

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

Naples, Florida, December 2, 2015

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 Department Building, Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

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

ALSO PRESENT: Jamie French, Deputy Department Head
Judy Puig, Operations Analyst, Staff Liaison
Trinity Scott, Manager, Transportation Planning
Danny Condomina, Code Enforcement
Jay Ahmad, Director, Transportation Engineering
Matt McLean, Manager, Development Review
Rich Long, Plans Review and Inspections Manager
Ken Kovensky, Director, Operations and Regulatory Management
Joe Bellone, Director of Finance, Public Utilities
Bruce Register, Director of Business and Economic Development
Richard Henderlong, Principal Planner

Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Department – Contact Mr. Evy Ybaceta at 239-252-2400.

I. Call to Order - Chairman

Chairman Varian called the meeting to order at 3:00pm

II. Approval of Agenda

Mr. Chrzanowski moved to approve the Agenda. Second by Mr. Foley. Carried unanimously 8 - 0.

III. Approval of Minutes from November 4, 2015 Meeting

Mr. Disney moved to approve the minutes of the November 4, 2015 meeting as presented. Second by Mr. Chrzanowski. Carried unanimously 8 - 0.

IV. Public Speakers

None

Mr. Mulhere arrived at 3:04pm

V. Staff Announcements/Updates

A. Code Enforcement Division update – [Danny Condomina]

Mr. Condomina provided the report “*Collier County Code Enforcement Department Blight Prevention Program - Cumulative Code Enforcement statistics - 7/2009 – 11/22/15*” for information purposes.

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

None

Mr. Mitchell arrived at 3:09pm

C. Growth Management Department/Transportation Engineering and/or Planning – [Jay Ahmad or designee]

Mr. Ahmad and Ms. Scott reported:

- Chokoloskee Bridge Improvements – 5 bids received, low bidder \$8M, contract to be awarded a 1/12/16 BCC meeting.
- US41/Collier Blvd. Intersection – ribbon cutting 12/4/15.
- Collier Blvd. – Green Blvd. to Golden Gate – ongoing, on schedule
- Golden Gate Blvd – ongoing, on schedule.
- Whippoorwill Road Ext. – postponed by BCC due to neighborhood opposition.
- Pine Ridge Road, Livingston to I75 – to be studied regarding recent determination of failed level of service.

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

Ms. Hingson reported the Department services are going well, Staff positions added to provide service for overtime inspections.

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

Mr. Ricardo reported review timelines being met and they continue to identify areas where the process may be streamlined.

F. Operations & Regulatory Mgmt. Division update [Ken Kovensky]

Mr. Kovensky submitted the “*Collier County November 2015 Monthly Statistics*” which outlined the building plan and land development review activities. The following was noted during his report:

- Activity continues to be at a high level with a 28 percent increase in applications/inspections.
- There are 44 Staff members dedicated to inspections, 37 full time, 5 job bankers and 2 outsourced through NOVA.
- The NOVA contract expires in February and the service will be put out to bid. Staff anticipates an increased cost for the service based on the climate of the economy however budgetary measures are in place to absorb an increase.

G. Development Review Division update [Matt McLean]

Mr. McLean reported

- The Landscape Architect position has been filled.
- The Development Review Task Force convened with 16 – 17 consulting participants and Staff in attendance who identified 17 items to be reviewed in an attempt to streamline any processes.
- The application submittals are leveling off at this point in time.

VI. New Business

A. Sub-Contractor sheets, Master sub forms for developments, Master sub list form for permits, and new inspection codes [Jon Walsh]

Mr. Long reported:

- The Master Subcontractor Affirmation forms have been revised to allow General Contractors and large construction developments to utilize the same sub contractor over a period of time. Upon a change of subcontractor, a new form will be required.
- The codes have been revised to incorporate new sub categories of inspections for Pool, Structural and Plumbing.

Single Family Home Permitting in Unplatted Neighborhoods

Staff reported:

- As directed by the Board of County Commissioners, the County is reviewing the process and identifying avenues to ensure the owner ascertain all necessary permits before initiation of construction of single family homes.
- The concern is an owner acquires a building permit without realizing other permits are required before initiating construction.
- Previously the County had a policy (which is no longer in affect) that required all State and Federal permits had been issued before issuing the final building permit.
- The Statute now provides this type of condition is at the discretion of the local jurisdiction.
- One avenue under consideration is obtaining an affidavit from the consultant all permits will be obtained or similar acknowledgement.

Under Committee discussions it was noted it may be beneficial to require the applicant to obtain a determination from the Florida Department of Environmental Protection on the necessity of any environmental permits.

