

November 29, 2016

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

Naples, Florida, November 29, 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 3:00 PM in a REGULAR SESSION at the Growth Management Department Building, Room 609/610 2800 N. Horseshoe Drive, Naples, FL with the following persons present:

Blair Foley
Robert Mulhere
Clay Brooker
Blair Foley
Stan Chrzanowski
Marco Espinar
Jeremy Sterk
Dalas Disney

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

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 Division – Planning and Regulation building –Contact Mr. Evy Ybaceta at 239-252-2400.

1. Call to order

Mr. Foley called the meeting to order at **3:00pm**.

2. Approve agenda

Mr. Espinar moved to approve the Agenda. Second by Mr. Chrzanowski. Carried unanimously 7 – 0.

3. Approve meeting minutes

a. November 3rd, 2016

Mr. Espinar moved to approve the minutes of the November 3, 2016 meeting as presented. Second by Mr. Chrzanowski. Carried unanimously 7 – 0.

4. Review revised LDC amendments

a. 3:05 pm – Stormwater Plans (*Mr. Foley (Chairman), Mr. Disney, Mr. Brooker, Mr. Mulhere, Mr. Mitchell, Mr. Chrzanowski and Mr. Dunnivant.*)

i. Subcommittee recommendation

Staff presented the most recent draft for the amendment to *Land Development Code (LDC) Sections 6.05.01 Water Management Requirements; 6.05.03 Stormwater Plans for Single-Family Dwelling Units, Two-Family Dwelling Units and Duplexes; and Section 4.M. Stormwater Plan of the Administrative Code* for review. Staff noted:

- The allowance for “owner builders” to submit Type I Stormwater plans was eliminated.
- Section 6.05.03 G has been modified based on the Subcommittee’s input and will be modified again after consulting with the additional staff regarding the code enforcement process.

Discussion of owner builder requirements

Mr. Disney noted he was not present at the previous meeting where this was determined and expressed concern that the allowance was struck from the proposed amendment noting it adds unnecessary costs to the project.

Staff and Subcommittee Members noted the basis to remove the allowance revolved around:

- The owner builder may not have the expertise to prepare the plans wasting Staff time on reviews and multiple plan rejections.
- Without the proper expertise, they may cause unintended damage such as violating the requirements for a drilled well or septic system setback (on their own parcel or an adjacent parcel), causing water to flow onto neighbor’s property, etc.
- A consultant will be required to prepare a septic system plan and the additional expense for preparing a stormwater plan should be nominal.

Discussion occurred noting a solution may be to allow certain owner builders to submit the plan if they can demonstrate past experience in preparing similar plans. The criteria for a determination on the ability to prepare the plan could be handled through a Building Block or

the application process, given incorporating into the allowance into the Land Development Code would make it more onerous to change in the future.

Mr. Brooker moved to recommend the Development Services Advisory Committee to recommend the Board of County Commissioners approve the proposed amendment as presented by Staff subject to allowing owner builders to submit Type I Stormwater plans if they meet specific criteria. Said criteria to be incorporated into the application process. Second by Mr. Chrzanowski. Carried unanimously 7 - 0.

Staff reported they would amend the draft amendment for review to the Subcommittee in advance of the full Development Services Advisory Committee meeting to be held on December 7, 2016 when the item is scheduled to be heard.

b. 3:35 pm – Conservation Collier (*Mr. Brooker (Chairman), Mr. Sterk, Mr. Foley, Mr. Mulhere, Mr. Disney and Mr. Espinar*).

Ms. Cilek provided the latest draft of the proposed amendment to Section 3.05.07.H.1 - Preservation Standards for review. She noted staff is still working on final changes to the proposed amendment.

Mr. Espinar expressed concern the process is deviating from the original direction given by the Board of County Commissioners to ensure long term management costs are available to manage the preserves. He cited the Conservation Collier Land Acquisition Advisory Committee's (CCLAAC) recommendation of now requiring lands to be donated at a ratio of 4:1, etc.

Staff reported the CCLAAC is addressing concerns raised by the Collier County Planning Commission regarding incentivization of off-site mitigation for urban area preserves and ensuring the land donation costs is equal to the value of the developed lands in the urban area. Two recommendations will be moving forward, DSAC's and CCLAAC's. DSAC's recommendation incorporates a 1:1 land donation ratio.

Mr. Mulhere moved to recommend the Development Services Advisory Committee retain their original recommendation (\$50,000/acre costs for monetary donations and a \$17,400/acre cost for a management endowment for land donations). Second by Mr. Foley. Carried unanimously 5 – 0. Mr. Espinar abstained.

