

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE  
MEETING

January 4, 2012

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 Growth Management Division/Planning & Regulation Office, 2800 North Horseshoe Drive, Naples, Florida, with the following Members present:

Chairman: William Varian  
Vice Chair: David Dunnivant  
James Boughton  
Clay Brooker  
Laura Spurgeon De John  
Dalas Disney  
Marco Espinar  
Blair Foley  
George Hermanson  
Reed Jarvi  
Robert Mulhere  
Mario Valle  
Ronald Waldrop

Excused: Ray Allain  
David Hurst

ALSO PRESENT: Norm Feder, Administrator, Growth Management Division  
Nick Casalanguida, Deputy Administrator, Growth Management Div.  
Jamie French, Director – Operations & Regulatory Management  
Judy Puig, Operations Analyst – Staff Liaison  
Jay Ahmad, P.E., Director – Transportation Engineering  
Ed Riley, Fire Code Official – Fire Code Office  
Nathan Beals, Project Manager – Public Utilities  
Claudine Auclair, Manager – Business Center  
Caroline Cilek, M.C.R.P., Senior Planner – LDC Coordinator  
Ray Bellows, Planning Manager – Land Development Services

**I. CALL TO ORDER:**

**Chairman Varian** called the meeting to order at 3:01 PM and read the procedures to be observed during the meeting.

A quorum was established. Nine members were present.

**II. APPROVAL OF AGENDA:**

Changes:

- The topic, "*Election of Chairman and Vice Chair,*" was added to the Agenda as *Item IV.*

*Mario Valle moved to approve the Agenda as amended. Second by Dalas Disney. Carried unanimously, 9 – 0.*

**III. APPROVAL OF MINUTES – DECEMBER 7, 2011:**

Changes:

- Page 4, "fingerprinting"
- Page 5, Mr. Disney's motion should read "*existing* regulations"
- Page 5, under Item VII – B, "Old Business" – *Marco* Espinar volunteered to be a member of the Subcommittee

*Reed Jarvi moved to approve the Minutes of the December 7, 2011 Meeting as amended. Second by Blair Foley. Carried unanimously, 6 – 0.*

*(Clay Brooker and Laura DeJohn could not vote because they did not attend the December meeting. Ron Waldrop had not been appointed to the Committee member in December.)*

*(Robert Mulhere arrived at 3:05 PM.)*

**IV. ELECTION OF CHAIRMAN AND VICE-CHAIR: (ADDED ITEM – PER AMENDED AGENDA)**

*The floor was opened for nominations for Chairman.*

*Dalas Disney nominated William Varian to serve as Chairman for the 2012 term.*

*Second by Mario Valle. Mr. Varian accepted the nomination and the floor was closed.*

*The motion carried, 9 – "Yes"/1 – "Abstention." Mr. Varian abstained from voting.*

*The floor was opened for nominations for Vice-Chair.*

*Blair Foley nominated David Dunnivant to serve as Vice Chair for the 2012 term.*

*Second by Dalas Disney. Mr. Dunnivant accepted the nomination and the floor was closed.*

*The motion carried, 9 – "Yes"/1 – "Abstention." Mr. Dunnivant abstained from voting.*

**V. PUBLIC SPEAKERS:**

*(None)*

## **VI. STAFF ANNOUNCEMENTS/UPDATES:**

### **A. Public Utilities: Nathan Beals, Project Manager**

- Utilities Discussion Group did not meet in December
  - Will meet on January 17, 2012
- Utilities Standards met with representatives of the National Underground Contractors Association (“NUCO”) to discuss the maximum depth of Gravity Sewers. New language was suggested and will be discussed by the Group at the January meeting.
- Will propose a maximum depth of 15 feet
- Requested that DSAC’s Utilities Subcommittee not meet until March

