



**CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
September 27, 2023**

The Development Review Committee (DRC) of the City of Winter Garden, Florida, met in session on Wednesday, September 27, 2023 in the City Hall Commission Chambers.

Agenda Item #1: CALL TO ORDER

Chairperson/Planning Director Kelly Carson called the meeting to order at 9:33 a.m. The roll was called and a quorum was declared present.

PRESENT

Voting Members: Chairperson/Planning Director Kelly Carson, City Engineer Jim Monahan, Building Official Skip Nemecek, and Assistant City Manager for Public Services Steve Pash.

Others: Rob Heaviside, Senior Engineer; Art Miller, City Engineering Consultant; Shane Friedman, Planning Supervisor; Yvonne Conatser, Senior Planner; Amber McDonald, Planner I; Betsy Sorg, Economic Development & Downtown Manager and Ellen King, Recording Secretary.

ABSENT

Voting Members: Economic Development Director Marc Hutchinson.

Others: City Attorney, Dan Langley.

APPROVAL OF MINUTES

Agenda Item #2:

Approval of minutes from regular meeting held on September 13, 2023.

Motion by Assistant City Manager for Public Services Pash, to approve the above minutes. Seconded by Building Official Nemecek; the motion carried unanimously 4-0.

DRC BUSINESS

Agenda Item #3: The Whole Enchilada – SITE PLAN APPROVAL

Plant Street W – 129

The Whole Enchilada (Drew Cordaci)

Nicole Gargasz of Gemini Land Development, Inc; representative for the project, attended for discussion. The following items were reviewed and discussed:

ENGINEERING COMMENTS

6. **All dumpsters shall be enclosed and shall provide 12' minimum inside clearance (each way inside of bollards and gate hardware), and access by solid waste vehicles. Coordinate additional requirements with Public Services Department, Solid Waste Division.** Applicant will update revised submittal with a note the dumpsters are shared.
7. **Streetlighting both internally and on all street frontages is required pursuant to City Code – dark skies lighting is required. A photometric plan shall be provided for review by Planning Department.** Applicant will submit a wall pack specification sheet for rear lighting.

PLANNING COMMENTS

9. **Please add an auto-turn analysis to show that delivery truck and other vehicles can safely access the rear of the property.** City staff stated concerns with HVAC units on the ground and truck maneuvering; a possible solution would be to locate A/C Units on wall or roof. Applicant will show an auto-turn maneuver with revised plan submittal and review to A/C unit location.
10. **Please provide an arborist report for the proposed tree removal.** Applicant understood.
11. **Repeat comment. Please submit a report or letter from an acoustical engineer certifying that the proposed second floor wall will prevent noise from the outdoor restaurant area from traveling into the residential neighborhood to the north.** Applicant will provide noise solution.
12. **Note. Architectural Review Historic Preservation Board approval is required.** Applicant will submit a full submittal for review and submittal to go before the ARHPB.

BUILDING COMMENTS

13. **Note: It is stated on sheet AS-101 that no landscape improvements are purposed under this permit, but the survey sheet 1 of 1 by Allen & Company clearly shows a 34" Oak tree in the area of expansion. The removal of the tree MUST be permitted and approved by the Planning and Zoning Department for the project to be considered. There is no information on the removal of the tree, which would be required for any expansion of the building. No construction details were provided, only elevation views of purposed work.** Applicant will submit an arborist report for the tree with possible tree fund required.

Motion by City Engineer Monahan to have the applicant revise and resubmit the site plan for another full DRC review cycle. Building Official Nemecek, seconded; the motion carried unanimously 4-0.

Agenda Item #4: ORL-001 Winter Garden – SITE PLAN APPROVAL

5TH Street – 101

Smartlink on behalf of Gigapower

Mike Nix of Smartlink on behalf of Gigapower; representative for the project, attended for discussion. The following items were reviewed and discussed:

ENGINEERING COMMENTS

3. **Provide topographic survey information for the site, including existing driveways, utilities, stormwater, etc. A tree survey will be required at some point showing size and type of trees, etc. meeting all Code provisions.** City staff stated the tree survey is for the impacted area only.
5. **Informational: Maximum impervious surface for I-2 zoning is 80%, but must be supported by the St. Johns River Water Management District permit. SJRWMD permit or exemption will be required.** Applicant to address in future submittals.
8. **Minimum 5' wide concrete sidewalks shall be constructed along all street frontages pursuant to Code. Existing sidewalks, pavement and curbs will be checked at completion and any damaged sections shall be replaced.** This is a standard comment.

