



**CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
September 30, 2020**

The Development Review Committee (*DRC*) of the City of Winter Garden, Florida, met in session virtually on Wednesday, September 30, 2020 in the City Hall Commission Chambers.

Agenda Item #1: CALL TO ORDER

Chairman/Community Development Director Steve Pash called the meeting to order at 9:31 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, Senior Engineer Rob Heaviside, Urban Designer Kelly Carson, Senior Planner Shane Friedman, and Customer Service Representative Edlyn Gonzalez.

ABSENT

Voting Members: Economic Development Director Tanja Gerhartz

APPROVAL OF MINUTES

Agenda Item #2:

Approval of minutes from regular meeting held on September 16, 2020.

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

DRC BUSINESS

Agenda Item #3: 30 N Park – Construction Plan Set

Park Avenue N – 30
30 N. Park, LLC

Joe Hoffer, Edward Crowley, Vernon Priest, Andrew Powell & Brian Denham; applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

a. Sheet C301 – Dimension Plan:

c. Access Drive Section: Base thickness shall be 10” per City Standard (soil cement or crushed concrete) – limerock is shown and is not an approved base material.

Applicant understood that limerock is not permitted and acknowledged the two options for base materials.

d. The sidewalk connection to the West Orange Trail, and any other work in its right-of-way, will require approval from Orange County Parks & Rec and possibly FDEP. Approval for the sidewalk connection and drainage work in the ROW is required prior to the connection being made.

b. Sheet C401 – Drainage Plan:

c. Storm Structure 15 is called out as a “Dry Bottom Storm Vault” with design and building permit “by others”. Design and building permit shall be completed and approved prior to construction. Applicant acknowledged.

c. Sheet C601 – Utility Plan:

b. Water/sewer impact fees will be required. All costs associated with relocating the 18” force main and 12” reuse main shall be the responsibility of the developer pursuant to the Purchase & Sale Agreement. Applicant confirmed with city staff that the fees have been paid.

13. Permit from SJRWMD (or FDEP 10-2 certification) is required as well as permits or exemptions from FDEP for water, wastewater and NPDES. Applicant informed City Staff that the FDEP 10-2 certification will be submitted.

PLANNING

21. Landscape Plan –

a. The landscape plan provided is not consistent with the plan exhibited with the PUD:

i. The plan indicates that no canopy trees are proposed on site and all of the required mitigation trees are proposed to be provided off site (the notes also seem to contradict each other about canopy trees provided on site).

Applicant and City Staff will hold a separate meeting to discuss the Landscaping Plan concerns in further detail.

23. Note: Recreation mitigation fees may be required for any required recreation areas that are not able to be located on site. This fee is based on the fair market price of the land that would otherwise be dedicated to recreation.

a. The developer is required to pay \$12,269.94 to mitigate for the recreation area deficit of 942 square feet. Applicant confirmed the correct fee amount and acknowledged that payment must be submitted prior to construction.

Motion by City Engineer Monahan to have the applicants revise and resubmit the Construction Plan Set for staff review pending the separate landscaping meeting.

Assistant City Manager for Public Services Williams, seconded; the motion carried unanimously 4-0.

Agenda Item #4: Waterside on Johns Lake Ph. 2C – Final Plat

Williams Road – 1751

Dewberry

Bill Donley; applicant for the project was in attendance in person for discussion. The following items were reviewed and discussed:

ENGINEERING

10. **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 ordinance concerning duration. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion. Design Engineer to provide total cost of this phase, including Contractor's final pay application, for determination of Maintenance Bond amount.** Applicant noted that the bond was completed and scheduled to be delivered on this day. City Staff indicated that the amount may need to be revised.

LEGAL

5. **With respect to the draft plat, the following corrections need to be made:**
- a. **The conservation easement referenced in plat note 16 is graphically depicted on Sheet 3 of the plat. However, the recording information is not included. Please revise.** Applicant will craft a note for City Staff to review.
 - b. **The plat calls Tract "T" (Future Development) to be conveyed to the HOA. I am still unclear of the intended purpose of this common area tract.** Applicant confirmed that Tract T will be HOA open space.
 - c. **A plat note still needs to be added stating: "Owner hereby quit claims, disclaims and releases any and all interest Owner may have in Amber Sweet Lane to the City of Winter Garden." We understand the applicant will provide a quit claim deed, but a note should still be added.** Applicant inquired about the exclusion of the note since Amber Sweet Lane is not within the bounds of the plat. City Staff will revise the deed prior to approving the note exclusion.

Motion by City Engineer Monahan to have the applicant revise and resubmit the Final Plat for staff review. Building Official Nemecek, seconded; the motion carried unanimously 4-0.