**Blair Foley** requested that Mr. Beals present a report on the discussion at DSAC’s next meeting.

### **INTRODUCTION OF NEW MEMBER:** (new Topic)

**Chairman Varian** introduced Ronald Waldrop who was appointed to the Committee by the Board of County Commissioners.

**Ron Waldrop** provided the following background information:

- He has resided in Collier County since 1993
- He is a Civil Engineer
- Waldrop Engineering Group specializes in Civil Engineering, Landscape Architecture and planning

*(Laura Spurgeon DeJohn arrived at 3:10 PM.)*

### **B. Fire Review: Ed Riley, Fire Code Official – Fire Code Office**

- Monthly Activity Report was submitted for November, 2011
  - Plan Reviews conducted – 641 (October total – 770)
  - Overtime hours were reimbursed by the contractor who requested an expedited review in a time-critical situation

### **C. Transportation Engineering: Jay Ahmad, P.E., Director, and Norm Feder, Administrator, Growth Management Division**

- Sidewalk rental fees - \$100 (off-season) and \$200 (peak season)/per day
- Approved by the Board of County Commissioners in June, 2007
- Fee is charged if a lane/sidewalk is closed to accommodate a developer or if a lane/sidewalk has remained closed when not necessary

**Norm Feder** stated:

- During the height of the construction boom, there were a number of lane closures
- Initially, the Board was opposed to allowing any closures
- Fees were charged to encourage closures only when necessary and, preferably, during the off-peak season
- The goal was not to place the public in harm’s way
- If an alternate viable path could be established, a fee may not be charged

*(George Hermanson arrived at 3:15 PM.)*

**David Dunnivant** noted confusion about the application and enforcement of assessing fees in the past and asked if the cost had been applied to all right-of-way permits since 2007.

He further stated the inclusion of closure fees in right-of-way permits has been fairly recent.

**Norm Feder** stated if an alternate route can be supplied, there was some discretion regarding application of a fee. He further stated the public contacts the County – not the developer – to complain when a sidewalk or a lane is closed.

He continued it made more sense to assess a fee than to not allow any closures.

**Bob Mulhere** stated the rationale was to make developers plan for a minimal amount of interruption, while recognizing there could be situations where closing sidewalks was necessary.

**Mr. Feder** again stated the point was to encourage such closures only during off season and only for responsible, required closures.

**Mr. Dunnivant** stated assessing fees was a response to a precarious situation in a high-density area that has been applied throughout the County even in low-density situations.

He further stated by continuing to add fees to the development of properties, it becomes difficult to do work and difficult to determine total project costs for a potential client. The lane/sidewalk fees could add \$2,000+ to a project.

*(James Boughton arrived at 3:20 PM.)*

**Mr. Feder** stated lane and/or sidewalk closings did impact the community and was the reason for imposing fees.

**Mr. Dunnivant** summarized when a Permit is applied for and issued, it is standard operation to assess a fee for some period of time.

**Mr. Feder** corrected the Permit provides for a fee if the developer cannot provide an alternative in the event of a closure. If the closure is only for a short period, a fee may not be assessed for the day.

**Mr. Dunnivant** noted most driveway work is extensive and could not be completed in a day.

**Mr. Feder** stated the County's concern was to ensure safe passage.

**George Hermanson** cited an example where the use of signage on a project [indicating to pedestrians to cross the road and use the sidewalk on the opposite side] was satisfactory and a fee was not charged.

**Clay Brooker** asked if the funds collected were used for a certain purpose or if the amount charged was simply an arbitrary number.

**Norm Feder** responded the basic fee of \$100 was significant enough to encourage people not to keep lanes or sidewalks closed simply because it was easier. The fee seems to be working.

**Mr. Brooker** asked if the County used the money.

**Mr. Feder** stated the money is funneled to the Permitting Group and contributes toward keeping permitting fees lower.

**Mr. Brooker** stated that the fee was, essentially, a penalty and Mr. Feder agreed.

**Mario Valle** asked if the money collected for the right-of-way permit/sidewalk closures is part of the Transportation budget.

