

**EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**

**Council Meeting Minutes**

October 19, 2005

Commissioner Michael Blake  
Presiding

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**IN ATTENDANCE:**

**County Representatives**

Commissioner Helen Voltz, Brevard County  
Commissioner Welton Cadwell, Lake County  
Commissioner Robert Pool, Lake County  
Commissioner Teresa Jacobs, Orange County  
Commissioner Bill Lane, Osceola County  
Commissioner Randy Morris, Seminole County  
Councilwoman Joie Alexander, Volusia County  
Councilman Arthur Giles, Volusia County

**Municipal Representatives**

Commissioner Patty Sheehan, City of Orlando  
Mr. Ed Booth, Space Coast League of Cities, Malabar  
Mayor John Land, Tri-County League of Cities, Apopka  
Vice Mayor Wendell McKinnon, Tri-County League of Cities, Kissimmee  
Commissioner Michael Blake, Tri-County League of Cities, Winter Springs  
Vice Mayor Mary Martin, Volusia County League of Cities, Port Orange

**Gubernatorial Appointees**

Mr. Malcolm McLouth, Brevard County  
Mr. Daniel O'Keefe, Orange County  
Ms. Maria Grulich, Osceola County  
Ms. Maryam Ghyabi, Volusia County

**Ex-Officio and Other Municipal Representatives**

Ms. Nancy Christman, SJRWMD  
Ms. Vivian Garfein, FDEP  
Mr. Thomas Genovese, SFWMD  
Ms. Noranne Downs for Ms. Lennon Moore, FDOT

**Staff**

Mr. Jeff Jones  
Ms. Susan Caswell  
Mr. Fred Milch  
Mr. Mark Sievers  
Ms. Claudia Paskauskas  
Ms. Tara McCue  
Ms. Lelia Hars  
Ms. Andrea Fant

**Other Attendees**

Mr. T.J. Fish, Lake-Sumter MPO  
Ms. Colette Wharton, Phoenicia Development  
Mr. Jean Abi-Aoun, Florida Engineering Group  
Commissioner Mona Phipps, Town of Oakland  
Mr. Roland Magyar, Town of Oakland  
Mr. Chris Testerman, Orange County Planning  
Mr. Arturo Perez, Leftwich Consulting Engineers  
Ms. Jennifer Jorge, SFWMD  
Ms. Cecelia Bonifay, Akerman Senterfitt  
Mr. Ron Manley, Canin Associates, Inc.  
Mr. Tom Harb, Lake County Gateway, LLC  
Mr. Bob Whidden, RJ Whidden & Associates  
Mr. John Adams, RJ Whidden & Associates  
Ms. Laura Klee, Orange County resident  
Mr. Charles Lee, Audubon of Florida  
Mr. Walt Thompson, The Nature Conservancy  
Mr. Duke Woodson, Foley & Lardner

**Members not in Attendance**

Commissioner Ron Pritchard, Brevard County  
Commissioner Homer Hartage, Orange County  
Clerk of the Courts Larry Whaley, Osceola County  
Commissioner Bob Dallari, Seminole County  
Councilman William Harvey, City of Deltona  
Ms. Janice Kershaw, Brevard County  
Commissioner Evelyn Smith, City of Eustis  
Mr. Jon Rawlson, Orange County  
Ms. Nancy Acevedo, Seminole County  
Ms. Lennon Moore, FDOT  
Mr. Russell Gibson, City of Sanford  
Mr. Gerald Livingston, ECFRPC Counsel

**I. CALL TO ORDER AND GENERAL BUSINESS**

Commissioner Blake called the meeting to order at 10:06 a.m. Ms. Fant called the roll and announced a quorum was present.

**II. APPROVAL OF MINUTES**

Commissioner Blake offered the September 2005 minutes for consideration.

**MOTION:** Mr. McLouth moved to approve the September 2005 minutes. Vice Mayor Martin seconded the motion. The motion passed unanimously.

**FINANCIAL REPORTS**

Commissioner Blake offered for consideration the September 2005 financial reports.

**MOTION:** Commissioner Jacobs moved for approval of the September 2005 financial reports. Councilwoman Alexander seconded the motion. The motion passed unanimously.

**III. REGIONAL PLANNING APPROACH FOR UPPER KISSIMMEE BASIN – Mr. Charles Lee**

Mr. Jones announced Mr. Lee. Mr. Jones noted Mr. Lee would discuss a program to look at the Upper Kissimmee Basin in response to several DRIs proposed on the east side of Lake Tohopekaliga.

