

MINUTES OF THE MEETING OF THE  
LAND DEVELOPMENT REGULATIONS SUBCOMMITTEE  
OF THE  
DEVELOPMENT SERVICES ADVISORY COMMITTEE

Naples, Florida  
April 19, 2013

LET IT BE REMEMBERED, that the Land Development Regulations Subcommittee of the Collier County Development Services Advisory Committee, having conducted business herein, met on this date at 1:00 PM in *SUBCOMMITTEE SESSION*, in Conference Room "C," Growth Management Division, Planning & Regulation Office, at 2800 North Horseshoe Drive, Naples, Florida, with the following Members present:

CHAIRMAN: Stan Chrzanowski  
Clay Brooker  
Dalas Disney  
Chris Mitchell  
Robert Mulhere

*Excused:* Blair Foley

STAFF PRESENT:

Jack McKenna – Collier County Engineer  
Caroline Cilek, M.S., Senior Planner – LDC Coordinator

**I. CALL TO ORDER:**

**Chairman Stan Chzranowski** called the meeting to order at 1:12 PM.

**He noted** the Subcommittee was requested to study the Lot Coverage Ordinance for the Development Services Advisory Committee (“DSAC”).

A quorum was established; four members were present.

**II. UPDATE: MEETING WITH COMMISSIONER HILLER**

**Chairman Stan Chzranowski** provided an update:

- At the March meeting, it was suggested that a PowerPoint presentation should be created to illustrate the problem.
- He created two slides with graphs to illustrate the existing impervious surface allowed by the LDC:
  - The first graph delineated the impervious area in square feet
    - The “x” axis represented the total area of the lots (thousands of square feet)
    - The slope of the curve was illustrated – 5%
  - The second graph illustrated the coverage (percentage) compared to the size of the lot (in thousands of square feet)
    - From zero to three acres
    - The percentage of coverage drops quickly after 11,000 sq. ft.
- Under the existing Code, the following table identifies the different lot sizes in the County and the corresponding impervious area and pervious area:

<i>Lot Size</i>	<i>Impervious Area</i>	<i>Pervious Area</i>
¼ acre	40%	60%
½ acre	22%	78%
1 acre	14%	86%
2.5 acres	7%	93%
5 acres	4.5%	95.5%
10 acres	3.75%	96.25%

**Chairman Chzranowski** relayed that the Ordinance is grossly unfair to large acre lots.

- **County Engineer Jack McKenna** stated additional coverage may be allowed if a landowner provided a site-specific engineering solution – an additional cost to the landowner.
- **Caroline Cilek** advised the Subcommittee the Presentation would be posted to DSAC’s page on Collier County’s website.
- Additional slides with graphs showed the change when the percentage of impervious area allowed was increased from 2% to 10% and 15% and 25%.

- It was noted the increases were slightly more equitable, but still “unfair.” The inequity between large and small lots remained.

A Subcommittee member asked if there was a list available of the County’s subdivisions to which the restrictions applied.

**Chairman Chrzanowski** replied the proposed changes would apply to all subdivisions that do not have South Florida Water Management District permits. A list was created several years ago to check the finished floor elevations of the various subdivisions but it has probably not been updated. (There was an off-microphone conversation.)

**Chairman Chrzanowski** explained on another slide that the 5 acre Estates’ lots are 330 feet wide and may be subdivided into various combinations. The prevailing pattern was to subdivide into three 75-foot-wide lots with one 105-foot-wide lot.

<b>Lot size: 330 feet wide = 5 acres</b> (9,796 ft. – impervious)			
<b>165 feet</b> (7,618 ft. – impervious)		<b>75 feet</b> (5,200 ft. – impervious)	<b>90 feet</b> (6,628 ft. – impervious)
<b>150 feet</b> (7,420 ft. – impervious)	<b>180 feet</b> (7,816 feet impervious)		
<b>75 feet</b> (5,100 ft. - impervious)	<b>75 feet</b> (5,100 ft. - impervious)	<b>75 feet</b> (5,100 ft. - impervious)	<b>105 feet</b> (6,826 ft. - impervious)

**He referenced** an earlier meeting with Commissioner Tim Nance who pointed out combining small lots into one large lot is disadvantageous to the landowner. A builder would be better developing the smaller lots individually.

*Example:* If four individual lots were developed, 22,225 square feet of impervious would be allowed. If the same lots were combined and developed as one lot, only 9,796 square feet of impervious would be allowed.

**Chairman Chrzanowski** reported Chairman Nance supported creating more equity of impervious surface to encourage combining lots in Golden Gate Estates.

**Bob Mulhere** noted an “easy solution” would be to allow a greater percentage for two or more lots that were aggregated into a single parcel as a “real incentive.”

