



INTEROFFICE MEMORANDUM

Minutes Roadway Agreement Committee Virtual Meeting via Webex August 19, 2020

Members Present: Jon Weiss – Planning, Environmental & Development Services Dept. (Chair)
Diana Almodovar – Development Engineering Division (Vice-Chair)
Renzo Nastasi – Transportation Planning Division
Raymond Williams – Engineering Division
Humberto Castillero – Traffic Engineering Division
Paul Sladek – Real Estate Management Division
Eric Raasch – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Susan Martin – Risk Management Division
Gina Segui – Risk Management Division
Jeff Dunn – Planning, Environmental & Development Services Dept.
Jennifer Cummings – Public Works Engineering Division
Yahaira Gines-Rios – Public Works Engineering Division
Hazem El-Assar – Traffic Engineering Division
Brian Sanders – Transportation Planning Division
Mirna Barq – Transportation Planning Division
Nannette Chiesa – Transportation Planning Division
Tammilea Chami – Transportation Planning Division
Heather Brownlie – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:02 a.m.

Public Comment

Mr. Weiss inquired as to Public Comment - no members of the public wished to speak.

Approval of Minutes

The Committee reviewed the minutes from the August 5, 2020 Roadway Agreement Committee (RAC) Meeting.

Page 2

- Line 103 add “is in” before “agreement”

Page 3

- Line 108 add “it is” after the word “since”

Page 4

- Line 213 add “are” before “not” and replace “creditable” with “eligible for impact fee credits”

Page 5

- Line 219 change “languages” to “language” and add the word “on” directly after
- Line 225 add the words “impact fee” before “credit”
- Line 246 delete last sentence
- Line 263 change “complied” to “in compliance”

Ms. Almodovar made a motion, with a second by Mr. Williams, to approve the August 5, 2020 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

Activity Summary

Mr. Weiss reviewed the pending BCC Agenda items and noted that the Town Center West (Silverleaf) Road Network Agreement and the associated Escrow Agreement were re-scheduled to the September 1st BCC. Mr. Weiss also mentioned that the Karr APF Agreement is continuing with Final Review.

RAC CONSENT AGENDA ITEMS:

University Station Proportionate Share Agreement

Road Affected: University Boulevard
Present: Jose Chaves, Freddy Boulton
Previous RAC: 6/17/2020

Mr. Sladek stated that new ownership documentation will need to be submitted and reviewed immediately after closing.

Page 1

- First paragraph add a comma before “Florida” and also include the zip code

Page 8

- Signature page replace “Country of United States” with “County of Florida”

Mr. Sladek made a motion, with a second by Ms. Almodovar, to approve the University Station Proportionate Share Agreement with the changes discussed, subject to Real Estate Management reviewing new ownership documentation. Motion carried unanimously.

Bank & Fast-Food Project Proportionate Share Agreement

Road Affected: East Colonial Drive, Woodbury Road, Alafaya Trail
Present: Sarah Liakos, Wiz Alphonse
Previous RAC: 6/17/2020

Page 2

- Second paragraph third line should reflect “Deficient Segment 3” not 2

Page 14

- Delete the first paragraph and replace it with sample text found on page 11 of Official Records Document No. 20190471905 in the first paragraph.

Mr. Sladek made a motion, with a second by Mr. Raasch, to approve the Bank & Fast-Food Project Proportionate Share Agreement with the changes discussed to be incorporated. Motion carried unanimously.

RAC NON-CONSENT PROPORTIONATE SHARE ITEM:

- None

RAC AGENDA ITEM:

Waterford Lakes Multifamily Right-of-Way and Proportionate Share Agreement

Road Affected: Alafaya Trail, Colonial Drive, Woodbury Road
Present: Tom Sullivan, Julie Stephenson, Kamil Salame, Brooks Stickler
Previous RAC: None

Mr. Sullivan provided an overview of the project.

The Morgan Group will be the named entity on the agreement and the owner will execute the Joinder.

Mr. Sullivan wants to add soft costs in addition to the right-of-way value due to the reworking of the development plan. Furthermore, closing will not occur until next year at which point the owner will convey the land.

Discussion of providing impact fee credits for soft costs commenced. Mr. Weiss did not agree with the approval of soft costs as part of the right-of-way agreement. Mr. Sladek stated section 23-95 of the Orange County Code does not allow for soft costs. The Committee concluded that Orange County cannot provide transportation impact fee credits for soft costs.

The Committee commenced their review of the redline version of Waterford Lakes Multifamily Right-of-Way & Proportionate Share Agreement Page-by Page:

Discussion of allocating funds to Woodbury Road commenced.

Page 1

- Line 25 lower case second instance of “owner”
- Line 29 delete “an up to a 255 unit” (Mr. Sullivan stated project is currently 255 units.)