Staff reported the item was presented for information purposes and will bring any concepts developed to address the item back to the Committee at the appropriate time.

Roof Overhang Drainage Easements

Staff reported a new County policy allows up to a three foot building roof overhang into a drainage easement upon approval by the affected homeowners association. The County Attorney's office opined in 2006 no encroachments are allowed and there was a concern raised by the building industry. The County Attorney's Office has approved the policy proposed by Staff to address the issue.

B. Miscellaneous Service Charge Cost Recovery Analysis [Joe Bellone]

Mr. Bellone presented proposed revisions to the *"Meter and Cross-Connection Device Installation Charges"* for consideration. He noted:

- The revisions are based on items for costs associated with parts, labor, County equipment, etc.
- The rate schedule was last updated in 2008.
- The meter installation fees are proposed to increase anywhere for 2 percent to 10 percent depending on the type of use.
- The item is scheduled to be heard by the BCC in February of 2016 and implemented in March or April.

Mr. Mulhere moved to accept the revised "Meter and Cross-Connection Device Installation Charges" as proposed by Staff. Second by Mr. Chrzanowski. Motion carried 9 "yes" – 1 "no." Mr. Dunnivant voted "no."

C. Expedited Permitting for Target Industry Economic Development Projects [Bruce Register]

Mr. Register presented the documents *"Expedited Permitting for Target Industry Development Prospects in Collier County"* and *"Qualified Targeted Industries for Incentives"* as well as excerpts from Florida Statute. He requested the Committee endorse a proposal for the County to grant an expedited building plan review noting:

- The expedited time frame for the review would pertain to certain industries the County is trying to attract to the area.
- A "Target industry" is defined in the Statute which considers its future growth potential, stability, market and resource independence, industrial base diversification and strengthening and positive economic impact.
- The expedited review policy would allow the Growth Management Department (GMD) to work with the applicant on the timeline for the process.
- GMD Staff supports the proposal.

Under Committee discussion, the following was noted:

- The County already has an "expedited" policy for all applicants whereby a self imposed 15 day deadline is required for review of building applications or the County is subject to penalty.
- A more beneficial avenue may be to address the zoning application process for those sites requiring some type of zoning approvals as this process is substantially longer than building review.

- Concern on the equitability of the policy given it would disrupt the current standard, and negatively affect the time of review for existing applicants already in process.
- Other incentives should be identified given the proposal would only reduce the overall process by a few days.
- One key is ensuring the applicant is familiar with the application process as many times applications are submitted with insufficient data and rejected which substantially delays the process.

Mr. Register noted:

- The sites in question have to be “zoning ready” or the County and potential applicants immediately eliminate them from consideration given the known timelines required to deal with zoning issues.
- The item would be used as just one tool used as necessary to attract potential applicants.
- It is envisioned the policy would be invoked approximately 3 – 4 times a month.

Mr. French noted:

- There is currently no policy in effect for this activity and it would be beneficial for Staff to have clear direction on the activity given they get these type of requests by all applicants from time to time.
- Any policy developed could be implemented in conjunction with an alternate fee schedule for the expedited review.
- It may be beneficial for Staff to develop a concept to address the item for consideration and convene a Workshop to ensure it is completely vetted by any interested party.

Mr. Mulhere moved to approve an expedited review for Targeted Industries with exception it not negatively affect the 15 day timeline for other applicants in the queue. Second by Mr. Brooker.

Mr. French recommended the motion be withdrawn and Staff returns the item for consideration when a specific policy has been developed by Staff.

Mr. Mulhere withdrew the motion.

D. Architecture and Site Design Standards LDCA review & vote [Jeremy Frantz]

Mr. Frantz submitted a Memo dated November 24, 2015 – *Re: Architectural and Site Design Standards LDC amendment*” for consideration. He noted the proposed amendment was reviewed by the DSAC Subcommittee who recommended approval.

Mr. Disney, Member of the Architectural and Site Design Standards Ad Hoc Committee, the body charged with developing the amendment provided an overview of the major changes which include buildings under 4,000 square feet in size will not be subject to the requirements and easing restrictions on refurbishing existing non conforming buildings to promote a more economically feasible redevelopment of a site.

Mr. Foley moved to recommend the Board of County Commissioners adopt the proposed amendment to Section 5.05.08 of the Land Development Code as presented. Second by Mr. Brooker. Carried unanimously 10 – 0.

