

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, May 4, 2022

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 3 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

Chairman: William J. Varian
Vice Chairman: Blair Foley
David Dunnavant
James E. Boughton (excused)
Clay Brooker
Chris Mitchell
Robert Mulhere (excused)
Mario Valle
Norman Gentry
Marco Espinar
Laura Spurgeon-DeJohn (excused)
Jeremy Sterk
Jeff Curl
John English
Mark McLean

ALSO PRESENT: Jamie French, Department Head, GMD
Jay Ahmad, Director, Transportation Planning
Ken Kovensky, Director, Operations & Regulatory Management
Mike Bosi, Director, Planning & Zoning
Matt McLean, Director, Public Utilities Division
Eric Johnson, LDC Planning Manager
Cormac Giblin, Planning Manager, Development Review
Jason Badge, County IT Manager
Richard Henderlong, Principal Planner
Mark Templeton, Principal Planner, Planning Review
Patricia Mill, Operations Analyst/Staff Liaison

1. Call to Order - Chairman

Chairman Varian called the meeting to order at 3 p.m. A quorum consisting of nine members was convened. (Three members arrived later.)

2. Approval of Agenda

Mr. Curl moved to approve the agenda. It was seconded by Vice Chairman Foley. The motion was carried unanimously, 9-0.

3. Approval of Minutes

a. DSAC Meeting – April 6, 2022

Mr. Curl made a motion to approve the April 6, 2022, meeting minutes. It was seconded by Vice Chairman Foley. The motion was carried unanimously, 9-0.

b. DSAC-LDR March 9, 2022

Mr. Curl made a motion to approve the March 9, 2022, DSAC-LDR Subcommittee meeting minutes. It was seconded by Mr. McLean. The motion was carried unanimously, 4-0 (subcommittee members in attendance who attended the DSAC-LDR meeting).

4. Public Speakers

Kathy Curatolo [CBIA Consulting Legislative Liaison]

Ms. Curatolo provided a hand out dated May 4, 2022, to DSAC members that detailed three properties, 713 and 715 Teal Court in Pelican Bay and 261 Oak Ave., located off Vanderbilt Drive. She reported that several months ago, at its Builder Roundtable Meeting, a member brought up an issue about the 40% front yard, vehicular-use area on a single-family residential lot. The requirement is a problem when it's a pie-shaped lot in a cul-de-sac. The rule does not work. The CBIA brought this up in October and it was suggested that they meet with Jamie Cook. They met with Jamie's team and asked them to evaluate making a change in the requirement and Cormac Giblin said he would reach out to his leadership team to determine if a change in the code was possible.

She and Richard Henderlong exchanged numerous emails about the change and he requested that CBIA's request be presented to DSAC for direction and consideration of a possible change. On March 30, Mr. Henderlong asked her to present the issue at a DSAC meeting, but she wasn't available until now.

CBIA did its due diligence to determine if this would make any difference in the Stormwater Management Plan and it would not.

[Mr. Mitchell joined the meeting at 3:04 p.m.]

There are lots of properties that are pie-shaped. If there is no negative impact on stormwater management, why is this rule in place? What was the original intent? CBIA is willing to do whatever is necessary and is asking for DSAC's consideration and support in evaluating whether there are negative ramifications. If not, the CBIA is asking that this rule be changed.

Mr. Brooker said he was unfamiliar with the rule and asked where it's located in the Land Development Code. In general, that's what we're here for, to adjust these issues.

Ms. Curatolo said she spent 45 minutes looking through the LDC and was unable to find it. She's hoping staff can find it.

Mr. Brooker said it might be an engineering or stormwater rule.

Mr. Mitchell said it could be a policy, not the LDC.

Mr. Giblin said it is an LDC requirement that not more than 40% of a front yard be taken up by a driveway/parking area. The intent was to have green, not black front yards, and no more than 40% use of the front yard area for parking.

Mr. Curl said there's an easy solution: grass panels.

Mr. McLean asked if pavers would be an exception in the LDC.

Mr. Giblin said he'd research that.

