

MINUTES OF THE MEETING OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE

Naples, Florida, October 1, 2014

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee in and for the County of Collier, having conducted business herein, met on this date at 3:00 P.M. in REGULAR SESSION at the Collier County Growth Management Division Building, Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

Chairman: William J. Varian (Excused)
Vice Chairman: Blair Foley
David Dunnavant
James E. Boughton
Clay Brooker
Dalas Disney
Chris Mitchell
Robert Mulhere
Mario Valle (Absent)
Stan Chrzanowski
Eleanor Taft
Norman Gentry
Marco Espinar
Ron Waldrop
Laura Spurgeon DeJohn (Excused)

ALSO PRESENT: Jamie French, Deputy Administrator, Operations & Regulatory Man.
Judy Puig, Operations Analyst, Staff Liaison
Reed Jarvi, Manager, Transportation Planning
Tom Chmelik, Public Utilities
Caroline Cilek, M.S., Senior Planner, LDC Coordinator
Jeff Wright, Director, Code Enforcement
Rich Long, Plans Review and Inspection Manager
Claudine Auclair, Business Center Manager

I. Call to Order - Chairman

Vice Chairman Foley called the meeting to order at 3:02pm

II. Approval of Agenda

Mr. Espinar moved to approve the Agenda subject to adding Item VII.A – Floodplain Management Update. Second by Mr. Disney. Carried unanimously 9 - 0.

III. Approval of Minutes from September 3, 2014 Meeting

Mr. Disney moved to approve the minutes of the September 3, 2014 meeting as presented. Second by Ms. Taft. Carried unanimously 9 - 0.

IV. Public Speakers

None

V. Staff Announcements/Updates

A. Code Enforcement Department update – [Jeff Wright]

Mr. Wright provided the report “*Collier County Code Enforcement Department Blight Prevention Program - Cumulative Code Enforcement statistics - 11/2008 – 9/21/14*” for information purposes. He noted the report incorporates additional statistics and year to year comparisons of the data. The greatest increase in activity for the Department over the past year is cases related to “Snipe Signs.”

Mr. Gentry arrived at 3:11pm

B. Public Utilities Division update – [Nathan Beals or Tom Chmelik]

Mr. Chmelik delivered a read ahead for proposed revisions to the Collier County Utility Standards Manual. The information included the document “*Table of Revisions*” and a copy of the proposed revisions to the Standards Manual. The item will be discussed at the next meeting.

Mr. Mitchell arrived at 3:20pm

C. Growth Management Division/Transportation Engineering and/or Planning – [Jay Ahmad and/or Reed Jarvi]

Mr. Jarvi reported:

- Golden Gate Stormwater improvements – designs underway.
- US41/Collier Blvd. Intersection – work ongoing, on budget and schedule.
- Pine Ridge Road/US 41 intersection – proposed intersection improvement westbound/eastbound – 60% plan submitted to County for review.
- Bid Openings - 20th Court SW; 46th Terrace SW; 46 St. SW; 8th and 9th St SW.
- Davis Blvd./Airport Pulling Intersection - turn lane study – northbound/southbound.
- White Blvd. Intersection/23rd Ave. improvements – improvements to drainage underway.
- Collier Blvd. - Green Blvd. to Golden Gate Blvd. – bids received, 10% lower than anticipated.
- Collier Blvd. – Tower to Manatee Road - Selecting consultant 10/2/14.
- Current Prioritized Sidewalk Projects Proposed – Thomasson Drive, Pine Ridge/Airport, 11th Ave SW, Cypress Way East.

- Future Sidewalk Projects Proposed - County Barn Road, Vanderbilt Drive, South 1st St., Immokalee.
- TRIP (Transportation Regional Incentive Program) - possible funding opportunities for Logan Blvd. extension to Bonita Beach Road, FY15-16 project.
- Woodcrest Drive – remaining unfinished roadway area to be paved.
- Developer Sponsored Roads – Staff continues to develop the “turnover” process.
- TIGER Grants (Transportation Investment Generating Economic Recovery) – failed to qualify, but it was noted this was the County’s first attempt and it generally requires several attempts before ultimately qualifying for the first time.
- Immokalee Road/Collier Blvd. Intersection – improvements upcoming, investigating future construction of an East/West “fly over.”
- Board of County Commissioners Workshop - bike safety on 10/7/14.

D. County Fire Review update – [Shar Hingson and/or Shawn Hanson]

Shar Hingson addressed the Committee reporting the Department is operating efficiently and requested any feed back from the Committee. Members expressed no concerns with the Department.

E. North Naples Fire Review update – [Eloy Ricardo]

Mr. Ricardo reported:

- The Department is now responsible for Big Corkscrew Fire Control and Rescue District’s fire reviews.
- Review of application criteria is ongoing to determine if the number plans required for submittal may be reduced.
- Work is underway to incorporate reviews into the County’s CityView system.

