



**ALTERNATIVE ROAD IMPACT FEE COMMITTEE**  
(Meeting Minutes)

**Meeting Date:** February 28, 2008

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

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

**ARIF Committee**

Mirna Barq, (Acting-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**

Roberta Alfonso, County Attorney's Office

Darryl Johnson, Traffic Engineering Division, Public Works Department

**Attendees**

Dan Paris, G/B/H Golf (Bonnet Creek Resort)

Dick Mercer, Kimberly Horn (Bonnet Creek Resort)

Al Benton, Suburban Lodge

Rich Russell, Suburban Lodge

Victor Chapman, Homewood Suites and Hilton Garden Inn

Mohammed Abdallah, TPD

Joe Roviario, LTEC

Mrs. Barq called the meeting to order at 10:15 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 Ivelisse Torres. Motion carried.**

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### **Bonnet Creek Resort Golf Course Impact Fee Rate Discussion**

Dan Paris and Dick Mercer

Mr. Paris and Mr. Mercer came before the committee to discuss impact fees toward a golf course at Bonnet Creek Resort. Mr. Mercer said he applied for a building permit to construct a club house for their golf course and was told the fees would be \$197,000. He doesn't understand how that rate was calculated, but wanted to inform the committee that the golf course/club house was going to be part of the overall usage of the resort.

Mr. Mercer sent the committee an analysis of his proposed plan so he would be able to present his ideas for a more reasonable alternative impact fee rate. He stated that inclusive of the two hotels, it has a number of time shares and residential developments that is part of the overall resort. Mr. Paris said that the golf course is going to be exclusively for the use of the Bonnet Creek Resort residents.

Mr. Sargent asked if the golf course is going to be for public use and Mr. Paris replied that it is not going to be deemed private, but it is being built for the four thousand Bonnet Creek residents. Ms. Torres asked if when Mr. Mercer applied for the building permit, was he aware of the type of fees that were assessed to the club house. Mr. Mercer said he wasn't. Ms. Torres then said they probably assessed it as a stand alone building, not realizing it was part of the resort and may not have calculated it properly. Ms. Torres further added that there could be zero impact fees associated with the club house and will ask that her staff review the application again.

Ms. Lofye mentioned that the analysis that Mr. Mercer submitted as a proposal was taken from ITE Trip Generation using the golf course trip generation calculation. Mr. Mercer agreed with that statement saying he thought the ITE Trip Generation conclusion of the fees was more rational than the proposed \$197,000. But Mr. Mercer also added he preferred Ms. Torres' zero impact fee even better. Ms. Lofye mentioned that if the auxiliary space exceeded their limit on the per room square footage, then additional fees would be assessed. Ms. Torres said each room gets a certain square footage that is free of charge. More research needs to be done to determine what calculation will be assessed. Ms. Lofye added that this is a club house that is being built, not hotel rooms, and the travel characteristics are going to be different. Ms. Barq said that when they redo the calculations this should be taken into consideration. Mr. Paris reiterated that the club house and golf course will be mainly used by the Bonnet Creek Resort residents.

Lastly, Mr. Sargent mentioned that the club house and golf course are on different parcels. Ms. Torres will review the application material with Mr. Mercer and make a decision.

**No action**

### **Suburban Lodge; Appeal of Monitoring Results**

Rich Russell and Al Benton; Suburban Lodge

Mr. Russell and Mr. Benton came before the committee to discuss a letter dated December 18, 2007 requesting payment of \$13,850.37 for additional impact fees after the site was monitored. Mr. Russell mentioned that he and his staff read the report but disagreed with the findings. They didn't understand how they could owe money and brought documentation to dispute that claim.

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Mr. Russell went over the GMB report with the committee and disagreed that 822 vehicles a day visit the property. He also went on to say that they are not contesting the methodology or the trip length, just the traffic counts. Mr. Russell presented comparable hotel traffic counts to show they don't have that much traffic. After reviewing, Ms. Barq stated that the manual count taken at the UCF Towne Place Suites appears to be incorrect. Mr. Russell agreed with Ms. Barq's assessment after review. Mr. Russell also stated he had another comparison data sheet from another hotel, but did not submit it because it is only verbal information not yet verified. The report was completed in 2005 and the traffic count is also lower than the Suburban Lodge.

Ms. Lofye stated that she reviewed ITE Trip Generation and by its definition, Suburban Lodge is not considered an all-suites hotel. Mr. Russell is comparing the Suburban Lodge results to the results of all-suites hotels. Ms. Lofye also stated that the average trip generation rate for all-suites hotels is less than the average trip generation rate for standard hotel rooms. The rate that was used to calculate Suburban Lodge falls in-between and is reasonable.

Mr. Benton also mentioned he had his own staff do a 24 hour traffic count of the people entering the premises and it wasn't that high. Ms. Lofye asked if the counts were two-way counts because usually counts are tabulated as entering and exiting. Mr. Russell wasn't sure, but also questioned the validity of how the hoses count vehicles.

