



CITY OF WINTER GARDEN

DEPARTMENT OF PLANNING, ZONING & DEVELOPMENT

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WINTER GARDEN, FL 34787

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CITY OF WINTER GARDEN DEVELOPMENT REVIEW COMMITTEE MINUTES MARCH 7, 2007

The Development Review Committee (DRC) of the City of Winter Garden, Florida, met in session on Wednesday, March 7, 2007 in the City Hall Commission Chamber.

CALL TO ORDER

Planning Director/Chairman Edward Williams called the meeting to order at 9:05 a.m. The roll was called and a quorum was declared present.

PRESENT

Voting Members: Planning Director/Chairman Edward Williams, City Manager Mike Bollhoefer (*tie breaker*), Assistant City Manager Marshall Robertson, City Engineer Art Miller, Public Works Director Bob Smith, and Assistant City Engineer Mike Kelley.

Non-voting Attendees: City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, Economic Development Director Shelly Weidenhamer, Storm Water Engineer Alex Nasser, Assistant City Manager for Public Services Don Cochran, Fire Marshal Tom Anderson, and Fire Inspector Vicky Rutherford

Others: Planner Brandon Byers, Planner Regina McGruder, and Planning Technician Leontyne James.

Absent: Utilities Director Charlie Tinch and Building Official Willie Herbert

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held February 21, 2007.

Motion by City Engineer Miller to approve the above minutes. Seconded by Assistant City Engineer Kelley, the motion carried unanimously 5-0.

DRC BUSINESS

2. Panda Express – Site Plan

Allison Brunetto, Carlos Bamos, and Robert Montgomery, applicants for the project were in attendance to address Development Review Committee comments.

Planning and Zoning Department comments from letter dated February 20, 2007 were acknowledged and addressed.

A discussion followed related to the February 23, 2007 Memorandum from **Storm Water Engineer Nasser**. All comments were acknowledged and addressed. Concerning Comment #1 in regards to the laterals and the slope, Mr. Nasser stated he would allow the applicants to use 8" laterals with a 0.5% slope. Concerning Comment #3 in regards to the size of the water meter, **City Engineer Miller** stated the City does not provide 1 ½" meters and advised the applicant to increase to a 2" sized water meter. The applicants stated they would comply with the request.

Motion by City Engineer Miller to have the applicants resubmit revised plans for City Staff to review, and depending upon review of the revised plans, the project may move forward in the process and not have to reappear before the DRC. Seconded by Assistant City Engineer Kelley, the motion carried unanimously 5-0.

After the motion was made, **Storm Water Engineer Nasser** added that there will be no issuance of Certificate of Occupancy until Daniels Road is completed.

3. Macaroni Grill – Site Plan

Robert Montgomery, applicant for the project was in attendance to address Development Review Committee comments.

The applicant stated that all comments have been acknowledged and addressed. The applicant has resubmitted revised plans to the Planning & Zoning Department as of March 2, 2007; has signed and notarized the Hold Harmless agreement; and is ready to submit for payment. The applicant has also stated he has received the permit from St. John's River Water Management District.

Motion by City Engineer Miller to approve the site plan subject to City Staff conditions, and depending upon review of the revised plans, the project may move forward in the process and not have to reappear before the DRC. Seconded by Assistant City Engineer Kelley, the motion carried unanimously 5-0.

4. Mimi's Cafe – Site Plan

Heather Johnston and Manuel Alverio, applicants for the project were in attendance to address Development Review Committee comments.

Discussion followed pertaining to the February 20, 2007 Letter from the **Planning and Zoning Department**. All comments were acknowledged and addressed. Concerning Comment #2 (also referenced in Comment #2 from **City Engineer Miller's**

Memorandum dated February 7, 2007) related to the Hold Harmless agreement, City Staff was in accordance that the Hold Harmless agreement would be necessary before the pre-construction meeting and before any site work could commence.

General discussion followed in regards to the February 7, 2007 Memorandum from **City Engineer Miller**. All comments were acknowledged and addressed. Emphasis was placed on Comment #9, in regards to the enclosed dumpster. Concerning Comment #7, Mr. Miller stated the City would allow limerock base on private parking lots only, but it cannot be used on City streets. City Staff recommends soil cement base due to high water table considerations.

Motion by City Engineer Miller to have the applicants resubmit revised plans for City Staff to review, and depending upon review of the revised plans, the project may move forward in the process and not have to reappear before the DRC. Seconded by Assistant City Engineer Kelley, the motion carried unanimously 5-0.

After the motion was made, **Storm Water Engineer Nasser** added that there will be no issuance of Certificate of Occupancy until Daniels Road is completed.

5. Hess Express – Site Plan

Colby Shea, Mitch Collins, and Bruce Hawkins, applicants for the project were in attendance to address Development Review Committee comments.

Discussion followed in regards to the February 21, 2007 Letter from the **Planning and Zoning Department**. All comments were acknowledged and addressed. Concerning Comment #1, **Planner Byers** stated the plans must show at least 4” caliper for all canopy trees and to show both gallons and calipers. Emphasis was also placed on Comment #3 that all site lighting poles and signage are required to meet the PCD standards.

