



Interoffice Memorandum

Concurrency Review Committee Minutes February 14, 2008

Members Present

Chris Testerman, Director of Government Relations
Joe Kunkel, Manager, Public Works Engineering Division
Alissa Barber-Torres, Chief Planner, Planning Division
Ivelisse Torres, Assistant Project Manager, Fiscal & Administrative Services Division
Christine Lofye, Engineer III, Traffic Engineering Division

County Staff Present

Whitney Evers, Assistant County Attorney, County Attorney's Office
Kimberly Cundiff, Paralegal, County Attorney's Office
Mirna Barq, Project Manager, Transportation Planning Division
Anganie Durbal, Assistant Project Manager, Transportation Planning Division
Beatriz Garcia, Project Coordinator, Fiscal & Administrative Services Division
Jacqueline Bonavitacola, Project Coordinator, Transportation Planning Division

Mr. Testerman called the meeting to order at 1:42 p.m.

Approval of Minutes

Mr. Testerman had a question from page two of the minutes relative to the zoning information for Waterford Commons. He requested that the meeting minutes be tabled until the next meeting in order to clarify the information with Mr. Smogor.

Election of a Vice Chair

Due to the fact that there were several committee members absent from the meeting, it was suggested that the election of a Vice Chair be deferred to the next meeting.

Open Item

Mr. Testerman asked if there were any Proportionate Fair Share Agreements that were approved but did not complete the process. He was advised that East Colonial Retail was still outstanding. Ms. Barq indicated that the applicant did submit a final agreement, however, there was still a discrepancy with one of their exhibits. A request was sent to the applicant requesting that they submit a revised exhibit; however, that has not yet been received.

Mr. Testerman reiterated that all Agreements need to be executed within a specific time frame which he recalled was 30 days. If they do not comply, they will have to come back to the committee for re-approval.

Ms. Evers indicated that according to the Administrative Regulations, ten copies of an Agreement are to be provided so that all members of the CRC can provide comments to the chairman one week prior to the meeting. Additionally, she indicated that all documents and payments should be submitted at least ten days prior to attending the Concurrency Review Committee meeting to ensure this is possible.

Pre-Application Conference – International Commerce Center
CMS Application #05-144

Present: Jim Hall, VHB; Kim Brown, VHB; Bryon Smith, Westgate

Mr. Hall indicated that this project is located on International Drive. This project has worked with the Road Agreement Committee and has entered into a Road Agreement for this property. He indicated that there is a second reservation certificate that is scheduled to expire. On behalf of his client, he came to the meeting to inquire about the possibility of getting an extension of the Capacity Encumbrance Letter if they are proceeding with the project but have not completed it.

Mr. Testerman indicated that the committee is not in a position to ascertain what decisions the committee would make in the future, however, there are guidelines in place that allow the committee to grant an extension if they meet specific criteria. He indicated that they would need to pull at least one permit for “vertical” construction prior to its expiration.

Mr. Hall indicated that he needed to report the potential risk associated with the availability of concurrency for the property to his client. He inquired as to their vesting once the permit is pulled.

Ms. Evers indicated that they are not actually vested but have reserved capacity. Ms. Evers also asked what the proposed development was for. Mr. Hall indicated that it is currently proposed as 600 condos and 360 hotel rooms.

Ms. Ivelisse Torres indicated that if there is a waiting list, they would be denied. Ms. Barq stated that the only waiting list we have at this time is on CR 535.

Mr. Evers indicated that the way the Ordinance is written, they can request another extension from the Concurrency Management Official (CMO) upon expiration of the current reservation certificate. She further stated that the committee cannot give a preemptive extension. Ms. Evers advised the applicant that the criteria considered when allowing an extension can be found in 30-593 of the code.

Mr. Hall indicated that they are currently working with other entities and may enter into a mitigation agreement.

Ms. Barq asked if they were working with the Florida Department of Transportation (FDOT) on this project. He indicated that they were in the preliminary discussions and was not aware of coordination with FDOT. Ms. Barq suggested that they check with FDOT because she believed they may also be contemplating the same project.

No action was necessary.

Mr. Testerman left the meeting and appointed Joe Kunkel as Acting Chairman.

