

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE
MEETING

April 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 Dunnavant
James Boughton
Clay Brooker
Laura Spurgeon De John
Dalas Disney
Marco Espinar
Blair Foley
George Hermanson
Mario Valle
Ronald Waldrop

(Vacancy)

Excused: Ray Allain
Chris Mitchell
Robert Mulhere

ALSO PRESENT: Nick Casalanguida, Administrator – Growth Management Division
Jamie French, Director – Operations & Regulatory Management
Judy Puig, Operations Analyst – Staff Liaison
Jay Ahmad, P.E., Director – Transportation Engineering
Reed Jarvi, Manager – Transportation Planning
Nathan Beals, Project Manager – Public Utilities
Caroline Cilek, M.S., Senior Planner – LDC Coordinator
Carolina Valera, Principal Planner – Comprehensive Planning

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:

Dalas Disney moved to approve the Agenda as submitted. Second by Marco Espinar. Carried unanimously, 11 – 0.

III. APPROVAL OF MINUTES – MARCH 7, 2012:

Dalas Disney moved to approve the Minutes of the March 7, 2012 Meeting as submitted. Second by David Dunnivant. Carried unanimously, 10 – 0.

(Note: Clay Brooker could not vote because he did not attend the March meeting.)

IV. PUBLIC SPEAKERS:

(None)

V. STAFF ANNOUNCEMENTS/UPDATES:

A. Public Utilities: Nathan Beals, Project Manager

- Continuing review of Standards and Gravity Sewers – Maximum Depth
 - No changes have been made
 - Evaluation of cost analysis

B. Fire Review: *(The Fire Code Office was not represented.)*

- Monthly Activity Report for February 2012 was submitted
 - Plan Reviews conducted – 854 (January 2012 – 686)
 - Expedited Reviews: 7 were conducted
 - Overtime hours (16) were reimbursed by the contractor(s) who requested an expedited review

C. Transportation: Jay Ahmad and Reed Jarvi

Jay Ahmad, P.E., Director – Transportation Engineering

- Update: *Oilwell Road Project*
 - Paving is underway
 - Recent “Change Order” was submitted for fencing and other items
 - Deadline was extended – days were added
 - Anticipated completion: end of June – eastern and western segments
- Update: *Collier/Davis Project*
 - 30% completion (slightly ahead of schedule)
 - Anticipated completion: December, 2013

- Update: *White Blvd./23rd Street Bridges Project*
 - Received bids
 - During a general discussion during the February meeting, the BCC directed County explore option to construct a temporary bridge at 23rd Street in lieu of a permanent bridge
 - Revise design/specs
 - The low bidder was asked to submit a “Change Order” and quote
 - Amount of quote: \$916,000
 - Other options are under consideration
 - Detours
 - New Bid process: request bids only for temporary bridge from other bidders
 - Current bids will expire in 120 days
 - Will return to BCC
 - May begin new round of bids - Scope of Work has changed
 - Single bid for revised project

Reed Jarvi, Manager – Transportation Planning:

- Update: *I-75/Everglades Blvd. IJR* (“Interchange Justification Report”)
 - Draft of Report should be completed by Friday, April 6th
 - Will present at next DSAC meeting
 - Process:
 - Draft will be sent to DOT to finalize (3 to 4 months)
 - Final version will be sent to Feds for approval
- *Master Mobility Plan*
 - Phase III Team has met twice
 - 3rd phase – implementation of Comprehensive Plan changes and LDC changes
 - Will present to DSAC at the May 2nd meeting
 - Important Dates:
 - April 12 – (9:00 AM – 12:00 N) Workshop with Planning Commission at BCC Chambers
 - May 15 – Public Meeting (early evening)
 - June 19 – Workshop with Planning Commission
 - After approval has been obtained, will present to BCC

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

- Florida Building Code became effective on March 15th
 - The Business Center remained open until 5:00 PM.
- Activity Report
(*A copy of the March 2012 Monthly Statistics was distributed to the Committee.*)

