



ALTERNATIVE ROAD IMPACT FEE COMMITTEE
(Meeting Minutes)

Meeting Date: March 13, 2008

Time: 10:00 a.m. to 12:00 Noon

Location: **PUBLIC WORKS BUILDING**
Main Conference Room – 1st Floor
4200 South John Young Parkway
Orlando, Florida 32839

ARIF Committee

Mark Massaro, **(Chairman) Director, Public Works Department**
Mirna Barq, **(Co-Chair) Transportation Planning Division, Public Works Department**
Christine Lofye, **Traffic Engineering Division, Public Works Department**
Jay Sargent, **Planning Division, Growth Management Department**
Beatriz Garcia, **Growth Management Department**

County Staff

Roberta Alfonso, **County Attorney's Office**
Darryl Johnson, **Traffic Engineering Division, Public Works Department**
Dina Becraft, **Growth Management Department**

Attendees

Mohammed Abdallah, TPD

Mr. Massaro called the meeting to order at 10:12 am.

Review of Minutes

The Committee reviewed the minutes from the February 28, 2008 meeting of the Alternative Road Impact Fee Committee (ARIFC).

A motion was made by Jay Sargent to approve the meeting minutes, as amended. Seconded by Christine Lofye. Motion carried.

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Castilla Village

Mohammed Abdallah, TPD

Mr. Abdallah asked that the Castilla Village final agreement discussion be postponed until the next scheduled meeting.

Wal-Mart Neighborhood Market Store #5741-00 Impact Fee Transfer Request

Mohammed Abdallah, TPD

Mr. Abdallah came before the committee to get approval for an impact fee transfer agreement for the Wal-Mart Neighborhood Market Store. The Neighborhood Market Store is located at Curry Ford Road and Econlockhatchee Trail. He stated that the store will be approximately 40,000 Sq. Ft. and that the site will have other uses, but the agreement before the committee is strictly for the Wal-Mart Neighborhood Market Store.

Mr. Abdallah stated that a traffic study was performed at a Wal-Mart Neighborhood Store located at Curry Ford Road and Alafaya Trail and it was approved to use that study as a transfer for a Wal-Mart Neighborhood Market Store located on West Colonial Drive and Apopka Vineland Road. He would like to use that same study as a transfer for the Neighborhood Market Store brought before the committee today.

Mr. Massaro asked if the original study site is satisfactory to use for the proposed site on Curry Ford Road and Econlockhatchee Trail and Ms. Lofye replied that the site is fine. She also mentioned that the sites are relatively the same as far as the square footage, and the volume of traffic on Alafaya is higher than the volume on Econlockhatchee, making it a conservative transfer.

A motion was made by Christine Lofye to approve the transfer request for the Wal-Mart Neighborhood Market Store #5741-00 by transferring the results from the Wal-Mart Neighborhood Market Store (Case # 07-03) traffic study. Seconded by Jay Sargent. Motion Carried.

Mr. Abdallah presented the committee with a draft proposal of the road impact fee agreement regarding the alternative traffic impact fee calculation for Wal-Mart Neighborhood Market Store #5741-00. Mr. Massaro requested that the agreement not be approved until the agreement is filled out completely and that the transfer application be submitted. Mr. Johnson will email the committee a revised agreement for review once he receives it from Mr. Abdallah.

Open Discussion

Bonnet Creek Resort

Mr. Massaro asked what the final decision was on Bonnet Creek Resort and Ms. Garcia replied that they are still investigating the different hotel rooms associated with the property and need more information.

Hollywood Video

Mr. Massaro asked if Hollywood Video responded to the letters stating they owe the county money and Ms. Lofye replied that they haven't and she also mentioned she noticed that this Hollywood Video Store is closing. Ms. Barq asked if Ms. Torres is proceeding to put a lien on the property and Ms. Lofye replied that Ms. Torres said she would.

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Microtel

Mr. Massaro asked if the same procedure is being followed for Microtel and Ms. Lofye said Ms. Torres is moving forward to place a lien on the Microtel property as well. Ms. Garcia said she has a note to proceed with the lien, but they are waiting on some documentation to finalize the numbers to proceed.

Suburban Lodge

Mr. Massaro asked the status regarding Suburban Lodge and the committee informed him that they have 30 days to respond if they want to appeal the decision and so far no one has heard from them. Ms. Lofye mentioned that Ms. Torres called asking for a copy of the demand letter that was mailed to Rich Russell who is representing the Suburban Lodge. Ms. Garcia mentioned they are waiting for additional information and hope to have it ready by the time the thirty days expire.

Peabody Hotel Expansion

Mr. Massaro asked for an update for the Peabody and Ms. Lofye stated that the 2005 Peabody agreement had been approved by the Board of County Commissioners for using the 1998 ordinance formula which used net trip length instead of the total trip length. Ms. Lofye also stated that she recalculated the alternative impact fee rate using the total trip length and it was higher than the tourist hotel rate. The Peabody will pay the tourist hotel rate. The conference space issue hasn't been resolved, but Mr. Raviaro will contact Ms. Torres to figure out how much square footage he will have to pay over and above the free conference space.

Deerfield Center

Mr. Massaro inquired on the status of the Deerfield Center and Ms. Lofye replied that she had spoken to Ms. Davis and Ms. Rozier and they said that we should proceed with the monitoring. Ms. Lofye stated that she has to decide which consultant to give the assignment to.

