

MINUTES OF THE COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE LAND DEVELOPMENT REVIEW
SUBCOMMITTEE

Naples, Florida, October 19, 2021

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee – Land Development Review Subcommittee in and for the County of Collier, having conducted business herein, met on this date at 9:00 AM in a REGULAR SESSION at the Growth Management Department Building, Room 609/610 2800 N. Horseshoe Drive, Naples, FL with the following persons present:

Chairman: Clay Brooker
Blair Foley
Robert Mulhere (Excused)
Jeff Curl
Mark McLean

ALSO PRESENT: Eric Johnson, Principal Planner
Sean Kingston, Senior Planner
Josey Medina, Principal Planner
Debrah Forester, CRA Director
Cormac Giblin, Planning Manager
Mike Bosi, Planning Director
Richard Henderlong, Principal Planner

Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Division – Planning and Regulation building.

1. Call to Order

Mr. Brooker called the meeting to order at 9:00am and a quorum was established.

2. Approve agenda

Mr. Curl moved to approve the Agenda as presented. Second by Mr. McLean. Carried unanimously 4 – 0.

3. Old Business

a. 2021 Comprehensive Administrative Code Update

Mr. Henderlong provided the update noting the Board of County Commissioners (BCC) directed Staff to address 6 – 7 items in the Code update. The issues mainly revolved around the type of Land Use Petitions that would be reviewed by the Planning Commission versus the Hearing Examiner. It is anticipated the item will be re-heard by the CCPC in January of 2022.

4. New Business

a. LDC Amendments

i. PL20210002455 – Soils-Inert Waste Materials

LDC SECTION TO BE AMENDED

6.01.03 Soils

Presenters: Richard Henderlong.

The amendment is to regulate the re-use of inert waste materials and prohibit the disposal, burying below original grade, importing and stockpiling onsite of inert waster material, except when approved by Conditionals Use within a Mixed-Use PUD, Commercial or Industrial Zoning District. It prohibits the onsite crushing of inert waste materials from an offsite source.

It establishes the use and minimum development criteria and design standards for clean, imported, and crushed inert waste materials stockpiled and utilized on-site for fill material or burying. It serves to recycle inert waste materials as a recoverable resource and reduce solid waste disposal in the County's landfills. It limits a stockpile height to 35 feet on a minimum parcel size of 10 or more acres.

- It limits the re-use of material to developable impervious areas with a maximum coverage of 40% of the property.
- It requires 20 feet of setback to wetlands and preserves and 150 feet to residential zoned property and any property boundary line.
- It requires the installation of 6 feet high fence screened with geotextile fabric as a visual buffer to surrounding properties.
- It requires stabilization of the imported inert waste material.
- It requires a valid building permit and geotechnical investigation when the material is buried and/or placed beneath a building or structure.
- It prohibits the use of clean or crushed inert waster material for fill within a County maintained easement or right-of-way. This would for adequate installation of public utilities and infrastructure without having to increase the expense to extract such material and replace it with other acceptable soils.

The following was noted during Subcommittee discussions with Staff:

- Material delivered to the property from an off-site source is only allowed to be stockpiled and/or reused on site. Crushing or processing of the material onsite is prohibited. Section 6.01.03 B.3 states the offsite, stockpiled material may be located no closer to 150 feet to any property boundary line and residentially zoned district – Discussion occurred noting it may be beneficial to incorporate commercially zoned districts into the language or just cite the requirement applies to any boundary line. Staff noted those requirements for commercial uses could be addressed during the conditional use permit process, if necessary.
- Section 6.01.03 – Amend the language “*The stockpiling and burying of fill shall be no closer than 20 feet to onsite wetlands or preserves*” to a setback requirement of 25 feet in accordance with existing buffer requirements.
- Section 6.01.03 B.3 - Consideration should be given to amending the fence language to require an “opaque” fence and incorporating the height requirements to state the “fence shall be 6 feet high from crest of roadway or grade, whichever is higher” to limit visibility of the material from and adjacent roadway or lands.
- It should be clarified the language addressing setbacks from any property boundary line is intended to apply to the external boundary lines of a PUD, not the internal individual parcels.
- Section 6.01.03 B.3 – The language should read “*The proposed area of inert waste materials for stockpiling or re-use fill shall be no greater than 40 percent of the developable impervious areas of the property.*”

