

**MINUTES OF THE MEETING OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE**

Naples, Florida, April 7, 2010

LET IT BE REMEMBERED that the Collier County Development Services Advisory Committee, having conducted business herein, met on this date at 3:00 PM in REGULAR SESSION in Conference Room #610, Collier County Community Development and Environmental Services Center, 2800 N. Horseshoe Drive, Naples, Florida, with the following Members present:

CHAIRMAN: William Varian
Vice Chair: David Dunnivant
Ray Allain
James Boughton
Clay Brooker
Laura Spurgeon DeJohn
Dalas Disney
Marco Espinar
Blair Foley
Regan Henry
George Hermanson (Excused)
David Hurst
Reed Jarvi
Robert Mulhere
Mario Valle

ALSO PRESENT: Nick Casalanguida, Interim Administrator, CDES
Judy Puig, Operations Analyst, CDES – Staff Liaison
Bob Dunn, Director, Building Review & Permitting
Phil Gramatges, Interim Director, Public Utilities
Stan Chrzanowski, Engineering Review Manager
Ray Bellows, Planning Manager, Zoning
Amy Patterson, Impact Fee & EDC Manager
Stephen Lenberger, Sr. Environmental Specialist

I. CALL TO ORDER:

The meeting was called to order at 3:05 PM by Chairman William Varian who read the procedures to be followed during the Meeting.

II. APPROVAL OF AGENDA:

Marco Espinar moved to approve the Agenda as submitted. Second by Dalas Disney. Carried unanimously, 9-0.

III. APPROVAL OF MINUTES – March 3, 2010 Meeting:

Blair Foley moved to approve the Minutes of the March 3, 2010 meeting as submitted. Second by Marco Espinar. Carried unanimously, 9-0.

(Robert Mulhere arrived at 3:08 PM)

IV. PUBLIC SPEAKERS:

(Will be heard when Item is presented)

V. STAFF ANNOUNCEMENTS/UPDATES:

A. Public Utilities Division Update – Phil Gramatges, Interim Director

- No new items to report
- No questions from the Committee

B. Fire Review Update – Ed Riley, Fire Code Official

- Monthly Report was submitted in the Committee's information packet

(James Boughton arrived at 3:09 PM.)

C. Transportation/Planning Update – Michael Greene, Transportation Planning Manager

- I-75/Immokalee Interchange
 - DOT's projected completion is May, 2010
 - The Level of Service will be calculated in May and the project will probably be an enhanced six-lane roadway
- US 41/County 951 and the "3-R" Project
 - Design meetings were held at the end of March and both are active
- Oilwell Road
 - The eastern and western segments are being constructed concurrently
 - DOT's estimated completion date is March 15, 2012
- Davis Blvd. (Radio Road to 951)
 - Bids will not be accepted until July due to an issue concerning the final right-of-way

- Vanderbilt Drive Pathway
 - Initially delayed – it was issued under the BVO Process
 - Drafting a new “Scope of Service” is in process for the balance of the work with a new Purchase Order and Work Order (as directed by the Clerk’s Office)
- Executed BVO Contracts
 - There was a legal challenge to the BVO Contract Process
 - The Clerk’s Office has not paid for work completed under the original contract

(Laura DeJohn arrived at 3:11 PM)

D. CDES Update – Nick Casalanguida, Interim Administrator

- A new brochure entitled “The Art of Customer Service” was distributed to the members
 - In April, all Business Center & Intake personnel will undergo mandatory customer service training
 - A Customer Service Protocol is in development
 - Internet training (how to answer emails)
 - Public will be asked to access service
- Update on Kaizen Event
 - Business Center will be established and staffed (10 stations)
 - There will be a designated Team Leader, a Planning Reviewer, and Planning Technicians
 - Submittal requirements will be reduced when ever possible
 - first submittal – face to face meeting with Staff
 - second submittal – at Business Center
 - third submittal – face to face meeting with owner, development professional (applicant), and Staff

A suggestion was made to hold third submittal meeting via Web portal since many owners are not local.

(Mario Valle arrived at 3:15 PM)

- Newest version CityView will come online – October/November, 2010
 - Master Card and Discover Card will be accepted
 - Electronic submittal and review
- Proposed reduction of PUD Closeout fees
 - Draft of Executive Summary was distributed to DSAC for review
 - Proposed fee: \$1,250
 - DSAC to review PUDs at regular meetings (up to 5)

It was noted VISA cards are not currently accepted by Collier County. **Mr. Casalanguida** stated there was an internal processing problem with VISA and how VISA fees were charged. He will research the issue and report at a future meeting.