**Chairman Chrzanowski** suggested allowing the same percentage of impervious surface for all lots.

**He noted** if a landowner built on a small lot in the Estates, the house must be constructed at least two feet above the wet-season water table to the bottom of the

drain field. The slab must be raised by four feet. If four houses are built in a row, there is a potential to create a dam. If lots were combined, water would flow between properties with less obstruction.

It was noted the Watershed Management Plan called for analysis of the situation during development of the “TDR” program, i.e., to incentivize lot combination.

*Consensus:* Using 15% in additional impervious surface for the Golden Gate Estates would offer the best solution – a reasonable compromise.

**Bob Mulhere** noted there has not been a great deal of development in the eastern portion of the Golden Gate Estates and if a comprehensive policy were approved, it could be implemented for that area – eliminating a “piece-meal” approach.

**Caroline Cilek** noted an issue to be addressed was the density allowed in the Growth Management Plan for the Golden Gate Estates area. The current limitation is one dwelling unit per 2.25 acres but there are thousands of legal non-conforming lots that are less than 2.25 acres. She stated if legal non-conforming lots are combined, the status would be lost – there would be a reduction in density in some cases and the potential for two homes on one parcel.

**Chairman Chrzanowski** stated a 75-foot lot is allowed 5,100 square feet of impervious under the current Code, or approximately 11% of the lot’s total square footage (49,500). If all lots in the Estates were allowed 11%, it would be “equitable” but 15% would be more appropriate because 11% is not really enough.

Commissioner Nance was in the process of obtaining the information concerning the number of retention areas that were built privately to obtain fill dirt for construction.

**Bob Mulhere** noted applying a “universal fix” to the remainder of the County would result in a variable changes in impervious surface based on the size of the parcels, i.e., small parcel – more impervious vs. a large parcel – less impervious surface. In the Estates only, a single percentage of impervious surface would be applied.

**He noted** the application of 15% could be a problem on non-conforming lots of 1.25 acres because it may not be enough to make a difference in impervious area.

**Chairman Chrzanowski** explained the 15% of impervious surface would allow for a 10-foot wide, 500-foot long driveway with a 2,400 square foot house and garage.

A Subcommittee member asked if a 1.136 acre parcel located outside of the Estates would receive more than 15% of impervious if the suggested change adopted and

**Chairman Chrzanowski** replied, “Yes.”

A Subcommittee member asked if complaints had been made or there were problems with the more coastal parcels.

**Jack McKenna** replied if a property was on the water, it might have sea-walls on two sides. Mega homes have been built on some of those parcels. The Code was created

to avoid flooding a neighboring parcel. One of the changes suggested was if a parcel was located on a body of water, the issue of quantity should be dropped, but it was opposed by one of the Commissioners who expressed concerns about the quality of the run-off water.

**Chairman Chrzanowski** noted the initial issue was not of water quality but the quantity of water.

**Jack McKenna** agreed stated run-off from decks and roofs has not been an issue with the Agency – it has long been considered as “clean.” There is more damage from run-off from a fertilized yard than from a roof surface or a pool deck.

It was noted an important part of the Subcommittee’s discussion was to avoid confusing the issues of water quality with water quantity. Water quality is not germane to the Ordinance.

**Jack McKenna** noted Jerry Kurtz has expressed concerns stating the canal system is already overloaded. The perspective is “out there” and it does have some validity.

**Caroline Cilek** explained there is concern regarding the equity issue of property rights and that it is a policy issue..

**Clay Brooker** stated one way to address the concern was to not increase the allowed impervious in the eastern portion of the County while increasing it in the western part of the County.

**Dalas Disney** stated to apply the proposed 15% increase to the entire County would be the most equitable approach.

**Chairman Chrzanowski** stated anything built in the Estates will have an adverse impact. While the impact of one house may be miniscule, the total impact of the next 13,000 houses will have a significant effect.

**He noted**, “You cannot tell homeowners they cannot build on their land. The issue is how much can you build and we are trying to be fair.”

It was noted the Ordinance has created an undue burden on the owners of larger lots because extraordinary excavation of water retention is required in order to do what is normal and typical for the Estates area.

**Dalas Disney** suggested a large parcel landowner who builds excess water retention areas on his property should be allowed a credit as an incentive to do so.

**Jack McKenna** noted “typical” has changed. Previously, landowners were not building large homes in the Estates. Currently, larger homes are being built with larger accessory structures. The standard has evolved.

**Bob Mulhere** stated the coastal urban areas have been designed to retain and treat stormwater before it enters into a larger system. The lots in Golden Gate Estates are larger than the urban coastal area. The lots are defined differently, i.e., the Estates is defined as being semi-rural. There is no perfect solution. The most equitable is the application of a singular percentage calculation.