- Level of complexity – more data and tables on “CityView” to access
- Report provided a “snap shot” – an 18-month overview
- Building Department Statistics
 - All Permits Issued by Month
 - New Construction Permits
 - Building Inspections (including 800 series which were not tracked previously)
- Land Development Services Statistics
 - All Land Development Applications
 - Pre-Application Meetings by Month
 - Commercial Zoning Certificate Applications
 - Temporary Use Permit Applications
 - Site Development Plan (“SDP”) Applications
 - SDP Re-Submittals (Corrections)
 - SDP Amendment Applications (“SDP-A”)
 - SDP-A Resubmittals
 - SDP Insignificant Change Applications (“SDP-I”)
 - SDP-I Re-submittals

Jamie French stated job bankers (building inspectors) were hired as “spikes” (trends) were noted – A/C and electrical were the most requested trades.

Dalas Disney suggested adding one more category to measure the dollar volume of business – construction dollar volume.

Mr. French cautioned he could only provide estimates.

Chairman Varian stated in March there were 2,200 Permits and 8,000 inspections. He asked if the figures could be broken down into trade permits, i.e., mechanical, remodeling.

Mr. French stated his concern about breaking down the numbers was that an inspection could have already taken place in addition to the number of corrections or revisions.

Chairman Varian clarified there were approximately 120 permits for new construction and asked about the remaining permits.

Nick Casalanguida stated the top 5 business permits can be provided.

Dalas Disney stated of the 7,000+ inspections noted in February 2012, some will track and correlate as new construction. The remainder should be trade permits and “other.”

He stated his interest was the correlation between new construction work and the building inspections.

Nick Casalanguida explained determining a correlation will be complicated because while a permit may have been pulled, the work may not start for 2 to 3 months later. Additionally, a pre-construction permit may be issued before an SDP is approved and the gap could be as much as three months.

Mario Valle commented the other aspect of the bulk number of inspections will be in remodeling/renovations. The figures may tie into being closer to the number of inspections for new construction. While there may not be structural inspections, there will be framing, insulation, and the mechanical trades. Those figures will track closer together than just the trades.

Chairman Varian suggested tracking the following categories: plumbing, electrical, mechanical, building, site, and “other”

Nick Casalanguida stated the report can be configured to meet DSAC’s needs and requested that the members discuss and determine a consensus.

Jamie French asked the members to email their comments to him. He Stated if the Committee wished, the report can track the number of inspections instead of permits in order to obtain the level of activity in the field. He stated DSAC members to specify the level of detail they wanted included in the report.

- SIRE Active Review Project (in process)
 - DSAC members have requested the ability to copy/paste a Reviewer’s Letters/comments onto their own documents via Word format
 - Currently PORTAL issues only PDF documents
 - Trying to utilize SIRE to transfer data from PORTAL into Word
 - Also consulting with CityView representatives to determine if PORTAL’S scope can be changed

Chairman Varian stated he is a member of the SIRE working group – the focus is to help “build” the system – the group offers comments/adjustments as the system is under development.

Jamie French confirmed applications can be searched by company name, owner’s name, address, and permit number.

New Topic – Fire Review:

David Dunnivant asked if a Workshop had been scheduled with the Board of County Commissioners concerning Fire Review.

Nick Casalanguida stated he met with the three Fire District Chiefs; the discussion was productive. They admitted not understanding the complexity of a Fire Review. He also met with Ed Riley, Fire Code Official.

He gave a brief overview of the current review process:

- The Fire Code Office reviews the building plans,
- Plans are accepted or rejected and corrections are made as required,
- Once the plans are approved, a permit is issued.
- Problems can occur in the field when a District Fire Inspector decides that changes are necessary – Ed Riley may not know anything about the changes.

Mr. Casalanguida explained the Field Fire Inspectors do not work for the Fire Code Office – they are employed by the Fire Districts. One solution is to place the Field Inspectors under the control of the Fire Code Office.

