



WINTER GARDEN
CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
August 19, 2015

The Development Review Committee (DRC) of the City of Winter Garden, Florida, met in session on Wednesday, August 19, 2015 in the City Hall Commission Chambers.

Agenda Item #1: CALL TO ORDER

Chairman/Community Development Manager Steve Pash called the meeting to order at 10:00 am. The roll was called and a quorum was declared present.

PRESENT

Voting Members: Chairman/ Manager of Community Development Steve Pash, City Engineer Art Miller, Building Official Mark Jones, Economic Development Director Tanja Gerhartz and Assistant City Manager for Public Services Don Cochran

Others: City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, Community Development Director Ed Williams, Planner Kelly Carson, Planner Nadine Avola, Planner Jessica Frye and Customer Service Representative Colene Rivera.

APPROVAL OF MINUTES

Agenda Item #2:

Approval of minutes from regular meeting held on August 5, 2015.

Motion by City Engineer Miller to approve the above minutes. Seconded by Building Official Jones, the motion carried unanimously 5-0.

Approval of minutes from Special Meeting held on August 17, 2015.

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

DRC BUSINESS

Agenda Item #3: Canopy Oaks – FINAL PLAT

Roper Road – 12902 and 13036
SIFT Oaks Investments, LLC

Andrea Jernigan-Gwinn of Civil Site Engineering, Inc, Tom Graver of AR Bailey Homes and Mason Simpson of Sift Oaks Investment LLC; applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

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. Article V, Section 2(h) of the Declaration appears to be in conflict with Article XI, City requirements; Article VIII, Section 17 concerning using "start-up contributions" to fund operating deficits and other expenses of the Declarant prior to turnover is not acceptable. City staff explained concerns the city has been having with community HOAs. City staff will review these documents and get back to applicants.
7. Provide updated 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 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. The cost certification was dated 1/19/15 didn't match the 10/01/14 proposal from the contractor. Provide latest pay application for verification of completed work.

Response indicates improvements will be completed and C of C issued prior to plat recording. This comment was discussed and reviewed. Applicants understood.

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. Provide Design Engineer's certification, as backed up by the Contractor's final pay application, for determination of warranty amount. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion. The form of the bond or letter of credit shall be approved by the City Attorney (see City website for form). This comment was clarified as to which form is needed and the maintenance letter of credit form. Applicant understood and will submit. City staff will email applicants the form.
15. Repeat comment: Design Engineer shall provide certification that he/she "has reviewed the plat and that it provides all necessary easements for drainage, access and utilities". Revise to reflect review of the final plat. Applicants will update wording on plans.

PUBLIC SERVICES

16. All continuous walls spanning more than one lot shall be maintained by the HOA. This was covered under discussion of comment 18.
18. Please revise the Declaration of Covenants, Conditions and Restrictions to reflect the wall maintenance by the HOA. Clarification was discussed about what aspects the HOA are to maintain. City staff clarified what the HOA is responsible for and what the individual lot owners would need to maintain. Applicants were advised to update plans to label wall as drainage/ utility and wall easement on plans.

SURVEYING

19. Please see attached Memorandum from Gerald M. Johnston, City Surveyor. Applicants stated that the surveyor comments will be addressed in resubmittal.

Separate comment sheet from staff report:

Sheet 2,

14. A note for should be added for Tracts E,K and P, dedicating development right to the City of Winter Garden, (I.E. "Development Rights over tracts E,K and P are hereby dedicated to the City of Winter Garden, Florida. No clearing, grading or alteration is permitted without prior approval for the City of Winter Garden, Florida and/or all other jurisdictional agencies"). This comment was discussed and clarified that applicants will revised plans to include note on plans.

LEGAL

20. Please see attached Memorandum from Dan Langley, City Attorney. These comments will be addressed in resubmittal and applicant's legal representative will discuss with city legal staff for clarification.

Separate comment sheet from staff report:

7. Pursuant to Section 110-152(14) of the City Code, a Phase I Environmental Site Assessment (ESA) must be conducted in accordance with the latest edition of the American Society for Testing and Materials (ASTM) standard E-1527 (Phase I ESA Process) prior to final plat approval. The City will require a specified minimum off-site search distance of one-quarter (1/4) mile. The minimum search distance may include areas outside the adjoining properties and shall be measured from the nearest property boundary. The ESA must be performed and signed by a Florida registered engineer or geologist who is able to demonstrate competence (i.e., education and previous experience) in producing ESA reports.