Ms. Alfonso said the agreement is project specific, and any new construction on the site may or may not be entitled to the same alternative road impact fee agreement. They would have to come before the committee and request that agreement and get it approved; not assume they get the alternative rate because it's on the same parcel. They would also have to pay the monitoring fee. Ms. Alfonso also said there should be a fail safe mechanism in place to make sure that when a client is not the original applicant a new application should be made for an alternative road impact fee agreement and the agreement approved before a permit is given. Ms. Alfonso said she had spoken to Ms. Lofye on how we can verify if the client is the original applicant or if the client is coming on behalf of a person trying to get something built on the parcel. Ms. Lofye asked what if they are building in phases? Mr. Sargent asked if the information is in the study and Ms. Lofye replied that Growth Management doesn't have a copy of the study, just a copy of the application. Mr. Sargent asked if there is something we can put on the application. Ms. Lofye stated that Growth Management should check to make sure the amount of development requested does not exceed what was requested in the application. Ms. Garcia said the spread sheet should have the square footage and the rate for which it was approved and charged. Ms. Garcia also said she will try to do a self audit on future projects.

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Dr. Phillips Hospital

Ms. Lofye updated the committee regarding the Dr. Phillips Hospital. Ms. Lofye mentioned that Ms. Tice submitted a trip generation study from the Homestead Hospital in Homestead, Florida. The trip generation rate was calculated using (thousand square feet) K.S.F. However, the methodology stated that it would be done on a per bed basis. Ms. Tice also calculated the impact fee rate using a ratio of the study trip generation rate compared to the ordinance trip generation rate, which is incorrect. Ms. Lofye stated that she provided comments to correct the study to Ms. Tice, but Ms. Tice resubmitted the study using the K.S.F. again instead of the per bed rate. Ms. Tice wants to come before the committee to discuss the results of the study.

Mr. Sargent stated the reason they came before the committee in the first place was to request doing the study using a per bed rate. Ms. Lofye agreed and said she believes they wanted to use the ITE per bed rate as a transfer, but the committee said no because of the ordinance. Ms. Lofye also mentioned that another issue is that Ms. Tice based the square footage on 142 beds, not the full number of beds proposed.

Ms. Lofye stated she did her own analysis to compare the result of a per bed rate versus a K.S.F. rate. The result was that if you did a per bed rate at 142 beds, they would save some money, but they would save more money if they did the 142 beds based on a K.S.F. rate. This is the reason why they want to use the rate per K.S.F. Ms. Barq stated that everything including the methodology would have to be redone if they want to calculate a per K.S.F. rate. Mr. Sargent said they would have to reapply and pay new fees and Ms. Becraft agreed.

Ms. Lofye stated that Ms. Tice suggested she would like to present a study to the committee showing both calculations for review. Mr. Massaro replied no.

Ms. Lofye also wanted to notify the committee that Ms. Tice doesn't like the boiler plate agreement because they do not think it is fair that you cannot get a refund if the monitoring shows a decrease in traffic. However, she would be willing to accept the per bed rate that is calculated if they were assured they would get a refund later if the monitoring show a decrease. Mr. Massaro suggested they appeal to the DRC, because the committee isn't changing what was agreed upon by both parties.

Ms. Lofye also mentioned that there are some concurrency issues. Ms. Becraft said Ms. Tice did speak with her regarding that the capacity letters are about to expire and the process was explained to her, but Ms. Tice did not discuss any other issues. Ms. Barq mentioned there were some emails among Ms. Torres, Ms. Tice and herself about concurrency. Ms. Barq also said that Ms. Tice wants to pay the impact fees through the alternative road impact fee process and use that as a negotiation tool to cover the reservation fees for capacity. But the issues regarding the per bed rate have to be resolved first. Ms. Barq went on to say that the Dr. Phillips Hospital took a chance that they would save money using the per bed rate and that didn't happen. Mr. Sargent said they could pay the fees upfront and we could give them a refund when we know what it is, so they could proceed if they want. They are holding themselves up. Ms. Barq agreed saying that they can pay under protest. Ms. Barq also stated that the committee approved the methodology they requested, but if they want, they can come back before the committee with a different methodology.

Ms. Lofye added that they haven't submitted the square footage they are proposing for the total number of beds, but Ms. Tice is working on it. Ms. Garcia stated she has no verification of the square footage they are using for their tabulation either.

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Ms. Alfonso asked if they are working under the same application number because other committees such as the RAC has a six (6) month window to get things done, and if they don't get BCC approval in that time frame, they have to come back to the committee and get reapproved. Mr. Massaro said this committee doesn't have an expiration date.

Ms. Lofye also wanted the committee to know that the study showed the square footage for 142 beds, and a transfer agreement may need to be done if they want to use the alternative rate for the remaining beds, but the application stated they would have 300 beds. Ms. Lofye said she advised Ms. Tice to conduct their study based on the total number of beds.

Ms. Massaro said they need to come before the committee and tell us exactly what they want.

Lastly, Ms. Lofye said they want to meet with the County Attorneys Office on the boiler plate. Ms. Alfonso said they would need to meet with the committee not the County Attorneys Office, because the decisions would be made here.

A motion was made by Jay Sargent to adjourn the meeting. Seconded by Christine Lofye. Motion carried. The meeting was adjourned at 11:07 am.

Next Scheduled Meeting:

Thursday, March 28, 2008 @ 10 a.m.