



WINTER GARDEN
CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
January 6, 2016

The Development Review Committee (DRC) of the City of Winter Garden, Florida, met in session on Wednesday, January 6, 2016 in the City Hall Commission Chambers.

Agenda Item #1: CALL TO ORDER

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

PRESENT

Voting Members: Chairman/ Community Development Director 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, Planning Consultant Ed Williams, Planner Kelly Carson, Planner Jessica Frye and Customer Service Representative Colene Rivera.

APPROVAL OF MINUTES

Agenda Item #2:

Approval of minutes from regular meeting held on December 9, 2015.

Motion by City Engineer Miller to approve the above minutes. Seconded by Building Official Jones, the motion carried unanimously 3-0. (Economic Development Director Tanja Gerhartz and Assistant City Manager for Public Services Don Cochran were not at meeting during this vote.)

10:00 am Break in Meeting

Economic Development Director Gerhartz arrive to meeting late at 10:01 am

10:02 am Meeting Resumed

DRC BUSINESS

Agenda Item #3: Wawa – SITE PLAN

Colonial Drive W and Dillard Street S

50 at Dillard, LLC

Mike Ackson of CDS Consulting Group, Brent Lenzen of Kimley-Horn and Randy

Hodge of Intram Development, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

2. **Sheet C6.0: "Black" poly callout is still shown on the ¾" water line to the canopy. Since this is on the customer side of the meter, it is the Owner's responsibility to maintain.**
Applicants explained they understood comment and would be maintaining the water lines for this project.
3. **Sheets C6.0 & C6.1: There are (5) 2" potable meters and (5) 1" irrigation meters shown – please confirm. Credits will be applied for the existing meters that were capped.** City staff discussed this comment and explained to applicants that they will want to review the water demand for this project to determine the size of the water meters needed based on demand. The size of the water meters determines the costs. City staff advised applicants that they could plan this aspect in phases to help with project costs rather than all done upfront. Then as they sell off the parcels, these costs would be passed to the buyer of those properties based on the tenants needs. Applicants understood and will review demand and determine what size is best for project. They also understood about the credits.
6. **All dumpsters shall be enclosed and shall provide 12' minimum inside clearance (each way inclusive of bollards). Public Services Solid Waste Division has reviewed the detail provided; it needs to be revised to meet the 12' requirement.** The applicants inquired about clarification of the 12' wide clearance. City staff explained the inside space needs to be 12' wide for clearance of the trucks. Applicants understood.
7. **Permit from SJRWMD is acknowledged as well as FDEP exemption for water. FDEP wastewater permit will be processed after payment of impact fees; NPDES NOI required prior to construction.** Applicants will review.
8. **On-site lighting will be required pursuant to City Code; dark skies lighting is required.** Applicants stated this is being revised to meet city code requirements.

PLANNING

14. **Landscaping – This property is located in the West State Road 50 Overlay and shall follow the requirements of the overlay, not Chapter 114 as indicated in the response to comments. The developer agreed to install a 15 foot wide landscape buffer along the entire property abutting South Dillard Street and West Colonial Drive. The plans submitted do not meet the Overlay requirements and in sections the landscape buffer is only 5 feet wide with nothing more than a hedge. Please revise the landscape plans to be consistent with the West State Road 50 Overlay and meet the 15 foot wide buffer.**
The landscaping design submittal was discussed and city staff explained the current design is not sufficient. Yes, city staff explained that it met the basic city ordinance but the project needs to provide substantial and in excess landscaping for the area and not just provide the minimum. It needs to match or exceed the surrounding area landscaping of existing businesses and Highway 50 overlay. City staff advised applicants to meet with city landscape specialist to discuss the landscaping package. Applicants understood and will comply.

PUBLIC SERVICES

15. **Sheet C6.0: The 8" PVC sewer line should be SDR 26. The plans do not indicate the**

proposed pipe standard. Applicants explained they had added this note to sheet C-1. City staff acknowledged this and applicants are good with this comment.