Mr. Lee, Director of Advocacy for Audubon of Florida, stated several agencies work together regarding the restoration of Florida's Everglades. He noted 5 DRIs run down the entire east shore of Lake Tohopekaliga. He mentioned there are potentially 2 additional DRIs, Southport Ranch and the Bronson Property that would extend down to the southern end of Lake Tohopekaliga and essentially to Lake Hatchineha and Lake Cypress. He commented the development that is emerging near the basin is unprecedented in the history of Orlando and has the potential for unprecedented impacts on natural resources, transportation systems, and everything related to growth and the quality of life. He stated he believes the Council can become a leader in the effort to make sure what happens along the basin happens for the good of the natural systems, community, and hydrology of the area, including the area running south to the northern part of the Everglades.

Mr. Lee noted all the DRI properties have been impacted by previous activities. For instance, they have been impacted by drainage, much of which took place in the 1940s and 1950s before there was any regulation of the drainage. He stated with the reconfiguration of the water management practices on the land and proper planning and proper clustering of density in tight spaces, there is a potential to improve the water management of the entire eastern side of the lake.

Mr. Lee stated he believes the model should be to bring aboard a task force of stakeholders that would include land owners, interested environmental organizations, local governments, state agencies, and maybe even federal agencies. He referenced a handout provided at a meeting held the previous week when the governor announced The LOER Program, a program to lower the management level of Lake Okeechobee because of the problems surrounding it. Mr. Lee highlighted the method he thought was relevant to the Kissimmee Basin, which is to implement growth management programs to encourage innovative land use planning to facilitate acquisition of lands for public works. Mr. Lee referenced a map and pointed out the proposed Southport Connector/Expressway with an interchange at the Florida Turnpike north of the Canoe Creek Service Plaza. He noted there is a concept to connect the expressway to SR 417 at Orlando International Airport on the east and a concept to connect the expressway to I-4 where SR 429 will run into I-4 west of the Disney complex. Mr. Lee commented there are serious transportation issues very similar to the Wekiva River Basin. He stated the roadway would brush against a 12,000 acre property, which is owned by the Nature Conservancy. The property is known as the Disney Wilderness Preserve, a complex of mitigation lands. Mr. Lee stated there are grave implications for the complex of preservation land associated with the road, as well as development that is occurring at the sub DRI threshold in the Poinciana area.

Mr. Jones stated the Council had been previously briefed on the proposed Lake Tohopekaliga DRIs. Mr. Jones noted he received the first DRI application for the D.R. Horton Property at 9:30 this morning and the Council was on a time schedule regarding its decisions on the DRIs. Additionally, he noted the ECFRPC staff partnered with Osceola County in getting the Urban Land Institute (ULI) involved in discussions regarding the different DRI issues, and the ULI should have a report in January or February. Mr. Jones also noted the ECFRPC staff were creating land use maps with larger views; he stated Fishkind & Associates would look into the fiscal impacts and the Department of Environmental Protection (DEP) would look into the environmental issues. Mr.

*Attachment 1*

Jones highlighted two concerns the Council needs to address: 1. Does the DRI present a clear and present danger to the ecosystem? 2. Is there an opportunity to reconfigure the site to resemble the land in its previous state? Mr. Jones reiterated his concern with the timing of the DRIs. He commented the DRIs were coming forth rapidly and the Council would need to make decisions fast.

Commissioner Cadwell asked if Mr. Lee had spoken with Osceola County representatives regarding the Upper Kissimmee Basin plan. Mr. Lee responded in the negative. He noted Osceola County had a review pending regarding its development boundaries and its Comprehensive Plan. He commented he sees the plan as one that would not supplant what Osceola would do. Commissioner Cadwell stated Mr. Lee should have spoken to Osceola County representatives first.

Commissioner Jacobs stated she is concerned about having to make DRI decisions rapidly. She commented in Orange County, if sufficient information was not presented in a timely manner, then representatives would not support it. Commissioner Jacobs stated she feels the Council is being rushed.

Ms. Garfein commented she believes the program is the perfect scenario for the Council to take on a leadership role. She noted the project involves smart growth, respect for the ecosystem, and could become a better development. She encouraged the Council to get involved.

Commissioner Morris stated the project is a perfect scenario, but the program is one that should be done internally. He noted the Council needed to control the project. He stated if the Council models the project after the Wekiva River Basin, it would lose control entirely.

Commissioner Lane noted Osceola County contained almost one million acres of land, of which 1/3 is protected land. He commented county representatives are sensitive of their land and are trying to protect it as best possible.