Vice Chairman Foley said the DSAC-LDR subcommittee could do the initial discussions on this.

Chairman Varian asked if there were exceptions to the rule.

Mr. Giblin said the rule only applies in the Urban Designated Area on the Comp Plan and not in the rural villages since they are designated as RLSA.

Chairman Varian said he was at a CBIA meeting and believed these involve redeveloped lots.

Mr. Mitchell said the way we live now is different from before, when this was enacted. You may have two kids' cars, a necessity. It seems silly that urban and rural aren't the same. The reality is we need to be dynamic.

Mr. Brooker said he's in favor of the DSAC-LDR Subcommittee discussing what DSAC can do. He didn't believe DSAC had the power and that only staff or the BCC does.

Chairman Varian said he believed DSAC could reconsider issues like this.

Mr. Henderlong said the direction they've been given is that staff should not initiate these changes, but DSAC can recommend that staff look into it.

DSAC members discussed the next steps and determined a formal vote was not needed to send it to the DSAC-LDR Subcommittee, so it was sent to the subcommittee for more discussion.

5. Staff Announcements/Updates

a. Development Review Division – [Cormac Giblin, Planning Manager]

Mr. Giblin provided an update on staffing and building issues:

- When holding pre-application meetings, please include a Conceptual Site Plan, which will help with the meeting and direction.
- The Board is nearing summer recess (three more meetings) and some projects need to be approved by June 7.
- A change to Right-of-Way Inspections will begin on May 19. The 825 Code will be replaced with 819 Rough Driveway, a new number.

b. Code Enforcement Division – [Mike Ossorio, Director]

Mr. Ossorio reported that he receives complaints about parking on grass and many people have three to four driveways, which exceeds the 40% frontage requirement.

Mr. Ossorio presented the “*Code Enforcement Division Report, March 22-April 21, 2022.*”

- In Immokalee, there were two sweeps, two task force meetings, a CRA meeting and a couple of town meetings.
- They finalized two trailer demolitions in Immokalee.
- A lot of Creole people saw the new brochure.
- They are now down to 4.5-5 investigators and have an issue with retention. Three or four new investigators will start work next month.
- Lien searches have reached 2,500 monthly.
- In their question to the public about how the department is doing, they took a huge hit at 60%, when their usual rating is 90%. **Doug Loewer** is not happy with us.
- They shut down a huge slaughterhouse with pigs and horses in Everglades City.
- They found a 3-acre homeless encampment just east of the slaughterhouse and it cost \$20,000 to clear.

c. Public Utilities Department [Matt McLean]

Mr. McLean provided updates on the website, staffing and other issues. He reported that:

- They’ve had success in catching up with the DEP permit backlog and are still trying to backfill positions.
- There has been no negative feedback.
- Website updates: DEP has updated its DEP forms and they’ve been uploaded to the website. If you click on Public Utilities, Engineering Resources and scroll to FDEP applications, all have been updated to the latest versions of the forms.
- Wastewater: Checklists for water and wastewater and how to fill out the forms is provided. Putting that together provided a good training opportunity. Please use it and provide us with feedback.

[Mr. Dunnivant joined the meeting at 3:20 p.m.]

Vice Chairman Foley thanked Mr. McLean for the updates and called them helpful.

d. Growth Management Dept. Transportation Engineering Division – [Jay Ahmad, director]

Mr. Ahmad provided several updates involving projects in the design phase:

- Airport Road widening. It’s currently four lanes from Vanderbilt Beach Road to Immokalee Road and will become a six-lane roadway, like many County highways. Work will begin this summer.