A previous Phase I ESA may be used it meets or exceeds the requirement of ASTM E-1527 (except as modified herein) and if the conditions of the property and area surrounding the property are not likely to have changed materially since the previous Phase I ESA. Should more than one (1) year have passed since the completion of the last Phase I ESA, a current site reconnaissance and records review will be required at a minimum. All supplemental Phase I ESA documents must also be signed by a Florida licensed engineer or geologist.

The results must be provided to the City prior to acceptance of any lands to be dedicated to the City. Should environmental conditions requiring any remedial activity, monitoring or regulatory action be identified as a result of the ESA(s), the City will not accept any dedications of such land until the conditions on the land are fully addressed to the satisfaction of the city and all applicable regulatory agencies. Applicants stated that these documents had been provided to city through city planner.

8. *A copy of the following plat related documents have not been provided for review and need to be submitted:*

- *Statement Of Lien Settlement Requirements For Current Year Of Payable Taxes, Tax Sales, and Capital Improvements;*
- *Affidavit(s) Certifying Absence of Reserve Strips;*
- *Joinder and Consent of Mortgagee to Plat;*
- *Partial Releases of Mortgage for all tracts to be deeded to the HOA and the City;*

Applicants stated that these documents have been submitted to planner. City staff will verify.

The original executed versions of these documents must be provided to the City prior to scheduling the final plat for approval by the City Commission. Applicants understood.

9. *We are in receipt of the proposed Warranty Deed to the City of Winter Garden for conveyance of Tract M (Lift Station). This deed needs to be revised to have all the property owners shown on the title certificate execute as the Grantor. The original executed version must be provided to the City prior to final plat approval.* Discussion

took place about the details of certificate of title. Applicants explained that there is one owner, Sift Oaks Investment, Inc for 51 acres of property being developed and then there are multiple owners for Lot V which is one acre. Logistics were discussed regarding obtaining certificate of title for this one acre. City staff advised applicants to consider signing joiners consent. Applicants will go back to their legal counsel for this consideration.

12. *With respect to the draft plat, the following corrections need to be made:*

- (b) *Since the streets in this subdivision are private (Tract U), the drainage and sidewalk easements need to be dedicated to the homeowners' association, not the City. The City is to be dedicated the utility easements. The plat notes need to indicate that the homeowners' association is responsible for the maintenance of sidewalks and drainage improvements within the drainage and sidewalk easements. Please revise the plat notes accordingly. Also, check with Public Services and the City Engineer as to whether the City needs a non-exclusive drainage easement over any portion of the drainage easements shown on the plat for the City to have the right, but not obligation, to use such easements for drainage purposes.* This comment was discussed and determined not to dedicate to the city since this will be a private easement and does not need to be dedicated to city.
- (i) *Depict the area of and add the recording information for the July 17, 2015 Deed of Conservation Easement on the plat.* Applicants stated that this info will be included on plat.

10:15 am Assistant City Manager for Public Services Cochran left meeting (Assistant Director of Operations Kelley served as voting member for remainder of meeting)

16. *It is the responsibility of the subdivider to ensure that all applicable requirements of*

the City Code and Florida Statutes relative to the subdividing and development of property are met prior to final plat approval. In order to assist the subdivider in addressing the foregoing comments, it is suggested that the applicant review Chapter 110 of the Winter Garden Code of Ordinances, including Ordinance No.: 14-29 adopted by the City on July 24, 2014, and Chapter 177, Florida Statutes. Furthermore, to expedite the review, it is recommended that the subdivider respond to each of the foregoing comments referencing the date of this letter and the comment number. This comment was discussed and clarified.

Motion by City Engineer Miller to have the applicants revise and resubmit the final plat addressing all city staff conditions for another full DRC review cycle. Building Official Jones, seconded; the motion carried unanimously 5-0.