Another suggestion was made to remove “options” regarding submittal of plans and require the same number for all applications to maintain consistency, i.e., a specific Level of Service with a specific turn-around time.

A question was asked concerning the organizational re-structuring at CDES.

Nick Casalanguida reports to Norman Feder as a Deputy Administrator.

There will be four divisions, instead of five, but the change will not affect Industry.

VI. OLD BUSINESS:

A. **Fire Lines Meters/revised Utilities Ordinance – Melissa Ahern, Public Speaker, representing CBIA (“Collier Building Industry Association”)**

- CBIA requested DSAC send a recommendation to the Board of County Commissioners to table the section of the revised Utilities Ordinance referencing Fire Line Meters until the subject has been vetted by DSAC
- The revisions to the Ordinance were submitted to the BCC as a “Consent Agenda” before it was reviewed by Industry – there was no public forum
 - There are costs issues to be clarified – no cost analysis was completed, the only cost cited was the cost of the meters
 - The County Manager could enact an Administrative Stay
 - The BCC has the option to reconsider/amend the Ordinance

A Committee member stated the revised Ordinance, presented at the March meeting by Paul Mattausch, Director of the County’s Water Department, did not make sense and the presentation was an after-the-fact informational review. It was noted the Committee’s questions were not satisfactorily answered.

[From the March meeting:

A question was asked if the operations cost to monitor meters exceeded the amount of revenue captured.

The answer was “No, but it is cost effective to track unbilled water usage.”]

It was pointed out Mr. Mattausch stated the revisions were required by The Florida Administrative Code. A member stated The Florida Administrative Code requires the use of one of five different retention methods for Public Utility systems. The cost to the Industry will be very expensive and the metering does not accomplish the County’s stated objectives.

The Ordinance affects the Industry and should have been presented to DSAC first for review.

A suggestion was made to send a letter to the BCC, copying the County Manger, requesting the Utilities Ordinance be placed on a future agenda to allow DSAC to make a presentation of its position at that time.

David Dunnivant moved to recommend DSAC send a letter, signed by the DSAC Chairman, to each member of the Board of County Commissioners, with a copy to

the County Manager, requesting to place the issue of the Utilities Ordinance on the next BCC Agenda. DSAC will review the impact of the Ordinance on the Industry and will present its position concerning the Ordinance at the next BCC meeting. Second by David Hurst. Carried unanimously, 14-0.

VII. NEW BUSINESS:

A. Building Permit Applications: Proposed Survey Requirements – Stan Chrzanowski, Engineering Review Manager, and Steve Higgins, County Surveyor

Mr. Chrzanowski stated approximately one year ago, Mr. Higgins reviewed a number of surveys submitted for inclusion in various applications and pointed out the documents did not conform to minimum technical standards. He further stated the County will adopt a Standard for Surveys based upon the requirements of the Board of Professional Surveyors and Map Readers (“BSM”).

Mr. Higgins stated surveys are being prepared. The issue is the documents are not being submitted in a timely manner.

- The surveys can be 3 to 5 years old before submission
- If a Title Report was not reviewed, easements may not be shown on the survey
 - An example cited: the new Lowe’s (US 41/951) – easements under the building pad were not identified– the use of a current survey would have prevented the problem
 - Another example: Naples Mazda – existing easements were to have been vacated before the building permit was issued but were not because old information was used
- Florida Statutes requires surveys to meet minimum standards
- If a developer hires a surveyor who does not work within the standards, the process will be delayed since the survey will need to be revised
- 95% of surveys submitted contain a note: “Abstract not reviewed”
 - If a lot is platted, lack of review is usually not an issue
 - Large commercial/industrial projects must identify all easements – especially those not included in the Deed
- Surveys are required for a plat or lot split and Title Reports must be reviewed
- Another issue: a Surveyor is required to show only the easements provided by the client – if an Abstract of Title is not provided, the Surveyor is not responsible to show the easements on the document

Nick Casalanguida questioned why surveys were not submitted with building permit applications in Collier County.

A Committee member gave a brief history: Cost was an issue due to the County’s original requirement for submission of “pre” and “post” surveys – “pre” to show where the building was to be built, and “post” showing where it actually was constructed. The Industry’s solution was after-the-fact “spot surveys” – if a building’s footprint was incorrectly located, the developer was liable and required to correct the situation by either obtaining a variance, or demolishing the building and constructing it again.