General discussion followed pertaining to the February 7, 2007 Memorandum from **City Engineer Miller**. All comments were acknowledged and addressed. Concerning Comment #3, City Engineer Miller stated he would like a larger scale detailed site plan showing the location of the Hess Express within the overall development. Concerning Comment #4, Mr. Miller suggested the applicant coordinate with **Utilities Director Tinch** in regards to the backflow preventor and that no galvanized steel is allowed. Comment #7 was also addressed related to the limerock base, which is only allowed on private parking lots.

Discussion followed concerning **Storm Water Engineer Nasser’s** memorandum dated February 26, 2007. All comments were acknowledged and addressed. Emphasis was placed on Comment #1, related to the Storm Water Pollution Prevention Plan and the NPDES Notice of Intent. Concerning Comment #3, Storm Water Engineer Nasser stated the 18” of clean fill under the sub-grade can be disregarded since it is private property however all other requirements related to Comment #3 must be satisfied. Mr. Nasser stated Comment #4 can be ignored since Hess Express is leasing the property.

Assistant City Engineer Kelley stated that a separate Storm Water Pollution Prevention Plan should be placed in the project's permit box on site along with the schedule.

Motion by Assistant City Engineer Kelley to have the applicants resubmit revised plans for City Staff to review, and depending on that, the item could be presented before the next subsequent DRC meeting. Seconded by City Engineer Miller, the motion carried unanimously 5-0.

6. Winter Garden Village at Fowler Groves – Final Plat

Rebecca Furman, Mike Harding, Tom Hareas and Greer Scoggins, applicants for the project were in attendance to address Development Review Committee comments.

Discussion followed in regards to the February 27, 2007 Letter from **Legal Counsel Lionel Rubio**. All comments were acknowledged and addressed. Concerning Comment #8(i) (also referenced in Comment #3 from **City Surveyor Blankenship's** Letter dated March 2, 2007 and in Comment #6 from **City Engineer Miller's** Memorandum dated March 2, 2007), City Engineer Miller stated that this comment may be due to a technicality in Chapter 177 which may require a boundary survey of any lands being platted and for lands that have been sold. Mr. Miller stated that the applicants can show Tracts "G", "H", "I", and "J" on the revised plat and to follow up with a legal description on the deed. He also stated that the deed is usually recorded in conjunction with the plat and prior to the issuance of Certificate of Completion the applicants must provide an "as built" survey to assure City Staff that the improvements are located within the specific tracts. The applicants agreed to the above conditions. City Engineer Miller and **City Attorney Ardaman** both agreed that it is more of a convenience than a requirement to have the sketch and the legal description listed on the deed. Other comments related to Rubio's letter dated February 27, 2007 will be addressed and submitted to the City by the end of the week or on Monday of the following week.

The applicants stated that Sembler has sold a portion of the property (Lot 1, Block 2) to Fifth Third Bank, since the last plat submittal. The applicants stated they will submit the new title opinion, the revised plat to reflect the change of ownership, and other related documents that have already been disclosed to Fifth Third Bank to City Staff today.

A discussion followed related to the March 2, 2007 Memorandum from **City Engineer Miller**. All comments were acknowledged and addressed. Emphasis was placed on Comment # 1 pertaining to the possible soil contamination as outlined in the Phase 2 environmental report. City Engineer Miller stated that the City will need documents showing an overlay that the groundwater contamination is located outside of the rights-of-way being conveyed to the City. These documents will need to be signed, sealed and submitted to the Planning Department.

There was further discussion between **Assistant City Attorney Langley** and the applicants about an amended notice of commencement in relation to the tracts that will be dedicated to the City and the POA.

The applicants also stated that they will be platting the remaining 4 of the 17 out-parcels separately so the plans do not have to come before the City as a plat amendment.

City Planner Williams stated that the applicants can submit revisions on or before next Monday March 12, 2007 in order to come before the next subsequent DRC meeting in two weeks. Mr. Williams also stated that **City Surveyor Blankenship** has not had a chance to review the boundary survey and Mr. Blankenship will have to contact the applicants directly with any questions or comments. The applicants agreed.

Motion by City Engineer Miller to have the applicants resubmit a revised plat for City Staff to review, and depending on that, the item could be presented before the next subsequent DRC meeting. Seconded by Assistant City Engineer Kelley, the motion carried unanimously 5-0.

The Board took a ten-minute recess and reconvened at 10:17 a.m.

7. Oakland Park Phase 2 – Preliminary Plat

John Rinehart, David Rice, and David Kelly, applicants for the project were in attendance to address Development Review Committee comments.