After the motion, city staff explained that the project pool contractor continues to call inquiring about pervious area on the various lots. It was determined that applicants will need to develop a lot table with allowed impervious area per lot layout following St. John's and zoning requirements for the entire development. This will need to be submitted and approved, prior to individual building plans per lot. Also discussed was Master Filing of home plans. Applicants understood the process for submitting for master filing. The building official explained the limited options for master filing the plans. The plan needs to be lot specific and offers same plan for each lot on master file. Pervious materials and composite materials were also discussed and applicants didn't think that they are planning to use this material at this time due to expense. If the home owners begin to complain about not being able to build larger decks and patios, etc., applicants may consider this option. Planner requested that if they were looking at pervious paver options to submit plans so that impervious area could be calculated because the surface will not be 100% but a percentage would need to be determined based on type of materials.

10:40 am Break in Meeting
10:40 am Economic Development Director Gerhartz left meeting
10:41 am Meeting Resumed

Agenda Item #4: Hennig Property – CONSTRUCTION PLANS

Bay Street W - 601
Dewberry Engineers, Inc.

Nicole Stalder of Dewberry Engineers, Inc., applicant for the project was in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

5. Sheet C10:

- *The rear lot drainage of Lots 40 thru 35 will require a collection (inlet) and pipe system. The rear yard easement in this section shall be increased to 10' width on each lot, 20' width total.* Discussed rear drainage concerns with current plan as submitted. City staff requested that applicant submit cross section details for the "mod A" graded lots affected and secondary drainage calculations for further

review by city staff.

6. Sheet C10:

- The rear yard easement in this section (Lots 41 thru 34) shall be increased to 10' width on each lot, 20' width total. This comment will be addressed in the response to Comment #5 with the submittal of cross section and drainage details.

12. Typical Section: Right-of-way width shall be a minimum of 50 feet with minimum roadway pavement width of 24' as required by City Code (12' minimum each lane); 16' minimum lane width for any divided portion (additional width may be required if parking is allowed); 18" of clean fill with no more than 5% passing a #200 sieve required under the subbase; 98% density required on all compaction; 2" minimum asphalt thickness (Type S-1 or equivalent SP); 10" minimum soil cement base thickness (not limerock); minimum 24" wide concrete curb and gutter required (or Miami curb); 5' wide concrete sidewalks required on both sides of street; minimum 10' wide drainage, utility and sidewalk encroachment easements required adjacent to all rights-of-way. City staff discussed that 10" crushed concrete is acceptable, with stabilized subbase.

14. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA. City staff stated that is a standard comment. This was discussed at the PSP and for this situation a standard easement is acceptable.

10:47 am Economic Development Director Gerhartz returned to meeting

18. All proposed easements shall be 30' minimum width for sanitary, water and storm; improvements shall be centered within the easement. Common areas not abutting right-of-way shall include a minimum 20 foot wide tract (not easement) for access and maintenance. This comment was clarified. Applicant was advised to use city code section 110 or section 118 formulas for determining width of easements. Clarified second part of comment was referring to ponds and other common areas. City staff emphasized that city needs to have this area accessible to maintain these areas.

PLANNING

23. Sheet C07:

- c. Note 3 & legend: Any tree shown as saved must be saved. Tree removal will not left up to the owner's discretion during construction. Applicant wished to discuss this comment specifically pertaining to "trees must be saved". City staff explained that the current tree removal plan is not acceptable and the tree table needs to be updated. City staff also advised applicant to remove the note on plans that stated "trees to remain pending Arborist and owner approval". City staff was very clear that the current tree plan is not acceptable and that the condition of approval will be based on saving as many trees as possible. Applicant discussed house pad proposal and city staff disagree with this due to not knowing exactly what size home will be built on each lot and the possibility of removing more trees per lot than necessary. City staff advised applicant to set up a walkthrough on site with city staff to determine which trees to keep as part of overall project. The concept of stem wall construction was discussed and applicant will need to go back to reconfigure plans

based on city staff feedback and walkthrough determinations. Discussed type of trees on property to save. Walkthrough will help determine these trees.

24. **Please submit subdivision landscape and irrigation plans. These plans must adhere to the new “Florida Friendly” landscape ordinance (15-40). Any tree that is removed must be replaced on a two-to-one basis on site with a similar species.** City staff reminded applicant that city ordinance has changed regarding landscape and irrigation plans. Applicant was advised to review and verify that their plans are reflecting this latest code and guidelines.
25. **Per the R-1 District code, lots are required to be a minimum 85’ at the front setback line. Several of the front setback lines shown on the plans do not meet this requirement. Please revise.** This comment was clarified.
30. **REPEAT COMMENT: Elevations: The rear elevations do not include enough façade features. Please include features on the rear elevations similar to those along the front elevations.** This comment was discussed and applicant understood that more features and details are needed for the rear elevation from what was submitted in last set of plans.

