

June 18, 2019

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

Naples, Florida, June 18, 2019

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 2:00 PM 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 (Excused)  
Robert Mulhere  
Jeff Curl

ALSO PRESENT:

Jeremy Frantz, LDC Manager  
Ellen Summers, Senior Planner  
Richard Henderlong, Principal Planner  
Eric Johnson, Principal Planner  
Jack McKenna, County Engineer

*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 at 239-252-2400.*

**1. Call to order**

**Mr. Brooker** called the meeting to order at 2:00 p.m.

**2. Changes to Agenda**

*Mr. Curl moved to approve the Agenda. Second by Mr. Mulhere. Carried unanimously 3 – 0.*

**3. Previously Reviewed LDC Amendments**

**a. Comparable Use Determination**

**LDC Sections to be Amended:** 2.03.00 Zoning Districts; Permitted Uses, Accessory Uses, and Conditional Uses  
10.02.06: Requirements for Permits  
10.03.06: Public Notice and Required Hearings for Land Use Petitions

The amendment revises and clarifies the procedures and approval process for Comparable Use Determinations.

**Ms. Summers** presented the proposed amendment noting that it was previously reviewed by the Subcommittee who requested staff clarify some items. The Amendment has been revised since the meeting package was delivered to the Subcommittee by enumerating the criteria outlined in Section.10.02.06 K.2..

Discussion occurred on the following items:

- Section 10.02.06 K.2.a – Clarification on whether each specific criteria had to be met for the approval or there is some flexibility for the case by case determinations – *Staff reported the intent is for the application to meet all criteria listed however the language does use the terminology “The proposed use possesses similar characteristics...” providing some built in flexibility for some criteria such as the number of parking spaces, volume of traffic, etc.*
- Section 10.02.06 K.2 - Consideration should be given allowing the Hearing Examiner to make the determination as currently exists in the process instead of the BCC as proposed. *Staff noted it is a recommendation by the County Attorney’s office.*
- How the requirements will be applied to PUD’s - *Staff noted the current process is for the item to be heard by the Board of Appeals.*
- Section 10.02.06 K.2 – Suggested not to include reference to the Standard Industrial Classification Manual.

*Mr. Mulhere moved for the Development Services Advisory Committee to recommend that the Board of County Commissioners approve the proposed amendment as presented subject to:*

- 1. The determination for the comparable use remains with the Hearing Examiner and appealable to the BCC.*
- 2. Section 10.02.06 K.2.a - The language be amended to provide flexibility in application of the criteria, i.e. “...characteristics may include but not be limited to:”*

*Second by Mr. Curl. Carried unanimously 3 – 0.*

**4. New LDC Amendments**

**a. Communication Tower Inspections review and obtain a final recommendation**

The Land Development Code Amendment (LDCA) changes the required time between inspections for guyed and self-supporting towers.

**Mr. Johnson and Mr. McKenna** presented the proposed amendment.

**LDC Sections to be Amended:** 5.05.09 Communication Towers

The proposal would require all guyed towers, including old towers, exceeding 185 feet in height to be inspected every 3 years (currently 2 years), and self-supporting towers every 5 years (currently 4 years).

**Mr. Johnson** reported that the South Florida Water Management District requested that the County consider changing the inspection requirements for towers. Tower inspections typically follow industry guidelines and the amendment will make Collier County's standards consistent with industry standards. Monopoles are deemed self-supporting towers; under the requirements and the inspection timeline for these would be reduced from every 7 years to 5 years.

***Mr. Mulhere moved for the Development Services Advisory Committee to recommend that the Board of County Commissioners approve the proposed amendment as presented by staff. Second by Mr. Curl. Carried unanimously 3 – 0.***

**b. Commercial Building Illumination**

The amendment includes several changes to lighting standards related to commercial development limiting certain types of lighting that may be distracting or out of character with the surrounding community.

**LDC Sections to be Amended:** 1.08.02 Definitions

5.05.08 Architectural and Site Design Standards

5.05.11 Carwashes Abutting Residential Zoning Districts

Discussion occurred on the following:

- Section 5.05.08 F.7.d.i - Consideration to be given establishing a timeline for allowable color changes of lights, as some features change over a long period of time which are not obtrusive to the passerby. The timeline may be applied to other sections as necessary.
- Section 5.05.08 F.7.d.i - Consider applying the requirements to “architectural features” in addition to windows or walls given cupolas, doors, etc. may all be an issue in certain circumstances.
- Concern the requirements may conflict with corporate branded signage or logos – *Staff noted that the requirements are intended for building treatments, not signage.*
- Section 5.05.08 F.7.d.i – Consider limiting the number of colors allowed to be utilized in a specific application.
- Section 5.05.11 J - Remove the reference to car washes and institute the requirements for any business equipment; consider regulating only those equipment lights if they are visible from a public road or adjacent residentially zoned district.
- Staff reported the standards are intended to be applied retroactively and the Subcommittee noted it may be beneficial to “grandfather” the lighting requirements applicable in the proposed amendment for existing buildings.