**Norm Feder** confirmed the funds remain within the Right-of-Way Permitting Group.

**Chairman Varian** stated sections of sidewalks are being repaired or replaced along Golden Gate Boulevard and asked why they were being repaired or replaced.

**Norm Feder** replied there were a number of different reasons but the primary reason was to ensure the walkways were not a trip hazard.

**Jay Ahmad** continued his report:

- 951/Davis Road Project: on schedule
- White Blvd. /23<sup>rd</sup> Street Bridge: received a number of bids which are in the process of being evaluated. The bids will be presented to the Board of County Commissioners in February.

**D. Planning & Regulation: Jamie French, Director – Operations & Regulatory Management, and Nick Casalanguida, Deputy Administrator, Growth Management Division**

*(A brochure was distributed to the Members by Claudine Auclair, Business Center Manager)*

**Nick Casalanguida:**

- The brochure is the Growth Management Division's Year-End Report
  - Outlines what was accomplished in 2011
  - Projected goals for 2012
  - Broken out by Sections
- Certain categories (fences, HVAC, replacement of hot water heaters, fixtures, sheds, roofing) required customers to submit plans for review – the completed projects were to be inspected and
  - In an effort to reduce lobby traffic and long waits, certain permits (like-kind replacements) may be requested on line and will be available within the next few months
  - Document: "Request for Inspection Permit"
  - Permit Fee: \$75.00
  - May be paid online by credit card or check
- New construction permits are increasing
  - Takes significantly longer to process permits for new building

**Q.** What percentage of permits could qualify as a "convenience permit?"

**A.** *(Jamie French)* Approximately 40%. A/C swap-outs, for example, would qualify. The criteria are that a minimal amount of review time is required.

**Jamie French** stated the New Building Code will be released in March. He was aware that wind loads have been increased significantly. The entire State of Florida will be considered as a "coastal community." He further stated the Fee Schedule will be revised and adjusted.

**Dalas Disney** confirmed wind speeds are increasing in the new Code but noted wind pressure has been reduced.

He related a personal experience of sitting in the lobby for thirty minutes and it appeared that some front counter clerks were not assisting customers. He asked why not and what are their assigned tasks.

**Jamie French** stated certain Staff are assigned to appointments but will also handle walk-in customers if the appointment is cancelled. An appointment with a developer for a new project is lengthy. Permit runners submit several applications at once. It may take up to two hours to review the documents. Front counter personnel handle in-person appointments as well as online applications.

**Re: “City View” Implementation**

**Dalas Disney** asked for an update linking various elements to parcels or address (including past permit requests for the location.)

**Nick Casalanguida** stated Staff is in process to input all information which must be tied to a “City View” asset.

**Jamie French** replied all of the legacy data once held in hard copy has been converted to a digital format. Items are still being scanned in the Records Room but there is only one person assigned. No “bridge” was designed between SIRE [the County’s electronic management system] and “City View,” but it is on the “to do” list. The goal is to enable the two systems to share from the same repository.

**Re: Building Official search**

**Jamie French** noted:

- an interview panel was formed
- approximately 10 applicants were screened
- the top three candidates were interviewed
- decided to search for more applicants
- the new application period will close on January 12
- target date: hire candidate by February

**VII. OLD BUSINESS:**

*(None)*

**VIII. NEW BUSINESS:**

**A. Introduction of Business Center Liaisons – Jamie French and Claudine Auclair, Business Center Manager**

- When the Business Center was established, a Code Enforcement component was missing
  - Renald Paul was hired as the Code Enforcement liaison
- Mike Levy is the Land Development liaison
- Paula Brethauer is the Building Department liaison
- They will serve as the point of contact – and will identify repetitive problems/issues and seek solutions

**B. LDR Subcommittee Recommendations – LDC Amendments, 2012 Cycle: Caroline Cilek, M.C.R.P., Senior Planner – LDC Coordinator, and Clay Brooker**