Motion by City Engineer Miller to approve the Site plan, provided the applicant resubmits revised plans addressing all City Staff conditions including working with city staff for the photometric and landscaping plans, submitting revised plans to the Planning and Zoning Department within 2 day following this meeting (by noon on Friday, January 8th, 2016) in order to be placed on the next City Commission meeting. Building Official Jones, seconded; the motion carried unanimously 4-0. (Assistant City Manager for Public Services Cochran was not present at meeting during this vote.)

10:11 am Break in Meeting
10:13 am Meeting Resumed

Agenda Item #4: McDonald's – SITE PLAN

Colonial Drive W - 13494
CPH, Inc.

Nikki Mahler of CPH, Inc., applicant for the project was in attendance for discussion. The following items were reviewed and discussed:

PLANNING

5. Landscaping:

- a. **The existing ground cover in the landscape buffer on the north property line has not been properly maintained and much of it has died. All of the dead or damaged plants throughout the property shall be replaced as part of this process.** Applicant inquired about this comment. She asked if this was something that needs to be changed on the plans or is this direction to the contractor during construction. City staff explained that the latter would be fine.

Motion by City Engineer Miller to approve the Small Scale Site Plan as shown and have the applicant address the existing ground cover in the landscape buffer. Building Official Jones, seconded; the motion carried unanimously 4-0. (Assistant City Manager for Public Services Cochran was not present at meeting during this vote.)

10:16 am Break in Meeting
10:17 am Meeting Resumed

Agenda Item #5: Oakland Park Ph 1B-1A, Tract F-1 – LOT SPLIT

Lake Brim Drive
Tim & Mary Keating/ Saul & Ann Grimes

Ashley Keating, applicant for the project was in attendance for discussion. The following items were reviewed and discussed:

Applicant acknowledged that she had received a copy of the staff report and did not have any questions or concerns. City staff inquired if applicants had received the copy of the City Attorney memo with his comments and/ or the City Surveyor memo with comments? Applicant was uncertain. City staff explained that they would send these items to the applicant to ensure that these items are addressed in response to comments and also, if her clients had any questions or concerns pertaining to these items, they could contact the city planning department. City Staff inquired if the lot would be combined with the property that the owners currently own? Applicant did not think at this time there is a plan to combine these lots. It was discussed that the utility easement is on the Grimes property. City staff confirmed that these are useable lots should later on the owners want to build a single family residence. These lots would be required to follow the Oakland Park PUD guidelines for construction of these homes. Applicant was advised to review the Surveyor comments and address these items prior to P&Z Board meeting. City staff also explained that this item could potentially be placed on the February Planning and Zoning board meeting if revisions were submitted soon thereafter. Applicant understood.

Motion by City Engineer Miller to approve the Lot Split, provided the applicant resubmits revised plans addressing all City Staff conditions to the Planning and Zoning Department for staff review only. Building Official Jones, seconded; the motion carried unanimously 4-0. (Assistant City Manager for Public Services Cochran was not present at meeting during this vote.)

10:20 am Break in Meeting
10:21 am Meeting Resumed

Agenda Item #6: Hickory Hammock Ph2C – FINAL PLAT

Avalon Road - 1000
Tramell Webb Partners, Inc.

Ed Johnson of Allen & Company and Anna Landman of Tramell Webb Partners, Inc., applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

2. **It is our understanding that Ryland and Standard Pacific have merged and are now known as Cal-Atlantic. Plat and all documents shall be corrected accordingly.**
Applicants stated that this correction has been made.
4. **As discussed at DRC, the Declaration has a scrivener's error that states "their lots" which should be changed to "the lots". The declaration shall be amended to correct this error.** Applicants stated that this error has been corrected and produced a copy at the meeting. City Attorney requested that the amendment be sent to the Planning and Zoning department along with all the other documents for this revision. The applicants will comply.
8. **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 (final pay application). Performance Bond/LOC amount shall**

include cost of street lighting from Duke Energy (if not already installed); street and regulatory signs, required landscaping, 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 (unless C of C has been issued).

The Design Engineer has provided a certified breakdown of construction costs for this phase for determination of the performance bond amount for any incomplete items (streetlighting, street and regulatory signage, landscaping, irrigation, wall, amenities, etc.). Based on the certified cost to complete of \$4,239,585.54, the performance bond shall be in the amount of \$5,087,502.65, representing 120% of the cost to complete. Provide cost back-up for all items listed on the Engineer's certification letter. This comment was discussed and applicants have an updated cost estimate to submit to the city. The City Engineer requested that applicants send the updated information for the performance bond directly to him for review. Applicants will comply.

