



ALTERNATIVE ROAD IMPACT FEE COMMITTEE
(Meeting Minutes)

Meeting Date: September 11, 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**
Ivelisse Torres, **Growth Management Department**

County Staff

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

Attendees

Brian Scott; Escot Bus Lines
Carol Bollo; Florida Billiards
Gary Abriola; Florida Billiards
Mohammed Abdallah; TPD

Ms. Massaro called the meeting to order at 10:13 am.

Review of Minutes

The Committee reviewed the minutes from the August 14, 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.

ALTERNATIVE ROAD IMPACT FEE COMMITTEE

September 11, 2008 - Meeting Minutes

Page 2

Escot Bus Lines

Brain Scott

Mr. Scott has a family owned charter bus company with their headquarters in Pinellas County, Florida. They purchased property from Piney Branch Motors, which was a truck and trailer company in Orange County, to serve as storage, operations and for maintenance for the eight buses that will serve in the Orlando metropolitan area. Mr. Scott came before the committee to discuss impact fees imposed on his business.

Mr. Scott stated he was informed that the impact fees for the business was assessed \$68,000 because the land use for the business was classified as car repair facility, which it isn't. Mr. Scott also added that the square footage of the building reflects the large size of their vehicles. The traffic impact is considerably lower than the impact of the previous business had because they are not commercial.

Mr. Sargent inquired how many buses the company has and Mr. Scott replied that the facility here in Orlando will hold 8, but overall, there are 44 buses in Florida.

Ms. Barq asked if Mr. Scott brought the encumbrance letter with him and he replied that he did not have it. Ms. Barq followed up by asking what the building was called in the letter and Mr. Scott replied that it said the building was classified as a "Bus-Wash/Repair Facility". Also, the previous owner had a similar use but they did not have any indoor capacity. The Escot building will be a new structure.

Ms. Lofye agreed with Ms. Scott's assessment that the impact fee rate per KSF does not take into account the size of the vehicles, but stated that ITE Trip Generation does not provide trip generation by number of servicing stalls; there are no studies available.

Ms. Barq recommended that Mr. Scott's building be charged as light industrial because it is not a storage facility; and that the land use should be consistent with what was used in the capacity encumbrance letter. Ms. Lofye stated that it could be classified it as warehouse according to ITE Trip Generation because it has storage, office and maintenance areas. Mr. Massaro mentioned he has the option to do a study if he so chooses. Ms. Torres stated that the land use should be light industrial because he could expand his business in the future, thus allowing him more freedom.

Mr. Massaro asked why the warehouse rate can't be used in this case and Ms. Lofye replied that it is not consistent with what was used in concurrency. Ms. Torres added that the warehouse rate is generally used for storage purposes and again recommended using the light industrial rate. Mr. Sargent agreed and asked Mr. Scott if he agreed with the assessment. Mr. Scott replied that he was fine with that consideration.

A motion was made by Ivelisse Torres to approve the land use of Light Industrial for road impact fees for the Escot Bus Lines. Any modifications to the building plans could alter the land use rate. (Permit #B08901409) Seconded by Jay Sargent. Motion approved.

ALTERNATIVE ROAD IMPACT FEE COMMITTEE

September 11, 2008 - Meeting Minutes

Page 3

Florida Billiards

Carol Bollo, Florida Billiards

Mohammed Abdallah, TPD

Ms. Bollo came before the committee to discuss modifications to a building that was built a few months ago. Due to the downturn in the economy, Ms. Bollo would like to take 3,788 square feet of the existing 21,216 square feet of the building and make it into retail space to help offset the burden of the mortgage. By doing this, the land use rate would change.

Mr. Massaro inquired if the land use rate would change from warehouse to retail and Mr. Abdallah replied that it would. Mr. Abdallah stated that because of the hardship they are experiencing, the 3,788 s.f. would be leased to a mattress company. This would be a total of 9,788 s.f. of retail space and 11,428 s.f. of warehouse space. Mr. Abdallah would like his clients to pay the difference between the retail and warehouse rate for the 3,788 s.f. of retail.