- While the suggestion has the support of the three District Chiefs, it is not known if the Union will concur and support the proposed change.
- The Field Fire Inspectors are firefighters with additional duties. The salaries can become an issue. Building Inspectors earn \$55,000, while Field Fire Inspectors can earn between \$80,000 to \$100,000 per year.

He continued, as each Field Inspector retires, Mr. Riley can hire non-firefighters to conduct inspections. Until that time, the Fire Code Office would absorb the Field Fire Inspectors who will report to Horseshoe Drive. As employees of the Fire Code Office, they will follow the same process as the Building Department Inspectors and if the Fire Districts pay their salaries, the Union may not object.

- The Inter-local Agreement between Collier County Government and the Independent Fire Districts will be amended to achieve consistency by applying the same performance standards and customer service requirements.
- Scheduled hours between the Building Department and the Fire Code Office will be included in the Inter-Local Agreement.

Mr. Casalanguida noted the Fire District Chiefs and their Boards are independent – there is no accountability. If Mr. Riley worked along with the Fire Chiefs and a forum was scheduled every quarter with an open discussion about process, there would be accountability. There would be a learning curve during the first year of the new system.

He stated on April 23rd a meeting will be scheduled with all interested parties at the Horseshoe Drive conference room and invited DSAC members to attend. He further stated he will request the Board of County Commissioners impose a deadline of 180 days to accomplish the negotiations. If a new Inter-Local Agreement has not been agreed to by the end of the period, with input from DSAC and the CBIA (“Collier Building Industry Association”), it all “goes away.”

David Dunnivant asked if Immokalee and Big Cypress were included in the process. **Mr. Casalanguida** stated when the transition takes place, the Fire Code Office may open a satellite office for inspectors.

Questions were directed to Jamie French concerning an issue with the Chamber of Commerce and complaints made about the Building Department’s review times. He stated there are no negotiables with Staff. Staff is also aware that if a plan meets the minimum Building Code criteria, it should not be failed.

Nick Casalanguida stated as changes or improvements are requested by clients, there must be an orderly process and a mechanism developed to prioritize recommendations. **Chairman Varian** stated it was suggested to the Chamber to funnel any issues or complaints directly to DSAC for discussion and vetting. **Jamie French** noted if permits are too difficult to obtain, new business will not come

to Collier County. He stated the Business Center is available for a “pre” pre-apps meeting to provide a cursory review of a project for a new client in order to determine the best way to work out specific points of a plan in advance of submittal. There is no cost to the client, and a meeting can be requested through PORTAL after plans have been submitted to ask questions of the Reviewer concerning his/her comments.

Mario Valle suggested contacting Commercial Realtors through NABOR (“Naples Area Board of Realtors”) as a good source of information for pinpointing issues.

New Topic – Record Room

Chairman Varian asked if plans can be scanned to a disk or emailed in lieu of coping. **Jamie French** stated a disk can be ordered (cost: \$5.00) but the turnaround will not be as quick (possibly 24 hours) as requesting a copy.

New Topic – Project Rejections

Chairman Varian noted there have been issues with NOA (“Notice of Acceptance”) not matching the design pressures entered on the plans by the design professionals. He recently met with Tatiana Gust to discuss the problem. Tatiana cited an example of 200 plans from one builder that were rejected due to: (1) expired NOAs, and (2) others did not meet the wind pressures.

He recommended if the NOA was the only item being rejected, to place a note on the residential Permit card to alert the Inspector to check with the builder. Another suggestion was to remind design professions to check the NOAs against the County’s pressures.

Tatiana Gust stated one problem is trying to educate the technical applicant about what is required by the County and why. Classes are offered and educational models are being designed to help alleviate the situation.

VI. OLD BUSINESS:

(None)

VII. NEW BUSINESS:

A. Collier County’s Corridor Preservation Ordinance Draft – Reed Jarvi

(Copies of Reed Jarvi’s PowerPoint presentation were distributed to the Committee.)