Ms. Barq replied that if Mr. Russell had paid the regular impact fees, he would have paid over \$195,000, but instead, decided to do an alternative impact fee study and the cost was just over \$80,000. Ms. Barq stated that this is the way the ordinance for the alternative impact fees is structured. It gives the applicant a chance to contest the ordinance, but in five years we have a right to go back and monitor the site to make sure that the study is valid and that the rate that is paid is fair. Ms. Barq also mentioned if you pay the \$13,000 plus the \$80,000, it is still less than half of the original \$195,000. Ms. Lofye added that the agreement does not include interest charges that the new agreements have in place and that could have been an additional \$6,000.

Mr. Russell and Mr. Benton still disagreed with the traffic count findings. Ms. Lofye added that the manual counts and hose counts were verified and signed and sealed by a professional engineer. Ms. Barq asked Mr. Russell and Mr. Benton what would they want the committee to do and they replied they will pay what is fair. They don't believe in the study and asked if they could appeal. Ms. Barq replied that they could go to the DRC and from there, to the Board of County Commissioners. Mr. Russell inquired if a new study could be conducted and Ms. Barq replied that it could, but at their expense. It would cost between \$10,000-\$15,000. Mr. Benton replied he was under the impression it would cost around \$1,500. Ms. Barq disagreed with that finding and Ms. Lofye confirmed that a basic study starts around \$7,000.

Ms. Alfonso stated that this committee can accept that Mr. Russell and Mr. Benton do not agree with the study; however there is a contract that states they will accept the monitoring result and pay accordingly if there is a difference, unless something is blatantly wrong and there is no evidence that the monitoring was done incorrectly in this matter.

**A motion was made by Christine Lofye to deny the request to modify the results of the Suburban Lodge monitoring study and allow 30 days for a decision to either pay or appeal the decision and be placed on a DRC agenda before interest accrues. Seconded by Jay Sargent. Motion carried.**

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### Hilton Garden Inn and Homewood Suites Transfer Agreement and Consent Agenda Item

Victor Chapman

Mr. Chapman came before the committee to review, finalize and get approval for a transfer agreement regarding the Hilton Garden Inn and Homewood Suites Hotel. The request was to transfer the results of the Marriott Residence Inn (Case #00-02) which is on the same street as the proposed hotels.

**A motion was made by Ivelisse Torres to approve the Alternative Road Impact Fee Transfer Agreement for the Hilton Garden Inn and Homewood Suites (Case # 08-02) as amended. Seconded by Jay Sargent. Motion Carried.**

The committee reviewed the consent agenda item for the Hilton Garden Inn and Homewood Suites

**A motion was made by Ivelisse Torres to approve the memorandum for the Road Impact Fee Consent Agenda Item for the Hilton Garden Inn and Homewood Suites (Case # 08-02) as amended and after the monitoring fee of \$10,000 is paid. Seconded by Jay Sargent. Motion Carried.**

### Westside Plaza Road Impact Fee Agreement and Consent Agenda Item

Mohammed Abdallah, TPD

Mr. Abdallah came before the committee with a signed agreement pertaining to the Westside Plaza, which was previously approved by the committee with revisions. He requested a final review of the agreement and the signed agreement was acceptable as presented. The committee reviewed the consent agenda item for the Westside Plaza.

**A motion was made by Ivelisse Torres to approve the memorandum for the Road Impact Fee Consent Agreement Item for the Westside Plaza (Case # 07-04). Seconded by Jay Sargent. Motioned carried.**

### Castilla Village Transfer Request

Mohammed Abdallah, TPD

Mr. Abdallah asked the committee to transfer a study for Castilla Village. It is a proposed 1,140 room hotel, located just outside the tourist zone area on Turkey Lake Road. He would like to transfer the impact fee rates from the Marriott Residence Inn and from The Grande Lakes Resort. These are two (2) monitoring studies that were completed by the county. Mr. Abdallah chose these two studies because the Marriott Residence Inn is very close to the Castilla Village and it would give a good representation of the trip length that would be expected at the proposed property. The Grande Lakes Resort has a trip generation rate he believed to more in line with the Castilla Village.

Ms. Barq asked if Ms. Lofye was comfortable with the recommendation and she replied that she was. Mr. Abdallah, with anticipation, brought an agreement to the alternative road impact fee meeting just in case the committee approved the transfer study request. Mr. Abdallah will also apply for a transfer request application and pay monitoring fees associated with Castilla Village.

**A motion was made by Ivelisse Torres to approve the transfer request and transfer agreement for the road impact fees for Castilla Village. Seconded by Jay Sargent. Motion carried.**

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### **Peabody Hotel Expansion Transfer Request**

Joe Roviario, LTEC

Mr. Roviario came before the committee to request a transfer agreement from The Rosen Shingle Creek Resort because The Peabody Hotel would like to add 750 more hotel rooms and increase convention space and meeting space.

Ms. Lofye stated that The Rosen Shingle Creek Resort studied The Peabody Hotel and it makes sense to transfer the results of the agreement. Mr. Roviario stated that The Rosen Shingle Creek Resort has more convention space and he presented a table to compare the two sites. Ms. Barq asked Ms. Lofye if she was comfortable with the transfer request and Ms. Lofye replied that she was, but also added that they are entitled to more free convention space than the comparison ratio calculation in the table Mr. Roviario presented.