E. Report from DSAC-LDR Conservation Collier subcommittee to forward recommendation to the BCC amending LDC Section 3.05.07.H.1.f.iii. alternative off-site native vegetation retention requirements may be met by monetary payment or by land donation [Richard Henderlong]

Mr. Henderlong presented a Memo dated November 24, 2015 from himself and Alex Sulecki, Re: "Report from DSAC-LDR Conservation Collier Subcommittee" outlining the Subcommittee's recommendation for options to increase the long term management endowment for management costs related to the acceptance of properties donated to Conservation Collier to satisfy the off site native preservation options established in LDC Section 3.05.07. The options include:

1. Adjust the monetary payment allowed in LDC section 3.05.07 H.1.f.iii.a using the following formula (note: all costs are per acre):
Average Conservation Collier Purchases - \$32,800
Estimated Management Endowment Cost - \$13,200
Initial Exotic Removal Cost \$ 4,000
Total - \$50,000
2. Adjust the management endowment required for land donations allowed in LDC section 3.05.07 H.1.f.iii.b using the following formula (note: all costs are per acre):
Estimated Management Endowment Cost \$13,200
Initial Exotic Removal Cost \$ 4,000
Total \$17,200

Included in the proposal would be a requirement to review the options every 3 years to determine any changes that may need to be made in the costs identified.

Marisa Carrozzo of the Conservancy of Southwest Florida submitted an email to Judy Puig dated December 02, 2015 "Subject: Email to DSAC from the Conservancy of Southwest Florida re Agenda Item VI.E" which recommends a per acre monetary contribution be prorated based on the actual cost of the acquisition of the land being developed, or the appraisal of the land, whichever is most recent. For example, theoretically, if 20 acres cost 2 million dollars to acquire, and the onsite preserve was 1 acre, that would equal \$100,000 per acre plus the initial cost of exotics removal and the management endowment. The Conservancy believes it is a defensible and fair method for calculating the formula with the addition of the exotics removal cost and management endowment.

Mr. Mitchell left the meeting at 5:04pm

Mr. Mulhere, Subcommittee Member noted application of current code does not come up often except when there is a small project where land costs are high and one can mitigate up to $\frac{1}{2}$, $\frac{3}{4}$, or an acre of land that would be retained onsite. The formula benefits the County if a developer acquires a parcel in a targeted area (one option) or if the developer pays cash in lieu (second option) since the money can be used for exotics maintenance or other needs by Conservation Collier. The present formula did not create a choice. It was driving people to acquire parcels because it was much less money than several hundred of thousand dollars vs. acquiring land at \$30,000 or as much as \$70,000 these days. The subcommittee's recommended proposal provides for a more reasonable cash in lieu of

payment formula which would create an incentive to use the payment in lieu of option versus buying a parcel in a targeted area. It creates an option to have a buyer discussion with Sellers in the targeted areas to compare Seller's pricing with the payment in lieu of adjustment which could keep land pricing from running upwards.

Mr. Dunnivant questioned the need for a blended per acre purchase cost when lands in eastern Collier County cost less. He proposed a third option, similar to onsite preservation, to allow the developer to purchase parcels off site, put a preservation easement on it, make it subject to developer/HOA access, and maintenance requirements of that entity. It keeps the County out of the concern of the cost of long term maintenance leaving it on the private sector. At the time of entitlement and zoning of the initial parcel, the offsite parcel would be identified and it gets allocated to that parcel with the responsibility for maintenance. The offsite land must meet criteria for preservation and mitigation to what is being impacted onsite with the entity to bear responsibility of management into perpetuity.

Mr. Sterk, Subcommittee Member noted the Agencies are reluctant to permit the developer to control the management of these parcels as they are generally turned over to a homeowner's association or similar entity who is not as responsive as public agencies to long term management.

Mr. Mulhere noted Mr. Dunnivant's third option is worthy of consideration especially if there is an additional incentive placed on acquiring land in targeted areas.

Mr. Foley recommended looking into the consideration for offsite parcels so long as it meets the criteria.

Mr. Dunnivant noted the same long term maintenance enforcement is required when a homeowner's association maintains the native preservation area onsite. The HOA has to establish an exotic maintenance program, plan and provide monitoring updates that they are performing the exotic maintenance program.

The Committee agreed to return the item to the Subcommittee to discuss Mr. Dunnivant's suggestion.

VII. Old Business

None

VIII. Committee Member Comments

None

IX. Adjourn

Next Meeting Dates

January 6, 2016 GMD Conference Room 610 – 3:00 pm

February 3, 2016 GMD Conference Room 610 – 3:00 pm

March 2, 2016 GMD Conference Room 610 – 3:00 pm

April 6, 2016 GMD Conference Room 610 – 3:00 pm

May 4, 2016 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 5:09PM.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



Chairman, William Varian

These Minutes were approved by the Board/Chairman on 1/6/16, as presented X, or as amended _____.