

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

Naples, Florida, December 7, 2016

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 Dunnavant
James E. Boughton
Clay Brooker
Dalas Disney
Chris Mitchell
Robert Mulhere
Mario Valle
Stan Chrzanowski
Norman Gentry
Marco Espinar
Ron Waldrop (Excused)
Laura Spurgeon DeJohn
Jeremy Sterk

ALSO PRESENT: Jamie French, Deputy Department Head
Judy Puig, Operations Analyst, Staff Liaison
Eric Fey, Sr. Project Manager, Public Utilities
Caroline Cilek, LDC Manager
Mike Ossorio, Director, Code Enforcement Division
Matt McLean, Director, Development Review
Stephanie Amann, Manager, Financial & Operational Support

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. Dunnivant moved to approve the Agenda. Second by Mr. Foley. Carried unanimously 10 - 0.

III. Approval of Minutes from November 2, 2016 Meeting

Mr. Disney moved to approve the minutes of the November 2, 2016 meeting as presented. Second by Mr. Sterk. Carried unanimously 10 - 0.

IV. Public Speakers

None

Mr. Mitchell arrived at 3:02pm

Mr. Mulhere arrived at 3:03pm

V. Staff Announcements/Updates

A. Code Enforcement Division update – [Mike Ossorio]

Mr. Ossorio provided the report “Collier County Code Enforcement Division Blight Prevention Program - Cumulative Code Enforcement statistics - 7/2009 – 9/11/2016” for information purposes.

He noted:

- Staff continues to participate in Level I and other training sessions.
- A new conference room is available for use by Staff for mock Code Enforcement hearings, training, etc.
- The Division is increasing their presence in the Bayshore area given the US National Pickleball Championships and other tournaments are now held at East Naples Community Park.

Mr. Gentry arrived at 3:05pm

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

Mr. Fey reported:

- A new “inbox” has been created at “collierutilities.net” for correspondence regarding ability to serve letters, etc.
- A new template has been developed for “availability letters” for water and waste water service and Staff intends to expand the activity to include a template for Florida Department of Environmental Protection letters to reduce the likelihood of delays.
- Staff will be reviewing and recommending changes to the utilities conveyance process over the coming months.

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

None

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

Ms. Hingson reported:

- Jackie de la Osa (Collier) and Ted Ross (Tice) were named State Fire Inspector and Fire Marshal of the year respectively.
- The Fire Alarm Committee is working on policy changes.
- Inspections and plan reviews are on a 2 – 3 day turn around time frame.

E. North Naples Fire Review update – [Dale Fey]

Mr. Fey reported 478 plan reviews were conducted last month with a 7 day turnaround time and inspections are currently on a 2 – 3 day schedule.

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

Ms. Amman submitted the “*Collier County November 2016 Monthly Statistics*” which outlined the building plan and land development review activities. The following was noted during the report:

- The consultants conducting the Fee Study have initiated their work including a site visit.
- Inspections were at an average of 907/day last month.

G. Development Review Division update [Matt McLean]

Mr. McLean and Mr. French reported

- The rate of plats being recorded is decreased and Staff is monitoring the trend – *The Committee requested Staff provided data on the trend of the recording over historic time periods.*
- There are currently 45 job bankers employed in the Division and Staff is monitoring business activity to determine any changes which may be required to sustain an acceptable level of service.
- Rich Long has been appointed to the position of “Building Director.”
- CityView has a mobile app available for those who wish to use the service.

VI. New Business

A. Reduced Discharge Rates [Jerry Kurtz]

Mr. Kurtz and Emilio Robau presented the PowerPoint “*Collier County Additional Basin Restricted Allowable Discharge Rates*” noting:

- In 2015, Staff began an initiative to revise the discharge rates in the County basins.
- The purpose was to increase Levels of Service (LOS) for flood protection provided by South Florida Water Management District and Collier County operated canals and improve quality issues in these areas.
- The proposal was developed by a team that included Members of County Staff, representatives of Big Cypress Basin, meetings with individual members of DSAC, etc. and creates 16 additional discharge basins to the 6 already in place.
- The study included performing a comprehensive evaluation of the potential areas to be affected by implementation of the new discharge rates in each basin and analyzing the potential financial impacts for future developments and redevelopment.
- Single family home sites are exempted from the required discharge rates.
- The changes will be forwarded to the CCPC and the BCC for consideration and intended to be incorporated into the Code of Laws and Ordinances.

