



Interoffice Memorandum

Concurrency Review Committee Minutes April 10, 2008

Members Present

Chris Testerman, Director of Government Relations
Renzo Nastasi, Manager, Transportation Planning Division
Robin Hammel, Chief Engineer, 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 2:00 p.m.

Pre-Application Conference – Vista Village

CMS Application #05-122

Present: Kimberly Brown, VHB; Pat Christiansen, Akerman Senterfitt

Mr. Testerman explained that the applicant is attending the CRC to request an extension of existing CRC #05-122. He requested that Mr. Christiansen provide the committee with the status of the project.

Mr. Christiansen indicated that Mr. Downey is the owner of the project. The property was purchased approximately two years ago and a CRC was obtained in December 2005 for a 50,000 square foot retail center. Mr. Christiansen further explained that Mr. Downey engaged Jim Hall's firm to facilitate the rezoning of the PD. During that period of time, it was determined that the County wanted to build a road from CR 535 to International Drive and most of the right of way has been acquired. The other side of the road has already been improved. The applicant has been working with the Road Agreement Committee (RAC) and Mr. Downey has agreed to provide forty-five feet of right of way without any impact fee credits but will need an extension of the capacity reservation certificate. Mr. Christiansen also indicated that the Board of County Commissioners has approved the rezoning with the condition that the right of way be conveyed.

Mr. Testerman requested that Ms. Evers go over what this committee has the authority to do in this case.

Ms. Evers explained that under the Ordinance, upon the expiration of the CRC, if a building permit was not obtained, the CMO shall put the capacity back in the bank. If a building permit was issued but the applicant has not completed build-out, the applicant

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can request an extension for up to three years providing all fees have been paid and there is not a waiting list. If there is a waiting list but the applicant can demonstrate that the development is proceeding in good faith, then this committee can provide an extension provided that if the applicant fails to proceed in good faith after that, the extension can be withdrawn with a thirty day notice to the applicant. If the County delays progress, through no fault of the applicant, notwithstanding the existence of a waiting list, the applicant can still request an extension of the Capacity Reservation Certificate which the Concurrency Review Committee may grant. Lastly, if an applicant is dealing with the school board on a CEA and is delayed because of it, the committee can grant an extension.

Ms. Torres asked if the applicant would be able to pull a building permit before December 28, 2008.

Mr. Christiansen indicated that he did not think it would be possible. The financing and the market is such that it may take a little while to go through.

Ms. Torres asked if the project is over a million dollars. Mr. Christiansen stated it is. Ms. Torres then indicated that they can defer their impact fees.

Mr. Testerman indicated that if they have just completed their rezoning, there are still a number of items that will need to be addressed before they can pull a permit.

Mr. Smogor agreed and stated that they have been working through all the other items that need to be taken care of to get to that point.

Ms. Torres indicated that the Capacity Reservation Certificate expires on December 28, 2008.

Mr. Testerman asked if there was a waiting list in this area. Ms. Barq indicated that a waiting list does exist.

Mr. Testerman asked if someone could confirm the status of this project with the Road Agreement Committee (RAC). Mr. Smogor confirmed that they have been working with the RAC and a draft Agreement has been provided.

Mr. Christiansen indicated that the Agreement was approved subject to final review of the exhibits which include the legal descriptions and surveys. He indicated that this information was provided to the County a few weeks ago. Mr. Smogor indicated that the County is currently reviewing the information.

Mr. Testerman asked Mr. Smogor what a realistic estimate for approval of the Agreement would be. Mr. Smogor indicated that once the exhibits were approved, it would be put on the consent agenda and take approximately two months. He anticipates that it will be completed by the end of this year.

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Mr. Testerman asked Ms. Evers if there was a limit on the extension amount specified in the code. Ms. Evers indicated that the Concurrency Management Official (CMO) can extend the Capacity Reservation Certificate for three years. There is no limit on the amount of time the Concurrency Review Committee can extend but she suggested not extending the certificate beyond three years. She also pointed out that the code does state that the extension can be granted *upon expiration of the reservation certificate*.

Mr. Testerman asked Ms. Evers if the committee has the authority to grant the extension if it hasn't technically expired. Ms. Evers indicated that the way it is written in the code, it must be expired. Mr. Smogor indicated that he thought we had done it in the past. Ms. Evers stated that it is the committee's prerogative to make a decision to grant the extension if they feel the applicant is proceeding in good faith; we know they are not going to be able to obtain a permit prior to expiration of the certificate, and we are also in negotiations on an Agreement for the right of way.