**Clay Brooker, LDR Subcommittee Vice Chair:**

- The LDR Subcommittee met five times and has spent approximately 15 hours reviewing all of the proposed Amendments at least once
- Recommendations have been formed for most of the Amendments
- The remaining five will be reviewed first by DSAC
- The proposals in the 2012 Cycle were drafted to:
  - Ease the regulatory burden on development,
  - Lighten the regulatory standards – more discretionary and/or reasonable,
  - Create alternate procedures

**Caroline Cilek, LDR Coordinator,** thanked the LDR Subcommittee members for their time and efforts.

She outlined the changes made to the Amendments already reviewed by the Subcommittee as follows:

- The non-conforming provisions of the overlay Districts (Bayshore and Immokalee) have been amended to be consistent with Section 9.03.02 (F)(1) of the LDC
  - the time frame has been changed from 90 days to one-year
  - DSAC will review the Immokalee Overlay Amendment in February.
- CBIA Amendments – Met with CBIA representatives on December 29<sup>th</sup> as directed by the Subcommittee to discuss the Reasoning/Justification sections

**Section 4.02.03 – Specific Standards for Location of Accessory Buildings and Structures**

*Author:* Ray Bellows, Planning Manager – Land Development Services

*Purpose:* To eliminate confusion and allow the use of personal storage containers on properties zoned “Rural Agricultural” and “Estates”

**Ray Bellows:**

- Met with the Zoning Staff
- Concern: maximum floor area (in C-2) and the maximum container size (10 x 48’) with height of 8’
- Justification: properties are 5+ acres
- LDC language: restricted to 5% of lot area for accessory buildings
- Square footage has been adjusted to 480

**Q.** On a five+ acre lot, why is there a restriction allowing only one container unit?

**A.** When the concept of allowing containers was initially considered, the issue was single-family residences where a need existed to house lawn maintenance equipment due to the larger lot sizes. The goal was to retain the character of a residential neighborhood and not to look like an industrial area which would happen if more than one container unit was permitted. One container should be adequate to house the equipment.

**Re: Immokalee Amendment**

- The Advisory Board requested more time

**Bob Mulhere** stated the issue for the Advisory Board is to determine which Amendments can reasonably go forward whether or not the Immokalee Master Plan is approved by the Board of County Commissioners.

**Marco Espinar** asked if the containers would be used in residential as well as agriculturally zoned land. While he agreed with the restriction for residential use, he stated if there is a bona fide agricultural use, one container may not be sufficient.

**Ray Bellows** responded if a larger container was needed, other more suitable types of storage facilities were available, i.e., a pole barn.

**Mr. Espinar** stated the landowner should be allowed some flexibility especially in rural areas.

**Mr. Bellows** replied consideration will be given for larger properties, such as 20+ acres.

## **LAND DEVELOPMENT CODE AMENDMENTS 2012 – CYCLE 1**

### **1. Section 9.04.08 – Administrative Adjustments**

*Purpose:* To create an administrative adjustment process for non-use issues, for residential and commercial structures

**Nick Casalanguida** suggested that Clay work with him and the County Attorney's Office to build in as much flexibility as possible in the Amendment. The issue of notice and appeal for changes (i.e., diminishing a setback or changing a landscaping type or not requiring a landscaping buffer along a certain property line) – how much is needed before it becomes a forbearance. The notice requirement has remained consistent with the variance process.

**Caroline Cilek** confirmed notice of the proposed change is sent to owners whose property is within 500 feet in urban areas and 1,000 feet for rural areas. The homeowners are identified using the tax rolls.

**Clay Brooker** explained the Amendment will allow an individual to apply for an administrative adjustment of up to 25% of a certain Standard. For example, 25% of a 20-foot setback is five feet. Administratively, Staff could – as long as a certain criteria have been met – approve that adjustment without any need for a public hearing.

He acknowledged some public notice is necessary:

- The applicant must notify property owners within 500 feet of the subject property (or 1,000 feet in rural areas).
- The property owners would be allowed thirty days to object.
- As the Amendment is currently drafted, any objection would immediately place the issue on the Planning Commission's Agenda for a hearing.
- *Suggestion:* If a letter of objection is not filed with the County within the time frame, the property owner's right to appeal should be waived.