PLANNING COMMENTS

Planning staff inquired if applicant informed owner of adjacent property about this project? Applicant has not informed the owner of Sly's Towing but has talked to personnel at the location and they are very supportive. There will be a gate for periodic maintenance and Sly's Towing will have access. City staff requested applicant contact the owner of Sly's Towing to make aware of the project and if any issues or concerns are to be addressed. Applicant will comply.

Motion by City Engineer Monahan to have the applicant revise and resubmit the site plan for staff review only. Assistant City Manager for Public Services Pash, seconded; the motion carried unanimously 4-0.

Agenda Item #5: Dillard Street Mixed Use Buildings – PCD REZONING

Dillard Street S - 210 & 214

Gemini Land Development, Inc.

Nicole Gargas of Gemini Land Development, Inc; representative for the project, attended for discussion. The following items were reviewed and discussed:

PLANNING COMMENTS

24. **The commercial component of this development will require a minimum of 12 parking spaces. The residential component will require 8 parking spaces. The applicant is providing 16 spaces showing a deficit of 4 spaces. Were the residential units meant to be loft or studio apartments? If the applicant is requesting a reduction in parking spaces please provide floor plans or other justifications for not meeting code requirements.** Applicant will need to discuss with owner and architect intended uses to determine parking count. City staff noted the Future Dillard Street Improvements joint agreement in which they are to provide two parking spaces.

Motion by City Engineer Monahan to have the applicant revise and resubmit the Planned Commercial Development for staff review only. Building Official Nemecek, seconded; the motion carried unanimously 4-0.

Agenda Item #6: Dillard Street Mixed Use Buildings – LOT COMBINATION

Dillard Street S - 210 & 214

Gemini Land Development, Inc.

Nicole Gargasz of Gemini Land Development, Inc; representative for the project, attended for discussion:

Applicant acknowledged receipt of staff report and did not have any questions or concerns.

Motion by City Engineer Monahan to have the applicant revise and resubmit the Lot Combination for staff review only. Building Official Nemecek, seconded; the motion carried unanimously 4-0

Agenda Item #7: Hope Charter School Kitchen Addition – MINOR SITE PLAN APPROVAL

East Crown Point Road - 1550 & 1600

Klima Weeks Civil Engineering, Inc.

No representatives for this project were in attendance. This item was tabled until date uncertain.

Agenda Item #8: Daniels Road Business Park Addition – FINAL PLAT

Daniels Road - 1200

Daniels 4 Partners, LLC

Kelly Froelich of Daniels 4 Partners; representative for the project, attended for discussion; and Thomas Barry of CPC Engineering, representative attended via telephone for discussion. The following items were reviewed and discussed:

Planning staff requested to meet with the applicant after this meeting to discuss the tree issue.

ENGINEERING COMMENTS

- 1. Final signed mylar, along with all other original executed documents, will be required prior to scheduling for the City Commission meeting, after Staff approval.** Applicant inquired when to submit the final mylar. City staff noted one week prior to approval to submit mylar.
- 7. Performance Bond: The improvements are not completed (C of C not issued). 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 paid or installed); street and regulatory signs, final lift of asphalt, required landscaping, walls, amenities, etc. City Attorney shall approve the form of the bond or letter of credit prior to final plat recording. Provide Design Engineer's certification of cost of any incomplete improvements and contractor's contract for the work. Final plat will not be forwarded to the City Commission for approval without performance bond (unless C of C has been issued). City staff stated the performance bond would not be required at this time unless something comes up with trees.

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. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion. Design Engineer has provided certification of total cost of this phase, based on Contractor's final pay application, for determination of Maintenance Bond amount. Based on the Design Engineer's certification of public improvements construction costs of \$236,050.09 the maintenance bond shall be \$47,210.02, representing 20% of the cost. Applicant is working on the Maintenance Bond.
12. Documentation that all outstanding fees owed the City for review by legal, surveying and engineering consultants shall be provided prior to final plat recording by the City's Finance Department. Applicant understood.

CITY ATTORNEY COMMENTS

15. No further comments. The below comments are standard conditions for final approval.

1. Pursuant to Section 110-4(c) of the City Code, prior to final plat approval the City will need to be furnished with a final release of all liens for all labor and materials. In the alternative, a performance bond may be posted which is available to the City or an irrevocable letter of credit may be issued in a sufficient amount to ensure such completion of the required improvements as approved by the City Engineer. Applicant will submit documents.

Motion by City Engineer Monahan to have the applicant revise and resubmit the Final Plat for staff review only. Building Official Nemecek, seconded; the motion carried unanimously 4-0.

ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 9:56 a.m. by Chairperson/Planning Director Kelly Carson.

ATTEST:

APPROVED:

/S/

/S/

DRC Recording Secretary, Ellen King

Chairperson, Kelly Carson