F. Growth Management Division/Planning & Regulation update – [Jamie French]

Jamie French submitted the “*Collier County September 2014 Monthly Statistics*” which outlined building plan review activities. The following was noted during his report:

- Work is underway to incorporate Fire Plan Review data into the report.
- From FY13 to FY14 there was a 41 percent increase in applications for single family/two family dwelling units.
- The Division now has a standard for a 15 business day turn around time for application reviews with the time line beginning at submittal and ending when the customer is notified on the status of the application.

VI. New Business

A. Building Permit application, new revision form, and Subcontractor Affidavit [Claudine Auclair]

Ms. Auclair and Mr. Long provided the forms “*Collier County Building Permit Application*,” “*Collier County Building Revision*” and “*Subcontractor Affirmation*” for information purposes. The changes are intended to improve efficiency in the process by assisting Staff in identifying the type of application and any related information required with submittals.

The Committee noted consideration should be given to allowing more than one revision being processed by Staff at a time for trades (currently, multiple revisions may not be submitted simultaneously).

She requested Members review the forms and provide additional comments to her.

Mr. Mulhere arrived at 4:15pm

B. Review of three Out of Cycle LDC Amendments [Caroline Cilek]

Ms. Cilek presented the following three proposed LDC Amendments for consideration:

LDC SECTION(S): 1.08.02 Definitions - 5.05.05 Automobile Service Stations

CHANGE: The proposed amendment to LDC section 5.05.05 Automobile Service Stations establishes that automobile service stations shall be limited to eight fuel pumps when located within 300 feet of residential property; however, a greater number of fuel pumps may be sought through the conditional use process or as part of a Planned Unit Development. In addition to the Findings established in LDC section 10.08.00, the proposed amendment establishes several considerations to be examined when evaluating compatibility and adverse impacts of the conditional use request.

Ms. Taft reported she had a conflict of interest with the item and has filed Memorandum of Voting Conflict Form 8B with the necessary parties. The conflict arose after her participation in Subcommittee meetings where this item was reviewed.

Ms. Cilek reported

- The proposed amendment was prepared based on a July 8, 2014 directive to Staff from the Board of County Commissioners (BCC).
- The changes outlined in Section 5.05.05.C which would require establishments proposing more than 8 fueling pump stations being subject to conditional use standards.
- The language for the proposed amendment was based on the BCC Executive Summary related to the item.

The following concerns were identified by the Committee:

- The distance requirement from fuel pump to residential uses is defined as the property line and this may not be practical given many of the properties in the County are multi unit residential tracts with outlying preserve areas or lot lines a vast distance from residential uses.
- The proposed amendment includes regulating establishments that have non retail facilities which are not available to the public and questioned if this is one of the intended goals of the directive given the low intensity of the use.
- The proposed amendment was spurned by one particular landowner who acquired the properties with constructive notice they about a C-4 zoning district which at the time of purchase, permitted these uses.

- The proposed amendment would negatively affect existing property owners who made previous business decisions based on zoning requirements by limiting “permitted uses” in the zoning districts.

Mr. Brooker, Ms. Taft and Mr. Mulhere, Members of the Subcommittee reported the Subcommittee recommended the following:

The proposal as drafted not be adopted, but that the comments and issues that have been raised are worthy of consideration and if the amendment were to be drafted not to include zoning districts C-4, C-5, and Industrial, then the amendment would be more worthy of consideration (see below).

Comments and issues raised by the Subcommittee:

1. *To address site design provisions within LDC section 5.05.05 be included in this amendment cycle, and if not, direct staff to include them in the next amendment cycle, including the following:*
 - a. *Lighting, address lighting comprehensively as it relates to commercial use adjacent to residential*
 - b. *Landscaping*
 - c. *Branding and banding/ color schemes for canopies/canopy,*
 - d. *Increase the signage percentage 10% of the size of the canopy façade*
 - e. *Bathrooms to be located inside the automobile service station building.*
2. *Recommend that staff to work with Sheriff's office to look at CPTED in the LDC.*

Additionally the following concerns were identified by the Subcommittee:

- The threshold for additional regulation is the number of fuel pumps and it may be more prudent to develop a threshold based on consumer demand, i.e. total annual fuel output volumes, etc.
- The C-4, C-5 and Industrial zones are established by regulation as zones where numerous high intensity uses are allowed such as supermarkets, automobile dealerships, pharmacies, etc. and County regulations should address impacts (exterior lighting, traffic, noise, emissions, etc.) of these uses holistically as opposed to a singling out a particular use.
- This issue of Benzine emissions from fuel distribution sites arose and concern the studies used as a basis were outdated (2005) and the industry has developed standards to address these issues since this time.

Speaker

Dan Oberski, Trinity Commercial Group (Wawa, Inc.) addressed the Committee and recommended any proposed language be specific in nature so it is clear to affected parties how any standards will be regulated before and after purchase of a property. The large scale stations are beneficial in providing competition to the market and are highly efficient and clean operations regulated by corporate standards.