Page 2

- Add Header
- Add page numbers
- Line 66 replace “drive” with “road”

Page 3

- Line 104 Mr. Stickler asked that the dedication be tied to the re-plat of the property
- Line 105 to be updated to "prior to or concurrently with the re-plat"
- Line 112 add "in fee simple" after "shall be"
- Line 113 restore deleted language regarding encumbrances
- Line 114 and 123 revert to boilerplate language since County will not pay costs or soft costs
- Section 2(d) no appraisal has been submitted as of yet
- Line 133 Restore Boilerplate Environmental Audit language including Phase 2 requirements
- Mr. Sullivan requested to submit current ESA reports for County review
- Timeframe for ESA report approval must be within 6 months of closing and report cannot be more than 1 year-old

Page 4

- Line 172 Payment amount is static – not scalable – one amount which is not changed based on units
- Line 177-178 change timing from vertical building permit to re-plat

Page 5

- Ms. Alfonso to discuss lines 255-259 offline with Mr. Sullivan

Page 9

- Lines 371-375 complete notary block on the owner signature page

Exhibit A

- Project location map needs to be revised

Exhibit B

- Delete “[See attached pages]” also delete “and Sketch of Description”

Exhibit C

- Tables are not correct for deficient Segment 1 and 2
- Change the title of Deficient Segment #3 from “Lake Underhill Drive” to “Lake Underhill Road”

Exhibit D

- Legal and sketches pending review by Real Estate Management. DRC seeking to take the changes to the LUP and DP to the BCC at the same time. Mr. Raasch stated DRC on August 26th will be seeking to go forward to BCC and schedule to a BCC Agenda.

Mr. Sladek indicated a Joinder for Contract Purchaser needs to be included in the agreement. Mr. Sullivan wants to have the applicant as Contract Purchaser and have the owner execute the Joinder. Mr. Sladek and Ms. Alfonso stated cannot have contingencies.

Mr. Weiss outlined major issues outstanding:

1. Timing of conveyance
2. Timing of proportionate share payment
3. ESA language
4. Costs to be paid by County (not supported by the Committee)
5. Reducing proportionate share payment by value of right-of-way
6. Closing date – ownership status/Joinder

Agreement to be rescheduled to next RAC Meeting for further review.

Horizon Vue Discussion

Road Affected: Avalon Road

Present: Juli James, Keith Trace, Dan O’Keefe, Mohammed Abdallah

Previous RAC: None

Ms. James introduced the project and asked about the preferred form for the agreement.

Mr. Abdallah reviewed the traffic analysis and the proportionate share value proposed.

The Comp Plan and Town Center West Term Sheet require a Road Network Agreement from this property. Silverleaf is providing improvements to Avalon Road and New Independence Parkway for Town Center West. Mr. O’Keefe explained that this is not a large enough project to construct a portion of the roadway.

Mr. Weiss displayed FLU 4.13 showing the Town Center Comp Plan requirements which include Schofield Road. Mr. Weiss referred to Page 2 of the Town Center West Term Sheet which points out the Fair Share Analysis to support a cash payment. Horizon Vue could pay a fair share payment towards Schofield Road. Ms. Alfonso stated the distinction between the Term Sheet Fair Share and a Statutory Proportionate Share. Mr. Abdallah to calculate the mitigation costs attributable to this project. Ms. Barq asked whether this is a CEL application or a Fair Share analysis.

Development Program:

- 260 Multifamily Units
- 125 hotel rooms
- 50,000 Sq. Ft. Commercial

CR 545/Avalon Road funds committed through other agreements. Right-of-Way cost for Horizon West is \$22,500 per acre.

Ms. James described the APF Deficit of 3.30 acres, right-of-way for Avalon Road of 1.23 acres, and Stormwater Pond for 0.82 acres balance of APF deficit to be purchased. Joint Use Ponds not eligible for APF credits in general. Ms. Almodovar stated no APF credits for Joint Use Ponds only fee simple.

Mr. Sladek stated the Village I agreement allows for APF credits for a portion of joint use ponds. Chapter 30-714 allows for easements.

Regarding the “Design features to enhance pond” bullet Mr. Williams asked what this would include potentially. Ms. Almodovar would address these features such as a fountain through a use agreement in the future.

Ms. James wants the flexibility of applying the value of the \$22,500 right-of-way towards the proportionate share payment that is due. Committee will need to review this concept further.

Mr. Weiss asked Mr. Abdallah to meet with Mr. Nastasi and Ms. Barq.

Horizon Vue will be rescheduled to a future meeting for review of a draft agreement.

Mr. Weiss adjourned the meeting at 11:30 a.m.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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