The Committee member noted the Land Development Code (“LDC”) contains few requirements regarding submission of a boundary survey.

Suggestion: A developer obtains a survey when a project is proposed and it should be updated at the time of application for the building permit.

Suggestion: Schedule a joint Workshop with surveyors, DSAC, and Staff.
Nick Casalanguida will research the issue and report to DSAC.

B. Proposed Decrease: PUD Close-Out Application Fees – Nick Casalanguida
(Discussed in Item V under “D”)

C. Impact Fee Program: Commercial Re-Development – Amy Patterson, Impact Fee & EDC Manager

- The BCC directed DSAC to suggest potential improvements to the existing “Change of Use Program”
 - Program has been in place for one year
 - Provides an exemption from payment of additional Impact Fees for buildings five years or older when an action (to rent, lease or sell) triggers the assessment of an Impact Fee
 - Examples: medical buildings - change of tenants; gymnastic, karate or dance studios relocating into industrial parks; doctors moving into office buildings
- Issues for consideration:
 - Change the requirement regarding the length/time a building has a Certificate of Occupancy to qualify for the program
 - Any other changes to address potential inequities – such as an incentive program that targets one group of people
- Options suggested by Staff:
 - For buildings 5+ years – allow an aging provision by eliminating the phrase “prior to the commencement of the Program”
 - Expand the Program to allow any building with a C/O issued for at least three years
 - The BCC was concerned that it was not seeing applications on a case-by-case basis. Staff suggested establishing a threshold (3,000 sq. ft.) for administrative approval -- large build-outs would be presented to the BCC for review and approval -- the EDC (“Economic Development Council”) suggested expanding the threshold to 5,000 square feet
 - Eliminate the Impact Fee Review for Changes of Use in order to obtain a Zoning Certificate or Business Tax Receipt – the specific reviews are over-the-counter – if eliminated, the only reviews to be conducted would be for tenant build-out
 - Eliminate the “Medical Office Land Use” category and collapse it into the general category of “Office”

Bob Mulhere recommended supporting the changes identified by Staff.

Jim Boughton stated he paid a Medical Impact Fee to give his building a competitive edge. He objected to the Program stating it would allow his medical tenants to move anywhere.

Dalas Disney stated the advantage (paying a specific Impact Fee) allowed owners to capture the market for a number of years and they are not entitled to a rebate from the County. He supported combining "Medical" into the "General Office" category as well as the 5,000 square foot threshold.

There was a discussion of whether or not personal property rights were being denied by the Program. It was noted Impact Fees in Collier County are too high in general, and if a use was changed to a less intensive use, no rebate has been offered.

Suggestion: Match the Medical Impact Fee rate to the "General Office" category rate rather than completely eliminate the Impact Fee.

Nick Casalanguida stated there is a gap between a medical professional who sees one or two patients per hour versus a medical clinic which generates a great deal of traffic.

Bob Mulhere stated he has suggested enacting a separate "Specialty or Small Medical Offices" Impact Fee for several years.

Amy Patterson stated the County Attorney is proposing a change to the Ordinance concerning Developer Contribution Agreements. Currently, when a developer donates land or cash, he receives Impact Fee credits that must be used within five to seven years. The change will allow the credits to run with the land in perpetuity rather than having a sunset date.

Robert Mulhere moved to approve sending a recommendation to the Board of County Commissioners:

- *to reduce the requirement from 5 to 3 years or older, with an aging provision;*
- *to eliminate Impact Fee reviews for Changes of Use to obtain a Zoning Certificate or Business Tax Receipt;*
- *To explore alternative Impact Fees for medical offices, i.e., a sub-category for Specialty Medical Offices or other medical types.*

Second by Dalas Disney. Motion carried, 12 – "Yes"/1 – "No." James Boughton was opposed.

Robert Mulhere moved to approve sending a recommendation to the Board of County Commissioners supporting the County Attorney's proposed change to the Ordinance regarding Developer Contribution Agreements by permitting Impact Fee Credits to remain in perpetuity with the property.

Second by Dalas Disney. Carried unanimously, 14 - 0.

- D. Right-of-Way Permitting Process – Nick Casalanguida and Michael Greene**
Reed Jarvi noted when a Site Development Plan is completed it is reviewed by the Transportation viewpoint concerning the turn lanes, location, size, etc.