10:00 am Break in Meeting

10:07 am Meeting Resumed

Agenda Item #5: Royal Sky Plaza – Final Plat

Colonial Drive W – 14811

Wilma Estate Developer LLC

Anuj Aggarwal, Jeff Banker, and Aron Bishman; applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

CITY ATTORNEY

1. We have not received an updated and revised title opinion or property information report. The last version we have is a title opinion prepared by Asma & Asma, P.A. dated September 25, 2019. The legal description contained on the title opinion does not match the legal description on the final plat and boundary survey; they must match. The title opinion needs to be updated with a more recent effective date and needs to be certified to the City of Winter Garden and to Fishback, Dominick, Bennett, Ardaman, Ahlers, Langley & Geller LLP. Also, there are multiple easements [see other matters items 1, 2, 4 and 8] referenced in the opinion that are not referenced and/or graphically depicted on the final plat. Finally, an update of the title opinion must be provided within thirty (30) days prior to final plat approval. City Staff advised they will review the title opinion & legal description once more for completion and accuracy.
3. Please have the developer provide a signed certificate of insurance covering the Royal Sky Plaza Property Owners Association, Inc. and evidencing compliance with the requirements of Section 110-160 of the City Code. Applicant acknowledged.
4. We have been provided with the proposed Declaration of Covenants, Conditions and Restrictions and Grant of Easements for Royal Sky Plaza and such needs substantial revisions to comply with the required declaration provisions of Chapter 110, Division 5 of the City Code. Please revise Article I, Definitions, regarding reference to the Common Area Improvements and Common Areas, to itemize the specific existing and plat dedicated easements that are included in the Common Areas; use the same names for the easements as referenced on the plat. For example, Section 1.9 of the Declaration references "Access, Utility & Drainage Easement" but the plat calls it "Drainage, Sidewalk, Joint Access and Utility Easement." If the Cross Access Easement, Sewer Line Easement and Drainage and Utility Easement (§§ 4.13-4.15) are also intended to be Common Areas, please list them in the definition of Common Areas. The signature page of the Declaration needs to be revised to delete "signature page follows" and to include in the notary block that the acknowledgment was made by means of physical presence. Finally, the revised original executed version must be provided prior to scheduling the final plat for Commission consideration. City Staff will provide a reference to the applicant for specific language in regards to Covenants.
5. We have not been provided with an updated Statement of Lien Settlement Requirements for Current Year of Payable Taxes, Tax Sales, and Capital Improvements. The original must be provided to my office after approval of the final plat in order to have the plat recorded. Applicant acknowledged.
6. The proposed plat is confusing in how it addresses intended common areas versus the boundaries of the lots. The lot lines and easement areas are not clearly defined and labeled properly. It appears that the drainage, sidewalk, joint access and utility easement is a blanket easement. The retention pond area is now defined as a separate common area tract labeled as "Tract A", but the boundaries of such tract need to be clearly defined. The Cross Easement recorded at O.R. Book 5229, Page 3064 appears to encroach into the proposed retention pond. Also, the grant of drainage and utilities easement (O.R. Book 8384, Page 2618) as shown on the proposed plat clearly encroaches into the proposed retention pond. Applicant and City Staff clarified

easement concerns.

8. **We are in receipt of the proposed Quit Claim Deed to the Association for the Drainage, Sidewalk, Joint Access and Utility Easement...**. **It is not acceptable to describe the common area in the proposed deed as “The Drainage, Sidewalk, Joint Access and Utility Easement;” if these areas are intended to be conveyed to the POA, the plat needs to be revised to label these areas as a tract(s). Easements are not conveyed via deed, they need to be created by dedication on the plat.** Applicant acknowledged the required tract(s) labeling and will apply the changes to the resubmittal.
12. **With respect to the draft plat, the following corrections need to be made:**
 - a. **The dedication block needs to be revised to delete the last sentence.** Applicant acknowledged this change.

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

Agenda Item #6: Royal Sky Plaza – Easement Vacation

Colonial Drive W – 14811
Wilma Estate Developer LLC

Anuj Aggarwal, Jeff Banker, and Aron Bishman; applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

CITY ATTORNEY

6. **An ordinance needs to be drafted for Commission consideration that authorizes the vacation and termination of this easement created by the attached quitclaim deed. The effectiveness of the easement vacation should be contingent upon the approval and recording of the Royal Sky Plaza plat.** Applicant acknowledged.

Motion by City Engineer Monahan to have the applicants revise and resubmit the Easement Vacation for staff review. Building Official Nemecek, seconded; the motion carried unanimously 4-0.