- The rates will be applicable to new development and redeveloped areas (areas proposing improvements greater than 50 percent of the existing value).
- He is seeking a recommendation from the DSAC on the proposed changes.

Mr. Valle arrived at 3:25pm

Some Committee Members noted:

- The requirements for redevelopment may substantially impede or penalize those proposing reconstruction given their existing site conditions provide for certain discharges.
- They is an equity question for those properties not yet developed that need to conform to the new rates when properties adjacent or in the vicinity previously developed were not required to abide by the rates.
- The redevelopment issue emphasizes the need for the County to review any LDC requirements for those property owners wishing to redevelop properties.

Mr. Robau reported:

- The 50 percent existing value requirement is similar to the current requirements in the LDC for redevelopment.
- Collier County Ordinance 2001-27 that addresses allowable post discharge formulas for County canals allows for “variances” and states “*Variations to the above requirements may be allowed by County Staff approval based upon special engineering studies prepared by a Registered Professional Engineer. Unless otherwise specified by the previous SFWMD permits or SFWMD criteria, a stormwater event of 3 day duration and 25 year return frequency shall be used in computing off site discharge rates. Allowable discharges will be designated by SFWMD on a case by case basis upon request.* This language should aid in addressing the redevelopment discharge rate concerns.
- The results of the financial analysis indicate:
 - The increased cost to a 12 acre commercial development site is 1.47 percent (mainly due to fill material costs).
 - The increased cost to a 430 acre residential development is 4.42 percent (which could be reduced to 1.85 percent if onsite stormwater retention lakes were excavated deeper than 12 feet increasing the amount of fill material available on site).
 - The option of deeper on site retention lakes is generally not available to commercial sites given they are much smaller in size.
- The SFWMD currently does require reduced discharge rates on projects when necessary and the proposed requirements are not intended to be punitive but provide the following benefits:
 - Addresses concerns on the current Levels of Service (LOS) for flood protection.
 - Enhances groundwater recharge opportunities and improves hydrology for wetlands.
 - Reduces pollution through source capture.
 - Improves water quality of receiving waters and reduces freshwater flows to estuaries.
 - Provides consistency in Environmental Resource Permitting (SFWMD and County) and fulfills Growth Management Plan commitments.

Staff noted:

- Other options such as deepening and widening the existing canal system throughout the County are not feasible given their current state of development.
- Other areas of Florida are experiencing the same issues and reducing allowable discharge rates in basins.
- When the canals system was originally developed it was never envisioned to handle the current volume of discharge experienced throughout the region.

Speaker

Ryan White, Davidson Engineering posed questions with Mr. Robau noting the financial analysis yielded no loss in development potential for the sites, water will be detained on site for a longer period of time with the new requirements and PUD's with appropriately vested permits will not be subject to the new requirements.

Josh Nageon De Lestang, Big Cypress Basin addressed a question posed by the Committee on the criteria used to determine when the canal weirs should be "fully" opened to control flooding during a major storm event. The SFWMD Staff is responsible for the decision and it occurs on a case by case basis following detailed deliberations during an anticipated storm event. One concern affecting the deliberations is releases of large volumes of water during October/November of a given year substantially drawdown the water in the system with little chance of recovery until the next rainy season.

Mr. Mulhere moved to endorse the report and its findings. Second by Mr. Foley. Carried unanimously 14 – 0.

Mr. Mulhere moved to recommend the Board of County Commissioners approve the proposed discharge rates as presented by Staff. Second by Ms. Spurgeon DeJohn. Motion carried 11 "yes" – 3 "no." Mr. Disney, Mr. Dunnivant and Chairman Varian voted "no."