**Bob Mulhere** stated he thought the notice requirements for a post-take plan state that after a certain period of time, if no objection is received, the plan is deemed to be approved.



**Caroline Cilek** noted it is similar to the language contained in the Administrative Boat Dock Extension. The same language can be applied.

**Bob Mulhere** stated the burden should be placed on the individual making the objection.

**Clay Brooker** replied the Subcommittee discussed the fairness of allowing one individual to control a neighborhood. The alternative was to impose the burden on the objector appeal the decision beyond simply writing a letter, and only an “aggrieved or affected” party can appeal.

He further stated the Amendment is a work in progress and can be brought back to DSAC for further consideration in February.

Discussion continued. Reference was made to the process utilized by the City of Naples (pile-drivers). It was pointed out the Amendment only permits Staff to approve minor adjustments when specific criteria have been met. Clay agreed to work with Nick and the County Attorney’s Office.

**Consensus:** The Amendment will be revised and returned to DSAC to review.

## 2. Section 6.02.01 – Generally

### Section 6.02.02 – Transportation Management and Monitoring Program

### Section 6.02.03 – Transportation Level of Service Requirements

*Author:* CBIA

**Caroline Cilek** noted the section concerning “Reason/Justification” was updated by CBIA and Staff updated the Fiscal and Operational Impact section.

**Clay Brooker** summarized:

- The Amendment relaxed the standards by which a Traffic Impact Study (“TIS”) is required.
- Under 6.02.02 (M)(1), the percent of adopted LOS (“Level of Service”) standard service volume was changed in Subparagraphs a, b, and c from 2/2/3 to 3/3/5, i.e., the standard by which a TIS would be triggered and required by the applicant was reduced.
  - A TIS would be required only if the impact on traffic was greater than 3 percent.

**Mr. Brooker** noted the law requires that the LDC is consistent with the Growth Management Plan and the Subcommittee was concerned about the legality of the proposed change to the Standard. Staff noted the 2/2/3 requirement in the GMP applies to a different analysis. The recommendation approved by the Subcommittee limited the impact to fewer circumstances.

**George Hermanson** explained that a TIS is still required. If the report identifies the impact to the LOS traffic is greater than 3/3/5, it will be considered as “significant.” At that point, concurrency and mitigation become issues.

**Clay Brooker** noted Staff's concern was that the different thresholds would create more work. The Subcommittee supported the change.

It was noted the proposal was a private proposal and the applicant (CBIA) could bring whatever it wanted to the Board of County Commissioners regardless of DSAC's recommendation. It was also noted the TIS Guidelines and Procedures Handbook should also be amended for consistency.

He stated if the CBIA accepted DSAC's recommendation, a suggestion was made that the CBIA also propose amending the TIS Guidelines and Procedures Handbook to the Board of County Commissioners.

**Caroline Cilek** noted Section 6.02.01 outlined the different local development orders that are examined.

**Reed Jarvi** stated the Subcommittee agreed that the change to three years was more consistent with the State of Florida. [**Section 6.02.03 (D)**]

**Caroline Cilek** stated Subparagraphs E and G of Section 6.02.03 were outdated and removed from the LDC.

*Clay Brooker moved to recommend approval to the Board of County Commissioners of the Amendment as revised as well as suggesting amending the TIS Guidelines and Procedures Handbook and the GMP. Second by Robert Mulhere. Carried unanimously, 13 – 0.*

### **3. Section 6.06.01 – Street System Requirements**

*Author: CBIA*

**Caroline Cilek** noted Staff and the CBIA examined the "Reason/Justification" section. She stated Staff did not agree with the CBIA on the following:

- Under "Change," Paragraph 1, Median closure: There were no text changes. CBIA suggested adding the phrase, "based on an engineering evaluation." Ms. Cilek noted it was a health, safety and welfare issue.