Mr. Brooker moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed amendment subject to the following:

1. Section 6.01.03 B.2 – The language “The disposal, burying below original grade, importing and stockpiling of inert waste materials is prohibited onsite except when approved by Conditional Use in Mixed Use PUD, Commercial or Industrial Zoning Districts” to read “***The disposal, burying below original grade, importing and stockpiling of inert waste materials is prohibited onsite except when approved by Conditional Use in mixed use PUD, Commercial PUD, Industrial PUD and traditional commercial and residential zoning districts.***”
2. Section 6.01.03 B.3- Change text to read “ The proposed area or inert waste materials for stockpiling or re-use fill shall be no greater than 40 percent of the developable impervious areas of the property” rather than “... 40 percent *to* the ...”.
3. Section 6.01.03 B.3 – The language “The stockpiling shall be no higher than 35 feet and only allowed on a minimum parcel size of 10 or more acres. It shall be located no closer than 150 feet to any property boundary line and residentially zoned district” to read “***The stockpiling shall be no higher than 35 feet and only allowed on a minimum parcel size of 10 or more acres. It shall be located no closer than 150 feet to any property boundary line.***”
4. Section 6.01.03 B.3 - The stockpiling and burying of fill shall be no closer than 20 feet to onsite wetlands or preserves to be amended to read “...***no closer than 25 feet to onsite wetlands or preserves.***”
5. Section 6.01.03 B.3 – The language “To buffer neighboring uses, the site shall be screened with geotextile fabric and installed on a minimum 6 feet high fence around the stockpile and fill area.” be amended to remove “screened with geotextile fabric” and substituted by “screened with ***100 percent opaque fence and incorporate the height requirement to 6 feet high from the adjacent crest of roadway or grade, whichever is higher.***”

Second by Mr. McLean. Carried unanimously 4 – 0.

Mr. Henderlong noted a new section will be added to clarify the allowed use of the inert material in each of the zoning districts and the language will be presented to DSAC when the item is heard by the Committee. The proposed amendment would not apply to the ongoing and existing activities at Taormina.

ii. PL20210002450 – Murals in the BGTCRA (includes Administrative Code amendment)

LDC SECTION TO BE AMENDED

1.08.01 - Abbreviations

2.03.07 - Overlay Zoning Districts

4.02.16 - Design Standards for Development in the Bayshore Gateway Triangle
Redevelopment Area

5.06.00 - SIGN REGULATIONS AND STANDARDS BY LAND USE
CLASSIFICATION

10.03.06 - Public Notice and Required Hearings for Land Use Petitions

Presenters: Eric Johnson, Principal Planner
Marina Guirguis of Johnson Engineering
Debrah Forester, CRA Director
Rich Henderlong, Principal Planner

The amendment updates the mural provisions in the Bayshore Gateway Triangle Community Redevelopment Area (BGTCRA). The significant changes include but are not limited to the following:

- Requires certain murals, depending on their proposed location, visibility to the public, and funding source, are subject to the BGTCRA Public Art Pilot Plan Mural Guidelines.
- Allows murals to be either temporary or permanent—the current text forbids temporary murals.
- Eliminates the restriction that limits one mural per building.
- Eliminates the restriction that limits murals to 200 square feet unless otherwise approved by the CRA Advisory Board.
- Eliminates the restriction that murals are only permitted on building facades that lack windows and doors.
- Requires a mural maintenance plan.
- Establishes a review and approval process consistent with the Public Art Pilot Plan, including a review and approval by the Public Art Committee that will be established by the Board
- Establishing a definition of a mural.

He presented a new document revised since the meeting package was disseminated to the Committee with changes highlighted in yellow. He noted there is a companion item which incorporates changes to the Administrative Code. Marina Guirguis from Johnson Engineering and Debrah Forester, CRA Director explained the history and issues of murals in the BGTCRA. The following was noted during Subcommittee discussions with Staff:

- The proposed amendment included convening of workshops with the CRA and CRA Advisory Board to gain input on the matter.