- Vanderbilt Beach Road widening. It's being widened east of Airport Road and will become a six-lane highway westbound.
- Median work west of Airport Road to U.S. 41 is in the 80% design stage and will be 100% by year's end, with construction beginning in 2023.
- Collier Boulevard widening. It's currently four lanes and will expand to six lanes due to increasing development necessitating this work. That includes a golf course, the veterans hospital and Paradise Coast Sports Complex. The 60% plans are on the shelf and will be finalized in 2023; construction would begin in 2024.
- Randall Boulevard widening to 8th Street NE will get a signal and a bridge. Randall Boulevard is a busy roadway and will be widened from two lanes to four lanes in a six-lane footprint.
- Wilson Boulevard widening. From Golden Gate Parkway to Immokalee, two lanes will be widened to four lanes. The design starts early next year, with construction planned for 2025.
- Goodlette-Frank Road widening. Two lanes from Vanderbilt Beach Road to Immokalee Road, with some widening by Arthrex by early 2023. They're hoping to be in construction in 2024 or 2025.

Chairman Varian asked about the Collier Boulevard bridge. Is there any indication of where that bridge will go?

Mr. Ahmad said they're looking at three options because the 25th Street bridge is in bad shape and will be eliminated. The third option is at 29th Street.

[Mr. English joined the meeting at 3:26 p.m.]

Mr. Ahmad said they plan meetings in June or July. It likely will cross at 27th Street or Golden Gate Parkway. Most people don't want a crossing at 29th Street.

e. Collier County Fire Review – [Shar Beddow, Deputy Fire Marshal]

Ms. Beddow detailed the monthly fire review statistics for April and provided several updates:

- Two new fire inspection positions are now open.
- 809 inspections were conducted.
- 538 building fire reviews were conducted.
- 69 Site Plan reviews were done.
- Sixty people signed up for the Fire-Stopping class and we had to turn people away.

f. North Collier Fire Review – [Linda Simmons, Senior Reviewer]

Ms. Simmons outlined the April monthly Fire Review Statistics and provided updates:

- There was a three-day turnaround for Building Reviews and Planning Development Reviews.
- 695 reviews were conducted, with 646 Building Reviews and 49 Planning Development Reviews.
- 178 active plans were in the queue and they're working hard to complete them in a timely fashion.
- They're working on a checklist for a PowerPoint presentation to detail and understand recommended State changes.

g. Operations & Regulatory Management Division – [Ken Kovensky, Director]

Mr. Kovensky outlined the April monthly activity report and provided updates:

- Less than 5,000 permits were issued, down 10% from last month.
- They're trending lower year-over-year. Last year, they experienced explosive growth and they're averaging 5,000 now.
- There are several hundred in the queue and they're working on Saturday now.
- Phone calls hit a record, nearly 7,000, and less than 400 calls were abandoned.
- Staffing. A permanent business center manager was hired, Kirsten Wilke, the interim manager; HR raided our staff and we're losing a GIS tech and an operations analyst; a Contractor Licensing Investigator just put in a resignation and that takes it down to four full-time staff from five, and we like to have eight. We're using temps.
- We selected a Records Room Supervisor and that person is going through the HR vetting process now.
- We are planning on making changes to CityView regarding payment for permits. You will be restricted if you're the contact on that permit. We're doing this for security reasons because anyone can pull a permit and we have to call if they make an error and pay for the wrong permit.

Chairman Varian asked if he was logged in, could he pay for someone else's permit?

Mr. Kovensky said he could. You just have to be logged in.

Mr. Gentry asked if the owner of a property automatically be a contact for that permit.

Mr. McLean said in the City of Naples, he can log in and pay all of the permits on any of his 16 staff members' accounts.

Mr. Badge said he could answer some questions and the following points were made:

- A property owner cannot pay for a permit. It must be someone who has portal access who is registered on the system.
- If they knew of people who were paying, they were probably getting on the system to register and then pay.
- They will not stop property owners from paying for permits.
- There will be instructions posted on the portal about registering and paying for permits to make it clearer.
- Board members suggested the "Pay Now" button could have a second step to ask if they're sure to ensure people don't pay the wrong permit.
- They're still trying to fix some issues and changes will go live within a month.

h. Zoning Division – [Mike Bosi, Director]

Mr. Bosi provided a report on staffing and other issues.

- They have two vacancies and are having challenges filling them.
- They have received strong direction from the County Manager's Office about approving density levels above the current allotment. Now, we're requiring the applicant to provide a 30% set-aside. This is an increase in terms of what the County has been asking for. It's creating issues with people already in the process. The BCC is going to make the decision. It's being discussed by the BCC and the Planning Commission and by the end of December, they will be going through the hearing process.

