

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE  
MEETING

February 1, 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  
Ray Allain  
James Boughton  
Clay Brooker  
Laura Spurgeon De John  
Dalas Disney  
Marco Espinar  
David Hurst  
Robert Mulhere  
Mario Valle  
Ronald Waldrop  
  
(Vacancy)

Excused: David Dunnavant, Vice Chairman  
Blair Foley  
George Hermanson

ALSO PRESENT: 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  
Robert Salvaggio, Assistant Fire Code Official – Fire Code Office  
Nathan Beals, Project Manager – Public Utilities  
Caroline Cilek, M.C.R.P., Senior Planner – LDC Coordinator  
Jack McKenna, Sr. Engineer – Engineering & Environmental Services

**I. CALL TO ORDER:**

**Chairman Varian** called the meeting to order at 3:06 PM and read the procedures to be observed during the meeting.

A quorum was established. Eleven members were present.

**II. APPROVAL OF AGENDA:**

*Mario Valle moved to approve the Agenda as submitted. Second by Dalas Disney. Carried unanimously, 11 – 0.*

**III. APPROVAL OF MINUTES – JANUARY 4, 2012:**

*Dalas Disney moved to approve the Minutes of the December 7, 2011 Meeting as submitted. Second by James Boughton. Carried unanimously, 9 – 0.*

*(Note: Ray Allain and David Hurst could not vote because they did not attend the January meeting.)*

**IV. PUBLIC SPEAKERS:**

*(None)*

**Judy Puig, Staff Liaison**, advised the members to use care when adjusting the microphones to avoid feedback – the bases will be replaced in the near future.

**V. STAFF ANNOUNCEMENTS/UPDATES:**

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

- Utilities Standards Discussion Group met on January 17<sup>th</sup>
  - Next meeting: February 21, 2012
- Update: Gravity Sewers – Maximum Depth
  - Proposed 15 feet for maximum depth (from finished grade)
    - Originally proposed 10 feet
  - Counter: 18 feet
  - Discussion continues – an official policy has not been determined
    - Process allows review by deviation – specify reasons
    - Concern: costs, maintenance issues, disturbance to customers
- Requested that DSAC's Utilities Subcommittee not meet until March

**B. Fire Review: Robert Salvaggio, Assistant Fire Code Official – Fire Code Office**

- Monthly Activity Report was submitted for December, 2011
  - Plan Reviews conducted – 731 (November total – 641)
    - Mixture of renovations and multi-family reviews
  - There have been no issues with transfers
    - Scheduled trips: 9:00 AM and 2:00 PM, with additional trips as need

**C. Transportation Engineering: Jay Ahmad, P.E., Director**

- Collier County Bridges:
  - 109 in the County – over half are 50 years or older – bridges are aging
  - Bridges are inspected bi-annually by the Florida Department of Transportation
  - Received notification from the FDOT – advised to post weight limits on five bridges within 30 days
    - Four are located on State Road #846 (Immokalee), east of SR #29
    - One is in Chokoloskee (Chokoloskee Bay)
    - Weight limits: 28 tons (4) and 29 tons (1)
  - Will present findings to the Board of County Commissioners at next meeting
  - Bridge program is marginally funded by gas tax funds
  
- Golden Gate Blvd. Bridges:
  - Locations: Miller Canal and Golden Gate Canal
  - Contract for Design/Build was approved by the BCC
  - Weight restricted to 29 tons
  
- Chokoloskee Bridge:
  - BCC awarded a contract for Design/Build
  - Was repaired approximately 3 years ago (cost: \$500,000)
  - Weight restriction not lifted – was 35 tons
  
- White Blvd. and 23<sup>rd</sup> Street Bridges:
  - Still discussing funding (for 23<sup>rd</sup> St. Bridge) – options under review
  - Impact fees were allocated but less than \$5M is available
  - Concern for future projects (Collier Blvd./Wilson/Golden Gate)
  
- Other projects:
  - Davis/Collier – 17% completed (Duration: 2½ years)
  - Oil Well Road – western portion will be substantially completed by April and the eastern portion by June