Ms. Torres mentioned that under normal circumstances, impact fee rates aren't split for land use categories. This was done in the past for Florida Billiards and if any changes were to occur it would have to be approved by this committee. Ms. Barq asked Ms. Torres if she was ok with this concept and Ms. Torres replied that she was.

Ms. Lofye calculated the difference of the impact fee rates and said Ms. Bollo would owe approximately \$42,000 minus the 10% credit they would receive.

A motion was made by Mirna Barq to approve the modification of the land use for 3,788 square feet from warehouse rate to retail rate. Seconded by Jay Sargent. Motion Carried.

Possible future use change for Florida Billiards Discussion

Mr. Abdallah inquired that in the future if things don't go as planned and the entire site is leased out as retail, is it possible to take this decision and do an alternative impact fee study for the whole site and establish a unified retail rate for the site. Ms. Barq replied that they would be subject to monitoring and they would have to pay for it.

They would like to reserve the right to do a study on an all retail store and hope the impact would show that they wouldn't have to pay more. Ms. Barq asked if they would request a refund from the 9,788 s.f. and Mr. Abdallah replied that they would not necessarily ask for a refund, but if the whole building becomes all retail in the future, instead of paying the existing rate, they would rather pay the alternative impact fee rate for the retail. Ms. Barq replied that she isn't sure that can be done; there is no mechanism in place for that. Ms. Torres added that the 6,000 s.f. of development is already in place. They cannot apply that money towards the rest of the building and they cannot ask for a refund because it wasn't paid under protest. Ms. Torres also stated that when Florida Billiards originally came before this committee a few years ago, she strongly suggested that they do a traffic study, but was told that they didn't have the money and they wanted to pay the warehouse rate. If Ms. Bollo pays any rates today under protest, and any future rates under protest, then those can be applied.

ALTERNATIVE ROAD IMPACT FEE COMMITTEE

September 11, 2008 - Meeting Minutes

Page 4

Ms. Lofye stated that if a study was conducted, the whole site would be monitored and the alternative rate would only apply to the square footage that was added and that was paid under protest.

Mr. Abdallah mentioned that the building went through a determination and it was split up to have 15,216 s.f. as warehouse and 6,000 s.f. for retail. If there is a change in the use to 21,216 s.f. retail, then could the fees be refunded as a credit? Mr. Sargent replied that that could not be done because the fees were not originally filed under protest. Refunds are not given.

Mr. Abdallah asked if the flexibility of doing an alternative impact fee study could be built into this process? Mr. Sargent replied that if a building was classified as a retail building, but the owner rented it out to a person who used it as a warehouse space, that individual would not get a refund. Mr. Sargent added that if they want to split up the property in the future, so that they would automatically get a retail rate and not have to return to this committee, which would be fine. Ms. Torres stated that if they do an alternative road impact study that includes the three variables and the result doesn't exceed the warehouse rate, it will be a wash for this project; meaning they will not get a refund.

Mr. Abdallah inquired should they pay under protest and Ms. Torres replied that he should and any future payments should be paid under protest to safeguard the 15,216 s.f. if they decide to do a study within 5 years.

Ms. Alfonso mentioned that if they decided to do a study, the 6,000 s.f. has already been paid at yesterday's rate and they won't be charged the difference even though they are changing the whole building. Your rates are locked in. Ms. Torres added they will be assessed today's rate for the building permit they are here to discuss. They will get the credit of the warehouse at today's rate, not the rate they paid in 2007.

Mr. Abdallah inquired that if they pay under protest would the Certificate of Occupancy be delayed and Ms. Torres replied that when you change the use of the building, you receive a new Certificate of Occupancy. They can pay the 3,788 s.f. under protest and that will not affect the permit or Certificate of Occupancy.

Ms. Torres mentioned that if they pay under protest and they perform an alternative road impact fee study and it shows that the warehouse rate was too much, you can get a refund only on the portion that you're protesting.

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

Next Scheduled Meeting:

Thursday, September 25, 2008 @ 10:00a.m.