Mr. Brooker asked about the addressing checklist. He never understood the purpose. When there's a PUD, it asks for parcel ID numbers, but he puts in the PUD and it asks for the parcel numbers. Is he supposed to put in every single one?

Mr. Bosi said every PUD needs to have an addressing checklist. This is the first time he's heard of this problem. He'll try to clarify it.

6. New Business

a. Tree-removal permit vs ICP/SDPi process & time allowance(s) – [Requested by Jeff Curl]

The current LDC allows up to 10 trees to be removed through the tree-removal process over a five-year period. Removal of over 10 trees requires in ICP or an SDPi to verify that Planning requirements are met in buffers, vehicular use, building foundation and/or general trees.

However, time allotments are disparate among these processes. The County received a call involving a Code Enforcement case in which more than 10 trees were removed and they were guided to the SDPi process by Code Enforcement or Planning.

Mr. Curl asked if they could address this issue, which was discussed on pages 6-7 of the DSAC-LDR minutes and focused on Code Enforcement issues versus SDPi permits. Someone cut down more trees than allowed and had to go through the SDPi process, so he advised the property owner that he had up to three years to replace the trees.

Mr. Templeton said if it's a Code Enforcement case, it's resolved through SDPi. State Statute allows a staff member to make a decision allotting six to 12 months, so if it's not a Code case, do we allow three years? Not everything qualifies for a tree-removal permit.

Mr. Curl said the time frame was the first question and the second question was whether SDPi is indicative of this case.

Mr. Templeton said if it's not a Code case, right now, they have three years to replace a tree.

A discussion ensued and the following points were made:

- If the County approved it in error, it's not valid.
- The County could look into creating a new Code Enforcement process with a different time frame.
- If Code Enforcement doesn't resolve the case, they want the trees to be replaced sooner than three years.
- Consider looking at a stand-alone permit or the SDPi approval letter.
- Create a checklist for the process.
- Consider an administrative change or a stipulation.
- Consider a new permit, landscaping replacement for code compliance with a landscaping plan.

Mr. Mitchell made a motion to send the issue back to the DSAC-LDR Subcommittee for more direction. Second by Mr. Curl. The motion carried unanimously, 12-0.

A discussion ensued and the following points were made:

- Consider educating Realtors/NABOR about the tree-removal issue so they can advise buyers.
- Sometimes trees are removed due to disease, because they're exotics, or bore weevils or pine beetles caused damage, so a property owner may not have documented that.

- County staff members who handle tree-removal can be contacts for education.
- Consider creating a flow chart.
- Property owners can take photos with cellphones to prove their case or use Google Earth.

Mr. French said the best line of defense is to take a photo. We try to use a great deal of discretion, but we've seen times where it's deliberate and they've nuked the lots. Sometimes a Realtor clears it so they can get a higher price for a cleared lot. That's not information that's shared with the homeowner.

b. LDC amendment – PL20220000207 Comparable Use Determination [Sean Kingston]

Mr. Kingston showed a PowerPoint presentation outlining the amendment changes and detailed each change.

Mr. Brooker said he would request an example of the problem that's being addressed. It's trying to be site specific so it won't lead to zoning districtwide. An example would help clarify that.

Mr. Bosi thanked him for the suggestion and said this issue stemmed from a food truck park in Isle of Capri. A 2016 HEX decision determined that a food truck park was comparable to a restaurant within the Bayshore Neighborhood Commercial Overlay District and was an "eating place" within C-4 districts, general commercial, countywide. The Isle of Capri food truck park appeal went to the BCC in October and attorney Rich Yovanovich represented the opposition and won, reversing a County staff decision to allow the food truck park. The BCC felt that if you open a zoning district, notification to property owners was lacking. They didn't want one property to dictate the use for all similar properties countywide. The BCC said to go back to the old way, comparable use, so it will only be site specific and notification to property owners will then be provided.

