

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

Naples, Florida, February 3, 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
Ray Allain
James Boughton (Excused)
Clay Brooker
Laura Spurgeon DeJohn (Excused)
Dalas Disney
David Dunnavant
Marco Espinar
Blair Foley (Excused)
Regan Henry
George Hermanson (Excused)
David Hurst
Reed Jarvi
Robert Mulhere
Mario Valle

ALSO PRESENT: James French, Director of Operations, CDES
Judy Puig, Operations Analyst, CDES – Staff Liaison
Jeff Wright, Assistant County Attorney
Bob Dunn, Director, Building Review & Permitting
Phil Gramatges, Interim Director, Public Utilities
Ed Riley, Fire Code Official, Fire Code Office
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 Mario Valle. Carried unanimously, 8-0.

III. Approval of Minutes – January 6, 2010 Meeting

Reed Jarvi moved to approve the Minutes of the January 6, 2010 meeting as submitted. Second by David Dunnivant. Carried unanimously, 8-0.

IV. Public Speakers

(Will be heard as the Item is discussed.)

V. Staff Announcements/Updates

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

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

(Clay Brooker arrived @ 3:07 PM.)

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

- Monthly Report was submitted in the Committee's information packet
- Ken Abler, Deputy Fire Code Official, retired and his position will not be filled which may affect review times in the short term
- Plans for the new building were submitted to the Design Review Board for final review and will be presented to the City of Naples on February 24th
- Building Permit Application will be submitted in March (target)
- Anticipated move-in date - January, 2011

(Robert Mulhere arrived @ 3:10 PM.)

C. Transportation/Planning Update – Michael Greene, Transportation Planning Manager (absent)

- No report

D. CDES Update – James French, Director of Operations, for Nick Casalanguida, Interim Administrator (absent) and Impact Fee Study

- Intake process for Division has been reviewed and revised
- Functions for Permits, Petitions and Temporary Use Permits will be combined
 - Staff will be blended to assist the Permitting Counter as needed
 - Zoning Staff will be trained by Permitting Staff to answer questions
- Goal: better efficiency and customer service

(Dalas Disney arrived @ 3:15 PM.)

A Committee Member commented that a suggestion to CDES to review and reduce the number of required submittals was positively received by Staff.

Impact Fee Study – Amy Patterson, Impact Fee & EDC Manager

- December, 2009 - the Board of County Commissioners moved forward with the six 2009 Studies
- Suggestion: DSAC form Subcommittee(s) to review the Impact Fee Studies for School, Government Buildings, and Law Enforcement
- BCC directed review of Levels of Service (“LOS”) for Law Enforcement and Government Buildings
- March 1st: tentative formation of Subcommittee(s) review to Dependent Fire Districts, EMS, and Library
- Will present a schedule at next DSAC meeting

VI. Old Business

A. LDC Amendments – Ray Bellows, Planning Manager, Zoning

A Committee member requested an overview of the Planning Commission Workshop. Mr. Bellows reported:

- The Planning Commission discussed the Private Amendment presented by Attorney Patrick White on behalf of the Vanderbilt Beach Residents’ Association which was referred back to the Vanderbilt Beach Community to involve the Stakeholders (including hotel owners) in the review process
- Fiscal Impacts were not complete
- Private Petition PL2009-491 sponsored Attorney Richard Yovanovich was also remanded back to the Community (subject: time shares in the RT)
- No formal votes were taken at the Workshop
- Next Planning Commission meeting - February 26th - but voting on the Amendments may not occur until the March 10th meeting

LDC Amendments 2009 - Cycle 1:

Section 2.03.03 F – Travel Trailer – Recreational Vehicle Campground District

Change: To increase the allowable size of “park model” type recreational vehicles from 480 square feet to 500 square feet within the TTRVC Zoning District

Clay Brooker moved to recommend approval of the Amendment as presented and to forward the recommendation to the Board of County Commissioners. Second by Marco Espinar. Carried unanimously, 11-0.

Section 5.04.05 – Temporary Events (Temporary Signs)

Change: To rewrite beginning of Section for clarification and to conform to the new provisions inserted from Section 5.06.00.

Ray Allain moved to recommend approval of the Amendment as presented and to forward the recommendation to the Board of County Commissioners. Second by David Hurst. Carried unanimously, 11-0.

Section 10.03.05 – Notice Requirements for Public Hearings

Change: To correct the time limits, and return previously removed language that provided for notification to property owners with regard to Neighborhood Information Meetings

Ray Allain moved to recommend approval of the Amendment as presented and to forward the recommendation to the Board of County Commissioners. Second by Regan Henry. Carried unanimously, 11-0.

