

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE
MEETING

March 7, 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
Laura Spurgeon De John
Dalas Disney
Marco Espinar
Blair Foley
George Hermanson
David Hurst
Robert Mulhere
Mario Valle
Ronald Waldrop
(Vacancy)

Excused: Clay Brooker

Absent: Ray Allain

ALSO PRESENT: Jamie French, Director – Operations & Regulatory Management
Judy Puig, Operations Analyst – Staff Liaison
Reed Jarvi, Manager – Transportation Planning
Ed Riley, Fire Code Official – Fire Code Office
Aaron Comer, Principal Project Manager – Public Utilities
Caroline Cilek, M.C.R.P., Senior Planner – LDC Coordinator
Chris Scott, Senior Planner

I. CALL TO ORDER:

Chairman Varian called the meeting to order at 3:03 PM and read the procedures to be observed during the meeting.

A quorum was established. Eleven members were present.

II. APPROVAL OF AGENDA:

Robert Mulhere moved to approve the Agenda as submitted. Second by George Hermanson. Carried unanimously, 11 – 0.

III. APPROVAL OF MINUTES – FEBRUARY 1, 2012:

James Boughton moved to approve the Minutes of the February 1, 2011 Meeting as submitted. Second by Robert Mulhere. Carried unanimously, 8 – 0.

(Note: David Dunnivant, Blair Foley, and George Hermanson could not vote because they did not attend the February meeting.)

IV. DSAC POSITION VACANCY: REVIEW AND VOTE

Chairman Varian stated the vacant position (formerly held by Reed Jarvi) had been advertised. Only one individual applied, to wit: Christopher R. Mitchell of Mitchell Engineering Group, LLC, who is a land development consulting Civil Engineer.

Robert Mulhere moved to approve the application of Christopher R. Mitchell and recommend to the Board of County Commissioners to appoint Mr. Mitchell to the Development Services Advisory Committee. Second by David Hurst.

Discussion:

- It was noted five DSAC members are Engineers.
- A suggestion was made to target future advertising to the areas of expertise needed to complete the Committee.
- Judy Puig, Staff Liaison, will contact Ian Mitchell, BCC Office, to request advertising which lists specific categories.

Chairman Varian called for a vote. Motion carried unanimously, 11 – 0.

V. PUBLIC SPEAKERS:

(None)

(Dalas Disney arrived at 3:10 PM.)

VI. STAFF ANNOUNCEMENTS/UPDATES:

A. Public Utilities: Aaron Kromer

- Update: Gravity Sewers – Maximum Depth
 - Evaluation continues – cost has not been determined

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

- Monthly Activity Report was submitted for January 2012
 - Plan Reviews conducted – 686 (December 2011 – 731)
 - Review turn-around times have been meeting objectives
 - Expedited Reviews: 5 were conducted
 - Overtime hours (11) are reimbursed by the contractor(s) who requested an expedited review

C. Transportation Engineering: Reed Jarvi, Manager – Transportation Planning

- Public Information Meeting will be held on March 8th in Golden Gate
 - Topic: White Blvd. (replacement) Bridge and 23rd Street (temporary) Bridge
 - Due to downturn in economy and slow population growth, it was decided a full replacement will not be needed as quickly as originally thought
 - A temporary bridge will be constructed while the White Blvd. bridge is replaced
 - DOT determined the White Blvd. Bridge is functionally deficient and will be completely replaced (including sidewalks and bike lanes)
 - A temporary traffic light will be installed at Golden Gate
- I-75/Everglades Blvd. IJR (“Interchange Justification Report”) is moving forward
 - The CEEE (“Cumulative Environmental Effects Evaluation”) Dispute Resolution Team held a meeting approximately two weeks ago
 - Determination: locating an interchange at I-75 and Everglades Blvd. will result in minimal environmental changes
 - The IJR should be completed during the summer

Q. Davis/Collier Blvd. Project

There were two left turning lanes from Collier Blvd. onto Davis Blvd. (north to west) which have been reduced to a single turning lane due to construction and the signal time has been shortened. During “season,” it is an impossible situation. **Mr. Jarvi** will forward the information to the proper party.

Mr. Jarvi noted the final Technical Memorandum from the Dispute Resolution Team is due on February 15th. A Public Hearing had been held on March 1st.

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

- Florida Building Code will become effective on March 15th
 - In 2009, the Board of County Commissioners approved exempting certain permitting requirements for single-family homes under Ordinance #2009-59. The State has declared the Ordinance will be null and void as of March 15th.

- A new Ordinance will be presented to the BCC which will be identical to #2009-59 except for changes in the language to reference the 2010 Building Code.
- After the Board has adopted the new Ordinance, it will be recorded with the State and become effective 60 days thereafter.