**D. Planning & Regulation: Jamie French, Director – Operations & Regulatory Mgmt.**

- Activity Report:
  - 1,700 Permit applications received
    - 82 – single-family
    - 4 or 5 – multi-family
    - 2 – commercial projects (new construction)
    - Remainder: Shutters, A/C, individual Trade Permits
  - Inspections:
    - 6,400 in January
    - 19 – Pre-Apps
    - 60 – Zoning certificates

- 50 – Temporary Use Permits
  - 1 – SDP, 6 – SDP-A, 1 – SDP-I
  - Land Use side is still down
  - Pulte, GL Homes, and Lennar are calling office – may begin new construction projects
- Florida Building Code – becomes effective on March 15<sup>th</sup>
  - At next BCC Meeting – will request outsourcing for Inspections
    - Budget: \$100K (hire independent contractors through an agency)
  - “CityView”
    - Portal is available
    - C/D-Plus permit applications are being phased out

**Chairman Varian** inquired about inspections – how many per day were conducted.

**Jamie French:**

- 2009 – 24 per day
- ISO limitation – 16 per day
  - in order to comply, Staff would need to be doubled
  - County’s EGS (Enforcement Grading System) rating is 4
  - City of Naples EGS rating is 3
  - EGS rating affects insurance rates

**Dalas Disney** pointed out the ISO Rating apply to Property Hazard Insurance. He asked what was the cost difference to an individual on their insurance policy. He suggested the figure was not significant. He stated the important factor was to keep the number of inspections performed by each inspector as low as possible to improve the ISO Rating and hiring inspectors on a contract basis would help reduce the number.

**Ray Allain** suggested incentivizing the Custom Builders to use providers of 3<sup>rd</sup> party Inspectors. He stated a study of private providers could be conducted to ascertain level of service.

**Jamie French** stated he was open to investigating but did not think a private provider would always meet Collier County standards. He stated he can request another inspection by the ISO Certifiers but preferred to wait until there was a full year of service under “CityView.”

**Mr. Allain** stated a high-end residential builder could afford to utilize a private provider. He further stated if the difficult inspections were performed by a 3<sup>rd</sup> party provider, it would reduce expenses and eliminate the need to hire independent contractors.

**Re: “CityView”**

**Dalas Disney** noted Reviewers’ comments are returned in PDF format. He could not edit the document and was forced to retype his original document rather than being able to cut and paste the comments into it. He suggested returning documents utilizing standard Word format.

**Jamie French** will research the issue with the vendor and Staff.

## **VI. OLD BUSINESS:**

### **A. LDC Amendments – Recommendations from LDR Subcommittee: Caroline Cilek, M.C.R.P., Senior Planner – LDC Coordinator, and Clay Brooker**

**Clay Brooker** inquired about the comments from the Environmental Advisory Council. **Caroline Cilek** stated the EAC reviews only Amendments with an environmental component. Several Amendments were returned by the EAC for additional justification.

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

#### **1. Section 2.03.07 (G) – Immokalee CRA Overlay District (Withdrawn)**

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

*Author:* Growth Management Division

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

*Comment:* Under review by the County Attorney’s Office and will be returned to DSAC at the next meeting. Updates will be applied to all zoning districts including PUDs and more specifics will be provided for deviations.

#### **3. 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.

*Comment:* Has been sent “back to the drawing board” – working with the CBIA. Goal is to apply consistent/compatible language throughout the Land Development Code. Will be reviewed by the County Attorney’s Office before bringing to DSAC.

#### **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.

*Comment:* Was completely re-written to provide more flexibility utilizing DSAC’s recommendations to guide how to view insubstantial changes.

#### **Member comments:**

- **Laura DeJohn** objected to the use of the word “guidelines” and suggested substituting the word “considerations.”

- **Dalas Disney** asked what triggered which requirement for full compliance with the existing Florida Building Code. He had previously suggested examining the existing Building Code – his concern was with existing developed sites and how they are required to comply. He asked if the site is not in compliance, what triggers full compliance. Example, an addition of one square foot triggered full compliance. He stated the Code contains different levels of renovation – Level I is relatively minor, Level II is anything under 50%, and Level III requires full compliance if 50% or more is renovated. He suggested utilizing the trigger points for site compliance. **Bob Mulhere** suggested differentiating between what triggers compliance and what is an insubstantial change. He stated the issue was determining which process to follow. **Nick Casalanguida** stated once a hard and fast rule is inserted into the Code, it must be observed. **Jack McKenna** stated he will be participating in a round-table discussion with the District concerning use of percentage versus square footage – it is difficult to find a “one size fits all” conclusion.