- Corridor Management Plans have been successfully created in Broward, Palm Beach, and Pasco Counties.
- Collier County’s proposed plan has not been compared to other plans.
- Purpose: Provide advance notice of future plans, meet long-range needs, promote orderly growth, and eliminate building on Protected Corridor land

- “Protected” corridors – design plans are at 60% or greater and could be funded for Right-of-Way acquisition/construction
- “Planned” corridor – future possibility – location is not specifically known
- Provide owners/builders with a mechanism to work with the County to avoid conflicts between Transportation Corridors and development sites

George Hermanson asked if credits were available toward future developments. **Reed Jarvi** stated the Impact Fee Ordinance has provisions for credits for land that has been dedicated to the County. He will research the issue and report to DSAC. **Clay Brooker** noted the purpose of the Ordinance was to save the County spending money to purchase (“take” private land for public use under Eminent Domain) properties that were built in the corridor’s path. The County could also be required to pay “severance damages,” i.e., damages that occurred to the remainder of the property as a result of the taking. He stated several corridor management plans have not been successful and suggested the County Attorney’s Office research the plans that were overturned by the Courts and the reasons why the plans were rejected.

Other concerns:

- “Bert Harris” Law
 - In 1995, the **State of Florida** enacted the “Bert J. Harris Jr. Private Property Protection Act” that created a new cause of action for aggrieved property owners. If property owners can demonstrate that a governmental action "inordinately burdened" their property, they could be entitled to some form of compensation.
- Is density of the entire parcel transferred to the remaining portion of the property which is outside the Protected Corridor? There can be dimensional issues.
- Set-backs will be measured from the Protected Corridor’s new boundary which, in turn, pushes the vertical construction further back.

Mr. Brooker cautioned the issue should be carefully vetted to achieve a balance between the needs of the County and the rights of individual property owners.

Reed Jarvi referred to Page 6 of the proposed Ordinance at #6: *“If no funding is available, the County shall not require the preservation of the land needed for the Transportation Corridor, but shall work with the property owner/developer to encourage site planning and utilization that preserves and limits encroachment into the future Right-of-Way to the greatest extent possible.”*

Clay Brooker cited Page 5, under “A. Development within Protected Corridors:”
“2. On both residential and commercial property, the set-backs for new construction shall be measured from the future ROW line

shown on the 60% or greater design plan of the Protected Corridor.

3. *Development shall follow current Land Development Codes and site specific resolutions and ordinance to determine permitted, interim uses and/or improvements allowed within the anticipated future ROW.”*

Dalas Disney stated his concern that the “Protected Corridor” places property into a type of limbo where it can’t be developed and can’t be sold. During the period of time from identification to actual development of the Corridor, the land is useless – it becomes “burdened” without compensation of the land’s true value.

David Dunnivant noted in 2010 – 2011, the Legislature placed a heavier evidentiary burden on the taking authority than the land owner and some of the corridor plans that had previously been upheld might not survive a challenge under the new requirements.

Laura DeJohn asked if the transportation corridor plan had been incorporated into the Master Mobility Plan. She stated if the Mobility Plan is headed in a different direction and the County is trying to evaluate the best growth model for future transportation mobility for the County, the dictum to “to not perpetuate sprawl” appears to be contradicted.

Reed Jarvi stated the Master Mobility Plan is specific to new development but also review connectivity between two-lane roads and subdivisions. Long range plans are developed using modeling, data obtained from the Census Bureau, and review of the ability of existing roads to handle anticipated increase in traffic.

He stated he will research the questions/issues discussed.

Presentations will be made in May to the Planning Commission and to the Board of County Commissioners in June.

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

Caroline Cilek noted the LDR (“Land Development Regulations”) Subcommittee met on March 19th and reviewed several new Amendments.

