



WINTER GARDEN
CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
October 15, 2014

The Development Review Committee (*DRC*) of the City of Winter Garden, Florida, met in session on Wednesday, October 15, 2014 in the City Hall Commission Chambers.

Agenda Item #1: CALL TO ORDER

Acting Chairman/Manager for Community Development Steve Pash called the meeting to order at 10:05 a.m. The roll was called and a quorum was declared present.

PRESENT

Voting Members: Acting Chairman/ Manager for Community Development Steve Pash on behalf of Ed Williams, City Engineer Art Miller, Building Official Mark Jones, and Economic Development Director Tanja Gerhartz

Others: Assistant City Attorney Dan Langley, Planner Kelly Carson, Planner Nadine Avola and Customer Service Representative Colene Rivera.

ABSENT

Voting Members: Community Development Director Ed Williams, Assistant City Manager for Public Services Don Cochran

APPROVAL OF MINUTES

Agenda Item #2:

Approval of minutes from regular meeting held on September 17, 2014.

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

10:06 am Break in Meeting
10:07 am Meeting Resumed

DRC BUSINESS

Agenda Item #3: Oakland Park Phase 2A – FINAL PLAT

Lake Brim Drive - 951
Lake Apopka 2012, LLC

Al Penny of Crescent Communities and John Classe of Crescent Communities, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

3. **Repeat comment: The City recently received revised plans for the Phase 2A pond and outfall that will be an enlargement of the Phase 1A pond. How will these changes be addressed in terms of drainage easement, pond tract, etc.? Response indicates this is in process.** Applicants gave an update on status regarding drainage easement, pond tract, etc.
4. **Repeat comment: The Boundary Survey shows two Florida Power distribution easements that encroach onto the proposed plat. Show evidence that these have been vacated or relocated. All utilities shall be underground per Code. Response indicates this is in process.** Applicants gave an update on status. They are working parallel with Duke Energy to have these easements vacated. They inquired about direction on having the documents recorded and were advised to have it done now so they wouldn't need to be shown on the plat, or shown with the recording information that they were vacated/abandoned.
6. **Revise Plat Note #10: Regarding the drainage and wall easement along the east side of Lots 167 thru 159. The HOA shall be responsible for maintaining any grass or landscaping between the double retaining walls, which shall be maintained by the HOA.** Applicants explained that this was an oversight during the clean-up, will address and revise to reflect maintenance by the HOA for this easement.
13. **Provide cost certification for determination of the performance bond amount to include any incomplete items (street lighting, street and regulatory signage, landscaping, irrigation, wall, amenities, etc.). Final plat will not be scheduled for approval by the 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.** Applicants are working on performance bond details to submit to the City. They understand the submittal requirements prior to being scheduled for City Commission approval. They are working on finalizing Engineering certification and payment amounts.

PUBLIC SERVICES

22. **Note #10 on the face of the plat does not represent what the City agreed to with regard to the drainage and wall easement at the rear of lots 159-167. The two tiered wall was agreed to with the stipulation that the HOA would maintain all aspects of the easement area between the two retaining walls and between the wall and the adjacent subdivision. The maintenance responsibility of the HOA shall include maintaining the sod and ground cover, as well as the maintenance of the walls, swales, and drainage improvements within the easement. Please revise the note to reflect these conditions.** Similar comment to Engineering comment #6; see this comment for details.
23. **In regard to note #2, the utility/drainage/sidewalk encroachment easement along the**

frontage of the rights of way shall be 10 feet wide. Please revise the plat as it indicates five feet in some places. Applicants explained why there are 5 ft. and 10 ft. easements. Applicant will need to follow up with Assistant Director of Operations Mike Kelley to address this comment.

24. There appears to be some discrepancies in regard to the width of some of the easements on the plat. Please verify that all dimensions are accurate and to scale. Applicants will need to follow up with Assistant Director of Operations Mike Kelley to address this comment.

PLANNING

25. Have all of the street names been approved by Orange County 911? If so, please submit the letter/email acknowledging that they have been reserved. Applicants stated that they have this and will send over to the City for review.
26. When can the City expect to receive Lot Plans for this phase? Applicants stated they are working on this and plan to submit to City by end of this month.

SURVEYING

27. Please see attached memorandum from Gerald Johnston, City Surveyor. Applicants have talked to Surveyor and they are working on these aspects as well.

LEGAL

Comments submitted as separate memo

8. The original executed version of the Warranty Deed conveying the right-of-way tracts(s) to the City must be provided to the City prior to scheduling the final plat for City Commission approval. The plan notes refer to Tract N1, which appears to be a mistake but if it is not a mistake then the Warranty Deed needs to be revised to include Tract N1. Applicants verified that there is a tract N1 and clarified to City Attorney the status. This comment will be addressed.
12. A copy of the Joinders and Consents of the Mortgagee to Plat has been provided for review. Exhibit "A" to the Joinders and Consents needs to be revised to reference Plant recording information to be inserted upon recording the plat (i.e. Oakland Park Unit 2A, according to the plat thereof, as recorded in the Plant Book , Page through , Public Records of Orange County, Florida). The original executed version of the documents must be provided to the City prior to scheduling the final plat for City Commission approval. Applicants stated that they will be submitting the Joinders and Consents of the Mortgagee next week.
13. d) Plat note #6 needs to be revised to correctly cite to the recorded Second Supplement and First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions. Also, the sentence referencing the Third Supplement needs to be revised to say the Third Supplement is to be recorded in

the public records instead of leaving blanks for recording information. Applicants explained that their attorney would contact Assistant City Attorney Langley to clarify and discuss.

Also, City Staff emphasized to applicants that they will need to submit performance bond draft paperwork for review and DRC approval as well as an updated title, prior to being able to schedule for City Commission meeting. Applicants stated that they could make revisions based on City comments and submit next week. This would allow for enough time for staff review and be scheduled for the November 13, 2014 City Commission meeting.

Motion by City Engineer Miller to have the applicant revise and resubmit the revised Final Plat for staff review only. If there are issues in the resubmittal for staff review, then item will be back to DRC for another full review cycle. Economic Development Director Gerhartz seconded; the motion carried unanimously 4-0.

ADJOURNMENT

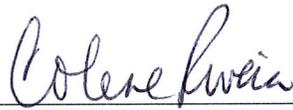
There being no more business to discuss, the meeting was adjourned at 10:23 a.m. by Acting Chairman/Manager for Community Development Steve Pash

APPROVED:

ATTEST:



Chairman, Ed Williams



DRC Recording Secretary, Colene Rivera