***Mr. Curl moved for the Development Services Advisory Committee to recommend that the Board of County Commissioners approve the proposed amendment as presented by staff subject to the following revisions:***

1. *Section 5.05.08 F.7.d.i - reference “Architectural features” as opposed to walls and windows.*
2. *Section 5.05.11 J - The requirements be applied to lights visible from a public right-of-way or adjacent single-family residential districts.*
3. *That color changes of lights be permitted if they occur over a longer term or specified timeline.*
4. *That the amendment be applied to new permit applications only.*
5. *Change the language in 5.05.11 J to reference “equipment,” rather than “car wash equipment.”*

*Second by Mr. Mulhere. Carried unanimously 3 – 0.*

**5. Conclude Review of Administrative Code Amendments**

**a. Changes to Previously Reviewed Chapters 2 – 4**

**2019 Administrative Code Update – Changes to Previously Reviewed Chapters**

Chapter 4 H. - Sign Permit – Additional Requirements for Wall Signs - Clarify the language for the site plan requirements for the location of the signs.

Chapter 4 I.2. – Site Development Plan – Application Contents – Concern licensed landscape architects are not allowed to design and submit lighting plans - *Staff reported the language is in the Land Development Code would need to be amended before it may be incorporated into the Administrative Code.*

*Mr. Mulhere moved for the Development Services Advisory Committee to recommend that the Board of County Commissioners approve the proposed changes as presented and further recommends that staff pursue a Land Development Code amendment to broaden those parties allowed to design and submit lighting plans as provided in the Florida Statute.*

*Second by Mr. Curl. Carried unanimously 3 – 0.*

**b. Changes to Chapters 6 – 14**

Discussion occurred on the feasibility of Staff building flexibility into the Sections to allow changes in acronyms, web site links and Statutory references without invoking the process to amend the Code - *Staff reported that acronyms and web site links would be acceptable, however expressed concern over altering statutory references outside of the normal amendment process.*

*Mr. Mulhere moved for the Development Services Advisory Committee to recommend that the Board of County Commissioners approve the proposed changes as presented by staff, and subject to staff revising the language to provide flexibility in future changes in the document for web site links and acronyms. Second by Mr. Curl. Carried unanimously 3 – 0.*

**c. LDC Amendments related to Administrative Code Changes**

**i. SRA Applications**

The amendment facilitates the creation of a new Administrative Code Section for Stewardship Receiving Area (SRA) petitions, by adding procedural requirements to the Administrative Code. There are no substantive changes intended as a part of this amendment.

**LDC Section to be Amended:** 4.08.07 SRA Designation

Section 4.08.07 E.3 - Discussion occurred with the Subcommittee expressing concern on removing the timelines for the application being deemed sufficient for review and recommended it remain included in the LDC.

*Mr. Mulhere moved for the Development Services Advisory Committee to recommend the Board of County Commissioners approve the proposed amendment as presented by Staff subject to referencing the language for the application's timeframe should remain in the Land Development Code. Second by Mr. Curl. Carried unanimously 3 – 0.*

**ii. Nominal Application Process**

The amendment codifies the Nominal Application Process (NAP), a more streamlined review of limited, minor changes to approved SDPs and SIPs, or to sites without an existing SDP or SIP.

**LDC Sections to be Amended:** 10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments thereof

Section 10.02.03 G.3.b.ii - The Subcommittee noted it would be beneficial to reference landscaping requirements.

*Mr. Mulhere moved for the Development Services Advisory Committee to recommend that the Board of County Commissioners approve the proposed amendment as presented, subject to staff clarifying the language in Section 10.02.03 G.3.b.ii for generators to reference landscape buffer requirements. Second by Mr. Curl. Carried unanimously 3 – 0.*

**iii. Public Notice**

The amendment clarifies the method of public notice for several petition types that require a public hearing.

**LDC Section to be Amended:** 10.03.06 Public Notice and Required Hearings for Land Use Petitions

Section 10.03.06 E.2.b - The Subcommittee recommended Staff clarify the language.

*Mr. Curl moved for the Development Services Advisory Committee to recommend the Board of County Commissioners approve the proposed amendment as presented by Staff subject to clarifying the language in Section 10.03.06 E.2.b. Second by Mr. Mulhere. Carried unanimously 3 – 0.*

**5. Public comments**

None

**There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 3:55 P.M.**

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

*Clay*

These Minutes were approved by the Committee on August 7, 2019,  
as presented x, or as amended \_\_\_\_\_.