LAND DEVELOPMENT CODE AMENDMENTS 2012 – CYCLE 1

1. Section 10.01.02 – Development Orders Required – Early Construction Authorization (“ECA”)

Author: Jamie French

The LDR Subcommittee recommended:

- forwarding Amendment to the County Attorney’s Office for review (language), and
- presenting it to DSAC for review.

Jamie French stated the purpose is to provide the ability to move forward with “Florida Specialties”- types of projects (also discussed during the March 7th DSAC

meeting), i.e., to pull permits and start construction more quickly to attract new manufacturing client to Collier County or assist an existing business to expand its facilities to meet the demand of a specific contract.

He continued the intent was not to by-pass any other provisions of the Building Code but to allow an alternative approach. All conditions of the Code must be met and either a performance-based bond or cash bond may be required as surety. If the project were abandoned by the developer, the County would restore the property to the original condition if necessary.

Caroline Cilek explained there were limitations to early construction, i.e., the sites be cleared and comply with environmental issues. She referred to Page 4 of the Amendment, stating the criteria was outlined in Paragraph “C.”

- The “red” language denoted changes made by the County Attorney’s Office which will be presented to the Planning Commission and the BCC.

George Hermanson objected to the requirement for a bond as unnecessary.

Caroline Cilek replied the bond was required because the SDP had not been approved and it was considered as a “good faith” effort.

Dalas Disney agreed with Mr. Hermanson, stating the risk was on the developer – adequate protections were in place and it was an unnecessary, additional expense for the developer.

Jamie French stated the BCC directed the County to develop an alternative approach and not place an additional burden upon the tax payer. He stated after the SDP has been approved, the bond will be released. He cited examples of failed projects.

Suggested Revisions:

- Page 4
 - Line 70 – Change the term “zoning approval” to “SDP approval” (Zoning approval should already be in place.)
 - Line 73 – Add language following the last sentence to clarify a bond or surety will be released after the SDP has been approved
 - Line 87 – Add the word “application” following the word “permit”
 - Line 88 – Change “though” to “through”

Dalas Disney moved to approve the revised Amendment as discussed. Second by Marco Espinar. Carried unanimously, 10 – 0. (Blair Foley was absent from the conference room.)

David Dunnivant asked if the County Attorney’s Office made other changes to the Amendment.

Caroline Cilek noted the process related to timing was removed since it was a procedural issue, i.e., requirement that an initial review was to be completed within 15 days.

2. Section 10.02.13 – Planned Unit Development (“PUD”) Procedures

Author: Nick Casalanguida

Purpose: To add a minor change provision authorizing the County Manager or designee to make a text change to remove the requirement of an affordable housing contribution from a PUD, Development Agreement, or Settlement Agreement. The procedure would be an administrative approval process. Public notice to abutting property owners will be required. If a notified property owner submits a letter of objection, the text change will be reviewed during a hearing before the Board of County Commissioners. (The BCC was notified in December via an Executive Summary.)

(Note: The change will be included in the new Administrative Code.)

Clay Brooker explained to amend a PUD currently, a full public hearing before the Planning Commission is required for a “substantial” change. The process has

been shortened for an “insubstantial” change. The proposed Amendment allows a request to remove the requirement for an affordable housing contribution from a PUD to be categorized as an “insubstantial” change.

He stated the Amendment had not been reviewed by the LDR Subcommittee during its March 19th meeting. The proposed Amendment will be presented to the Planning Commission in May.

Clay Brooker moved to approve the Amendment as presented. Second by George Hermanson. Carried unanimously, 10 – 0. (Blair Foley was absent from the conference room.)

Caroline Cilek noted the following Amendments had been reviewed and approved by the LDR Subcommittee:

- Section 4.02.14 – Design Standards for Development in the ST and ACSC-ST Districts and Section 9.094.02 – Types of Variances Authorized
- Section 4.02.01 – A/C Encroachment
- Section 4.06.02 – Buffer Requirements
- Section 5.05.02 D – Group Housing FAR change
- Section 1.08.02 – Definitions (“Usable Open Space”)
- Section 2.01.02 – Essential Services (adds an “Aviation” component to the permitted uses – clarifies that the Marco Island airport can exist)

Clay Brooker confirmed the Subcommittee voted unanimously to approve the seven Amendments.