Mr. McLouth stated the project is a great opportunity for the Council and by leading the project, the Council would be heading in the right direction.

Vice Mayor McKinnon commented the ECFRPC is doing a good job. He stated the people elected the Council members to protect and lead. He stated the Council needed to lead this project and if agencies wanted to get involved, then the Council would listen to their suggestions and concerns.

Commissioner Blake stated the Council needs to look at the cumulative effect of the DRIs. He suggested the Council hold a separate meeting on November 2<sup>nd</sup> specifically to discuss the Kissimmee River Basin project.

**MOTION:** Vice Mayor Martin moved to have a separate meeting on November 2, 2005. Commissioner Jacobs seconded the motion.

Commissioner Morris asked if the Council could direct the staff to come up with alternatives for the project; Commissioner Blake noted the November 2<sup>nd</sup> meeting would be specifically for such discussion.

Vice Mayor McKinnon stated he is in opposition to the November 2<sup>nd</sup> meeting. He commented discussion should take place in a regular Council meeting.

Ms. Grulich stated she was concerned about the project because Mr. Lee did not consult Osceola County representatives; she stated she, therefore, would not be able to support the project.

Councilwoman Alexander stated she was concerned about the time factor and wished to receive as much information as possible.

**MOTION WITHDRAWN:** Vice Mayor Martin and Commissioner Jacobs withdrew their motion and second, respectively, to have a separate meeting on November 2<sup>nd</sup> to discuss the Kissimmee River Basin project.

Mr. McLouth commented the Council was faced with additional questions and concerns not mentioned thus far. He noted there was a question of whether the Council would need supplemental funding. He suggested the Council delay its decision regarding the project.

**MOTION:** Commissioner Morris moved to direct the chair, in concert with the acting Executive Director, to bring this back before a regular Council meeting if possible, if not, at a designated meeting in the future with a coordinated series of options of plans for the Council to consider regarding multiple DRI's in Osceola County. Vice Mayor Martin seconded the motion. The motion passed unanimously.

**IV. INTERNATIONAL CORPORATE PARK DRI – Mr. Fred Milch**

Mr. Milch noted the Council had delayed review of the International Corporate Park DRI so representatives and staff could discuss important issues. Mr. Milch stated Orange County asked for a delay on reviewing the project until after the Innovation Way Study was underway. He noted the first phase of the study had been conducted. Mr. Milch introduced Mr. Andre Anderson, Orange County, to present a synopsis.

Mr. Anderson referred to a PowerPoint presentation. He identified the four major issues of the Innovation Way Study: 1. environmental issues; 2. infrastructure and transportation analysis (involving transportation alternatives); 3. land use strategies; 4. economic development. Mr. Anderson noted there were two visioning workshops held in July and August involving public input about the study area. He identified five scenarios that materialized from the visioning sessions: 1. current trend; 2. compact edge; 3. village (lower density approach); 4. activity village (a combination of compact edge and village); 5. compact village. Mr. Anderson stated the evaluation criteria included cluster development, multi-modal transportation, diverse housing choices, high-tech/high-value jobs, parks/wildlife corridors, enhanced environmental standards, and limited access to Innovation Way. He noted the plan was to evaluate the five scenarios, overlay the designation, and develop framework policies. Mr. Anderson stated the next steps include: 1. regulatory framework; 2. infrastructure funding; 3. economic incentives. Mr. Anderson stated the consensus was to not evaluate the current trend scenario. He made note of a Town Hall meeting on October 27<sup>th</sup>, the Charrette on October 29<sup>th</sup>, and the BCC Public Hearing for ICP on November 1<sup>st</sup> at 2:30 PM.

Ms. Ghyabi asked if a particular industry had been targeted. Mr. Anderson responded there had been no discussion thus far.

Mr. Milch requested the Council approve the DRI recommendations with the modified language regarding schools. Commissioner Jacobs referenced the Orange County Capacity Availability Report and noted page 3 showed the level of service for Alafaya Trail as failing in 2003 when traffic counts were taken.

Mr. Milch stated the Applicant used the significance and adversity test. He noted the developer has to be contributing 5% to the adopted level of service capacity for a roadway. He mentioned the development was not reaching 5% on all portions of Alafaya Trail in Phase 1.

