



ALTERNATIVE ROAD IMPACT FEE COMMITTEE
(Meeting Minutes)

Meeting Date: May 14, 2009

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 (**Vice-Chair**), **Transportation Planning Division, Public Works Department**
Christine Lofye, **Traffic Engineering Division, Public Works Department**
Jay Sargent, **Planning Division, Growth Management Department**
Ivelisse Torres, **Growth Management Department**

County Staff

Jackie Bonavitacola, **Transportation Planning Division, Public Works Department**
Roberta Alfonso, **County Attorney Office**

Attendees

Mohammed Abdallah, TPD
Ryan Cunningham, TPD

Mr. Massaro called the meeting to order at 10:11 am.

Review of Minutes

The Committee reviewed the minutes from the March 26, 2009 meeting of the Alternative Road Impact Fee Committee (ARIFC).

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

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SeaWorld Amended Agreement approval

The committee reviewed the amended agreement and recommended revisions that would reflect the monitoring schedule. Ms. Alfonso mentioned that the only change was in section 11a of the agreement. Section 11a now reads: Within five years of the effective date of this Agreement, or within any successive five-year period of the Agreement, if deemed reasonably necessary, County shall conduct, or have begun to conduct, "monitoring." For purposes of this Agreement, "monitoring" means reviewing and duplicating, to the extent reasonably possible, the Alternative Transportation Impact Fee Study conducted by Traffic Systems, Inc., date August 1999 ("SW Study"). Such monitoring shall be conducted during the same Easter Week, or during a reasonably comparable attendance period, as mutually agreed by the parties, and shall use substantially the same methodology and assumptions used in the SW Study. Owner and County shall confer on the monitoring and methodology to be used, and Owner shall cooperate with County in carrying out the study.

Mr. Massaro inquired if an alternative date had been established and Ms. Lofye replied that a summer date is being reviewed, but SeaWorld really doesn't want the County to monitor at all. Ms. Lofye added that a meeting with SeaWorld is scheduled next week. Also, if they offer a different method of monitoring, and the committee agreed, would another amendment have to be prepared? Ms. Alfonso replied that the monitoring has to reasonably replicate the original study. Mr. Massaro stated they need to share their proposed methodology with the committee before that decision can be made.

Ms. Lofye mentioned that SeaWorld continues to state they want the information collected to be kept confidential. Ms. Alfonso replied that we can't comply with that request if we make decisions based on the information provided and she mentioned that to them at a previous discussion.

Mr. Sargent asked if ITE has a category for an amusement park and Ms. Barq replied that it does, but this category is not included in the ordinance update because we only have one amusement park in Orange County (SeaWorld). Mr. Massaro stated that the BCC may ask why the site wasn't monitored within five years as stated in the original agreement; does anyone have an explanation? Ms. Alfonso suggested rewording the consent agenda memorandum so it doesn't sound like we missed the monitoring time frame. Our interpretation is that we haven't since it is renewable for five year terms. The agreement is ambiguous and is to be re-worded so that we can monitor the site during a reasonably comparable attendance period consistent with Easter. Mr. Massaro replied that he would like to review the agreement, amendment and the consent agenda before the meeting with senior staff.

A motion was made by Ivelisse Torres to approve the amended development agreement between SeaWorld and Orange County with the rewording of the original monitoring date. Seconded by Jay Sargent. Motion carried.

A motion was made by Ivelisse Torres to approve the interoffice memorandum amended development agreement consent agenda between SeaWorld and Orange County to extend the monitoring of the site to a reasonably comparably attendance period consistent with Easter subject to final review. Seconded by Jay Sargent. Motion carried.

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AMB Orlando Airport Park

Mohammed Abdallah, TPD

Mr. Abdallah came before the committee to request an alternative road impact fee calculation for the AMB Orlando Airport Park warehouse project located on the new Wetherbee Road extension in the southern area of Orange County. Currently, it is proposed to be a two building site, but it may change to three. One of the buildings is designed to be approximately 140,000 square feet and the other building is designed to be approximately 700,000 square feet.

Mr. Abdallah would like to look at a trip generation rate for a warehouse located near the airport. The project seems to be a distribution warehousing type, not local type warehousing. Mr. Abdallah stated that the County did a study at United Facilities located off of Landstreet Road and Gills Ave. Mr. Abdallah would like to do a trip generation study at United Facilities. He does not want to transfer the monitoring study because pneumatic machines were used and they could misrepresent an accurate count. Mr. Abdallah would like to do manual counts at the location and not contest the 100% new trips or the trip length, just the trip generation.