Section 3.05.07 H.1.h.i. – Preservation Standards (Recreational Uses)

Change: Add criteria for passive recreational uses allowed in preserves.

Steve Lenberger outlined the changes made by the EAC to the Amendment.

Public Speaker:

Judy Hushon, Chairman, Environment Advisory Committee (“EAC”), stated the EAC’s changes concerned the widths of pathways. Under h.i.(a)(i), “pedestrian pathways,” a range of 6 feet with a maximum width of 8 feet was recommended. Under h.i.(a)(ii), “shared use paths,” the recommended range was ten feet with a maximum width of 12 feet. Under h.i.(a)(v), “minimum preserve width,” the pathway shall be located *along the edge* of the preserve.

Kate Crosley, Conservancy of Southwest Florida, supported the EAC’s changes to the Amendment, including the 1% cap.

Suggested Changes:

(a) Page 9, under h.i.(a)(i), the text shall read: ***“Pedestrian pathways shall have a recommended width of 5 feet with a maximum of 8 feet.”***

(b) Page 9, under h.i.(a)(ii), the text shall read: ***“Shared use paths for use by golf carts, trams, bicycles, joggers, etc., shall have a recommended width of 10 feet with a maximum of 12 feet.”***

(c) Page 10, under h.i.(a)(v), remove the phrase “on either side” and insert ***“along the side”*** of the preserve.

Marco Espinar moved to recommend approval of the Amendment as revised above and to forward the recommendation to the Board of County Commissioners. Second by Robert Mulhere.

Discussion:

The issue of the 1% cap was discussed during the Subcommittee meeting and grandfathering language was to be provided to DSAC.

Jeff Wright, Assistant County Attorney, proposed incorporating the following language as (new) h.i.(a)(viii): ***“The requirements of this Subsection h.i.(a) shall not***

apply to approved preserve pathways in existence prior to the effective date of this Subsection.”

Clay Brooker clarified if a community presently has a 2.1% impact of a pathway in a preserve, the existing pathway in its current width could be repaired with impervious materials and would legally conform to the applicable criteria that existed when the pathway was installed.

Jeff Wright stated he would vet the “grandfathering clause” with other Committees.

Judy Hushon confirmed the “grandfathering clause” language was acceptable.

Marco Espinar amended his previous motion to include the grandfathering clause language. Second by Robert Mulhere. Carried unanimously, 11-0.

Section 3.05.07 H.1.h.ii. – Preservation Standards (Stormwater Uses)

Change: To add criteria for when treated stormwater is allowed in preserves.

Steve Lenberger noted the changes made by the EAC to the Amendment which was prepared by Stakeholders. The Amendment was approved provided the second paragraph of (ii) on page 4 was “reworked” by the Stakeholders and presented to the EAC for review.

Public Speaker:

Tim Hancock, Davidson Engineering, outlined the reasons for the “referenced wet season” in Subparagraph (ii) on Page 4, and stated a problem was the absence of a standard for measurement. The model was based on the 1996 wet season (May through October) because 1996 is considered to be the “average” standard in regard to rainfall. An area-wide hydrologic survey was conducted to determine what amount of water could be accepted by which areas and for how long. The concern was not to change uplands into wet lands.

Judy Hushon, Chairman, EAC, stated if a model considers only a single storm, the model will not consider how wet the ground is and what happens after the ground is saturated. The EAC’s concern was for the 2” above recorded peak stage for 30 days could be a great deal of water for a preserve if it hasn’t already had much water. There is a potential for damage. The other change was to (iii) on Page 4: “Storm water shall not be directly discharged into *land designated as* 322, 413, or 421 FLUCFCS Codes.”

It was noted that pre-treatment of water is required before any discharge into a preserve.

Discussion ensued concerning what constitutes “acceptable” changes referenced on Page 5 under Subparagraph (g).

Steve Lenberger suggested adding following language used in the pathways section of the previous Amendment:

“Unacceptable changes in vegetation within preserves include

replacement of indigenous vegetation with non-native or weedy species, changes in vegetative composition which are inconsistent with target plant communities or die-offs of vegetation which are inconsistent with target plant communities.”

Kate Crosley, Conservancy of Southwest Florida, stated the Conservancy will work with Wilson-Miller and the Stakeholders to eliminate unintended consequences from the language in the second portion of (ii) on Page 4

She stated the Conservancy prefers the language to remain as written concerning the following issues:

- Page 4, (iii): water should remain out of the highest and driest of the upland preserves
- Water quality (Page 3, (b)): provides a requirement that no untreated water will be discharged into a preserve
- Monitoring and remediation (Page 5, (g)): a mechanism is needed to ensure monitoring

Steve Lenberger stated the Stakeholders were happy with the language used in the Amendment.