Ms. Cilek noted Staff made changes to Section 1.08.02 concerning usable open space specifically to Page 3, Line 17, and cited the change:

“areas, which are accessible to and usable by residents of an individual lot, the development, or the general public.”

George Hermanson moved to approve the Amendments as submitted. Second by Mario Valle.

Discussion:

David Dunnivant stated he did not have an opportunity to review the text.

Dalas Disney stated DSAC's approval was based on the Subcommittee's recommendation.

Clay Brooker concurred, stating the motion is to approve the Amendments that the LDR Subcommittee had reviewed and unanimously approved.

Marco Espinar asked about the list of protected wetland plants referenced in Section 4.02.14 at Page 4, Line 39 that was amended by the EAC.

Steven Lenberger noted the regulation states, "*No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. The plants specifically protected by this regulation include all wetland plants listed by the Florida Department of Environmental Protection in the Florida Administrative Code.*"

The protected plants are:

- Red mangrove – *Rhizophora mangle*
- Black mangrove – *Avicennia nitida*
- White mangrove – *Laguncularia racemosa*
- Needlerush – *Juncus roemerianus*
- Salt cord grasses – *Spartina alterniflora*, *S. patens*, *S. cynosuroides*, *S. spartinae*
- Seashore saltgrass – *Distichlis spicata*
- Buttonwood – *Conocarpus erectus* (*added by the EAC*)
- Coastal fringe rush – *Fimbristylis caroliniana* (*added by the EAC*)

Mr. Lenberger noted Chapter 17-301 of the Florida Administrative Code no longer exists.

Marco Espinar recommended adding the language to the Amendment.

George Hermanson amended his motion to include all wetland plants noted on the Big Cypress list plus the two varieties added by the EAC. Second by Mario Valle. Carried unanimously, 11 – 0.

(Chairman Varian left at 5:15 PM.

Vice Chairman Dunnivant presided over the meeting.)

3. Section 5.05.08 – Architectural and Site Design Standards

Caroline Cilek stated Staff met with several members of the CBIA ("Collier Building Industry Association") concerning changes made to the Amendment which has been originally initiated by the CBIA.

Carolina Valera, Principal Planner – Comprehensive Planning, stated she had been requested to review the architectural standards. She found two issues that did not work in the Code:

PUDs are required to go through the hearing process.

- Architectural standards were previously amended to require that any requested exceptions to the Code should go through the hearing process.
- She stated a PUD should be allowed to go through an administrative process to request a deviation from the architectural standards.

The other portion referred to buildings in a shopping center which are required to meet primary façade requirements. The proposed amendment was designed to make the façade requirements for secondary facades (“back” of the building) more functional and less burdensome for developers and architects.

Caroline Cilek stated the changes were made because Staff could not recommend the CBIA-sponsored Amendment.

Clay Brooker asked if the three updates were Amendments that DSAC or the LDR Subcommittee had previously reviewed and approved.

Caroline Cilek explained she was presenting the updates for informational purposes only and a vote (motion to approve) was not necessary.

Dalas Disney asked why the revisions reviewed and recommended by DSAC were removed by Staff and only the new Amendment would go forward.

Ms. Cilek responded Amendments that were not supported by Staff could not go forward.

Vice Chairman Dunnivant noted to sponsor a “private” request, the CBIA would be required to pay \$3,000 but there was no cost if Staff sponsored an Amendment.

In response to a statement by Staff, he asked what was the intent of architectural standards -- if not to make buildings more attractive?

(Clay Brooker and Mario Valle left at 5:30 PM.)