Pre-Application Conference – Rouse Run PD

CMS Application #07-280

Present: Geoff Goetz, Goetz Homes; Ludwig Goetz, Goetz Homes; Mohammed Abdallah, TPD

Mr. Abdallah explained that this project has been broken into three parts which is multifamily, single family, and commercial. He indicated that one application was submitted for Concurrency, however, the uses were separated into 00-18(A) and 00-18(B) on the Capacity Reservation Certificate. Certificate 00-18(A) was approved for 115 single family dwelling units (residential) and 5,000 square feet fast food (commercial) and expired on January 18, 2008. Certificate 00-18(B) was originally submitted for 366 multi-family units but was reduced to 315 multi-family units and expires on May 19, 2010. Both reservation certificates have been paid in full and each has received one extension already.

Mr. Abdallah further stated that this project has been proceeding in good faith and they have built out the 115 single family dwelling units (residential) and the applicant will not be utilizing the 5,000 square feet of fast food. In addition, the applicant received approval from the Development Review Committee (DRC) to include a clubhouse for the multi-family units on the area designated as commercial (formerly intended for fast food). They are requesting that both certificates be combined as one with the expiration date of May 19, 2010.

Ms. Ivelisse Torres indicated that this has been open for six years and there is a waiting list. In addition, Certificate 00-18(A) expired after the three-year extension. She further clarified that the applicant wants to utilize the trip generation from the commercial property to get back the 51 multi-family units that they had originally applied for.

Mr. Geoff Goetz indicated that due to the changing market conditions, they have decided to forego the commercial use and have been approved to convert that into a clubhouse for the multi-family units.

Mr. Abdallah indicated that they would like to convert the equivalency of the number of committed trips from the commercial property into trips for their multi-family project.

Ms. Ivelisse Torres indicated that a new application for a capacity encumbrance letter can be submitted for the additional 51 units.

It was suggested that the applicant can submit a traffic study to include a parallel analysis for the failing road segments.

Mr. Abdallah indicated that it is all one PD and one application. They would like to combine the (A) and (B) into one reservation certificate. Mr. Geoff Goetz also indicated that the project was held up for school concurrency. He further stated that they are on the agenda with the school board on February 26th for approval of the Capacity Enhancement Agreement related to the 366 multi-family units. He explained that they have been moving forward in good faith but have come across some problems which are out of their control.

Concurrency Review Committee

Ms. Evers asked if they had paid for 366 units. Ms. Ivelisse Torres indicated that they applied for 366 units but reduced the number to 315 units and only paid for those units. Ms. Evers advised Mr. Goetz that the Ordinance does not provide for an additional extension if an applicant is delayed due to negotiating a CEA, however, since they are doing a CEA on the "B" certificate, this is a moot point because it has not expired yet.

Mr. Abdallah reiterated that these two reservation certificates are actually for one application and one PD.

Ms. Evers indicated that under the Ordinance a Capacity Reservation Certificate can be extended but we do not have the ability to combine the two. She asked Ms. Ivelisse Torres if it was even possible to combine them with their current system.

Ms. Ivelisse Torres expressed the concern that they have already been granted a three-year extension and were originally granted approval for the 366 units and made the decision to decrease the units to 315. She is reluctant to grant another extension if their intention is to utilize the additional time to convert the trips and enable them to get back to their original 366 units when they do have the option of following the right path by conducting a study for the additional 51 units.

Mr. Abdallah reiterated that they are not asking for an extension but would prefer to combine the two subsections since it is only one project. He also indicated that he was not aware of the details of why this application was split into two parts.

Ms. Ivelisse Torres explained that the project was separated for the benefit of the client in making his payments.

Mr. Geoff Goetz explained that they were delayed because of the school concurrency issue. He indicated that the multi-family and the commercial parcel are actually on the same parcel id. He further indicated that additional delays resulted from market conditions.

Ms. Ivelisse Torres indicated that they cannot justify using school concurrency because the commercial does not require a capacity enhancement agreement.

Mr. Kunkel asked counsel whether this is something that can be decided at the CRC or if it is an issue that should be turned over to the CMO.

Ms. Evers stated that she does not feel that the Ordinance gives the committee the authority to combine the two certificates that they are asking for. They are not asking for an extension.