Mr. Smogor explained that Mr. Christiansen was directed to come to the Concurrency Review Committee (CRC) knowing that Mr. Stites would not be able to grant the extension. He further indicated that both the Road Agreement Committee (RAC) and the Development Review Committee (DRC) felt that the project was proceeding in good faith and recommended that he appeal to the CRC to obtain the extension.

Mr. Testerman indicated that he does not have any issues as it appears that the project is proceeding in good faith. He did suggest that if the extension is granted, that it be subject to the current Capacity Reservation Certificate expiring and approval of the Road Agreement by the end of the year.

Mr. Smogor moved, seconded by Ms. Hammel to grant a three-year extension to Capacity Reservation Certificate #05-122 upon its expiration date of December 28, 2008. This extension is subject to final approval of the Road Agreement by the end of this year. The new expiration date will be December 28, 2011.

Mr. Smogor stated that if the Road Agreement is not complete by the end of the year, they will have to come back to the Concurrency Review Committee.

Pre-Application Conference – Kobe Alafaya, CMS Application #07-298

Present: Mohammed Abdallah, TPD

Mr. Abdallah explained that this is a redevelopment project of an existing high turnover restaurant to a Kobe Restaurant and adjoining retail center. He further indicated that there is an issue with capacity on SR 50 east of Alafaya which will have to be addressed through a Proportionate Fair Share Agreement. The capacity on Alafaya itself will be looked at from a corridor perspective utilizing corridor BB. A traffic study was submitted to Transportation Planning for review. In addition, Mr. Abdallah has brought a draft Expedited Proportionate Fair Share Agreement for the committee to review.

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Ms. Barq reiterated that this is a redevelopment project located east of Rouse Road. The demo was for a high turnover restaurant and credits were provided as the demolition was within the two-year period required by the Ordinance. The total net trips on SR 50 for this project are forty. The applicant is required to do a proportionate fair share agreement for seven trips on East Colonial Drive. A study was provided and a corridor analysis was utilized to address the deficiency on Alafaya Trail.

Mr. Abdallah distributed the draft of the Agreement to the committee. It was suggested that the committee look over the Agreement and bring it back to the next meeting for comments.

Mr. Abdallah asked if there was a date for the denial letter. Ms. Torres indicated that the letter had not yet been signed by Mr. Stites. Mr. Testerman asked Ms. Torres to provide the information to Mr. Abdallah once it was available.

Ms. Barq indicated that on page 2 the number of trips needed to be revised. It is 4 and 3, not 5 and 2 on the segments.

No action was necessary.

Pre-Application Conference – State Farm Office Building, CMS #07-197

Present: Mohammed Abdallah, TPD

Mr. Abdallah indicated that they would like to withdraw this project from the agenda.

Ms. Barq explained that there were deficient roadways within a one-mile radius and a study was submitted identifying a corridor analysis with a payment for East Colonial Drive. When the study was reviewed, it was discovered that there is capacity on the segment that had a corridor from Dean to Rouse. He was only impacting one trip on University and he opted to use SR 50 as a parallel which would allow him to move forward.

Ms. Torres indicated that the checks had been mailed back to State Farm.

No action was necessary.

Approval of Minutes

Mr. Smogor moved, seconded by Mr. Walls, to approve the November 8, 2007 Concurrency Review Committee meeting minutes with corrections. Motion carried.

Ms. Torres moved, seconded by Ms. Lofye, to approve the February 14, 2008 Concurrency Review Committee meeting minutes with corrections. Motion carried.

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Open Discussion

Ms. Evers asked if Ms. Barq had an update on the Expedited Proportionate Fair Share Agreement for Woodbury Presbyterian Church, CMS #07-286 which was approved at the February 14, 2008 CRC meeting. Ms. Barq indicated that she had not received anything further. Mr. Testerman indicated that when a motion is made relative to an approval of an Agreement, it needs to include the thirty day time frame to complete the process. If the applicant does not return an executed document within thirty days, they will need to return to the Concurrency Review Committee.

Mr. Testerman stated they need a fixed time to complete the agreement. Ms. Evers suggested that the committee decide if they would like to include a set time in the code. In addition, she offered to send a letter out to applicants when they go beyond the thirty days from the time the Agreement was approved. The committee concurred. Ms. Evers will bring a sample letter back to the committee for review.

Election of a Vice Chair

Ms. Torres suggested that we continue with Mr. Nastasi. Mr. Smogor nominated Mr. Nastasi to continue as Vice Chair of the Concurrency Review Committee. Mr. Walls seconded the nomination. The committee concurred.

It was determined that a vice chair be elected on the first meeting of each year.

Meeting was adjourned at 2:40 p.m.