Commissioner Jacobs stated she is concerned because Orange County has already approved a four lane road, which will not be able to handle the traffic flow. She inquired as to how the information about what has already been committed on these roadways factors into decisions about additional commitments for trips. Mr. Milch noted they looked at the 2025 Socioeconomic Data and 2000 as the base, and for every year, another 1/25 is added to the general background traffic. He mentioned based on those numbers, the adversity may have been met and it may be a lower level of service, but the DRI has to contribute 5% or greater to the design capacity of the roadway. Mr. Milch noted of the 20,000 trips in Phase 1, enough are assigned to Avalon Blvd. so that they are not significantly impacting Alafaya Trail north of Avalon Blvd.

Mr. Milch noted the Orange County Public Schools made the decision regarding the school site. Commissioner Blake stated when ICP first came before the board, the Council directed the Applicant to come to an agreement with the school board.

Ms. Ghyabi asked if a transit system had been designed in the plan. Mr. Milch responded in the affirmative and noted there would be bus transit for the area.

Mr. Duke Woodson, Foley & Lardner, stated the Applicant was in agreement with the proposed staff recommendations including the changes regarding schools. Mr. Woodson referenced a map and noted it is now Orange County's responsibility to construct the four lane segment from the new interchange with the Beach Line Expressway up to Avalon Boulevard. He stated the piece that Commissioner Jacobs picked up on is the small piece of Alafaya, which is not yet four lanes between Avalon and Curry Ford road. He pointed out that the traffic analysis shows in at least Phase 1, the development is not significant and adverse. He noted in future phases, the project will be significant and adverse and six lanes will be necessary.

Commissioner Jacobs referred to recommendation #30 and inquired as to why the Applicant would not do a new determination for the area since the project was planned in 1986. She noted the wetlands and natural areas and standards by which to evaluate them may have changed in that time period. Ms. Garfein replied if the project remained as it was originally, they were grandfathered. She noted wherever it changes, they must come under the new jurisdiction.

Commissioner Jacobs stated there is some confusion about what a DRI means in terms of transportation concurrency. She noted some of the former DRIs have been specific to state the DRI conditions were in addition to any local government concurrency management and not in lieu of them. She noted this DRI, instead, refers to monitoring and modeling. She stated she would like to go back to the original language because it makes it clear that DRIs do not exempt someone from complying with local government and growth management systems. She stated she would be willing to provide the language for such an addition.

Commissioner Sheehan commented there have been past problems when there was not a designated site for a school. She noted since the school board did not have a site locked in, there is a possibility the City of Orlando would be asked to give up park land or other areas for the school site. She commented she would not be able to approve the DRI based on the school board's decisions.

**MOTION:** Mr. McLouth moved approval of the ICP DRI. Mr. McKinnon seconded the motion. The motion passed. There were four members in opposition, including Ms. Ghyabi, Commissioner Jacobs, Commissioner Sheehan, and Vice Mayor Martin.

**V. PLAZA COLLINA DRI – Mr. Fred Milch**

Mr. Milch stated the recommendations for Plaza Collina had been updated. He referred to the current roadway improvements. He noted when he wrote the report last month, he did not know the widening of State Road 50 from Hancock to Florida's Turnpike had been funded over the next three years for construction; he mentioned, therefore, the developer can assume this is done and has no financial responsibilities. He stated the segment from Hancock to US 27 is still being impacted during Phase 1. He made mention of several issues regarding the Plaza Collina DRI: transit provisions, interconnected traffic signals, the South Lake Trail, scenic byways, preservation of rural character in Oakland, and water conservation.

Ms. Bonifay, Akerman Senterfitt, noted issues had been resolved regarding the Plaza Collina DRI. She stated after meeting with the Florida Department of Transportation (FDOT), LYNX, Lake County, staff, local governments, and several agencies, there is now a workable project. Additionally, she noted the Applicant will comply with the City of Oakland's conditions.

Mr. Manley stated the Plaza Collina DRI includes 142 acres of land with a small regional mall, a 1.2 million square foot project to be developed in two phases by the year 2010. Mr. Manley stated he is hopeful the DRI will create almost 1,000 new jobs and approximately 10 million dollars in revenue for Lake County. He commented he is working with LYNX and the City of Clermont and is preserving land for the trail north of the property.

Mr. T.J. Fish, Lake-Sumter MPO, noted the Lake County Community Transportation Coordinator is in the process of putting together a transit operation plan, which will include the system for the SR 50 corridor. He commented the Lake-Sumter MPO has partnered with LYNX for such development.

