am Break in meeting

11:16 am Meeting resumed

Agenda Item #6: Covington Chase Phase 2A – FINAL PLAT

JTD Land at Covington Chase, LLC

Craig Harris of JTD Land Company, applicant for the project was in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

3. *Transfer of all common areas, tracts, and rights-of-way to the HOA and the City shall take place prior to or with final plat recording (via deed). There don't appear to be any common areas or tracts in this phase, except for the right-of-way being conveyed to the City. In the past we have required this to be via fee simple warranty deed. Draft deed shall be provided to the City Attorney and City's Reviewing Surveyor for review.* City Engineer and City Attorney's office will double check if they already have the road right of way deeds, but if not applicants will comply.

The original maintenance bond paperwork was given to City Engineer during this meeting.

Motion by City Engineer Miller to approve the final plat as shown and put on the next available City Commission meeting. Assistant City Manager for Public Services Cochran, seconded; the motion carried unanimously 4-0.

11:19 am Break in meeting

11:25 am Meeting resumed

Agenda Item #7: Hickory Hammock Phase 1A – FINAL PLAT

Avalon Road – 1000

The Ryland Group, Inc and M/I Homes of Orlando, LLC

Keith Ruddick of Donald W. McIntosh Associates, Leslie Landes of Godbold, Downing and Bill PA and Joe Tramell of Tramell-Webb, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

4. **Dedication (Sheet 1): Coordinate wording with City Attorney. Needs to include wording for access by utilities, mail, City, solid waste, police, fire, etc.** Assistant City Attorney will follow up with applicants on this comment.
5. **Notes #12: “Tract LS1 is a Lift station Tract to be conveyed to the City of Winter Garden via fee simple warranty deed.”** Applicants agreed to comply and will insert this wording into the plans.
7. **Notes #21:**
 - 5.00 foot wide drainage and utility easements along all side lot lines.**
 - 5.00 foot wide drainage and utility easement along all rear lot lines...**
 - 10.00 foot wide drainage and utility easements along all lot lines abutting...**Applicants agreed to comply and will insert this wording into the plans as quoted above.
10. **The Draft Quit Claim Deed references Tracts L1 and L2, but we could not find these referenced in the Notes or on the face of the plat. What are these tracts?** Applicants will remove this reference in the deed to Tracts L1 and L2.
11. **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. Note comment from Public Services regarding maintenance of swales, under drains and retaining walls – provide specific language that ensures that the HOA will maintain these facilities.** Applicants will reference specific details to make this absolutely clear and to ensure HOA maintains these facilities.
19. **Documentation that all outstanding fees owed the City for review by legal, surveying and engineering consultants shall be provided prior to final plat recording.** City Engineer will follow up with Finance on list where the applicant stands on outstanding fees.

PUBLIC SERVICES

22. In Section 10.9 (Retention Walls) of the community declaration, the following verbiage, or some variation of, should be added. Any continuous retaining wall installed by the Declarant which serves more than one lot/property shall be maintained by the Declarant or Association. Any retention walls meeting this description shall be placed within a tract and noted on the plat. Applicants will comply.

LEGAL

1. Pursuant to Fla. Stat. 177.041(2), every plat submitted must be accompanied by a title option for which we received a copy that was prepared by First American Title Insurance Company. Please clarify where the Phase 1A property is encumbered by the Conservation Easement recorded in O.R. Book 7417, page 2114. If so, the Conservation Easement also needs to be listed in title work. Also, an update of this title opinion must be provided within thirty (30) days prior to final plat recording. Comment was discussed and this will be dealt with in future phases but does not affect Hickory Hammock Phase 1A.
3. Please have the applicant provide a signed certificate of insurance covering the Community Association and evidencing compliance with the requirements of Section 110-160 of the City Code. Discussed comment and applicants will ensure to name Hickory Hammock HOA as additional insurer on both builders' signed certificate of insurance.
5. The developer shall provide an original maintenance guarantee in the form of a bond, irrevocable letter of credit or cash deposit in favor of and acceptable to the City. Subject to approval by the City Engineer, said maintenance guarantee may be provided after final plat approval, but before issuance of the certificate of occupancy. Said maintenance guarantee shall, at a minimum, be in the amount of 20 percent of the construction cost of (i) the required subdivision improvements to be dedicated or conveyed to the city, (ii) the offsite public infrastructure improvements constructed or installed by the developer, and (iii) the private community subdivision infrastructure improvements. The maintenance guarantee shall provide for the developer's guarantee of all such improvements, including its materials, workmanship, structural integrity, and functionality and require developer's repair, replacement and correction of damage and defects to such improvements for at least a period of two (2) years from the date of final acceptance by the city. Prior to the city engineer issuing a certificate of completion for such improvements, the developer shall cause the design engineer of record to provide a signed and sealed certification to the city that all subdivision improvements to be dedicated or conveyed to the city, offsite public infrastructure improvements, and private community subdivision infrastructure improvements constructed or installed by the developer have been completed in accordance with approved design and construction plans. Applicants agreed to final releases of what has been done.
9. A copy of the Quit Claim Deed conveying multiple common area tracts to the Hickory Hammock at Johns Lake Community Association, Inc. has been provided for review. However, there is reference to Tracts 11 and L2, but such are not shown in the plat notes and are not graphically depicted on the plat.

Please revise. Applicants will take out the reference to Tracts L1 and L2.

Discussed method of payment for various stages of construction with some being short term lead items and others being long term. Options will be set up and reviewed by City Attorney's office to finalize.

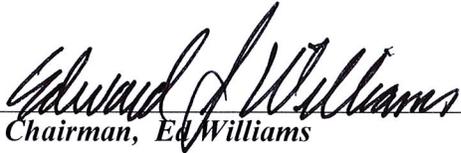
Motion by City Engineer Miller to have the applicant revise and resubmit the revised Final Plat for another full DRC review cycle. Assistant City Manager for Public Services Cochran, seconded; the motion carried unanimously 4-0.

ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 11:47 a.m. by Chairman/Community Development Director Ed Williams

APPROVED:

ATTEST:



Chairman, Ed Williams



DRC Recording Secretary, Colene Rivera