Discussion continued concerning thresholds for a “Letter of Modification” versus a “Letter of No Objection” and possible separation from the District’s requirements.

**Mr. Casalanguida** stated it must be clear that a proposed SDP-I actually qualifies for consideration as a true SDP-I and not something else, such as an SDP-A or an SIP – the contractor must understand the difference. The focus should be on the original SDP.

**Dalas Disney** asked how parcels that pre-date the SDP process will be handled.

**Jack McKenna** stated the goal was to prevent any misinterpretation of the Code either by Staff or the public.

**Mr. Casalanguida** noted the Planning Commission will want definitions and specific language.

**Mr. McKenna** concurred that flexibility can be a double-edged sword.

**Mr. Casalanguida** requested the Members to review the information sheet which had been refined by Claudine Auclair and suggest additional changes. He stated the explanation of the project was important for Staff. He suggested holding a weekly Review sessions with 2 or 3 members of DSAC and 2 or 3 Staff members.

**Dalas Disney** suggested bringing issues to DSAC for review.

**Robert Mulhere moved to approve and accept the revised Amendment as discussed (i.e., elimination of the word “guidelines.” Second by Mario Valle.**

**Ray Allain** suggested including a sunset to compel revision and discussion on a regular basis, especially if there was enough flexibility that could (potentially) be misused.

**Chairman Varian** noted under the DSAC Ordinance, any member could bring an LDC Amendment forward.

**Bob Mulhere** stated if there was a statutory requirement to review the LDC on a regular basis (every 3 or 4 years), it might be more effective than a sunset.

*Motion carried, 9 – “Yes”/1 – “No.” David Hurst was opposed and Mario Valle was not present for the vote.*

**Chris Scott, Senior Planner – Growth Management Division, stated:**

- Primary task is to go through Administrative Code process
- the County is trying to remove the procedures and application content from the LDC and place into the Administrative Code
  - Procedural issues are found primarily in Chapter 10 of the Land Development Code but are also interspersed throughout the LDC
  - The Administrative Code will site back to specific development criteria in the LDC
  - Will function like a user’s handbook
- The Administrative Code will closely follow the LDC
  - No substantive changes
  - No procedural/regulatory changes
- Still working with the Consultant – White and Smith
- Will be reviewed by the County Attorney’s Office
- Cycle II will amend the LDC
- The Code of Laws will be reviewed next
- Time Line:
  - February/March – review by Environmental Advisory Council
  - April/May – review by the Planning Commission
  - June, July, and September – presentation to the Board of County Commissioners

**Updates – Approved Amendments: (Caroline Cilek)**

- Boat Dock Extension – under review by the County Attorney’s Office – similar to what was approved – will be more objective and number oriented
- Personal Storage Containers – will be moved to different section of the Code (Chapter 5)
- Extensions to SDPs and SIPs – placing a two-extension limit (2-years per extension) – upon expiration, must apply for SDP-I or SDP-A – must comply with the Code after 7 years
- Conditional Use Application – CBIA proposed allowing one extension (2-years per extension) following the 3-year time limit
  - The Board directed extending the time limit from 3 to 5 years

**VII. NEW BUSINESS:**

*(None)*

**VIII. COMMITTEE MEMBER COMMENTS:**

- **Chairman Varian** stated he could not find the DSAC Amendment and requested a copy.
  - He stated there were reports that DSAC was required to submit – under Joe and Gary – very specific – he remembered fee changes – requested research to determine what is still valid

**NEXT MEETING DATES:**

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

- **March 7, 2012**
- **April 4, 2012**
- **May 2, 2012**
- **June 6, 2012**

**There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:40 PM.**

**DEVELOPMENT SERVICES ADVISORY  
COMMITTEE**



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**William Varian, Chairman**

The Minutes were approved by the Board/Committee Chair on 3/7/12, 2012  
“as submitted”  OR “as amended”