Comments identified on the **Planning & Zoning Department** letter dated February 16, 2007 were acknowledged and addressed. Concerning Comment #2, the applicants stated the retention ponds will be both wet and dry and will look like amenity features (referenced in Comment #12). Concerning Comment # 3 related to the proposed amenities, **Planner McGruder** stated the applicants may address this on the final landscape and hardscape plans. Concerning Comment #4, the applicants stated they will have decorative street lights as they did in Phase 1. Concerning Comment #5 related to the timeline for development of the amenities, **Ms. McGruder** agreed that the applicants can apply the same timeline used in Phase 1A which the Developer's Agreement states "The Developer shall substantially complete the Amenities for each phase prior to the issuance of the building permit for over 50% of the units to be constructed in such phase". Concerning Comment #7, the applicants stated the jurisdictional wetlands lines have been approved by SJRWMD. Concerning Comment #10, the applicants stated they would use the same curbing as they did with Phase 1A and 1B which is modified Type "F" with the 12" gutter. Concerning Comment #14 related to residential driveways, **City Engineer Miller** stated City Staff would have to review the revised plans once submitted.

A discussion followed related to the March 5, 2007 Memorandum from **City Engineer Miller**. All comments were acknowledged and addressed. Discussion took place concerning Comment #1 and Comment #2. It was agreed by City Staff and the applicants that construction plans can be submitted to City Staff for review, however Phase 2 construction cannot commence until the requirement for the Motamasek roadway connection to S.R. 50 is resolved. It was also agreed that **City Attorney Ardaman** will furnish a draft of the Hold Harmless agreement to the applicants after the **Planning & Zoning and Engineering Departments** have reviewed the agreement. Concerning

Comment #3 related to the proposed number of lift stations and back-up power (generators), City Engineer Miller suggested that the applicants coordinate with the **Utilities Department** for number of generators and power requirements.

The comment from **Building Official Herbert's** Memorandum dated January 23, 2007 was acknowledged and will be addressed.

Discussion took place on the return radius on the curve at the entrance in Phase 1A. This is to be resolved in further discussion with **City Manager Bollhoefer** and **Police Chief Brennan** in regards to lowering the speed limit on Oakland Avenue.

Motion by City Planner Williams to have the applicants resubmit revised plans to City Staff for a full DRC review, and depending on that, the item could be presented before the next subsequent DRC meeting. In addition to this, Motamasek issues and other obligations must be resolved; and a Hold Harmless Agreement must be signed before a preconstruction meeting can be scheduled. Seconded by Assistant City Engineer Kelley, the motion carried unanimously 5-0.

8. Colonial Express Car Wash – Site Plan

The applicants were not present for their project review.

Motion by City Planner Williams to table the item to a subsequent DRC meeting. Seconded by Public Works Director Smith, the motion carried unanimously 5-0.

9. Hickory Hammock – Construction Plans

John Florio, David Kelley, Charlie True, and Shawn Tofte, applicants for the project were in attendance to address Development Review Committee comments.

Comments identified from the Letter dated February 26, 2007 from the **Planning & Zoning Department** were acknowledged and addressed.

A discussion followed related to the February 20, 2007 Memorandum from **City Engineer Miller**. All comments were acknowledged and addressed. Concerning Comment #4 related to tree planting in the existing or proposed rights-of-way, City Engineer Miller stated this comment is more associated with the proposed rights-of-way on Avalon Road and Marsh Road. Further discussion took place concerning Comments #11, #23 and #25 related to the reclaimed water main, protection of the utilities and the placement of the under-drainage. Mr. Miller amended Comment #28 related to the Developer's agreement, changing "the Developer's Agreement shall be approved by the City Commission and recorded prior to the issuance of a certificate of occupancy for any buildings" to "the Developer's Agreement, including any Marsh Road agreements, shall be approved by the City Commission prior to the recording of final plat of any phase".

Comments identified from the Memorandum dated February 23, 2007 from the **Engineering Department** were acknowledged and addressed. Emphasis was placed on Comment #3 in regards to under-drainage and the proposed groundwater table. The Design Engineer agreed to provide more information to address **Assistant City Engineer Kelley's** concerns.

City Engineer Miller brought up issues related to insufficient right-of-way for Avalon Road and the need for further discussion between the City and applicants as stated in Comment #2 of the February 20, 2007 Memorandum from **City Engineer Miller**. Also issues related to the relocation of the water line around Stoneybrook pond was brought up as stated in Comment #11 of the above mentioned memorandum. The applicants stated their acknowledgement and that it will be addressed.

City Attorney Ardaman brought up issues related to the Developers Agreement, Marsh Road improvements and the Marsh Road Development Agreement which would all be needed prior to final plat. The applicants were in agreement.

Motion by City Engineer Miller to have the applicants resubmit revised construction plans for City Staff to review, and depending on that, the project may move forth with construction and not have to reappear before the DRC. Seconded by Assistant City Engineer Kelley, the motion carried unanimously 5-0.

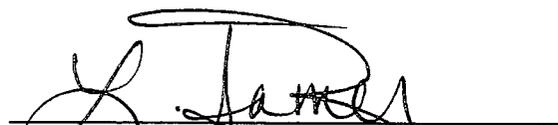
ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 11:14 a.m.

APPROVED:

ATTEST:


Chairman Edward Williams


Planning Technician Leontyne James