Mr. Massaro inquired who would be moving into the facility and Mr. Abdallah replied that they do not know at this time. Mr. Massaro stated he is concerned that Wetherbee Road will eventually go to the airport. Weatherbee Road is a four lane collector and Gill Avenue is not. Are we comparing apples to apples? Mr. Lofye replied that both locations are fairly close to the airport. Ms. Barq believes it is a fair comparison because Mr. Abdallah is not contesting trip length.

Ms. Torres inquired to the size of the study site and Mr. Abdallah replied that the site is approximately 350,000 square feet. Unlike retail, the trip generation rate for a warehouse does not vary with size, so he feels comfortable that the size differential is acceptable.

Mr. Massaro mentioned that United Facilities located on Gills Avenue has access to a railroad spur and how does that influence the number of trips compared to the proposed site that does not? Mr. Abdallah replied that he didn't know there was a railroad spur located there or if United Facilities use the railroad, but he will check into it. Ms. Lofye stated that this is a valid concern. Mr. Sargent stated that if the railroad spur isn't being used, then the site should be ok to study. Mr. Abdallah stated he will verify if the railroad spur is being used.

No Action

Colonial Town Center

Mohammed Abdallah

Mr. Abdallah stated that the applicant he represents wasn't savvy about the timing for his impact fees. The applicant had a concurrency reservation credit that was transferred into his impact fee account; in the amount of \$518,799. The applicant had a balance of about \$60,000 left in the account. The applicant paid the impact fees by credit card and by checks. Mr. Abdallah stated that the applicant wrote "paid under protest" on the check and sent an email asking when will the County adjust the impact fees, but never followed up on his request. The applicant is ready to pull the C.O., but needs to get this issue resolved.

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Ms. Torres inquired if the applicant paid all the impact fees and Mr. Abdallah replied that he has and the applicant wants to make sure that there are no concerns regarding the impact fees when he pulls his C.O. Ms. Torres stated that as long as the impact fees were paid under protest, he is ok. If he did not pay under protest, there is a problem. Mr. Abdallah distributed copies of receipts and a copy of a check written to the county showing the impact fees that were paid. The copy of the check given to the committee had "paid in protest" written under the invoice number on the stub portion of the check; not on the check itself. Ms. Torres stated that the county only receives checks, not the stub portion. Mr. Abdallah stated that the applicant gave the whole portion of the check to the cashier. Mr. Massaro inquired if paid under protest should be written on the check and Ms. Torres replied that it should and we don't keep check stubs. Mr. Sargent mentioned that depending on the type of company check, sometimes a customer may write notes on the stub. Ms. Torres stated that she will research the files to see if a copy of the whole check is in their records. Ms. Barq inquired if the emails the applicant sent back in September 2008 to Growth Management should be taken into consideration since they state he is paying under protest. Ms. Torres mentioned that the emails were sent after the checks were processed.

Mr. Abdallah had originally proposed a transfer of an approved retail study, but this project has a Hhgregg store (electronic store) that is now open and a retail center with specialty retail stores that is getting ready to open. They would like to transfer the ITE Electronic Superstore rate for the trip generation for the impact fees. Mr. Abdallah stated that the trip length in his opinion is greatly exaggerated for retail, but for the sake of time, he will not contest that factor. Ms. Barq agreed that the trip generation rate is acceptable and the Electronic Superstore will be added as a new land use category in the ordinance update.

Ms. Torres inquired that if the alternative road impact fee agreement is signed and approved, will it be applied to the Hhgregg retail center and to Wal-Mart? Mr. Abdallah replied that it will not. They are separate CRC's. Mr. Abdallah stated that it is only for the Hhgregg retail center.

A motion to approve contingent upon verification that they did pay under protest. Second by Mirna Barq. Motion carried.

SeaWorld (Aquatica)

Ms. Lofye mentioned that Ms. Garcia from Growth Management called because Aquatica wants to build a bathroom and Ms. Garcia wanted to know if they need to pay their road impact fees as part of their permit or by attendance. Ms. Lofye stated she told Ms. Garcia that they need to pay under the tourist retail rate. Ms. Torres replied that if they are in the tourist retail area, then yes.

A motion was made by Jay Sargent to adjourn the meeting. Seconded by Christine Lofye. Motion carried.

Next Scheduled Meeting:

Thursday, May 28, 2009 @ 10:00a.m.

