



INTEROFFICE MEMORANDUM

Minutes
Roadway Agreement Committee
Virtual Meeting via Webex
October 28, 2020

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair)
Diana Almodovar – Development Engineering Division (Vice-Chair)
Renzo Nastasi/ Brian Sanders – Transportation Planning Division
Raymond Williams – Engineering Division
Humberto Castellero – Traffic Engineering Division
Jeff Sponenburg – Real Estate Management Division
Eric Raasch – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Gina Segui – Risk Management Division
Joe Kunkel – Public Works Division
Yahaira Gines-Rios – Public Works Engineering Division
Jeff Dunn – Planning, Environmental & Development Services Department
Hazem El-Assar – Traffic Engineering Division
Nannette Chiesa – Transportation Planning Division
Tammilea Chami – Transportation Planning Division
Heather Brownlie – Transportation Planning Division

Mr. Weiss called the meeting to order at 1:31 p.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 October 14, 2020 Roadway Agreement Committee (RAC) Meeting.

Page 2

- Line 59 change “Poinciana Boulevard” to “Lake Underhill Road”
- Line 78 add “internal subdivision” before the word “pond”

Page 3

- Line 119 add “SR” in front of “535”
- Line 146 for the project reflecting added capacity created for lanes 3 & 4
- Line 149 change the word “future” to “available”
- Line 156 change “Page 6” to “Page 7”
- Line 160 change “constructed” to “conveyed” and add “credits” after “100%”

Page 4

- Line 176 change “notary block” with “Joinder”

Ms. Nastasi made a motion, with a second by Mr. Castellero, to approve the October 14, 2020 Roadway Agreement Committee Meeting Minutes with changes. Motion carried unanimously.

Activity Summary

- Waterford Lakes Multifamily scheduled to BCC on 11/10/20.

RAC CONSENT AGENDA ITEM:

- None

RAC NON-CONSENT PROPORTIONATE SHARE ITEM:

- None

RAC AGENDA ITEM:

Horizon West–Town Center Horizon Vue PD Road Network Agreement

Road Affected: Avalon Road

Present: Juli James, Mohammed Abdallah, Keith Trace, Sid Gautam

Previous RAC: None

County Staff Present: None

Ms. James provided an overview and has made a distinction in the draft agreement between the Commercial Site portion and the Apartment Site. All right-of-way will be conveyed up front with the Apartment Development. The Fair Share payment has also been bifurcated to allow the apartment complex to move forward.

Mr. Nastasi stated that he has a conflict and will need to leave the meeting at 2pm. Mr. Sanders will take his place.

Mr. Almodovar asked to discuss the Joint Use Pond since the original proposal showed this as a County Pond. Ponds in the County do not have retaining walls. Possibility of drainage easement over pond instead of fee simple. Ms. Almodovar would prefer County ownership of the pond and possibility of accepting driveway run-off into County pond. 0.22 acres of driveway access would need to drain into County pond.

Mr. Williams had an issue with the pond also. Credit eligibility of the pond was discussed if development water accepted.

[Mr. Nastasi departed the meeting at 1:59 p.m. and was replaced by Mr. Sanders]

The Committee commenced their review of the redline version of Horizon West–Town Center Horizon Vue PD Road Network Agreement Page-by-Page:

Page 1

Update title to include APF and Road Network since the agreement is satisfying both. Ms. Alfonso suggested another change to the title update title to remove Town Center West at top.

Mr. Sponenburg requested evidence of title since not yet submitted. Real Estate Management cannot approve the document without reviewing the title.

Page 2

- Lines 66-69 Recital E needs clarification as to timing and delete “be required to”

Page 3

- Line 93 add “(ii)” before “Developer’s”
- Line 100 needs to be a part of an amendment instead – Ms. James to re-word recital

Page 4

- Line 130 discussion of the term “general conformance”
- Line 135 Recital N needs to cite Section 7 (Mr. Raasch asked for values to be consistent in Recital N)
- Recital N update “APF Lands” as a defined term throughout
- Recital O needs to be future tense
- Mr. Weiss asked that Exhibit C be included. Mr. Abdallah stated that he’s revising the traffic study with Mirna’s approval. Exhibit C and Exhibit D will be consolidated and the traffic study will be incorporated by reference only.