Mr. Mitchell mentioned a case in which a property owner wants to add vape and tobacco sales to a retail center in a PUD. It's a retail use, has no odor or noise. He understood that people get upset with these decisions, but believes they are now going backwards and courting more work for County staff. The property owner wants to assign a tenant and it will take seven months.

Mr. Brooker asked if it couldn't just go to HEX.

Mr. Mitchell said it would, but that takes at least six months.

Mr. Kingston said that would have to be a comparable use.

Mr. Mitchell said it would still be a six-month process. He did a Zoning Verification.

Mr. Brooker said that based on the language it sounds like a bad PUD.

Mr. Brooker made a motion to recommend approval of the proposed amendments. It was seconded by Vice Chairman Foley. The motion passed 9-3; Mr. Mitchell, Mr. McLean and Mr. Espinar opposed.

Mr. French provided several staffing and construction updates:

- He finalized a budget presentation requesting six more employees, predominantly for the Heritage Bay office. We don't have people staffed there now and they're seeing about 10-12 customers per week. There is a Planning Reviewer, as well as two techs up front.
- They are requesting two Code Enforcement senior investigators for nights and weekends. There are only four now and they're supposed to have five; four left. The reason we want a senior investigator versus Level 1 or 2 is because they can make a determination in the field. It's a lot more efficient for a little more money. It could be someone with prior law enforcement experience who could work some nights and weekends and they could rotate so they're not working all nights and weekends.
- They just hired a new Special Magistrate, attorney Patrick Neal. Special Magistrate Garretson's contract is set to expire in about a month.
- They are receiving community complaints about construction projects. 109th Street in North Naples has a failing system and is in dire need of utility and stormwater improvements. A property owner complained because a road contractor leased a property for a party rental. It's temporary and it's allowed.
- There have been complaints about the new Lamborghini dealership and Quality Inn. Isles of Collier Preserve residents don't want them. It's adjacent to a commercial PUD set in 2004. The market didn't drive demand then. We're running into a lot of this. The phone calls are endless, especially on these infill lots.
- Complaints now involve questioning construction hours. Residents want that revisited. They've gotten some commissioners to listen. This is the type of activity we're dealing with more and more.
- We received 10-100 emails monthly from Doug Loewer, but many are unfounded so he doesn't reply and forwards them to Code Enforcement, which often finds no code violation. Mr. Loewer won't go away and Matt is the only employee Mr. Loewer felt was qualified to speak to him.
- Years ago, the County enacted an ordinance after too many complaints were filed by a resident, Mr. Campanello. As a result, complainants can face a fine for excessive complaints, but he's never seen that ordinance enforced.
- Some issues residents complain about involve the State, not County, which has no authority to deal with them. The State has jurisdiction.
- He warned Board members to mind their business on job sites because there are a lot of people driving by to check on them and new residents are coming in to file complaints.

[Mr. Mitchell left the meeting at 4:35 p.m.]

Chairman Varian asked about going digital and why reviews were not added to the portal.

Mr. French said the County has elected to build satellite offices. It's a retail front-end. We're using the space, which is closet-size. We have to have a presence in these offices. There are still a great deal of walk-ins on the Planning side. The Planning Techs up front are still doing apps. As the County continues to see sprawl, there will be comingling and cohabiting of space. It's bringing government to the people.

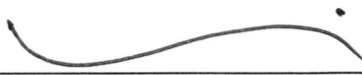
Mr. Curl said he wouldn't want to drive here, so he's all for the satellite offices.

- 7. **Old Business**
None
- 8. **Committee Member Comments**
None
- 9. **Adjourn**
Future Meeting Dates:
June 1, 2022, 3 p.m.
July 6, 2022, 3 p.m.
Aug. 3, 2022, 3 p.m.

Mr. Valle made a motion to adjourn. Mr. Curl seconded the motion. The motion carried unanimously, 11-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:40 p.m.

COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE



Chairman, William Varian

These minutes were approved by the Committee/Chairman on 6/1/22, as presented (choose one) , or as amended _____.