Motion by City Engineer Miller to approve the Final Plat subject to receiving the Performance Bond and revised legal documents. Building Official Jones, seconded; the motion carried unanimously 4-0. (Assistant City Manager for Public Services Cochran was not present at meeting during this vote.)

10:23 am Break in Meeting
10:24 am Meeting Resumed

Agenda Item #7: Premier Property – UVPUD REZONING

Marsh Road – 16846, 17000 & 17166
Poulos and Bennett

Bennett Ruedes of K. Hovnanian Homes, Marc Stehli of Poulos and Bennett, Tom Daly of Daly Design Group and Heather Himes of Akerman UP, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

ENGINEERING

1. Engineering does not support the waivers being requested. Applicant acknowledged this comment.
2. Proposed 5 ft building side setbacks will only be approved provided that no obstructions of any kind are allowed within the 5 ft setback area – staggered air conditioning equipment will not be allowed. Minimum 5 ft wide utility and drainage easements shall be provided on each side lot line. Public Works Note 5 and Architectural Note 4 on Sheet 5.00: Remove last sentence in each (i.e. staggering of equipment). Applicants explained why this layout was designed this way based on staff comments from an earlier submittal. City staff apologized and stated that the comment was supposed to read “**not** allowed”. This error was noted and applicants will revise.
3. 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 12" thick stabilized subbase; 98% density required on all compaction; 2" minimum asphalt thickness; 10" minimum soil cement or crushed concrete base thickness; minimum 24" wide concrete curb and gutter required; 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. All construction shall meet City of Winter Garden requirements for drainage, roadways and utilities(see City Standard Details available on-line at cwgdn.com). This is being addressed.

4. Provide additional typical sections through lots to show typical pad elevation in relation to Marsh Road, grading, slopes, etc. (i.e through Lot 5, continuing through 104 to lake; through Lot 21 and Lot 35, etc.) Applicants were requested to provide a few cross sections of the pad elevations along Marsh Road, so city staff can review the grading and slopes, etc. Applicants understood and will comply.
6. Some of this property appears to be "A" type soils and may require adherence to the City's Wekiva protection regulations. Wekiva Protection requirements as outlined in the Comprehensive Plan shall be met, especially for drainage and Karst protection. Soil borings identifying Karst features shall be provided. Applicants stated they had provided the report prior and city staff is good with this report.
9. The 100 year flood plain for Lake Avalon and adjacent wetlands has been shown at Elevation 97.70 (NAVD '88). Any areas developed within the 100 year flood plane shall be compensated for; LOMR with FEMA is required for any development within the 100 year flood zone. Provide compensating storage calculations with the next submittal. This comment was discussed and explained that there is concern about the amount of fill and how the applicants are proposing the meet the 100 year flood plain requirements. Discussion took place regarding drainage, capture of water volume, retention and discharge of these water levels. City staff is requesting that applicants submit some rough calculations to ensure that the project is going to meet these requirements. Applicants understood and will comply.
10. Lake Avalon is in a closed basin without a positive outfall, requiring retention of the 100 year, 24 hour storm event and pre vs. post volume of 25 year, 96 hour storm event (whichever is greater). This comment was explained.
13. 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 tract (not easement) for access and maintenance. This comment was clarified and applicants understood outside of right-of-way between lots, across common areas and going to the pond areas.
15. The secondary access point (eastern roadway connection) on Marsh Road may require turn lanes. This comment was clarified and will be based on the traffic study outcome.
17. Potable water mains shall be looped at cul-de-sacs per City detail; no dead-ends. Applicants will revise plan on the cul-de-sacs.

Assistant City Manager for Public Services Cochran arrived late at 10:40 am

18. Developer to provide status of CEA with OCPS. Applicants stated that they have all the

signatures and it has been executed. Applicants will provide copy of next submittal. The Applicants stated that the first CEA hearing is scheduled for the end of January.