Page 5

- Line 177 discussion of the term “readily available funds”
- Line 184 the value of 112 PM peak hour trips may change in Section 4
- Line 187 change “Compliance” to “Satisfaction” in the title
- Line 188 change “in compliance for” to “to have satisfied”

Page 6

- The last sentence on line 218 needs to be modified since the County cannot otherwise approve a change without processing an amendment to the agreement. Clarify the statement that if trips are exceeded under this agreement, the project would need to go through a standard concurrency process.
- Acreages need to be verified against the final Land Use Plan
- Ms. Almodovar asked for pond conveyance to be in fee simple rather than an easement in Section 6.2. Add Use Agreement language if owners wish to add enhancements to the pond.
- Mr. Williams requested to add “in fee simple” after the word “County”

Discussion of retaining walls commenced. County ponds do not have retaining walls so this will be an issue. Mr. Trace did not want to turn over ownership of the pond to the County without having retaining walls since it serves to keep the pond size smaller overall. Mr. Williams stated retaining walls do not work for inlet pipes. Mr. Trace stated the pond should then be moved to the Conserv property instead, rather than this property. Mr. Sanders stated the County did look at the Conserv property and the Jaffers property is the preferred site.

Engineering decisions need to be made before the Committee can take action on this agreement and additional meetings with staff will need to occur to resolve this issue.

Page 7

- Numbers in Section 7 must match the Land Use Plan
- CPI value will change for APF Deficit fee

Section 9 discussion regarding timing of conveyance and the potential for adding the Silverleaf concept for a true-up of any additional right-of-way needed into this agreement. Committee Members were in agreement, but Ms. James cannot agree to most of the items listed because this is a different site and different situation. Mr. Weiss respectfully disagreed and felt it was exactly the same situation and language is needed to protect the County’s interests. Ms. James would need to narrowly tailor the language to what is feasible for this project. Both sides need to reach a certain comfort level for a true-up at the end of design for any additional right-of-way, easement, corner clips, etc. which may be required, similar to how this was addressed in the Silverleaf agreement.

Mr. Sanders stated that the PDS is still in the raw data stage and he does not have confirmation of the pond calculations which still need to be completed. Topography of the land is why retention walls were included and the property slopes towards the roadway.

Pond issues need to be worked out with staff in relation to location, volume, and the needs for retaining walls or not.

Meeting needed with applicant, Engineering/Development Engineering and possibly Transportation Planning.

[Mr. Kunkel left the meeting at 3 p.m.]

Page 8

- Section 9.2 needs to be revised if County takes ownership of the pond and change the reference to the Use Agreement for enhanced design features.

Page 9

- Line 350, Section 11.1 concept of off-setting the cost of the ROW against the Fair Share Payment. The Committee asked if credits could be separate from payment. Ms. James to revisit the concept and follow-up with Ms. Alfonso to re-work the section. Ms. James and Ms. Alfonso to follow-up on this language.

[Mr. El-Assar departed the meeting at 3:32 p.m.]

Page 10

- Additional changes to Section 11 may be required
- Line 389 deleted sentenced needs to be reinstated
- Line 363, Section 11.4 Mr. Dunn stated credit accounts cannot be refunded in cash

Page 15

- Pending title work information and verification from Real Estate Management

Exhibit A

- Remove the word “Added” and provide a better exhibit

Exhibit B

- Needs to be cleaned up

Mr. Williams requested that language be added to require that easements, encumbrances recorded subsequent to the recording of this agreement be subordinate to the Conveyed Lands.

Ms. James to follow-up with staff on outstanding issues and with Ms. Alfonso to redraft certain sections.

Reschedule to future RAC Meeting.

COMMITTEE DISCUSSION: Return to In-Person Quorum Meeting Format

The Committee briefly discussed returning to an in-person minimum quorum beginning with the November 11, 2020 meeting date.

- Question from Diana if there is an applicant that wishes to participate – logistics for the conference room to accommodate applicants.

[Mr. Nastasi rejoined the meeting at 3:56 p.m.]

- Blended Meeting in-person and virtual.
- Mr. Nastasi said he would require all applicants/public be virtual.
- Ms. Alfonso said it may be possible to require applicants/public be virtual since not a quasi-judicial body. RAC is strictly advisory and not a final decision-making body.
- Mr. Weiss stated that the intent is clear to move back to an in-person component with choice for an in-person option.
- Suggestions to provide an in-person option by allowing an applicant to sit at a table separated from Committee Members.
- Add “strongly encourage” to agenda
- Mr. Williams suggested not only having just four members in case someone has a last minute cancellation.
- Mr. Weiss willing to come to Public Works if someone else cannot make it.
- Multiple breaks to be scheduled into the agenda.

Mr. Weiss adjourned the meeting at 4:17 p.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.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5631.

Para mayor información en español, por favor llame al (407) 836-3111.