Carolina Valera stated buildings that are part of a shopping center or a PUD are currently not allowed to request deviations from the standards in the Code and every single façade must meet primary façade requirements. She proposed to reduce the number of primary facades from four to three. One façade would be exempt from meeting primary façade requirements if it did not face an arterial collector or an exterior road. This would enable developers to design a usable service area for the back of the building.

Members asked what language has been proposed by CBIA and deleted by Staff. **Caroline Valera** noted the standards proposed were those of CBIA.

An extended discussion ensued. Members were concerned that Staff arbitrarily changed amendments which had previously been reviewed and approved without prior notice or explanation.

Dalas Disney asked if a DSAC member could propose the Amendment in its original form. He noted County Manager Ochs specifically requested assistance

from CBIA to review the Amendment and propose changes. CBIA held a number of meetings to obtain input from Industry.

Vice Chairman Dunnivant asked if there was written documentation explaining why Staff could not support the CBIA-sponsored Amendment.

Caroline Cilek stated she had been given direction to bring forward only those Amendments that Staff could support. CBIA provided input and Staff made changes. She further stated CBIA was advised last week that its recommendations were not support by Staff.

Dalas Disney asked if Staff's reasons could be shared with the DSAC members.

Vice Chairman Dunnivant stated County Manager Ochs requested that CBIA submit recommendations, from the Industry's perspective, to make the Code more user-friendly for permitting and development.

Blair Foley agreed with Dalas Disney. He noted there were a number of re-development issues, including parking and water management, items that DSAC had been working on for six or seven years. He stated, "We finally had support from the County Manager – there was a list of about 20 or 30 different items that were being considered for modification in the Land Development Code to help where we are right now in this economy – but now it's in the gutter."

He noted the Amendment had been discussed last month and the items were reduced to three (including a drive-thru sign) – this was all part of the effort put forth by the County Manager and CBIA.

George Hermanson asked if it would be possible to place the Amendment back into the Cycle.

Blair Foley clarified the Code was originally designed for the development of raw land but Industry had specific components concerning the re-development of blighted properties within the County and was attempting to obtain some relief from the overall standards. Everything is gone. He asked if it would be possible for CBIA to obtain a waiver of the fee.

Laura DeJohn asked if due process required DSAC to "weigh in" on the Amendments. She asked if the package going forward would contain back-up materials indicating where and how the Amendment started, the original author, and the chronology of revisions before Staff terminated the process.

Caroline Cilek stated she could revise the Header (Page 1) of the Amendment to identify what had been approved by DSAC.

Laura DeJohn noted it had been a unique situation – it was a major movement of people from Industry volunteering their time at the request of the County Manager to work on ideas.

Vice Chairman Dunnivant stated DSAC and the CBIA spend time -- the ideas and suggestion revisions have been summarily dismissed. "The question is whether it's going to the Planning Commission with some explanation of what had been requested and why it was changed." He stated members requested a copy of the reasons.

Carolina Valera stated when the Amendment was revised approximately two years ago every standard was discussed, analyzed and debated by the Committee which consisted of architects, engineers, and planners before going through the Land Development process. There was input throughout the hearing process. She stated when she met with the CBIA and asked for specifics concerning their suggested changes, they were not able to justify what was the basis for any of their amendments.

Vice Chairman Dunnivant noted CBIA was asked to participate because the LDC provisions have increased costs to develop, and have had a negative impact on Industry.

She stated when Staff is requested to prepare an Amendment to the Land Development Code, Staff must be able to justify why the proposal was made – why the change was made, i.e., did it create a hardship or additional cost. She noted the CBIA-sponsored amendments did not identify a specific author. It was difficult for Staff to shepherd an amendment that was not fully justified.

Q. Does “Staff” refer to the County Attorney’s Office or internal staff on Horseshoe Drive?

A. I am referring to Collier County government.

It was noted in the past there were other Amendments that Staff did not support, and while the cover or heading may have specified that Staff did not recommend the Amendment, it still went forward.

