



Interoffice Memorandum

Concurrency Review Committee Minutes April 24, 2008

Members Present

Chris Testerman, Director of Government Relations
Frank Yokiel, Project Manager, Public Works Engineering Division
John Smogor, Planning Administrator, Planning Division
Ray Walls, Management & Budget Analyst, Office of Management & Budget
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
Mirna Barq, Project Manager, Transportation Planning Division
Jacqueline Bonavitacola, Project Coordinator, Transportation Planning Division

Mr. Testerman called the meeting to order at 1:34 p.m.

Approval of Minutes

Mr. Smogor moved, seconded by Mr. Walls, to approve the April 10, 2008 Concurrency Review Committee meeting minutes with corrections. Motion carried.

Capacity Reservation Certificate Discussion - Florida Hospital Orlando East CMS Application #04-58

Present: Borrón Owen, Gray Robinson

The applicant explained that in 2006, Florida Hospital received Capacity Reservation Certificate #04-58. They were to make payments in May 2006, May 2007, and May 2008. The first and part of the second payment were deferred and paid. However, the person overseeing the project no longer works for Florida Hospital and when the balance of the second year payment was due, it was inadvertently missed. He further indicated that he has the checks to pay the entire balance of the reservation certificate in full today.

Mr. Smogor asked when the Capacity Reservation Certificate would have expired had the payment been made. Mr. Owen indicated it was valid until May 2009. Mr. Smogor also asked when they would be prepared to pull permits if the Certificate were reinstated. Mr. Owen indicated that they would be ready to pull permits for the medical office within the month of May.

Mr. Testerman asked what uses were covered under this Capacity Reservation Certificate. The applicant indicated that it includes the patient tower and 60,000 square feet of medical office. It was noted that the project has already been through Development Review Committee (DRC) and has been approved.

Ms. Barq indicated that Florida Hospital is donating right of way on Lake Underhill Road and a bus stop. Additionally, they are not requesting any impact fee credits and will be constructing a right turn lane on Lake Underhill Road. Mr. Testerman asked if those were through the development approvals or part of a different agreement. Ms. Barq indicated that it is through a separate agreement.

Mr. Walls asked if the capacity had been returned to the bank. Ms. Barq indicated that it had not.

Mr. Testerman asked the applicant if the County had communicated with them regarding the missed payment. The applicant indicated that they do not have a record of any documentation but stated that it could have been received by the former employee working on the project. They became aware of the problem when they tried to pull a building permit for the medical office.

Mr. Testerman asked Ms. Torres if the County communicated to them that the payment had been missed. Ms. Torres indicated that they do not send correspondence in these cases.

Mr. Testerman asked Ms. Evers what authority the committee has relative to this case. Ms. Evers indicated that in this particular situation, the Ordinance is silent on whether the committee can reinstate a Capacity Reservation Certificate. She stated that for the record, there are two different types of reservation certificates, fixed and flexible. Under the Ordinance if you have a fixed timeframe capacity reservation certificate, you pay your first third upon applying, the second third within a year, and the last third within two years of your anniversary date. Florida Hospital was issued a flexible certificate which under the Ordinance states that they must pay all of the fees up front and should not be prorated over three years. However, we have been doing that and not really following that portion of the Ordinance. Her understanding is that both types of certificates are being treated the same in terms of payment purposes. Therefore, the Ordinance requires that the payment be complete by the second year and Florida Hospital is still within the timeframe to pay that.

Ms. Torres indicated that the reason why the Certificate was issued as flexible is because at the time they did the Certificate they had already pulled the building permits and they were under the impression that they would have paid all the fees at that time.

Ms. Evers questioned why the Capacity Reservation Certificate had a 2004 application date when it was issued in 2006. Ms. Torres indicated that it was revised because they had originally submitted the application for number of beds and for concurrency purposes had to change it to square footage.

Mr. Testerman asked if there was a waiting list. Ms. Barq indicated there is not a waiting list in this area.

Mr. Testerman summarized that based on the information provided, it appears that this project is continuing in good faith and the applicant is ready to pay the entire balance in full if it is reinstated.

Mr. Smogor moved, seconded by Mr. Walls to reinstate Capacity Reservation Certificate #04-58 for Florida Hospital East Orlando subject to receipt of the final payment of the Capacity Reservation Certificate.

Mr. Testerman stated for the record that check number 21798 for \$759,866.00 and 21797 for \$460,130.56 were submitted by Florida Hospital to Ms. Torres for processing.

Proportionate Fair Share Agreement Review – Kobe Alafaya, CMS #07-298

Present: Mohammed Abdallah, TPD

Mr. Testerman requested that Ms. Barq provide an overview of the project.

Ms. Barq reminded the committee that this is not a brand new development and they will receive credits for demolition. She further indicated that this project will generate seven (7) deficient p.m. peak hour trips on East Colonial Drive. She indicated that they will be paying for four (4) trips from Alafaya Trail to Woodbury Road and three (3) trips from Woodbury Road to Lake Pickett Road. The FDOT costs were utilized and the applicant is not requesting impact fee credits. The total proportionate fair share fee for this project totals \$76,617.

Ms. Evers indicated that she has reviewed the Agreement and found it acceptable.

Mr. Testerman asked if there were any questions. Ms. Lofye indicated that in Exhibit A the sketch only identified one parcel and there are two. Mr. Abdallah indicated that both parcels are included within the outlined area; they just have not been divided.

Ms. Torres indicated that the PFS payment was already submitted. Mr. Abdallah requested that a receipt be provided for inclusion in the Agreement.

Ms. Torres moved, seconded by Mr. Smogor to approve the Expedited Proportionate Fair Share Agreement for Kobe Alafaya, CMS #07-298. Motion carried.

Ms. Evers advised the applicant that the executed agreement needs to be recorded within ten days.

Ms. Torres asked if it was possible to include a provision in the Agreement that will preclude the applicant from moving forward if they do not get it recorded. For example, a Capacity Encumbrance Letter would be withheld until a copy of the recorded agreement is provided to the Growth Management Division.

Ms. Evers indicated that legally this requirement can be made by the CRC.

Proportionate Fair Share Agreement – East Colonial Retail Center, CMS #07-06

Present: Van Nguyen

Mr. Testerman advised the committee that this project was reviewed by the Concurrency Review Committee (CRC) on October 11, 2007. He further stated that since it has not been fully executed, it was suggested that these Agreements be brought back to the Committee to be re-evaluated.

Ms. Evers indicated that the signature page is missing a signature and will need to be revised before it can go to the Board of County Commissioners (BCC).

Mr. Testerman indicated that a payment will need to be made prior to the item being scheduled for the Board of County Commissioners meeting.

Ms. Barq indicated that the County is in the process of revising the counts which should be completed this month. She would like to move the project forward as soon as possible so that we do not have to re-evaluate the project.

Ms. Evers indicated that for consistency this project needs to move forward as it was approved back in October.

Mr. Smogor moved, seconded by Ms. Torres to provide thirty days for the applicant to revise the Agreement and submit it to Transportation Planning within thirty days. Failure to comply will nullify the application and agreement and the applicant will be required to reapply for concurrency.

Meeting was adjourned at 2:40 p.m.