

**CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
JUNE 22, 2011**

The Development Review Committee (*DRC*) of the City of Winter Garden, Florida, met in session on Wednesday, June 22, 2011 in the City Hall 3rd Floor Conference Room.

CALL TO ORDER

Community Development Director Designee/Chairman Tim Wilson called the meeting to order at 9:00 a.m. The roll was called and a quorum was declared present.

PRESENT

Voting Members: Community Development Director Designee Tim Wilson, City Engineer Art Miller, Assistant to the City Manager for Public Services Don Cochran, and Building Official Harold (Skip) Lukert.

Others: Community Development Director Ed Williams, City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, Assistant City Engineer Nicolle Van Valkenburg, Executive Assistant Amy Dunn, and Planning Technician Lorena Blankenship.

ABSENT

Economic Development Director Tanja Gerhartz.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held June 08, 2011.

Motion by City Engineer Miller to approve the above minutes. Seconded by Building Official Lukert, the motion carried unanimously 4-0.

DRC Business

2. Oakland Park Unit 1B-1B – Final Plat

John Rinehart, David Kelly, Dan O’Keefe, and Aaron Bishman, applicants for the project were in attendance to discuss the Development Review Committee comments.

Staff comments included the June 20, 2011 memorandum from the Development Review Committee, the June 20, 2011 letter from City Surveyor Steve Blankenship, and the June

20, 2011 letter from City Attorney Dan Langley, none of which the Applicant received prior to the meeting. Once these were given to the Applicant at the meeting, they were acknowledged and addressed.

Discussion took place regarding the June 20, 2011 memorandum from the Development Review Committee, **comment # 2:** *Planning Department shall review plat for compliance with the PUD, Preliminary Plat, and Development Agreement, including minimum buildable lot sizes, lighting, etc. Pursuant to the PUD approval, the Preliminary Plat shall identify the building setbacks for each lot and shall include specific details on what auxiliary uses will be allowed such as pools, porches, patios, etc. Note that lot dimensions on Lots 115 through 120 have been revised – is this reflected in the “pattern” book that the City has on file for each lot? This plat also includes lots that were previously shown as “future” on previous submittals.* Applicant stated “pattern book” (letter size copies of each individual lot with details) will be provided by Friday. Discussion took place regarding the warranty and quit claim deeds for properties being conveyed to the City and HOA respectively. *In addition to review and approval by the City Attorney, these shall be reviewed and approved by the City’s Reviewing Surveyor.* Intensive discussion took place regarding **comment # 5:** *Off-site easements required in the construction plan approval for utilities, roadways (including cul-de-sac) and drainage in Phase 1B-2 or other future phases not included in this plat have been provided for review by the City Attorney and City’s Reviewing Surveyor. The Utility easement to the lift station tract shall include access and drainage easements; The drainage easement for Phase 1B-2 needs to include access and utilities; Provide the necessary easement(s) for the off-site drainage outfall north of the West Orange Trail.* The location of existing drainage easements maintained by Orange County was also discussed; City Attorney Ardaman suggested obtaining records of those easements from Orange County. After discussion, it was determined that a drainage outfall easement for the main outfall channel which connects to the Motamasek (Johns Lake Outfall) canal should be provided. City Engineer Miller needs to review the proposed easement before June 28th.

Discussion took place regarding **comment # 6:** 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. It is noted that an amendment to the original CCR’s has been submitted with the plat. Some of these changes may require an amendment to the overall PUD. Discussion took place regarding **comment # 7:** *A Right-of-Way maintenance agreement for landscaping, irrigation, medians, signs, etc. within City rights-of-way has been provided to the City Attorney for review and will be required prior to final plat approval.* Discussion took place regarding **comment # 12:** *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, second lift of asphalt, 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. (Note: The Developer has provided a cost breakdown that includes landscaping/park amenities, signage, sidewalks, final lift of asphalt, and streetlighting totaling \$322,759, for a performance bond amount of \$387,311.00).

