



# WINTER GARDEN

## CITY OF WINTER GARDEN DEVELOPMENT REVIEW COMMITTEE MINUTES September 3, 2014

The Development Review Committee (DRC) of the City of Winter Garden, Florida, met in session on Wednesday, September 3, 2014 in the City Hall Commission Chambers.

### **Agenda Item #1: CALL TO ORDER**

Chairman/Community Development Director Ed Williams called the meeting to order at 9:59 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 Mark Jones, and Economic Development Director Tanja Gerhartz

**Others:** City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, Manager of Community Development Steve Pash, Senior Planner Laura Smith, Planner Kelly Carson, Planner Nadine Avola and Customer Service Representative Colene Rivera.

### **ABSENT**

**Voting Members:** Assistant City Manager for Public Services Don Cochran

### **APPROVAL OF MINUTES**

#### **Agenda Item #2:**

Approval of minutes from regular meeting held on August 20, 2014.

*Motion by City Engineer Miller to approve the above minutes. Seconded by Building Official Jones, the motion carried unanimously 3-0.* (Economic Development Director Gerhartz was not at meeting during this vote.)

10:00 am Break in Meeting

10:01 am Meeting Resumed

### **DRC BUSINESS**

#### **Agenda Item #3: Bradford Creek East - FP**

Winter Garden Vineland Road - 421

Kirby Engineering

John Kirby of Kirby Engineering and CeCe Dela Cerna of Standard Pacific, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

Economic Development Director Gerhartz arrived to meeting late at 10:02 am

## **ENGINEERING**

2. **DRC needs to discuss drainage easement being granted for off-site flows (i.e. 20' wide drainage easement across Tract "C").** This comment was discussed, details were clarified and applicants will revise on drawings to extend from one end to the other. Applicant's Attorney to provide proposed easement language that will be recorded and referenced on the plat once approved by the City.
  
6. **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 has been provided to the City. Based on the Design Engineer's certification and latest payment application, the cost of the incomplete improvements is \$265,754.20 and the Performance Bond/LOC amount shall be \$318,905.00. Bond/LOC 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 the City Commission for approval without performance bond or letter of credit. City Attorney shall review and approve the form of the bond.** City staff confirmed the performance bond had been submitted in the required amount.
  
7. **Maintenance Bond: A maintenance bond has been provided. Based on the Design Engineer's certification the construction cost is \$1,618,099.45 with maintenance bond amount of \$323,620.00, representing 20% of the cost of the improvements and shall comply with the City's ordinance concerning duration (2years). See above – provide Contractor's final application for verification of cost. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion. City Attorney shall review and approve the form of the bond.** City staff confirmed the maintenance bond had been submitted in the required amount.

City Staff inquired about when the applicants will be submitting the entire project package including resolution of the wetland encroachment with all the details? Applicants stated that this is being addressed; final agreement is moving forward with Sonata and should have ready to submit to city in about 2 weeks. City Staff advised applicants to plan on placing this project on City Commission meeting agenda the first meeting in October.

Discussion took place about easement agreement and how this is being handled as a separate instrument from wetland agreement. Applicants will revise plat plan to show easement continuous from one end of property through to other side of property, and will have their Attorney provide a draft easement for City Staff to review.

***Motion by City Engineer Miller to recommend approval of the Final Plat; subject to revised separate drainage easement instrument, revisions reflected on the plat and the***

*wetland encroachment resolution; it will be up to the applicant when they can resubmit; to then be placed on the next available City Commission meeting after City Staff review and approval. Building Official Jones, seconded; the motion carried unanimously 4-0.*

10:07 am Break in Meeting  
10:08 am Meeting Resumed

**Agenda Item #4: Twin Waters fake Crooked Lake Preserve - CPS**

Marsh Road - 16303  
June Engineering Consultants, Inc.

*This Agenda Item was postponed.*

**Agenda Item #5: Canopy Oaks - CPS**

Roper Road - 13036  
Canopy Oaks Development Company, LLC

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

**ENGINEERING**

3. **Per the pre-plat approval, 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. Specifications for muck removal on what will be building lots shall be shown, with specific instructions as to muck removal, testing and building permit application. Building Permit application for any lots in the muck removal area shall be accompanied by a detailed report, signed and sealed by a Florida Professional Engineer, that these lots are suitable for construction, and shall contain special foundation requirements or designs as appropriate. The Building Department may have additional requirements.**  
Applicant had a note to add and City Engineer reviewed it. It will be included in resubmitted plans.

**Response indicates this note was added (Sheet C-24, Note #33), but we didn't find it.**  
Applicants stated that note will be added to revised plans.