It was noted the revised Ordinance will be presented to the Planning Commission before a presentation is made to the Board of County Commissioners.

**Chairman Chrzanowski** noted the Pine Ridge area contains lakes – water flows into the lakes and exits toward Pelican Bay and mostly toward Goodlette. The water goes through retention lakes. The southern-most lake on the west side flows into Pelican Bay. It is not the same scenario in the Golden Gate Estates. The areas are different.

**Bob Mulhere** stated he did not think there was a Master Stormwater Plan for the Estates. There are urban Estate lots that exist outside of the Golden Gate area Master Plan. If they are within the Master Plan, they are designated estates. If the lots are outside the Golden Gate area and are within the urban area, they are designated as “urban Estates.” The land use designation is completely different because the lots are considered to be “urban.”

The area is on the south side of the Golden Gate canal, north of Radio Road, behind the Blue Skies Mobile Home park is considered to be urban Estates, as well an area behind Airport Road

There was a discussion concerning the canal system. It was noted when a storm has been anticipated, the level of the canals is significantly reduced which indicates there is flood control. If the weirs are opened, there should not be an issue with flooding.

**Chairman Chzranowski** stated if the weirs are opened and the rainfall event does not come, the canals will not have enough water for the dry season. It is usually a last-minute decision to open the weirs. It is not an automatic process.

It was noted if there is a high-tide event, the weirs will back up because the flow cannot go out.

**Mr. Chrzanowski** noted it takes days to reduce the level of the canals.

*(Chris Mitchell arrived at 2:05 PM)*

**Clay Brooker** suggested simplifying the language: “Percentage of lot allowed to be covered by impervious material.” He also suggested removing the 10% slide.

**Chris Mitchell** suggested leading with the preferred choice 25% while offering a compromise 15%.

**Clay Brooker** concurred. He emphasized 15% was the minimum percentage that would make the situation more equitable.

**Caroline Cilek** suggested adding a slide to compare figures for the 25% and the 15%.

Also suggested: adding a slide to delineate what is currently allowed (32,670 – impervious) and comparing the changes under 25% (increasing to 54,450) and 15%.

She also questioned the time line. She asked if a presentation should be made at the next DSAC meeting and stated she would have the topic added to the agenda.

**Jack McKenna** asked if Jerry Kurtz should attend the DSAC meeting and the consensus was, “yes.”

The goal of the presentation to the Planning Commission is to obtain a recommendation in support of the out-of-cycle Amendment.

**Bob Mulhere** defined the two issues:

- First: to approve consideration of an out-of-cycle amendment;
- Second: to consider the merits of the issue during the presentation of the amendment.

**Clay Brooker** noted the Board of County Commissioners has not approved considering an out-of-cycle Amendment. He suggested adding a slide to explain why DSAC was proposing consideration of an out-of-cycle Amendment, i.e., to correct an inequity.

### Public Comments:

#### **Jeremy Frantz, the Conservancy of SW Florida:**

- Encouraged the Subcommittee to consider incentives for lot combination since it might mitigate concerns regarding the increase to the impervious allowed on larger lots
- Regarding water quality versus water quantity debate:
  - If the Amendment increases fresh water discharged into the Bay, a water quality issue would be created – it doesn’t necessary “kill” the Amendment but calls the exemption for lot discharging into question.
  - It is an issue of concern to the Conservancy.
  - The Conservancy is not opposed to changes the percentages since it could provide the incentive for lot combination – there is the potential for benefit.
- He stated the last version of the Amendment that he reviewed stated a lot that discharged into a water body would not be held to the percentages.


**Dalas Disney** stated it was an exemption, and the applicability portion stated “... any lot which is adjacent to a water body which is suitable to receive the run off from subject property.” The “key” is whether or not the water body is suitable to receive the run off.

**Jack McKenna** replied the Conservancy's concern regarding the fresh water flush into Naples Bay is applicable to the western Naples Park area or Pine Ridge. The Golden Gate Estates canals are throttled by the canal configuration and vegetation.

**Bob Mulhere** stated the Ordinance should define where the exclusions apply.  
**Chairman Chzranowski** suggested the standard should be whether or not there is a weir between the property and the Gulf of Mexico, i.e., if there is none, the exemption would apply.

**There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 2:36 PM.**

**DSAC – LAND DEVELOPMENT REGULATIONS SUBCOMMITTEE**

  
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STAN CHZRANOWSKI, CHAIRMAN  
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The Minutes were approved by the Board/Committee on 7 MAY, 2013  
“as presented”  OR “as amended” .