Ms. Barq asked that the trip length calculation be verified from The Rosen Shingle Creek Resort study. She believes that this is a project for which permits were pulled before the ordinance was updated, even though the agreement is dated after the update. Ms. Barq asked that the committee take no action until Ms. Lofye can verify the results.

**No action**

### **Deerfield Plaza Discussion**

Christine Lofye, P.E.

Ms. Lofye would like to start monitoring the Deerfield Plaza, but the fee estimates are more than double what there is in the budget. She requested fee estimates from both contracted consultants and got similar estimates. Ms. Lofye added that the reason is that a 7-11 Store and Wendy's Restaurant have been added to the site since the original permit was pulled. We have to subtract the 7-11 Store and Wendy's Restaurant traffic from total site traffic to get traffic only associated with the plaza. Ms. Lofye is looking for suggestions from the committee.

Ms. Barq suggested in the future if there are out-parcels on a property, maybe we should add more to the monitoring fees so this situation won't happen in the future. Ms. Lofye agreed that this must be done.

Ms. Torres asked if a study can be conducted for the entire site and deduct the 7-11 Store and the Wendy's at the retail rate that is in the ordinance, stating that it may be cheaper. Ms. Lofye concurred that the monitoring fee would be cheaper, but you would be subtracting out a higher rate. Ms. Barq suggested that Ms. Lofye speak with Ms. Pat Davis from the Public Works Fiscal Department and find out what is in the budget for monitoring or borrow from the fund. Ms. Barq stated that this site has to be monitored correctly.

Ms. Alfonso asked if county staff can share in the monitoring of the site to reduce the cost. Mr. Sargent didn't think it was a good idea. Ms. Torres asked if more cost estimates from consultants were a good idea and Ms. Lofye replied that she did a cost analysis and came up with similar fee costs. Ms. Barq asked that Ms. Lofye speak with Ms. Davis to find out if there are monies available. Ms. Lofye asked if anything like this has happened in the past where you had to shift money around. Ms. Barq replied yes, but it was a very small amount.

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Ms. Lofye also mentioned that Ms. Rozier wanted to ask the committee if every site had to be monitored, especially if the fees are so much higher than what was collected. Ms. Alfonso stated she will look into the legal question of if it's not in the budget, is it a valid reason not to monitor. Also, if it is in the contract if the owner could possibly sue for not monitoring. Mr. Sargent stated that is it not in our best interest to monitor a site if we know we aren't going to get any more money. Ms. Alfonso said to find the funds to be on the safe side. Ms. Torres said that the Deerfield Plaza has pulled several permits since the original signing of the contract agreement so it should be in our best interest to monitor the site for the new buildings on the site.

Again, Ms. Torres asked why the county staff can't monitor the site. Ms. Lofye believes the county can, but mentioned she read a report from an old audit stating the county would hire consultants to increase the number of sites monitored. Ms. Barq asked if the L.A. Fitness and the other new construction were built were under the same alternative road impact fee agreement and Ms. Torres replied that they were because when they pulled the permit it was for the whole parcel. Mr. Sargent said it should have been just for the permit that was pulled at that time, not for any future use. Ms. Alfonso agreed stating the agreement is for that particular project not the parcel ID. Ms. Alfonso also said that if it is not part of the original project, but added or constructed at a later date, then it's a new separate project. Ms. Torres said that is how it's always done. Ms. Alfonso replied, that is not how it should be. Mr. Sargent said that the L.A. Fitness building is on the same parcel, but not in the same building. Ms. Torres said only one agreement was done because it was on the same parcel.

Ms. Barq recommends that the money be found to have the site monitored. Ms. Barq also said L.A. Fitness was not supposed to pay the same rate and we didn't know there was going to be other out-parcels on the property; but we need to be aware of that in the future and possibly charge more on the monitoring rates if vacant land is on the parcel. Mr. Sargent suggested the owner supply a copy of their site plan showing the area that they are building on and their surrounding land. Ms. Torres said that way we could look at the future land use so we may know what may be there in the future. Ms. Torres also said after reviewing the records, the L.A. Fitness permit was pulled at the time Deerfield Plaza pulled there permit. Mr. Sargent said it was for a different land use. Ms. Barq said the permit needs to be "project specific".

### **Open Discussion**

Ms. Lofye asked Ms. Torres if Hollywood Video and Microtel paid their impact fees. Ms. Torres replied that they have not. Ms. Alfonso said she will talk with her legal team and decide if a lien should be put on their property. Ms. Torres said the building department can hold their license and put a lien on the owner. Ms. Sargent asked if they are not building anything what can you hold their license for?

It was asked that the committee continue this discussion and be placed on the next agenda. Ms. Alfonso said that Ms. Torres should start the lien process, but she will look into the legal matters.

**A motion was made by Jay Sargent to adjourn the meeting. Seconded by Ivelisee Torres. Motion carried. The meeting was adjourned at 12:41 pm.**

**Next Scheduled Meeting:**

**Thursday, March 13, 2008 @ 10 a.m.**