19. A traffic study needs to be provided for review by the City's Transportation Consultant.

The traffic study process was discussed step by step with the applicants. Applicants pointed out the methodology had been turned in. City Staff explained that the applicants should address the comments in this report and respond to concerns as part of the submittal of the full traffic study.

Economic Development Director Gerhartz left meeting at 10:47 am

PLANNING

20. The applicant's written response states that the wetland line has been re-flagged and re-surveyed to be closer to the NHWL. Did the same company perform both wetland surveys? What accounts for the significant discrepancies in the two wetland lines? Please provide a written response from the consultant(s). Another opinion/survey may be required.

Applicants read response comment from their consultant Bio-Tech, who they said performed both wetland surveys, and further explained the details of the updated survey. This comment was discussed at length with applicants. Applicants were advised that the wetland line is still under review by the city staff and there are many concerns with the re-flagged and re-surveyed drawings. Applicants were advised to have the consultant discuss this discrepancy with city staff and walk the property together to determine the property line placement for this project.

22. The City paid to oversize and extend the utility lines along Marsh Road. As was required of the other developments that utilize these lines (Waterside, Hickory Hammock, etc.) the developer of this property will be required to pay their share of the costs to extend those lines.

Applicants requested a copy of the cost details and what portion they are being requested to pay, etc. City staff will get these details to applicants and explained that it is based on linear frontage.

23. Please provide more information about the proposed site grading- see Engineering comment 4 above.

This comment was addressed in Engineering comment #4.

24. Lots 1-29: Due to the potential impacts to Marsh Road, pools, screens, and other accessory structures shall not be constructed in the rear yards.

This comment was discussed and it was determined that city will need more details pertaining to this project. City staff discussed that applicants can have restrictions through the CC&R's restricting certain lots from building various structures if deemed necessary based on project details, which will all be included in the PD. Once these details have been reviewed, this comment will either remain or perhaps change due to those circumstances. There are many unknowns at this time, specifically regarding the proposed grading of the lots adjacent to Marsh Road. Applicants understood and will provide details as requested.

25. Sheet 2.10. Given the amount of questions remaining about the impacts to the wetlands and lake, Staff does not support the construction of docks on Lake Avalon. In addition, City Code allows a maximum of 100 ft. long dock (measured from NHWL). Several of the docks proposed are over 300 ft long and are located in a problematic manner in front of adjoining lots.

This comment was discussed in length. There are many unknowns and applicants are being asked to provide a master dock plan as a conceptual plan. City staff

explained that the dock plan details cannot be planned until all the Environmental information is determined and reviewed. Applicants have a better understanding of what is being asked for details and city will make a determination per lot based on provided details. City stated they understand difference between lake view and lakefront lots and also discussed an easement approach verses tract approach along the waterfront & wetland areas. It was explained that this is not a typical lake due the vast fluctuation of the waterline. City staff advised that the dock plan issues be resolved up front rather than down the road in the planning process. Applicants understood and will comply.

Economic Development Director Gerhartz returned to meeting at 10:57 am

26. The Phase I ESA noted that there is a strong possibility that arsenic has accumulated in the soils due to the previous agricultural uses. Please provide a report indicating whether or not arsenic is present on site. Applicants will provide a Phase II ESA that will address this issue.

27. Sheet 5.0:

a. REPEAT COMMENT: Architectural Notes. Please note (in the notes) that the architecture will substantially comply with the renderings shown on sheet 6.00. Applicants will revise.

c. The front porch setback is shown as 14' on the Building Diagrams and listed as 15' in the Data Tables. Also the Diagrams show a 20' front setback line to the primary structure, while the tables indicate 25' min. Please revise. This comment was discussed and applicants understood that they need to determine which direction they want to go with and then be consistent with the plans. Either approach may be acceptable pending staff review, but the documents just need to be consistent.

28. Sheets 6.00-6.01.

a. Note: All elevations are subject to review and approval by the City Manager. Based on Staff's preliminary review, the elevations that are dominated by the three-car garages are not approved (ex- 90' European Country, 60' Classic, etc.). There was discussion about some elevations with a dominant appearance of the home's three-car garage on a single story model. These are a concern at the staff level. The project review and approval process for elevations was discussed and applicants understood the process.