- Activity Report
 - Most permits are for single-family homes
 - Very little commercial or multi-family
 - Land Development – remains steady at 1 to 2 SDPs (“Site Development Plan”) per month
 - Insubstantial Changes Amendments have been submitted for pre-approved building lots (many of which have been pre-sold) or for developments

- Fee Revenue
 - Has been steady – right at Budget levels
 - 14 “job bankers” are in training – 3 are Inspection positions for individual trades – anticipating a “rush” to obtain permits and C/Os due to new Florida Building Code

- Commercial Zoning Certificate and Temporary Use Permits
 - Showing strong trends – the current inventory is being utilized
 - Most for build-outs ... very little activity for new buildings

Q. Will the office close early on March 15th when the new Florida Building Code is issued?

A. Will accept permits up to 4:00 PM – Staff may be staggered – many are being cross-trained to issue permits. A possibility may be to shut off at 3:00 PM but accept applications up to 5:00 PM.

Dalas Disney again asked about the possibility of issuing Reviewers’ Letters in “Word” format rather than as a PDF document;

Mr. French stated he would bring the issue to the “CityView” representatives.

A *suggestion* was offered regarding “Web Portal” to establish a “sounding board” to obtain issues to present to “CityView” at one time rather than piece-meal and analyze what changes are the most cost effective to make.

Jamie French asked the members to send their issues/questions/suggestions to Judy Puig who will forward to him – will be reviewed/discussed at the next DSAC meeting.

- Fee Schedule – Reporting Items

Jamie French noted:

- The language stated that the County would provide DSAC with activity levels on an annual basis

- The Fee Schedule identified the amount of “cash on hand” – i.e., funds not committed to a specific purpose
- The Board of County Commissioners adopted the cash on hand figure as “reserves” – if the amount exceeded the total budget by 50% or more, a review of the Fee Schedule was triggered

He asked if the Committee wished to see the figures on a quarterly or annual basis.

Consensus: An annual presentation of the Budget preparation will be sufficient.

VII. OLD BUSINESS:

A. Update – LDC Amendments: Caroline Cilek, Senior Planner – LDC Coordinator

LAND DEVELOPMENT CODE AMENDMENTS 2012 – CYCLE 1

1. Section 9.04.08 – Administrative Adjustments

Caroline Cilek stated:

- The County Attorney’s Office made a few minor changes.
- The adjustments that can be made are still under review – “work in progress.”
- Setback reductions were limited to 25 percent, but no greater than five feet.
- Nick Casalanguida, author, proposed changes to buffers between “like uses” such as a shopping center (i.e., buffers between two C-2 retail businesses) to either: share, reduce, or eliminate the buffer if parking facilities are shared. The issue will be addressed in a separate (new) LDC Amendment.
- The EAC (“Environmental Advisory Council”) has reviewed the Amendment.
- The Amendment will be presented to the Planning Commission for review in April.

Approved Revisions:

Page 3:

- B (1) (a) and (b): “diminution” was changed to “reduction”
- C (3): “mitigation” was changed to “adequate mitigation”
- D (1): “registered professional engineer” was changed to “appropriate design professional” (to be consistent with procedures for SDP and SIP)

Page 4:

- D (5): the word “his” was deleted, i.e., “County Manager or designee ...” (as referenced throughout the document)

George Hermanson moved to accept and approve the Amendment with the discussed revisions. Second by Robert Mulhere.

Motion carried, 9 – “Yes”/3 – “No.” Blair Foley, David Dunnivant, and Dalas Disney were opposed.

Caroline Cilek encouraged DSAC members to attend the Planning Commission meeting to defend the changes.

2. Update: Administrative Code – Chris Scott

- Moving forward – procedural aspects are being removed from the LDC into a separate (stand-alone) document:
 - Will enable future changes to procedures (such as application contents, which Staff member is to review/approve insubstantial changes, designation of time lines, etc.) to be more easily amended
 - The procedure will be simplified – less lengthy
- Drafts of the Administrative Code and of a Text Amendment to remove the procedures from the LDC and create criteria to authorize the County Manager to create the Administrative Code have been written
- Anticipating presentation to the Board of County Commissioners within one month after the LDC Amendment Cycle has concluded
- The drafts are not yet available online for review – still in progress

Caroline Cilek noted:

- The Collier County Planning Commission (“CCPC”) will review the Amendments during a special session to be held on April 13th.
- Review of the Administrative Code is anticipated to be scheduled for review by the CCPC during May.
- Next step – the documents will be presented to the Board of County Commissioners, beginning in June and ending in September.
- DSAC members were again encouraged to attend the Planning Commission meeting

3. LDR Subcommittee

- Will meet on March 19th to review new Amendments

4. Section 4.02.01 D – Exemptions and Exclusions from Design Standards

Purpose: To allow air conditioning (A/C) units that must be elevated in order to meet flood elevation requirements to encroach into any yard provided that minimum building separations are maintained, consistent with Staff Clarification SC 07-01.