Mr. Kunkel asked the applicant if the reservation certificate did not expire, would they have been able to combine them.

Mr. Abdallah indicated that they would have been able to modify the project through DRC. He further indicated that there is some grey area due to the fact that it is not typical to see a file with an (A) and (B).

Ms. Ivelisse Torres indicated that they have many projects like this which have been separated.

Mr. Abdallah reiterated that this is one project with one application and one file number. The approval was granted on the entire project, not on two separate parcels. In addition, he further explained that when the project was divided into (A) and (B), the parcels were not split in accordance with the geographical area. He asked that the applicant be allowed to merge both (A) and (B) and keep the later expiration date for both.

Ivelisse Torres suggested that the applicant follow the rules and regulations set forth and keep the new application (CMS #07-280) and submit a study for the additional units.

Ms. Ivelisse Torres moved, seconded by Ms. Alissa Barber-Torres to keep CMS Application #00-18 (A) and (B) as it is and process CMS Application #07-280 with a traffic study to demonstrate that the commercial use can be converted to allow the additional multi-family units. Motion carried.

Pre-Application Conference – Woodbury Presbyterian Church
CMS Application #07-286

Present: Mohammed Abdallah, TPD

Mr. Abdallah explained that this project is an existing church located on Woodbury Road about half way between Waterford Lakes and State Road 50. They are proposing to expand the church by 28,000 square feet. A traffic study was provided to the Transportation Planning Division and a Proportionate Fair Share Agreement has been prepared. The project is impacting East Colonial Drive for five deficient p.m. peak trips at a total cost of \$57,992.00. Mr. Abdallah indicated that they would like to proceed with an expedited Proportionate Fair Share Agreement and understand that they will not receive impact fee credits.

Ms. Barq reiterated the details of the Agreement and explained that a request was made to advise the applicant that the County will be requesting 25 feet of right of way on Woodbury Road which can be discussed at the Road Agreement Committee.

Mr. Abdallah stated that the request for right of way was anticipated, however, since they have not gone to DRC yet, it has not been addressed.

Mr. Kunkel indicated that he just wanted to make sure that the applicant is aware that the request was forthcoming. He then suggested that the committee review the Proportionate Fair Share Agreement.

Mr. Abdallah indicated that he was not sure if the pre-application meeting and agreement meeting could be combined. He stated that he did not want to presume that the Agreement could be reviewed since it was the first time the committee was seeing it. He inquired as to whether he should also provide the check for the Agreement review which would typically be held at the second meeting.

Concurrency Review Committee

February 14, 2008

Ms. Alissa Barber-Torres indicated that parcel #23-22-31-0000-00-025 is designated as preservation land and needs to be addressed. In addition, the land use and zoning are not consistent and they may be required to submit a consistency vested rights application for the project.

Mr. Abdallah indicated that he will advise his client but also indicated that the project has been to the Development Review Committee and is proposed as an expansion of an existing facility. He further indicated that he is not sure if the applicant is planning on rezoning the property. He stated that from a concurrency standpoint, this would not affect them moving forward.

Mr. Kunkel asked if this project would need to come back to the committee after the changes were made.

Ms. Evers indicated that in the past we would approve the agreement subject to final review and the applicant would then be required to have the agreement executed by the Chairman of the CRC.

Mr. Abdallah indicated that it is easier for the consultant and perhaps better for the committee to combine the pre-application meeting and the meeting to review the Agreement in one sitting. However, he wanted clarification on whether he would need to provide two separate checks for the fees even though it is all accomplished in one meeting.

Mr. Kunkel indicated that what typically happens at a pre-application meeting is that the project is presented to the committee and the applicant is provided their options. He further stated that since Mr. Abdallah has been through the process before, he is ahead of the game.

Ms. Ivelisse Torres indicated that he could provide the second check to Growth Management for processing.

Ms. Ivelisse Torres moved, seconded by Ms. Lofye to approve the Expedited Proportionate Fair Share Agreement for Woodbury Presbyterian Church, CMS Application #07-286 subject to the changes discussed and final approval by the County Attorney's Office. Motion carried.

Meeting was adjourned at 3:00 p.m.