B. LDC Amendments [Caroline Cilek]

Ms. Cilek provided a Memo to the DSAC dated November 30, 2016 and the "2016 Cycle LDC Amendments Summary Sheet with Advisory Board and Board Recommendations" which outlined the request for two recommendations for proposed Land Development Code Amendments as follows:

Stormwater Management

LDC SECTION(S): 6.05.01 Water Management Requirements 6.05.03 Stormwater Plans for Single-Family Dwelling Units, Two-Family Dwelling Units, and Duplexes.

The amendment expands the requirement for a stormwater plan for all new buildings, additions, or redevelopment of single-family dwellings, two-family dwellings, and duplexes.

Mr. Foley, DSAC-LDR Subcommittee provided an overview of the propose changes noting the Subcommittee met several times to develop the changes which include requiring all impervious areas on site be considered as opposed to solely building roof areas, establishing criteria for the types of stormwater plans required for different regions based on percentage of impervious areas covered, addressing owner/builder requirements for the plans, etc.

Mr. Foley moved to recommend the Board of County Commissioners approve the proposed amendment as presented by Staff. Second by Mr. Valle. Carried unanimously 14 – 0.

Golf Course Conversion

Mr. Mulhere stated he was abstaining from the item as he has a conflict of interest.

LDC SECTION(S): 5.05.15 Conversion of Golf Courses

The amendment introduces a new section in the LDC to assess and mitigate the conversion of golf courses to a non-golf course use.

Mr. Brooker, DSAC-LDR Subcommittee reported the amendment was prepared by Staff at the direction of the BCC. He provided an overview of the proposed changes noting the Subcommittee met several times to review the proposed amendments and expressed the following concerns:

- In addition to the general LDC requirements for rezones, the process involves Stakeholder outreach meetings, developing a web site, a financial analysis on the existing land use, etc. items not required by other applicants proposing zoning changes.
- The redevelopment requires provision of a “Greenway” adjacent to existing residential uses with access for off site property owners (who currently do not have legal access to the property) incurring a general encumbrance and liability for the existing or future property owner.
- Raises fundamental equity questions on the affected owner’s property rights in comparison to other landowners proposing redevelopment in the County.
- The proposed amendment may be “over reaching” given Staff reported to the Board of County Commissioners at the time the directive was issued there are sufficient criteria in the existing LDC to address the conversions.

During Committee discussion it was noted the conversion issue may not be highly prevalent in Collier County as most of the existing golf courses are found in private, gated communities not suited to conversion given the current layout of the established neighborhoods.

The Members of the Subcommittee present reported they had not developed a formal recommendation for the DSAC on the proposed amendment.

DSAC-LDR Subcommittee Recommendation - *(Mr. Brooker, Mr. Foley and Mr. Mulhere)*

Mr. Brooker moved for Subcommittee to recommend the Development Services Advisory Committee recommends the Board of County Commissioners not approve the proposed amendment as presented by Staff. Second by Mr. Foley. Carried unanimously 2 – 0. Mr. Mulhere abstained due to a conflict of interest.

DSAC Recommendation

Mr. Brooker moved to recommend the Board of County Commissioners not approve the proposed amendment as presented by Staff based on the rationale it overly restricts an owner’s use of private property, it impedes his fundamental property rights and there are already criteria established for rezoning in the Land Development Code which address the issue. If the proposed amendment is to be approved, the Board of County Commissioners considers addressing the concerns raised by the Subcommittee. Second by Mr. Disney. Carried unanimously 12 – 0. Mr. Mulhere and Mr. Espinar abstained due to a conflict of interest.

VII. Old Business
None

VIII. Committee Member Comments

Chairman Varian reported this is Mr. Disney's last meeting as member of the Committee.

The Committee recognized Mr. Disney's service to the citizens of Collier County.

IX. Adjourn

Next Meeting Dates


January 4, 2017 GMD Conference Room 610 – 3:00 pm

February 1, 2017 GMD Conference Room 610 – 3:00 pm

March 1, 2017 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 5:07PM.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



Chairman, William Varian

These Minutes were approved by the Board/Chairman on 1/4/17, as presented _____, or as amended ✓ _____.