29. Sheets LA-01 & L-02.

b. Please provide more details of the buffer along Marsh Road. Are there any proposed special design features not shown? Are there any surface treatments proposed for the perimeter wall? Applicants were requested to provide concept renderings of typical homes along Marsh Road to show details of homes, pool screen enclosures, screen enclosures, perimeter wall and landscaping buffer to indicate the ascetic look along this road.

30. Per JPA 6, Garages should be set to the rear of single-family residential lots or at least five feet behind the primary building facade. Side entry garages may be located in front of the primary building facade and behind the front setback line. The City does not support the request to deviate from this requirement, unless it is clearly stipulated that

front porches will project min. 5' beyond the garage in all cases. Elevations that are visually dominated by garages will not be accepted (see comment 28.a). This comment was discussed pertaining to garages and porches on the front of the house. The porch features need to be the highlighted element and not the garages. Applicants understood and revise.

Discussion took place about the subdivision entrance signage for project. Applicants will need to submit for a sign variance and understood that this is a separate process.

Motion by City Engineer Miller to have the applicants revise and resubmit the Urban Village Planned Unit Development addressing all city staff conditions including the determination of the wetland area concerns for another full DRC review cycle. Building Official Jones, seconded; the motion carried unanimously 5-0.

After the motion, discussion took place regarding next steps, scheduling and timeline details.

11:09 am Break in Meeting
11:11 am Meeting Resumed

Agenda Item #8: Gonzales Property – LOT SPLIT

Plant Street W – 1401

Christopher & Caitlin Gonzales

Christopher Gonzales and Caitlin Gonzales, applicants for the project were in attendance for discussion. The following items were reviewed and discussed:

LEGAL

4. Please see attached Memorandum from Dan Langley, City Attorney.

Legal memo from Dan Langley, City Attorney dated December 14, 2015:

- 2. The applicant has not complied with the requirements set forth in Sec. 110-96(b) of the City Code as follows:**
 - b. The Boundary Survey does not include a brief description of all utilities and city services serving the subject property; and.** This comment was discussed and applicants understand this is at time of site development.
 - d. It is unclear whether the 20 foot ingress and egress easement shown on the survey is existing or proposed. IF existing, the recording information for the easement should be shown on the survey. If the easement is proposed, the form of the easement needs to be submitted for review and approval.** This comment was discussed and clarified.

SURVEYOR

- 5. Please see attached Memorandum from Gerald Johnston, City Surveyor.** The applicant had a couple of questions pertaining to this memo and these items were clarified. Applicants inquired about when the topographical survey will be required? City staff explained this is required when applicants are getting ready to build. Applicants

understood and will comply.

Motion by City Engineer Miller to recommend the Lot Split be placed on the next available Planning and Zoning board Agenda, provided the applicants resubmit revised survey and access easement details on plans addressing all city Staff conditions to the Planning and Zoning Department. Assistance City Manager for Public Services Cochran, seconded; the motion carried unanimously 5-0.

After the motion was made, city staff explained to applicants the schedule and timing of the next steps, etc.

11:18 am Break in Meeting
11:20 am Meeting Resumed

Agenda Item #9: Oakland Park Ph 4B – CONSTRUCTION PLAN

Lake Brim Drive
Lake Apopka 2012, LLC

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

PLANNING

14. The dry detention pond 4A is still shown crossing the City of Winter Garden limits into the Town of Oakland. As previously discussed, the City will not support the pond being built across two jurisdictions. These plans will not be approved until the pond is shown entirely within City limits. Applicant inquired about this comment. City staff will attempt to meet with Town of Oakland officials to come to an agreement on this issue. City staff's stance is that city is not going to support a storm pond that crosses the boundaries into a neighboring municipality. City staff stated that until a determination is made with town of Oakland this project is on hold.

Motion by Community Development Manger Pash to place this project on hold until a determination can be made with the Town of Oakland. Building Official Jones, seconded; the motion carried unanimously 5-0.

ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 11:26 a.m. by Chairman/Community Development Director Steve Pash.

APPROVED:

ATTEST:



Chairman, Steve Pash



DRC Recording Secretary, Colene Rivera