PUBLIC SERVICES

Applicant handed Public Services set of calculations for review.

Also discussed were recreation areas for this project. The project plans submitted, do not meet the required recreational area. City Staff inquired about sending the applicant a draft of fair share recreational amenities legal verbiage agreement. City staff will provide applicant with legal verbiage draft for them to modify with specifics for this project. City staff advised that the recreation space needs to be re-evaluated and possible option of reconfiguring the recreation area access and perhaps saving a tree or two. Applicant will look into this.

Discussed elevation of project verses neighboring communities. Applicant stated that the east side, which is a street, is fairly close in elevation with this project. However, the adjacent property on the west side is at a steeper elevation and this is being addressed.

Discussed Lot 12 for an eyebrow/ cul-de-sac area and minimum curb line requirements – 35 foot minimum length at the curb line. Applicant discussed possibility of shifting lot line to meet this requirement.

Need details of subdivision sign wall, fences and gate. Applicant stated that this is being addressed.

Motion by City Engineer Miller to have the applicant revise and resubmit the Construction Plans addressing all city staff conditions and comments for another full DRC review cycle. Building Official Jones, seconded; the motion carried unanimously 5-0.

11:07 am Break in Meeting
11:08 am Meeting Resumed

Agenda Item #5: Oxford Chase – CONSTRUCTION PLANS Avalon Road - 505

Mattamy Orlando, LLC

John Townsend of Donald W. McIntosh Assoc., Inc. and Clark Sprinkel of Mattamy Homes, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

7. **Sheet C302 and C345: Provide drawdown calculations showing that underdrains won't be required in the lakeside environmental swales. The drainage easement area may be required to be maintained by the HOA; are any retaining walls proposed for this area?**

This comment was discussed and clarified. The Applicant is considering a redesign of this area and will get back with the City.

PUBLIC SERVICES

Applicants requested to meet with Public Services staff to walk through the area to review comments.

3. **Fifty percent of all utility impact fees shall be paid prior to the execution of the FDEP water and wastewater permits. Utility impact fees are based on meter size. Assuming a 3/4" meter and the 103 lots shown on the plans, fifty percent of the utility impact fees equates to \$202,858.50. This does not include utility impact fees for HOA common area irrigation or amenities. Fees for common areas and amenities shall be paid prior to setting the water meters for these areas. Please see the following fee breakdown:**

Water Impact Fees = 103 lots x \$1,086.00 = \$111,858.00

Irrigation Impact Fees = 103 lots x \$1,086.00 = \$111,858.00

Waste Water Impact Fees = 103 lots x \$1,767.00 = \$182,001

Total Utility Impact Fees = \$405,717.00

Half of the Utility Impact Fees = \$405,717.00/2 = \$202,858.50

Applicants inquired if there were any other options for payment plan for impact fees? City staff explained that the 50% needed to be paid upfront prior to deed approval. Applicants understood.

10:40 am Economic Development Director left meeting

Applicants had a layout of the original plan verses a proposed plan with new changes. Applicants confirmed that the new layout had the same lot count and lot sizes were identical. Discussion took place about best way to submit for proposed changes in layout. Applicants understood.

10:47 am Economic Development Director returned to meeting

City staff requested applicants to verify that the turn lanes funds have been paid for from their end. City staff advised applicants how to proceed with new proposed layout. City staff also instructed applicants to confirm their landscaping plans meet the new city ordinance. City staff will send the applicants these new guidelines to ensure that they meet the requirements.

11:16 am Economic Development Director Gerhartz left the meeting

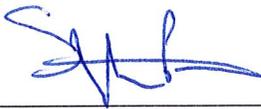
Motion by City Engineer Miller to have the applicants revise and resubmit the Construction Plans addressing all city staff comments and conditions for another full DRC review cycle. Building Official Jones, seconded; the motion carried unanimously 4-0. (Economic Development Director Gerhartz not present at meeting during this vote)

ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 11:22 a.m. by Chairman/Community Development Manager Steve Pash.

APPROVED:

ATTEST:



Chairman, Steve Pash



DRC Recording Secretary, Colene Rivera