Mr. Brooker moved to recommend the Board of County Commissioners not adopt the proposed amendment as drafted, but that the comments and issues raised by the Subcommittee as listed above are worthy of consideration and if the amendment were to be drafted to not include zoning districts C-4, C-5, and Industrial, the amendment would be more worthy of consideration. The basis for the action is as follows:

1. *Concern that property rights will be taken as a conditional use is not by right.*
2. *Automobile Service Station – issue with definition and that it would apply to non retail establishments.*
3. *Measure the 300 distance from the pump to the face or the edge of the residential building.*
4. *Evaluate the 8 fuel pumps vs. the output of the gas stations.*
5. *Consider that the fewer fueling positions may result in a greater number of small stations.*
6. *The conditional use process discourages business and can be arbitrary and occasionally capricious.*
7. *Consider whether the amendment benefits a few to the detriment to the public at large.*

Second by Mr. Chrzanowski. Carried unanimously 11 – 0. Ms. Taft abstained.

LDC Section(s): 2.03.01 – Agricultural Zoning Districts; 4.02.07 Standards for Keeping Animals and 5.04.05 - Temporary Events.

Change: The proposed amendment seeks to clarify the process for raising hogs in the Estates and Agricultural zoning districts in relation to the County's 4-H youth development program.

Ms. Cilek reported

- The amendment is proposed as the result of a directive from the Board of County Commissioners following a Code Enforcement case.
- The proposed amendment will make the activity an accessory use eliminating the current requirement of obtaining a special use permit.
- It proposes standards for allowing youths to raise hogs as a temporary activity (a 16 week period), no more than 1 hog per child and no more than 2 hogs per acre.
- Minimum requirements for structures associated with the activity (setback requirements, etc.) are proposed.
- The program will be administered by the 4-H Youth Development Program.

The Land Development Regulation Subcommittee recommended approval of the proposed text and identified that the following should be noted for consideration by reviewing entities prior to adoption:

1. *There are lots in the Estate district that are below 1.25 acres, such as those that are 1.14 acres (75 feet wide, 660 feet depth). The proposed language would not allow for hogs to be raised on these lots in coordination with the 4H program.*
2. *Consideration should be given to recommending or requiring a 75 foot setback in the Estates district from a potable water well (including a neighboring well) in order to prevent the potential contamination of a well head.*

Further, there are a handful of smaller agricultural properties that are west of 1-75 which could potentially be used for the raising of hogs in coordination with the 4H program.

Discussion occurred on if the Future Farmers of America has a similar program that should be included in the amendment.

Staff reported any Program under consideration for inclusion in the proposed amendment would have to be administered to the same standards as the 4-H program.

Mr. Disney moved to recommend the Board of County Commissioners approve the proposed amendment as written and identified the following issues for consideration by the reviewing entities prior to adoption: 1. There are lots in the Estate district that are below 1.25 acres, such as those that are 1.14 acres (75 feet wide, 660 feet depth). The proposed language would not allow for hogs to be raised on these lots in coordination with the 4H program; 2. Consideration should be given to recommending or requiring a 75 foot setback in the Estates district from a potable water well (including a neighboring well) in order to prevent the potential contamination of a well head). Second by Mr. Gentry.

Mr. Disney moved to amend the motion to include the original motion and that the Future Farmers of America be incorporated into the proposed amendment should it be determined they have a program similar in nature to the 4-H Youth Development Program. Second by Mr. Gentry. Carried unanimously 12 – 0.

LDC Section(s): 2.03.01 Agricultural Districts

Change: The proposed amendment allows residents to grow fruits, vegetables and nursery plants for both personal consumption and off-site retail sale, such as at farmer's markets, pursuant to LDC Section 5.02.00, Home Occupations.

Ms. Cilek provided an amendment proposed for LDC Section(s): 2.03.01 Agricultural Districts. The proposed amendment allows residents to grow fruits, vegetables and nursery plants for both personal consumption and off-site retail sale, such as at farmer's markets, pursuant to LDC Section 5.02.00, Home Occupations. She noted:

- The proposed amendment allows the growing of fruits, vegetables and nursery plants in the Agricultural Districts for off site sale of the products.
- The Land Development Regulation Subcommittee recommended the proposed amendment be approved as written.

Mr. Dunnivant moved to recommend the Board of County Commissioners adopt the proposed amendment as written. Second by Mr. Gentry. Carried unanimously 12 – 0.

VII. Old Business

A. Floodplain Management Update

Ms. Cilek reported:

- The County has not yet filled the position of "Floodplain Coordinator."
- There are currently no changes proposed in the Floodplain Management Ordinance.
- The Floodplain Management Committee is currently working on updating the Floodplain Management Plan.
- The Resolution governing the Committee seeks to limit those with land development interests from serving on the Committee.

VIII. Committee Member Comments

None


IX. Adjourn

Next Meeting Dates

- November 5, 2014 - GMD Conference Room 610 – 3:00 pm**
- December 3, 2014 - GMD Conference Room 610 – 3:00 pm**
- January 7, 2015 - GMD Conference Room 610 – 3:00 pm**
- February 4, 2015 - GMD Conference Room 610 – 3:00 pm**

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 5:20PM.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



Chairman, William Varian

These Minutes were approved by the Board/Chairman on 11/5/14,
as presented ~~X~~, or as amended _____.