**Clay Brooker** noted it was not within the Committee's purview to debate the issue with Staff – the Members should either recommend or decline to recommend approval of CBIA's changes.

**Bob Mulhere** stated he did not think the change would become a burden to the County and supported the proposed change.

**Clay Brooker** noted the Subcommittee recommended reducing the width of sidewalks from 6' to 5' in limited circumstances.

*Suggested changes:*

- Page 6, Line 42: Delete the word "may" and insert the phrase "shall"

- Page 7, Line 23 – the sentence is amended to read as follows:  
“All pathways must be constructed of Portland cement and shall be a minimum of 4-inches thick, over a compacted subgrade.”

**Caroline Cilek** stated she would advise the CBIA of the Committee’s changes.

*Robert Mulhere moved to recommend approval to the Board of County Commissioners of the Amendment as revised by the CBIA as well as suggesting amending the TIS Guidelines and Procedures Handbook. Second by Clay Brooker. Carried unanimously, 13 – 0.*

**4. Section 10.02.03 (B)(3) – Submittal Requirements for SDPs (Insubstantial Changes)**

*Author:* Growth Management Division

*Purpose:* To adjust the language and allow for a speedier review process for insubstantial changes.

**Clay Brooker** suggested the Amendment should be emailed to the Committee to review. There are certain standards to be reviewed, especially by engineers and architects.

Judy Puig will email the document to the Members.

**Consensus:** DSAC will review the Amendment at the next meeting.

**5. Section 10.02.13 (E) – Planned Unit Development (“PUD”) Procedures**

*Author:* Private Applicant

*Purpose:* To modify the PUD permitted use procedure, allowing for permitted uses to be text changes.

**Caroline Cilek** stated the Amendment was not legally permissible as written.

**Clay Brooker** noted State law requires an Ordinance to change the text of a PUD.

**Bob Mulhere** stated recent changes to the GMP legislation allows a “Small-scale Amendment” which permits changes to text – it’s an expedited process – as long as the text relates to a map change.

**Clay Brooker** stated the problem is determining what is allowed by State law.

**Caroline Cilek** noted a meeting has been scheduled with the County Attorney’s office.

**Consensus:** The Amendment will be reviewed by DSAC at the next meeting.

**Clay Brooker** reminded the Members they could request further discussion of any Amendments previously approved by the Subcommittee.

He suggested an omnibus motion to approve the Amendments if the Committee did not have any concerns.

**Bob Mulhere** noted he would not vote on the Bayshore/Gateway and Immokalee Amendments due to conflict of interest.

*Robert Mulhere moved to recommend approval to the Board of County Commissioners of the Amendments approved by the LDR Subcommittee with the exception of the Bayshore/Gateway and Immokalee Amendments. Second by George Hermanson. Carried unanimously, 13 – 0.*

*Mario Valle moved to recommend approval to the Board of County Commissioners of the Bayshore/Gateway and Immokalee Amendments. Second by Clay Brooker. Motion carried, 12 – “Yes”/1 – “Abstention.” Robert Mulhere abstained.*

**IX. COMMITTEE MEMBER COMMENTS:**

- **Reed Jarvi** announced his resignation from DSAC. He will begin working for the County as the LDC Transportation Planning Manager.
- **Clay Brooker** will assume Chairmanship of the LDR Subcommittee.
- **Ron Waldrop** volunteered to serve on the LDR Subcommittee.
- **Judy Puig** will notify the BCC’s office of the vacancy.

**NEXT MEETING DATES:**

*(Meetings will commence at 3:00 PM unless otherwise notified)*

- **February 1, 2012**
- **March 7, 2012**
- **April 4, 2012**
- **May 2, 2012**

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:15 PM.

**DEVELOPMENT SERVICES ADVISORY COMMITTEE**




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**William Varian, Chairman**

The Minutes were approved by the Board/Committee Chair on Feb 1, 2012  
“as submitted”  OR “as amended”