When a Right-of-Way Permit application is made, turn lanes are reviewed for location, size, etc., which is a duplication of effort. He asked why two reviews were necessary to obtain the same answer.

Nick Casalanguida stated the levels of function reviewed are different for each process and the amount of detail required is different. He suggested scheduling a Workshop between Staff and Industry to discuss options

E. Vanderbilt Drive Pathway Project – Michael Greene
(Discussed in Item V under “C”)

F. SDP Process – Automatic Submittals to Fire & Zoning – Bill Lorenz

Reed Jarvi referenced a recent project which required a third submittal – there were only architectural questions concerning facades and the review was completed in one day. However, it took 13 calendar days to go through Fire & Planning review even though fire or zoning issues were not cited. He was informed submittals are automatically sent for Fire and Planning review and he questioned the need if there were no specific Fire or Planning issues.

Bill Lorenz stated submittals are automatically sent to an assigned Planner to ensure if a change is made and approved by one section that the change does not trigger another review. It is a quality control check. He had no response as to the length of time. He stated the process is being examined and the types and numbers of review are being targeted to achieve better coordination between sections.

G. LDC Amendment – Shoreline Calculations/Permitted Wet Slips – Stephen Lenberger, Senior Environmental Specialist

Clay Brooker stated the Planning Commission did not approve the suggested language approved by DSAC (unanimous vote) and the EAC (4 to 1 vote). He referenced the Manatee Protection Plan, enacted in 1995, which does not prohibit a shoreline, encumbered by a Conservation Easement, from being counted to determine the number of wet slips to be permitted on a property. The Planning Commission’s position was the shoreline should not be counted. The compromise agreed to in the LDC Amendment was if a Conservation Easement expressly prohibited counting a shoreline, the shoreline would not be counted. The Planning Commission did not approve the compromise language and insisted other Committees conduct additional hearings to consider new criteria – also not prohibited by the Manatee Protection Plan – while determining whether or not a shoreline should be counted.

The Planning Commission directed the County Attorney’s Office and Staff to develop a policy for submitting recommendations directly to the BCC, rather than through an LDC Amendment. On April 22, 2008, the BCC recommended another option, which was to exclude shorelines which were part of County preserve areas and State/Federal Conservation Areas. The BCC stated additional boat slips could be added if a Conditional Use Permit was obtained and access was provided to the public. Staff will research whether or not the issue has been addressed at the Zoning level or in the State/Federal Conservation Easement. The County Attorney’s position is the County’s Conversation Easement should be excluded in the calculation of the shoreline. The County’s Conservation Easement does not address the issue at all.

Mr. Brooker noted Stakeholders meetings and two public hearings on this issue were held. He requested, if a Policy or LDC Amendment is drafted, that the new document be presented to DSAC before any public hearing is scheduled.

It was noted the Planning Commission could make a different recommendation and both would be brought before the BCC for a determination.

Mr. Brooker noted any change to an LDC Amendment would generate a Public Hearing and DSAC's review, as well as review by the EAC, is part of the public process.

Bob Mulhere stated the Manatee Protection Plan is a County Ordinance and there is no State regulation which is why the LDC Amendment was presented.

Steve Lenberger stated if a State Conservation Easement prohibits in-water structures, the shoreline is not counted.

Marco Espinar noted, over the past two-year period, workshops were held with Stakeholders and the Environmental Community. Both the EAC and DSAC have voted in favor of the Amendment. There has been consensus. The Planning Commission is undermining the consensus at the last minute.

Clay Brooker moved to bring to the attention of the Collier County Planning Commission that DSAC is requesting to review any change(s) to the language of the proposed LDC Amendment prior to any vote by the CCPC and that any change is to go through the public hearing process. Second by Marco Espinar.

It was noted there is an LDC Amendment Cycle. The Planning Commission is not bound by any recommendation made by DSAC and can bring it to the BCC without sending it to DSAC first.

Clay Brooker stated the public process should not be circumvented by any Committee.

Carried unanimously.

VIII. COMMITTEE MEMBER COMMENTS:

(None)

Next Meeting Dates:

May 5, 2010 – 3:00 PM

June 2, 2010 – 3:00 PM

July 7, 2010 – 3:00 PM

August 4, 2010 – 3:00 PM

April 7, 2010

There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 5:02 PM.

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



William Varian, Chairman

The Minutes were approved by the Board/Committee on 5/5/10,
as presented _____, or as amended _____.