The Development Review Committee (DRC) of the City of Winter Garden, Florida, met in session on Wednesday, January 30, 2019 in the City Hall Commission Chambers.

**Agenda Item #1: CALL TO ORDER**
Chairman/Community Development Director Steve Pash called the meeting to order at 10:01 a.m. The roll was called and a quorum was declared present.

**PRESENT**
Voting Members: Chairman/ Community Development Director Steve Pash, City Engineer Jim Monahan, Building Official Skip Nemecek and Assistant City Manager for Public Services Jon Williams.

Others: City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, City Engineering Consultant Art Miller, City Development Consultant Ed Williams, Urban Designer Kelly Carson, Senior Planner Shane Friedman 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 January 16, 2019.**

*Motion by Assistant City Manager for Public Services Williams to approve the above minutes. Seconded by, Building Official Skip Nemecek; the motion carried unanimously 4-0.*

**DRC BUSINESS**

**Agenda Item #3: Daniels Road Business Park (2) – SITE PLAN**
Daniels Road – 1200
Winter Garden / Daniels Road LLC
Steve Mellich of Mellich Belenden Engineering and Dan Roberts of Daniels Road LLC; applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

**PLANNING**

18. **REPEAT COMMENT:** The existing site is approximately 75% wetlands and floodplains. The proposal includes the site receiving six to seven feet of fill. Development of the property will result in the complete removal of all on-site wetlands. This will inevitably impact the adjacent off-site wetlands as well.

The City Code section that includes regulation related to wetlands (Chapter 94, Article III) and the Conservation Element of the Winter Garden Comprehensive Plan are intended to protect, preserve and enhance the natural functions of wetlands and other environmentally sensitive areas within the City. The policies and regulations do not permit wholesale eradication of wetlands for the purposes of commercial development, especially within a jurisdiction that is highly prone to flooding. It doesn’t appear as though the stormwater facilities proposed will adequately compensate for the 4+ acres of wetlands that will be removed. In terms of proposed mitigation, financial contributions to mitigation banks outside of the City limits will provide no direct benefits to Winter Garden - only potential future issues.

Without thoroughly addressing these concerns, Staff cannot support the proposed project.

Please note, the City is the lead agency in regards to regulating proposed activities within and/or adjacent to wetlands. Permits from the St Johns River Water Management District or any other state or federal agencies do not constitute approval from the City of Winter Garden. Applicants inquired specifically about the statement, “It doesn’t appear as though the stormwater facilities proposed will adequately compensate for the 4+ acres of wetlands that will be removed.” and asked if the stormwater calculations submitted meet the requirements of city code? Applicants inquired if this comment was an Engineering comment or Planning comments? City staff stated this comment is under Planning section and is a Planning comment. City staff also stated the Engineering Department reviews the stormwater calculations to confirm if they meet city code requirements. It was further clarified that this comment is simply pointing out that the wetlands have a lot of water and asking where is the water on the property going?

Later on in this meeting, the applicants came back and asked if Comment #18 is a Planning comment? Staff stated that this comment has been on every staff report for this project and has never been addressed by the applicants.

21. **An offline meeting is required to discuss the architectural elevations. Staff has some concerns about the length of the two buildings fronting on Daniels Road (170’ +/-) that do not appear to have any variation in horizontal massing (i.e. recesses or projections of the building footprint) and limited variation in vertical massing.** Planning staff stated that there will need to be an offline meeting with their project architect regarding elevations. Applicants understood.

22. **Landscape plan does not reflect new site plan - trees are shown over concrete walkways in**
Applicants will need to address the landscape plans. Applicants felt this is a minor revision and can address this item. City staff explained that the city will not accept further revisions on this project if they are insisting the project be moved forward. Applicants understood.

Applicants wanted to state the following items at this meeting and make it clear to City Staff that they would like this project to move forward for the next level of reviews.

He continued with statements of the historical aspects of this property and project. He purchased the land in 2002 and has held on to it for approximately 15 years. He had developed both the SunTrust property and Fairwinds property. Both of these projects/properties had a bit of wetlands on their parcels. In 1984, the parcel for this project was established as a functioning wetland area. He claimed that sometime prior to 1987 (15 years prior to his purchase) the wetland was deforested and filled in and that this land has not functioned as a wetland for approximately 30 years. Applicant indicated no wetland mitigation or enforcement action had occurred for the clearing. He plans to present to Commission Committee proof of this area as a non-functioning wetland over the last 30 years.

He continued to discuss the history of the city of Winter Garden allowing wetland mitigation for various other projects within the city limits.

He stated that he plans to provide details that this project has been held in “purgatory” over the last 18 months. This site plan has been before the city for 18 months with various staff comments “trickling” in after each revised submittal. He cited Florida Statute 166.033 stating the city cannot make more than 3 requests to a development and encouraged city staff to review this statute.

Applicant continued stating that in July 2016, he met with City Staff to discuss the stormwater situation and staff replied that they were not going to review the Preliminary Storm Water analysis report (178 pages) until a Site Plan was submitted. Applicants stated a Site Plan was then submitted. He then asked if staff had reviewed this report? Applicant stated that they have only received a two sentence statement from the Planning Department and nothing from the Engineering Department specific to this Preliminary Storm Water analysis report. Applicant stated that the Staff Report indicated it had been read and approved. City staff have acknowledged receiving this report. Applicant than read Planning Staff comment #18 referring to The City Code section that includes regulation related to wetlands (Chapter 94, Article III) and the Conservation Element of the Winter Garden Comprehensive Plan are intended to protect, preserve and enhance the natural functions of wetlands and other environmentally sensitive areas within the City. The policies and regulations do not permit wholesale eradication of wetlands for the purposes of commercial development, especially within a jurisdiction that is highly prone to flooding. It doesn’t appear as though the stormwater facilities proposed will adequately compensate for the 4+ acres of wetlands that will be removed. He then asked again if this is a Planning or an Engineering comment? City staff reiterated that the City Code does not allow to eradicate the wetland. This staff comment has never been addressed by the applicants. The applicants stated they have addressed this issue.

He further explained this is what is going to be presented to City Commission that there have been two environmental reports showing that the alleged wetland does not have the proper ingredients to function as a wetland. City staff stated that the same comment has been in every staff report. City
staff inquired if this is accurate and applicant stated city staff alleges this but did not confirm. He then stated that the wetland was removed and filled prior to his ownership by 15 years and inquired if city had any information of enforcement action taken against the prior owner? City staff did not have specific details for this request at the time of meeting.

Applicants stated they would like to receive an approval or denial for this project to move forward with this project to the next city level committee.

**Motion by Community Development Director Pash to recommend a denial based on insufficient information provided and move forward with placing this item on the next available City Commission meeting scheduled for February 14, 2019. City Engineer Monahan, seconded; the motion carried unanimously 4-0.**

**ADJOURNMENT**

There being no more business to discuss, the meeting was adjourned at 10:19 a.m. by Chairman/Community Development Director Steve Pash.

**APPROVED:**

Chairman, Steve Pash

**ATTEST:**

DRC Recording Secretary, Colene Rivera