Attachment 1

Mr. Magyar, Planning Director for the Town of Oakland, stated he is concerned about County Road 438, impacts on the West Orange Trail, and opposes a roundabout at County Road 438 and SR 50. Also, the Town asks the cost of growth and traffic be fully borne by the developer as Oakland cannot address the impacts of projects such as Plaza Collina. He commented the goals and objectives of the Town of Oakland are to minimize impacts to the town and roadways. He noted the Town is not able to fund Town Capital improvements due to its small size. He outlined several recommendations the Applicant agreed with: 1. the Town to have final decisions on improvements necessary for County Road 438 and 50; 2. if the developer opts for a proportionate share, the Town is not held to a time frame for any improvements; 3. the developer will conduct a study and will pay for an entire roundabout if that option is approved by the Town. He noted \$200,000 will probably be insufficient, but if the developer chooses an alternative to the roundabout, they will not have to pay the Town \$200,000. Additionally, he commented the roundabout is not the best option and stated the Town's preferred option is to extend Lake Avenue to Oakland Avenue further west, which separates the two intersections and allows for better traffic movement.

Mr. Magyar stated the aforementioned language was included as changes to the staff's recommendations. Commissioner Morris inquired about the staff's comments regarding the roundabout option. Mr. Milch stated he agrees with the changes. Ms. Ghyabi commented she did not think the roundabout was the best option for the development. She asked if an overpass had been considered at the intersection of County Road 438 and SR 50.

Ms. Bonifay replied the study will allow the Applicant and Town to look at all options. She noted if the roundabout is the preference, the developer would comply; if not, then the developer would make a one-time contribution that everyone felt was a fair and equitable way to resolve the problem. Commissioner Jacobs stated if the Town is not comfortable with the roundabout, then the traffic fund should not be limited to \$200,000. She commented \$200,000 would be insufficient to fix the intersection. Ms. Bonifay replied that in looking at the intersection, the only impact the Applicant was required to address was to do the signalization. She noted she feels the \$200,000 is equitable in terms of the Applicant's proportionate share. Mr. Milch replied the intersection now has a stop sign and that a signal is not a good option because it's too close to the signal at State Road 50. He commented the Applicant is required to make improvements and the \$200,000 is for the cost of a roundabout; he stated the \$200,000 may not be adequate to do any other improvements.

Commissioner Jacobs asked if the issues of Winter Garden were addressed. Mr. Milch replied in the affirmative.

Commissioner Cadwell referenced page 11, line 258 of the recommendations. He asked if language could be included to read: *LYNX shall consult with Lake County on the expenditure of these funds and any other transit plans for the DRI*. Ms. Bonifay replied in the affirmative.

Ms. Ghyabi stated she would have to oppose the DRI due to issues regarding public safety and traffic.

Commissioner Phipps noted approximately 60,000 – 90,000 people pass on the trail each month. She stated it would also be difficult for her to support such a development due to traffic issues.

Ms. Bonifay stated the Applicant is in agreement with all the conditions set forth by the Town of Oakland.

Commissioner Jacobs referred to page 21 within the report and noted over 11 million dollars had been designated for improvement costs. She commented \$200,000 would be an insufficient amount if the roundabout was chosen. Vice Mayor Martin stated \$200,000 is a proportionate fair share.

**MOTION:** Commissioner Pool moved approval of the DRI, including the conditions set forth by the Town of Oakland. Vice Mayor Martin seconded the motion. The motion passed. Ten board members approved the DRI and 8 opposed.

**VI. LAKE TOHOPEKALIGA PRESENTATION – Mr. Jeff Jones**

Mr. Jones noted the presentation for the Kissimmee Chain of Lakes would be postponed until the next Council meeting on November 16, 2005.

**VII. CHAIRMAN’S REPORT – Vice Chairman Michael Blake**

Commissioner Blake had nothing to report.

**VIII. EXECUTIVE DIRECTOR’S REPORT – Mr. Jeff Jones**

Mr. Jones announced Ms. Jenifer Domerchie had given birth to a baby boy; Preston was delivered around 6:00 PM on Tuesday, October 18, 2005.

**IX. ANNOUNCEMENTS/COMMENTS**

Ms. Klee stated she believed the public had been denied true representation regarding the plan to build a new football stadium for the University of Central Florida (UCF). She noted she had obtained over 1,200 signatures from residents of Orange and Seminole County petitioning against the location of the stadium. She asked the ECFRPC to support the public’s request to have the stadium’s location changed.

**X. ADJOURNMENT**

The meeting adjourned at 12:15 p.m.

Approved by the East Central Florida Regional Planning Council this 18<sup>th</sup> day of January 2006.

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Mr. Jon Rawlson