If an Amendment has been reviewed by the County Attorney’s Office, suggested by CBIA, and approved by DSAC, even if Staff may disagree on points, it is Staff’s responsibility to move it forward. Staff should not have the ability to single-handedly stop an Amendment from moving forward.

Carolina Valera stated if the Board of County Commissioners directed Staff to strike through every portion of a specific Amendment, it would be done. She further stated she was requested by management to bring something that would help the development community go through the review process for architectural standards. She noted there were two issues that caused problems during compliance reviews, and explained “her hands were tied because the Code doesn’t allow me to offer anything else.”

Issue #1: Primary facades within a PUD

Issue #2: To allow buildings that are part of a PUD to request deviations from architectural standards.

Dalas Disney stated he sat on a Committee for 22 months along with Carolina and her predecessor to review the Code – none of the architects in the group agreed with every suggestion – but time and time, the suggestions from the prior meeting were not included because “someone” didn’t like them. The Code is supposed to be the best we can get – but it is not all good. “If you are saying the County Manager told you to ignore the Amendment because CBIA would not pay to sponsor it – that is one thing. I would like to understand *who* is saying the Amendments are not good.”

(Marco Espinar left at 5:45 PM.)

Ms. Valera stated “we were requested to ask the CBIA to justify the Amendment. If we found the justification was solid, it could go forward.”

Vice Chairman Dunnivant acknowledged that Caroline Cilek and Carolina Valera met with CBIA representatives but someone else in the County said the Amendments were to be “justified.”

He explained the answer was that every one of the Amendments proposed by the CBIA were based on cost reduction – the whole exercise was to reduce the cost to develop in this community. “To cavalierly state that you didn’t receive a reason is absurd. The reason for every proposed CBIA amendment was to reduce the cost impacts to develop in this community related to this particular section in the Code.”

Caroline Cilek noted a part of the County Manager’s request was not to change the community’s character.

Dalas Disney asked how the community’s character would be impacted by whether or not Spandrel glass was used in construction. From an appearance standpoint, he stated it is difficult to determine if glass is Spandrel in most instances. It would be good to have a revision concerning its use.

Carolina Valera stated she drafted a proposed Amendment at the “eleventh hour” that she thought would make a difference. She noted she was not included in the discussions with the CBIA or DSAC. She brought forward “something” as requested.

Dalas Disney agreed her proposals were excellent but he objected to the dismissal of everything else contained in the Amendment.

Vice Chairman Dunnivant stated CBIA brought their comments to DSAC for review. DSAC suggested revisions – every Amendment was brought with the intent to try to improve the application of the Code to design standards.

Laura DeJohn asked if a motion should be made to include attaching supporting documentation to the CBIA’s proposed Amendments that were dismissed and overhauled by Staff

It was noted request had been made to Staff to not include such documentation.

Vice Chairman Dunnivant stated there were pieces in the proposed Amendment that should not have been objectionable to Staff and to state that none of it would be brought forward because the proposed Amendment was not part of a previous process was difficult to understand.

(George Hermanson left at 5:55 PM.)

Caroline Cilek reiterated Staff worked closely with the CBIA throughout the process.

She stated she could add the previous language to the document and would present a new draft at the DSAC meeting in May.

Ms. Cilek concurred “tweaks” will happen through the entire process whether initiated by the EAC, Staff, or the CCPC. She noted some Amendments had been completely changed by the time of presentation to the Board of County Commissioners.

VIII. COMMITTEE MEMBER COMMENTS:

(None)

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

- **May 2, 2012**
- **June 6, 2012**
- **July 11, 2012**
- **August 1, 2012**

There being no further business for the good of the County, the meeting was adjourned by order of the Vice Chair at 6:00 PM.

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



William Varian, Chairman



David Dunnavant, Vice Chair

The Minutes were approved by the Board/Committee Chair on May 2, 2012
“as submitted” **OR** “as amended”