Staff reported they will be revising the “narrative section” and return it to the Subcommittee for review.

i. Update on amendment schedule

Ms. Cilek reported the proposed amendments are scheduled to be heard by the Planning Commission in January of 2017 and the Board of County Commissioners in March of 2017.

ii. Public Comments

None

c. **4:15 pm – Golf Course Conversions** (*Mr. Brooker (Chairman), Mr. Foley and Mr. Mulhere*).

i. **Update on amendment schedule**

Ms. Cilek reported the proposed amendment is scheduled to be heard by the Planning Commission in January of 2017 and the Board of County Commissioners by April of 2017 before the moratorium expires.

ii. **Subcommittee recommendation regarding LDC section 5.05.15**

Mr. Mulhere will be abstaining from the item as he has a conflict of interest.

Staff provided latest proposed draft of LDC Sections 2.03.09 - Open Space Zoning Districts; 5.05.15 Golf Courses Conversion process – Administrative Code, and; The support document titled “*Requirements for Stakeholder Outreach Meeting for Golf Course Conversions.*”

The Subcommittee reviewed the proposed amendment with comments on the following Sections:

- Section 5.05.15 A – Discussion occurred on the requirement of defining Stakeholders as property owners within 1,000 feet of a golf course or who own property within a golf course master planned community. The Subcommittee suggested that the requirement may be too large and would be very costly. Instead consider a distance of 500 feet which is sufficient for other rezones.
- Additional discussion occurred on the prospect of eliminating the requirement of a Neighborhood Information Meeting (NIM) if the applicant is required the Stakeholder Outreach Meetings, which are similar to a NIM. This would eliminate duplicative costs to the applicant for mailings and holding the meetings. Staff noted that a NIM may still be warranted given the meetings are held after the design of the development has been completed and the layout of buildings and infrastructure has been identified. **Staff reported they would review the concept and report back at a future meeting.**
- Section 5.05.15 A.2 – Consider revising the language from “*Further, the applicant is encouraged to incorporate input provided by stakeholders into the development proposal*” to “*Further, the applicant is encouraged to incorporate **reasonable** input provided by stakeholders into the development proposal.*” The change to “reasonable” should apply to any other sections citing this standard as well.
- Section 5.05.15 B.1 and 2 – Consider revising the language to cite golf course developments “**in any zoning district**” and eliminate citing PUD’s, non PUD, and SRA’s. **Staff reported they will review and provide an update at a future meeting.**
- Section 5.05.15 C.1 – Consider eliminating the applicant’s requirement to provide an “ownership encumbrance report.”
- Section 5.05.15 C.1 – Clarify the use of the term “**context**” in any section it appears.
- Section 5.05.15 C.3.iii – The current language states, “*This section shall not require the County to purchase any land.*” Consider adding the statement “*the owner shall not be required to donate any lands.*” Staff confirmed the intention was that a donation would not be required; if anything, it would be a sale of lands by the applicant. **Staff reported that they are working on changes to this requirement.**
- Section 5.05.15 D – Discussion occurred regarding the language “*Golf course acreages identified to meet the minimum **open space** requirements for a previously approved project shall be retained as **open space** and shall not be included in **open space** calculations for any subsequent conversion projects.*” The Subcommittee asked how the requirements would be applied given that different areas within a

development may contribute to meeting the required open space at the time a project is approved, and it may not be clear how many acres of the golf course are dedicated to open space requirements. ***Staff reported they will review the concept and report back at a future meeting.***

- Section 5.05.15 D.2.e. – The Subcommittee expressed concern regarding the language: “Existing trees and understory (shrubs and groundcover) shall be preserved and maintained within the greenway.” At times vegetation may need to be removed in the greenway to promote the allowed uses. They recommended the requirement state, “Limited clearing or vegetation removal may be permitted to advance the intent of the Greenway,” or similar language.
- Section 5.05.15 D.2.h – Consider removing the requirement for the applicant to record a restrictive covenant in the County’s official records describing the use and maintenance of the greenway. The Subcommittee noted that this would take place during the rezone process.
- Section 5.05.15 G 2 – Discussion occurred regarding the requirement to provide usable open space on the greenway. The amendment’s general purpose is to maintain the adjacent landowner’s view and the Subcommittee expressed concern that it is promoting access to lands that were previously not open to the public.
- General – The Subcommittee recognized the proposed amendment is being developed at the direction of the Board of County Commissioners. However, the Subcommittee noted that the Board’s concerns could be adequately addressed through the current rezone process.

Staff reported they would review the Subcommittee’s comments and provide an updated draft at a future meeting.

5. Public comments

None

6. Next meeting date

a. December 2016 – TBD

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 5:24PM.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE - LAND DEVELOPMENT
REVIEW SUBCOMMITTEE**

These Minutes were approved by the Committee on _____, as presented _____, or as amended _____.