“The LDC also allows setback/yard encroachments for window or wall-mounted A/C units for up to two feet (D.6.). In the special flood hazard areas, primarily the coastal VE zones, the A/C units are required to be elevated to the same level as the first habitable floor (above the Base Flood Elevation), and cannot be constructed as slab on grade. ”

Jamie French provided background information:

- A complaint was made concerning many of the homes built within the flood plains (“VE” zone – North Naples) regarding the requirement to raise A/C units (pad) up to the base flood elevation.
- A Staff interpretation, made in 2007, stated encroachment into the side yard was allowed on pad-mounted A/C units which were elevated only to meet FEMA requirements (cantilevered). The elevated units were treated the same as pad-mounted units.
- The LDC does not contain language to support the interpretation – it only states “pad mounted.”
- The basis for the objection was the type of encroachment – suggestion was to reduce the size of the home or recess the A/C units.
- Nick Casalanguida requested that the Amendment is reviewed during the LDC Cycle.

Chris Scott:

- The LDC currently permits some encroachment for pad-mounted A/C units – it was not codified.

“D. Exemptions and exclusions from design standards.

9. Fences, walls and hedges, subject to section 5.03.02, ground (slab on grade) mounted air conditioners, unenclosed pool equipment and well pumps, are permitted in required yards, subject to the provisions of section 4.06.00. For the purpose of this section, ground mounted air conditioners include units that are required to be elevated to meet flood elevation, including their supporting structures, provided the minimum separation of structures is maintained.”

(Note: Inserted language was underlined.)

- There is an exception for generators.
- Cannot cantilever over the property line.
- The Amendment will codify the language to clarify that it pertains to A/C units and their support structures which are required to be elevated to meet flood zone requirements
- Applies to single-family homes

Suggestion: Camouflage the unit by using a louvered screen which could provide some sound dampening and be aesthetically pleasing while not hindering air flow or servicing of the unit.

Dalas Disney pointed out some A/C manufacturers (such as “Trane”) offer an acoustical “shroud” or blanket for newer units which is mounted inside and around the compressor motor to provide some noise abatement.

George Hermanson suggested revising the inserted language:

- First sentence: Remove “ground (slab on grade) mounted”
- Second sentence: Remove “For the purpose of this section”
- Second sentence: “This includes air conditioners that are ground mounted units or units that are required to be elevated ...”

5. “Florida Specialties” Amendment

Caroline Cilek noted a new LDC Amendment will allow creation of a permit which will authorize early construction.

Jamie French provided background information:

- A company may want to expand its operations but the deadlines do not necessarily coincide with the County’s deadlines.
 - Business would like to simultaneously submit permit applications at the beginning versus going through the Land Use and/or Zoning aspect of the approval process.
 - A building permit would be submitted with the initial SDP.
 - The Board of County Commissioners approved the “Florida Specialties” but directed the County to develop a process for review by the BCC.
- A draft of the document will be reviewed by the Building Department, Land Use Planning, and Fire Code Office prior to presentation to DSAC.

Robert Mulhere pointed out projects will be limited because the first threshold will be to determine whether a jurisdictional permitting process is required. If it is, the project will not qualify.

Jamie French stated it is recognized to be an “at risk” situation, i.e., to run vertical construction before a final approval is obtained. He further stated the Florida Building Code does allow early work authorization. The goal is to modify the LDC to allow the County to take a more pro-business approach.

Caroline Cilek noted Amendments previously initiated and authored by the CBIA will go forward as “Staff sponsored” and “Staff sponsored” – some of the changes have been removed. The CBIA was advised of the changes made by Staff. The Amendments will be reviewed by DSAC.

Jamie French stated the sponsorship change was made to prevent the CBIA from incurring a cost to submit the Amendments.

VIII. NEW BUSINESS:

- **Chairman Varian** stated copies of emails between Ed Riley and Nick Casalanguida were provided to DSAC members. He further stated DSAC is available to assist both Mr. Riley and Mr. Casalanguida in any way possible.

IX. COMMITTEE MEMBER COMMENTS:

- **David Hurst** announced his resignation from DSAC due to a conflict of interest. He has accepted a position with the SW Florida Water Management District, effective April 2012, and will be the Supervisor of water use permitting.
- **Judy Puig** will contact Ian Mitchell at the BCC's office to advertise the vacancy.

NEXT MEETING DATES:

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

- April 4, 2012
- May 2, 2012
- June 6, 2012
- July 11, 2012

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:26 PM.

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



William Varian, Chairman

The Minutes were approved by the Board/Committee Chair on 4/4, 2012
"as submitted" OR "as amended"