- One of the major issues was the violations associated with the installed murals including paintings inconsistent with the diagrams submitted, walls painted with windows which is currently prohibited but allowed under the proposed amendment, etc.
- Other issues include no provisions for maintenance, lack of enforcement of violations and murals installed without the owner's approval.
- It was recognized there was a need regulate the process to ensure the activity meets the goals of the CRA.
- It would be beneficial to clarify if more than one mural is allowed on a wall, or one mural is allowed on multiple walls.
- It is envisioned the murals are not to be a substitute or interfere with any required Architectural Standards, landscaping requirements, etc. given the mural may be removed eventually.
- If any of the treatments are envisioned to be utilized to satisfy the requirements of the Architectural Standards (Section 5.05.08), it should be amended if necessary.
- Clarify if any other treatments besides paint is allowed in cases where the artist may want to create a mosaic of tile, etc.
- Section 2.03.07.1.8 – The Section deals with the application and review process and would be better suited for the Administrative Code.
- Section 1.08.02 - Cross reference the definition of a sign mural in the mural definition to clarify the sign murals must meet the requirements of the sign ordinance and are not applicable to this section on murals.

Mr. Brooker moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed amendment revised by Staff since the item was sent to the Subcommittee prior to the meeting (said revisions containing yellow highlighted areas) subject to the following comments:

- 1. Section 2.03.07.1.8 – Relocate this language to the Administrative Code.***
- 2. Section 1.08.02 “Mural” - Cross reference the definition of a Mural Sign found in the Sign Ordinance.***

The definition of mural shall include “affixed or adhered to.” Second by Mr. Foley. Carried unanimously 4 – 0.

iii. PL20210002604 – 2021 Scrivener’s Errors and Correction

LDC SECTION TO BE AMENDED

1.07.00 LAWS ADOPTED BY REFERENCE

1.08.02 Definitions

2.03.07 Overlay Zoning Districts

4.02.03 Specific Standards for Location of Accessory Buildings and Structures

5.05.04 Group Housing

6.06.01 Street System Requirements

10.01.02 Development Orders Required

10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments thereof

10.02.15 Requirements for Mixed Use Projects within the Bayshore Gateway Triangle Redevelopment Area

Presenter: Sean Kingston, Senior Planner

The amendment corrects scrivener's errors and updates cross references related to various Land Development Code (LDC) sections, including the Florida Building Code (FBC), the Florida Fire Prevention Code (FPC), the Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Chapter and Rule citations.

Mr. Curl moved to recommend the Board of County Commissioners adopt the proposed amendment as presented by Staff. Second by Mr. McLean. Carried unanimously 4 – 0.

b. Administrative Code Amendments

**i. Easement Use Agreements-Chapter 5 I
EASEMENT USE AGREEMENT**

Presenters: Richard Henderlong, Principal Planner

Mr. Henderlong reported the Board of County Commissioners directed Staff to prepare amendments to the County's Administrative Code to address the Easement Use Agreements. He provided a copy of the proposed language for Chapter 5 I, Easement Use Agreement for the Subcommittees review.

During Subcommittee discussion it was noted landscaping is not considered a minor structure and any references in the proposed Code to "file" any documents with the County Clerk should be amended to read "record."

Mr. Curl moved to recommend the Board of County Commissioners adopt the proposed changes to the Administrative Code as proposed by Staff subject to any references in the proposed Code to "file" any documents with the County Clerk should be amended to read "record." Second by Mr. Foley. Carried unanimously 4 – 0.

5. Public comments

None

6. 2021 DSAC-LDR Subcommittee schedule reminder

a. December 7, 2021

The next meeting will be convened on December 7, 2021.

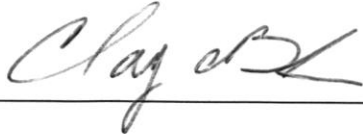
b. Discussion of meeting dates for 2022

Mr. Johnson noted the meetings will continue to be held on a quarterly basis and Staff will determine the available dates and notify the Subcommittee to confirm.

October 19, 2021

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 10:40AM.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE - LAND DEVELOPMENT
REVIEW SUBCOMMITTEE**



These Minutes were approved by the Subcommittee on MARCH 2, '22, as presented X, or as amended _____.