

MINUTES OF THE COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE LAND DEVELOPMENT REVIEW
SUBCOMMITTEE

Naples, Florida, November 3, 2016

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee Land Development Review Subcommittee in and for the County of Collier, having conducted business herein, met on this date at 2:00 PM in a REGULAR SESSION at the Growth Management Division Building, Room 609/610 2800 N. Horseshoe Drive, Naples, FL with the following persons present:

Clay Brooker
Robert Mulhere
Blair Foley
Chris Mitchell
Dalas Disney
Marco Espinar
David Dunnivant
Stan Chrzanowski (Excused)

ALSO PRESENT: Caroline Cilek, LDC Manager
Jeremy Frantz, Senior Planner
Richard Henderlong, Principal Planner
Summer Araque, Principal Environmental Specialist
Jack McKenna, County Engineer
Kirsten Wilkie, Principal Environmental Specialist
Brett Rosenblum, Senior Engineer
Alexandra Sulecki, Conservation Collier Coordinator

Any person in need of a verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Division, Department of Planning and Zoning.

1. Call to Order

Mr. Foley called the meeting to order at 2:00pm and a quorum was established.

2. Approve Agenda

Mr. Mulhere moved to approve the Agenda. Second by Mr. Espinar. Carried unanimously 6 – 0.

3. Review revised LDC amendments

a. Stormwater Plans (*Mr. Foley (Chairman), Mr. Brooker, Mr. Mulhere, Mr. Mitchell, Mr. Disney, and Mr. Dunnivant.*)

Staff provided the latest draft of the proposed amendment to Section 6.05.01 - Water Management Requirements of the Land Development Code (LDC).

Under Subcommittee review, the following was noted:

- The threshold language should be clarified to ensure the requirements apply to the percentage of impervious area in relation to the total lot area.
- Consideration should be given to changing the requirements for who can submit Type I Stormwater Plans to allow “owner builders.”
- Consideration should be given to creating a separate urban category for Pine Ridge Estates with a threshold of 30 percent impervious area required for submittal of a Stormwater Plan (at the previous meeting it was determined that all urban areas should be treated equally with a 40 percent threshold).
- Consideration should be given to requiring some level of stormwater plan for discharges to tidally influenced areas. Exemptions could be provided for the areas under roofs from treatment requirements and only addressing the remaining impervious areas.

The Subcommittee requested Staff to:

- 1. Provide an analysis on the number of lots impacted by tidal flow.*
- 2. Decrease the design threshold for a Stormwater Plan requirement in the Pine Ridge Estates area and Agricultural zoned properties in the urban area to 30 percent.*
- 3. Coordinate with Jon Walsh to determine whether “owner builders” should be allowed to submit Type I Stormwater Plans.*

Speaker

Sean McCabe, Conservancy of Southwest Florida presented comments from an email to Jeremy Frantz, Re: comments forthcoming on lot coverage ordinance, dated Thursday, October 13, 2016, for the Subcommittee’s consideration. He suggested the purpose of the amendment should include preventing detrimental impacts to downstream water resources from stormwater runoff, to encourage and incentivize on-site retention, LID design, and Best Management Practices for stormwater runoff. It was also noted that the current standards includes a requirement to address water quality and at a minimum, those basic standards should be retained.

The committee responded noting that this section was not originally intended to address water quality but that the proposed water quantity standards will inherently provide water quality treatment since the volume required by the water quantity standard will be stored on the property without letting it discharge to other properties.

Staff will provide an update on the proposed amendment at the next meeting.

- b. Conservation Collier** *Mr. Brooker (Chairman), Mr. Sterk, Mr. Foley, Mr. Mulhere, Mr. Disney, and Mr. Espinar).*

Staff presented the PowerPoint “3.05.07 Preservation Standards – Off-Site Alternatives revisited – DSAC-LDR Subcommittee, Thursday, Nov. 3, 2016” for information purposes highlighting:

- The Board directed staff to prepare an LDC amendment to modify the current methods for calculating monetary payment amounts and land donations in conjunction with off-site native vegetation endowments for LDC section 3.05.07 H.1.f.iii.a-b.
- The purpose was to increase the management endowment and potentially change the monetary donation amount.
- Staff was directed to work with the Conservation Collier Land Acquisition Advisory Committee (CCLAAC) and Development Services Advisory Committee (DSAC) to provide recommendations on the issue.
- The CCLAAC and DSAC developed separate recommendations:
 - The DSAC recommended:
 - A total payment amount of \$50,000 per acre.
 - Land monetary donation payment amount of \$32,800 per acre, based on an average cost per acre, regardless of land location, multiplied by a factor of 125% of what donors are currently paying for land within multi-parcel targeted areas.
 - Based on 2016 costs, the amount of \$13,200 per acre was allocated for 20 years of land management costs and \$4,000 per acre for initial exotic vegetation removal.
 - The CCLAAC recommended:
 - A total payment amount of \$86,500 per acre.
 - The payment amount includes \$50,000 per acre for land cost established by DSAC, plus \$36,500 per acre for other costs such as closing costs, real estate commissions, clear title searches, etc.
 - Similar to DSAC, \$4,000 per acre is allocated for exotic vegetation removal.

The recommendations were provided to the CCPC, whose discussion included:

- Accepting the DSAC and CCLAAC recommendations on endowment.
- The requirements for monetary donations should be larger to ensure there is an incentive for retention of onsite native preservation, especially in urban environments.
- The off-site donations should be for those areas “targeted” by Conservation Collier.
- The ratio of donated lands should be equal to the value of the to-be-developed parcel.

- The Planning Commission directed staff to work with CCLAAC and DSAC to re-evaluate the monetary donation and the land donation options.

The CCLAAC reviewed the data and developed the following recommendation:

- For monetary payment alternative: Apply 125% to an applicant's post development land appraisal value per acre plus a 4 to 1 ratio of \$4,000 per acre for initial exotic vegetation removal.
 - Example: $(\$200,000 \text{ (PDLA)} \times 125\%) + (4 \times \$4,000) = \$266,000$ per acre.
- For a land donation alternative: Use a 4 to 1 acreage ratio for land donation, for the cost of the endowment per acre, and for the initial exotic removal fee of \$4,000.
 - Example: $\text{Land at 4:1} + (\$50,000 \times 4) + (\$4,000 \times 4) = \$216,000$ per acre management endowment along with the land.
- Place formula in the LDC and actual costs in the GMD Fee Schedule. Re-evaluate the land management costs every 3 years and amend the fee schedule as necessary.
- Allow the BCC to decide if there should be any discount incentive (if) a land purchase occurs elsewhere than in an exiting multi-parcel targeted area.

Staff noted three options available to the Subcommittee:

1. *Take no further action and retain the Subcommittee's previous recommendation.*
2. *Utilize the CCLAAC recommendation.*
3. *Develop a new recommendation.*

The following was noted during Committee discussions:

- Incentivizing on-site preservation is not necessary since there are a number of factors that already make it harder to donate land than to preserve it on-site.
 - The concept that it is significantly less expensive to utilize the off-site mitigation avenue may be a misnomer as the costs associated with acquiring the parcel (land acquisition, legal, survey, etc.) may be as much as \$50,000 to \$60,000 per lot and developers of properties generally utilize it for convenience, not to gain an economic advantage.
- It is important to remember that there is already a cap on the acreage that can be mitigated off-site. It doesn't apply to large preserves. Additionally, the onsite areas in question are generally small, non-functioning, wetland areas where the owner does not monetarily benefit from utilizing the areas for other purposes.
- It is also important to note that the original intention of this provision was to incentivize off-site mitigation on industrial lots and affordable housing projects so the application is limited.
- The monetary donation that was proposed by DSAC during the last cycle is still appropriate. The development process may need to be made clearer to the Planning Commission.
- In practice, the land donation ratio is already at a 4:1 or 5:1 ratio as the on-site preservation is small (sometimes one-tenth of an acre), but the mitigation parcels are generally 1.5 to 2.5 acres and the entire property is donated.

Ms. Araque noted the catalyst for the discussion was a development that proposed to mitigate a 7 acre parcel off site, a practice that is not generally utilized. There is a threshold deviation for the activity which may want to be amended to address the concerns.

Ms. Sulecki noted that the CCLAAC's recommendation did incorporate the concept of utilizing other targeted areas (as approved by the BCC) for donations. The main concern would be allowing stand-alone parcels for donation.