Discussion took place regarding the June 20, 2011 letter from City Attorney Langley, **comment # 1:** applicant stated the **title opinion** will be provided before June 30th. **Comment # 3:** applicant stated the **release of liens** will be provided. **Comment # 5:** applicant stated he obtained a draft of the **Phase I Environmental Site Assessment**, and is waiting on original document. **Comment # 13:** regarding the Right-of-Way Maintenance Agreement, City Attorney Langley stated that a landscaping plan exhibit must be provided.

Motion by City Engineer Miller to place the Final Plat on the next available Planning and Zoning meeting provided the applicant revise and re-submit the Final Plat and supporting information addressing all City Staff conditions (see attached) by Noon, Monday June 27th. Including Development Review Committee memorandum dated June 20, 2011, City Attorney Langley letter dated June 20, 2011, and City's Reviewing Surveyor must review all legal descriptions for all Deeds, Off-site easements and other corrected easements, and the "pattern book" pages. Chairman Wilson clarified that Off-site easements must be reviewed and approved before June 28th. Applicant stated they will include the Off-site easements on Monday's submittal, and will also submit directly to City Engineer Miller. ***Motion was seconded by Building Official Lukert, and carried unanimously 4-0.***

3. Oakland Park Unit 1B-1A – Final Plat

John Rinehart, David Kelly, Dan O'Keefe, and Aaron Bishman, applicants for the project were in attendance to discuss the Development Review Committee comments.

Staff comments included the June 20, 2011 memorandum from the Development Review Committee, the June 20, 2011 letter from City Surveyor Steve Blankenship, and the June 20, 2011 letter from City Attorney Dan Langley, none of which the Applicant received prior to the meeting. Once these were given to the Applicant at the meeting, they were acknowledged and addressed.

Discussion took place regarding the June 20, 2011 memorandum from the Development Review Committee, **comment # 2:** *Planning Department shall review plat for compliance with the PUD, Preliminary Plat, and Development Agreement, including minimum buildable lot sizes, lighting, etc. Pursuant to the PUD approval, the Preliminary Plat shall identify the building setbacks for each lot and shall include specific details on what auxiliary uses will be allowed such as pools, porches, patios, etc.* Discussion took place regarding **comment # 3:** *Per the DRC discussion and the Applicant's response, Tract F2*

*(Future Development) is the site of the Smart City Communications building. Pursuant to F.S. Chapter 177, all easements shall be shown on the plat – is there an easement for this use?. Applicant stated that there is an easement but not recorded. It was determined that the easement needs to be recorded and granted. Discussion took place regarding **comment # 8**: *Provide cost certification for determination of the performance bond amount to include any incomplete items (streetlighting, street and regulatory signage, landscaping, irrigation, wall, amenities, etc.). Final plat will not be scheduled for approval by the Planning & Zoning Board and City Commission unless the improvements have been completed and the Certificate of Completion issued, or a performance bond or letter of credit for 120% of all incomplete improvements has been provided to the City.**

June 20, 2011 letter from City Attorney Dan Langley were acknowledged and addressed. Discussion took place regarding **comment # 8**: applicant stated they will submit original deed conveying Tracts D and Tract H3 to the Oakland Park Association, Inc. Discussion took place regarding **comment # 12**: with respect to the draft plat, Note 7 needs to be revised to read: “The Private Open Space Easement shown herein is dedicated to the Oakland Park Association, Inc. for the common use and enjoyment by the Association and its members. Oakland Park Association, Inc. shall maintain the Private Open Space Easement”.

City Attorney Langley asked the applicant if they were going to record the amendment to the Covenants and Restrictions before the plat’s approval and recording. Applicant responded they will record the amendment to the Covenants and Restrictions prior to the item is presented before the Planning and Zoning Board meeting.

Motion by City Engineer Miller to place the Final Plat on the next available Planning and Zoning Board meeting provided the applicant revise and re-submit the Final Plat and all supporting documentation addressing all City Staff conditions (see attached) by Noon, Monday June 27th; Seconded by Building Official Lukert, the motion carried unanimously 4-0.

ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 9:52 a.m.

APPROVED:

ATTEST:

Chairman Tim Wilson

Planning Technician Lorena Blankenship