The Planning Commission will review the Amendment at the March 10th meeting.

Robert Mulhere moved to recommend approval of the Amendment, as amended by the above-reference revisions, and to forward their approval to the Board of County Commissioners. Second by Marco Espinar. Motion carried, 8-“Yes”/3-“No.” David Dunnivant, Dalas Disney and Reed Jarvi were opposed.

B. Update: Building Fee Post-Implementation Commitments – Bob Dunn, Building Director

- There was a discussion concerning the new *Building Block – Plan Review Performance Standard* and the options provided concerning the number of sets of plans to be submitted which was not previously discussed with DSAC
- Jaime French will review and revise the document for presentation at the next DSAC meeting.

VII. New Business

A. Time Span - Utility Bonds – Stan Chrzanowski, Engineering Review Manager

- \$4,000 cash bond is required and held by the County until the utility turn-over of a project is completed
- It was suggested that Stan review the figures from the past five years to prove the magnitude of the numbers and present the information in six months

Mr. Chrzanowski pointed out a new problem: water mains have been breaking with “annoying regularity” due to improperly bedded pipes (41% of current breaks) and suggested extending the period of Maintenance Bonds to five years.

It was suggested to require the contractor to pay for the bond instead of the developer.

A question was asked if there was a record of how many linear feet of pipe were installed in the past two years and the percentage of breakage due to improperly bedded pipes, i.e., one break per 100 feet or per 1,000 feet. What is the instance of breakage? Is it within typical breakage of pipe or a problem specific to southwest Florida?

Suggested formula: Breakage = "x" % of linear feet installed, broken down by year.

Suggestion: Extending a bond may not be the only option available, i.e., imposing fines or requiring additional education especially for subcontractors. There is a natural occurrence of breakage due to age which is separate from the issue of improper installation which will cause breakage to occur more quickly. The number should be quantified.

Cost ramifications are also an issue.

Phil Gramatges stated there has been an increased incident of breakage due to improper installation, particularly in one development, which has been absorbed by the County's rate payers. An alternative to requiring a bond is more inspections which was suggested previously and not accepted.

- There is a Statutory requirement for latent defects that contractors must abide by and is not contingent upon a time frame. It provides a legal remedy against a contractor. Avenues should be exhausted before another financial burden is added to the Building Industry.

Consensus: The subject will be added to the Agenda for the next Committee meeting with additional information and, if possible, to ascertain if a particular contractor or subcontractor is more responsible than others. What is the estimated cost of recourse?

VIII. Committee Member Comments

- Four sets of CityView Codes were included in the information packets
- Re: LDR Subcommittee Minutes: Subcommittee members will review the Minutes and send comments to John Kelly who will forward the comments to Clay Brooker, as Chairman of the Subcommittee. If there are no changes, Mr. Brooker can sign the Minutes since no meetings are scheduled for the Subcommittee until the next Amendment Cycle.

(David Hurst left at 5:10 PM.)

- Commissioner Henning suggested DSAC pursue Amendments beneficial to the Building Industry. It was noted CBIA is meeting on Friday to review the same issue, as well as the Chamber of Commerce, and may generate ideas.
Chairman Varian stated he has been contacted by several groups, informed them the deadline to submit Amendments to DSAC is April, and DSAC will bring the Amendments to the attention of the Board of County Commissioners.
 - Two sets of Amendments are in the system dealing with both CRAs.
Focus - to provide incentives/relief for redevelopment within the CRAs.

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- **Dalas Disney**, a member of the Intake Team, stated an Assistant County Attorney suggested imposing a two-year moratorium on LDC Revisions except for those benefiting Industry.
- **Reed Jarvi** suggested compiling a list of Amendments to pursue for review by the BCC and asking the BCC to prioritize.

Next Meeting Dates:

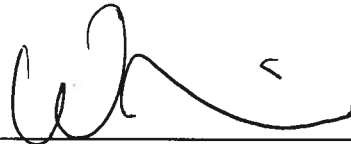
March 3, 2010 - 3:00 PM

April 7, 2010 - 3:00 PM

May 5, 2010 - 3:00 PM

There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 5:12 PM.

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



William Varian, Chairman

The Minutes were approved by the Board/Committee on 3/3/10,
as presented ✓, or as amended _____.