Staff reported they will review the comments and return with an updated amendment that proposes to retain the original monetary donation recommendation, propose deviation thresholds, and incorporate the recommendation by others to allow the "targeting" of other areas for donation as approved by the BCC

- c. **Golf Course Conversions** (*Mr. Brooker (Chairman), Mr. Foley and Mr. Mulhere*).
Mr. Mulhere stated he will abstain from the item as he has a conflict of interest.

Staff reported the amendment addresses three sections of the LDC (2.03.06 Planned Unit Development Standards, 5.05.15 Conversion of Golf Courses and 2.03.09 - Open Space Zoning Districts). They presented the PowerPoint "*Golf Course Conversion Overview of White Paper and LDC Amendment – DSAC LDR Subcommittee, Thursday, Nov. 3, 2016*" highlighting:

- Two golf courses, Ironwood (owned by Evergreen) and Quality Inn (located in Golden Gate City), have discussed plans to convert to other uses.
- In January of 2016, the BCC directed Staff to analyze the number of existing golf courses, acreages, potential for golf courses to convert, process for conversion, and LDC Amendment options.
- LDC Staff later produced a white paper regarding golf course conversions, noted items to consider during conversion and identified courses zoned "Golf Course" most likely to convert.
- The Board discussion included concern regarding:
 - The compatibility of future uses.
 - Tax assessments for properties include a golf course view.
 - The need to provide alternative uses for golf course district.
- The BCC imposed a moratorium to pursue LDC Amendments for the acceptance, processing, and consideration of applications for development orders involving the conversion of golf courses which became effective April 12, 2016.
- Staff requested an extension of the moratorium to April 11, 2017 and presented a white paper on research regarding golf course conversions which included case studies and proposed LDC Amendment concepts.
- The item is anticipated to be heard by the DSAC on December 7th, 2016; the CCPC in December/January and the BCC in February/March of 2017.

Staff noted research on the status of golf throughout the nation and Florida shows that golf participation is declining across the nation. While golf has maintained some footing in Florida the amendment is designed to be an informal process utilized before the formal application

submittal providing an avenue for planning and site design to benefit all parties and avoid costly litigation.

During Subcommittee discussions, the following was noted:

- Homeowners are responsible for doing due diligence when they buy properties adjacent to golf courses.
- Concern was expressed that the proposed amendment is targeting one sector of land use conversions and may infringe on property rights.
- Regarding the Golf Course Zoning District, make it clearer when conversions are exempt from 5.05.15.
- There should be care given to ensure that the effort of creating consensus doesn't result in giving control of the process to stakeholders. There was concern over the use of the word "adequately" in Section 5.05.15 D.6.c and how this will be defined under the confines of the requirement to create consensus. Simply requiring the developer to "consider" stakeholder input may be more appropriate.
- Given that golf courses sometimes contain large amounts of open space and preserve areas, there may be benefits in the redevelopment of the areas for incorporating County stormwater, transportation planning projects, or acquisitions of land for other purposes.
- It would be beneficial to develop a visual example of a conversion via an aerial photo so interested parties would have a greater ability to comprehend the issues at hand.
- The proposed amendment is infringing on property rights so the burden is on the local government to prove that converting to residential is incompatible.
- One issue that should be considered in the amendment is each conversion will have its own set of unique characteristics requiring a "case-by-case" approach to conversion.
- Given that section 5.05.15 A.1 seeks consensus, it would be prudent to develop an avenue for dealing with times of "non-consensus."
- It may be beneficial for the greenway specifications outlined in Section 5.05.15 C.2 to be instituted as "guidelines" rather than "requirements" to ensure they provide enough flexibility given the "case-by-case" nature of the potential golf course conversions.
- Consideration may be given to requiring applicants to address impacts to any listed species that may be present on the sites.

Staff reported they will review the comments and provide an update at a future meeting. Staff also reported they will provide aerials of golf courses with different greenway sizes around the perimeter for review at the next meeting.

4. Public Comment

None

5. Next Meeting Date

a. Wednesday, November 16 – 3:30 p.m.

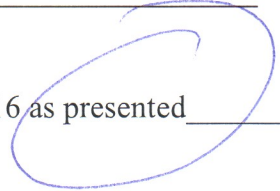
6. Adjourn

Being no further business, the meeting was adjourned at 4:15pm

November 3, 2016

Collier County Development Services Advisory
Committee – Land Development Review Subcommittee

Gay

These minutes approved by the Committee Chairman on Nov 29, 2016 as presented  or
as amended _____.