7. **The 10' Nature Trail Tract between Lots 16 & 17 shall also be a drainage easement (the way it is currently shown there will be a 10' strip missing from the intended 30' wide drainage easement).** Applicants will label the 30' wide drainage easement on revised plans.
8. **There is a wall along Roper Road and it wraps around to the gates; show that FDOT required sight lines (triangles) are being met.** Applicants will show on revised plans.
13. **A Developers Agreement addressing the phasing, utilities and other commitments of the development's master plan shall be approved by the City Commission and recorded prior to the issuance of any site or building permits. City staff will draft the D.A. that shall**

include, but not be limited to the following: project phasing; utilities upsizing; R/W conveyances; adherence to all City Codes and Standards; etc. Applicants stated that they understood this comment as part of the conditions of approval for the project. Applicants wanted to include an amendment that would state that the City would pay for the extension of water and reuse lines east of project to connect to existing lines. City Staff requested applicant to submit a layout that shows the segment that the City will reimburse the applicant for the connection lines. City Staff agreed to amend the Developer's Agreement to include this statement. Later in the meeting, this comment was further discussed. City Staff suggested that this statement be included as a condition of approval rather than amend the Developer's Agreement as a simpler method to include this statement. Applicants agreed.

## PLANNING

20. No construction activity or pre-construction meeting for the west neighborhood (Phase II) can occur until the flooding issues are resolved with the adjoining property. Staff inspection and all State, County, and City agency approvals are required before the pre-con meeting. This comment was discussed and clarified. City Staff will need to see permits from SJRWMD have been obtained prior to being able to set up pre-construction meetings and /or construction activity. The City needs to be assured that the failing spreader swale issue has been sufficiently resolved.
21. Per City code, the lot widths must be 75' min. at the front building line. For irregularly-shaped lots where the front lot line is narrow, please revise the setback lines to reflect the fact that some of the houses will need to be set back further on the lot than 25' to meet this requirement. This comment was clarified and applicants understood what needs to be revised on plans.
27. REPEAT COMMENT: Please provide the City photometric lighting plan when completed by Duke Energy. Applicants were advised to submit lighting plan to Assistant Director of Public Services Mike Kelley.

10:21 am Economic Development Director Gerhartz left meeting

## PUBLIC SERVICES

Since we did not have a representative from Public Services in attendance of meeting, it was suggested to applicants that they contact Assistant Director of Public Services Kelley with their questions and concerns pertaining to Public Services comments 33 – 46. Some comments were mentioned but applicants will communicate directly with Mike Kelley.

10:24 am Economic Development Director Gerhartz returned to meeting

Applicants inquired about options of handling the eight signatures for the plat mylar. City attorneys will look into options to assist for an easier method to obtain the signatures on the final plat. Not all the property owners are local.

*Motion by City Engineer Miller to have the applicant revise and resubmit the Subdivision Construction Plans addressing all City Staff conditions, meeting with City Staff to clarify comments that could not be clarified at this meeting, subject to adding a provision for City to pay for extension of utilities, and staff review only [i.e. no DRC]. Building Official Jones, seconded; the motion carried unanimously 4-0.*

**Agenda Item #6: West Orlando Baptist Church - SPA**

Crown Point Road E - 1006  
Tri3 Civil Engineering Design Studio, Inc.

*This Agenda Item was postponed.*

10:29 am Break in Meeting  
10:31 am Meeting Resumed

**Agenda Item #7: Hickory Hammock Phase 1D - FP**

Avalon Road – 1000  
Tramell Webb Partners, Inc

Joe Tramell of Tramell Webb Partners, Inc and Jim McNeil of Akerman, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

**ENGINEERING**

7. **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 latest payment application, the cost of the incomplete improvements is \$3,034,346.47 and the Performance Bond/LOC amount shall be \$3,641,215.76. Bond/LOC 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 the City Commission for approval without performance bond or letter of credit.** Discussion took place about status of bonds. Applicants can either update the cost to complete, or provide bond per the above.
8. **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. Based on the Design Engineer's certification, the cost of the improvements for this phase is \$3,034,346.47 and the maintenance bond amount shall be \$606,869.29. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion.** Discussion took place about status of bonds.

Discussion took place about resolving the covenants and provide update on status. This was clarified. Applicants understood and will address.

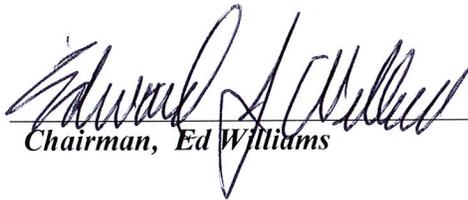
*Motion by City Engineer Miller to recommend approval of the Final Plat subject to all city staff conditions which include cleaning up the covenants and receipt of information to determine bond amounts for the performance bond. After that is resolved, it can be placed on the next available City Commission meeting agenda. Building Official Jones, seconded; the motion carried unanimously 4-0.*

**ADJOURNMENT**

There being no more business to discuss, the meeting was adjourned at 10:39 a.m. by Chairman/Community Development Director Ed Williams

**APPROVED:**

**ATTEST:**

  
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Chairman, Ed Williams

  
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DRC Recording Secretary, Colene Rivera