

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

Naples, Florida, November 16, 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 3:30 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  
Marco Espinar  
Stan Chrzanowski  
Jeremy Sterk  
Chris Mitchell  
David Dunnivant

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  
Brett Rosenblum, Principal Project Manager  
Garrett Louviere, Site Plans Reviewer

*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 3:38pm.

**2. Approve agenda**

*Mr. Chrzanowski moved to approve the Agenda. Second by Mr. Brooker. Carried unanimously 8 – 0.*

**3. Approve meeting minutes**

**a. October 19th, 2016**

*Mr. Foley moved to approve the minutes of the October 19, 2016 meeting as presented. Second by Mr. Espinar. Carried unanimously 8 – 0.*

**4. Review revised LDC amendments**

**a. 3:35 pm – Stormwater Plans - (Mr. Foley (Chairman), Mr. Brooker, Mr. Mulhere, Mr. Mitchell, Mr. Chrzanowski and Mr. Dunnivant.)**

Mr. Frantz 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 Administrative Code for Land Development Section 4.M. Stormwater Plan of the Administrative Code for review. He noted:

- LDC section 6.05.03 G was added to address violations should they arise.
- The requirements for an owner builder to submit a stormwater plan were incorporated into the proposed amendments.
- The provision regarding discharges to “tidal waterbodies” may need to be more clear and easier to verify for staff and applicants.
- The Conservancy of Southwest Florida provided comments on water quality via an email from Sean McCabe to Jeremy Frantz dated November 08, 2016 – “Naples Bay water quality studies.”

The following was noted under Subcommittee discussions:

- Section 6.05.03. D.1 - A licensed contractor should be allowed to submit a plan, however, the provision should not apply to “owner builders” because they may be too difficult to prepare for homeowners. The term “owner builder” should be struck from the LDC and the Administrative Code where necessary.
  - Consideration should be given to requiring water quality treatment on lots discharging to tidal waterbodies. However, it was also noted that the amount of water quality achieved in other communities, like the City of Naples, is very minimal and some water quality benefit will be provided by the proposed standards due to the requirement for on-site retention.
- Section 6.05.03 D.2.c – Consider revising the language from “Stormwater discharges to a non-tidal waterbody an outfall to a waterbody shall not result in erosion of soil and *will be allowed through a 3-inch orifice* and the discharge area shall be stabilized,” to read:

“... *if an orifice is required, up to a 3 inch diameter pipe may be used...*” or similar language.

- Section 6.05.03 G – Consider revising the language from “Where a violation of Collier County Code of Laws and Ordinances section 90-41(f)(8) *occurs*, a stormwater plan shall be submitted that demonstrates the additional flow of surface water has been eliminated. The subject property shall be inspected by the County *prior to the resolution of the code case*,” to read: “*Where a violation of Collier County Code of Laws and Ordinances section 90-10 41(f)(8) has been found by the County, a stormwater plan shall be submitted that demonstrates the additional flow of surface water has been eliminated. The subject property shall be inspected by the County to determine if a violation has been cured*” (or similar language).

*Staff will review the comments and present a final draft for approval at the next meeting.*

- b. **4:05 pm – Conservation Collier** - (Mr. Brooker (Chairman), Mr. Sterk, Mr. Foley, Mr. Mulhere, Mr. Chrzanowski and Mr. Espinar).

Mrs. Cilek provided the latest draft of the proposed amendment to LDC section 3.05.07.H.1 - Preservation standards for review. She noted a “Purpose and Intent” description for the off-site mitigation allowance will be incorporated into the section – *The Subcommittee recommended adding to the purpose and intent that the purpose is also to provide for off site mitigation.*

Under Committee discussion, the following was noted:

- Section 3.05.07 H.1.f.i.a – The applicability language is proposed to relocate the provision for commercial properties less than 2 acres in size to the deviations section. If the required preserve area is 2 acres or greater, no deviations will be supported by staff.
- Section 3.05.07 H.1.f.iii.a - should be revised from “There shall be no deviations from the Restrictions established above.” To “There shall be any deviations from the **restrictions in Section 3.05.07 H.1.f.ii** established above.”
- Section 3.05.07 H.1.f.iii.b - consider revising from “There shall be no deviations from this section for proposed or previously approved preserves where the preserve requirement for a PUD or development project is 2 acres or more, whichever preserve requirement is greater,” to read: “**A deviation exceeding one acre in size may be granted but the off-site mitigation shall not exceed 2 acres**” or similar language.
- Consideration should be given to developing qualification criteria for off-site mitigation to ensure those desiring to utilize the process have a justification for doing so.

Staff noted:

- The comments will be reviewed and the Section updated to include a “*Purpose and Intent*” narrative.
- The item is anticipated to be heard by the Collier County Planning Commission in January 2017 and their overall intention based on previous comments was to promote retaining on-site preserves in urban areas.
- They will return with an updated version of the proposed amendment at the next meeting.

*The Subcommittee noted it is their intent to retain the original recommendation developed in the 2015 Amendment Cycle on land management endowment costs.*

- c. **4:50 pm – Golf Course Conversions** - (Mr. Brooker (Chairman), Mr. Foley and Mr. Mulhere). *Mr. Mulhere will be abstaining from voting on 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; 2.03.06 - Planned Unit Development Standards for review. The following support documents were also provided:

1. *Requirements for Stakeholder Outreach Meeting for Golf Course Conversions.*
2. *A publication “Goodbye, Golf” by Debbie Sullivan Reslock.*
3. *Collier County Guide to Golf Course Conversion: Public Outreach Methods and Usable Open Space Concepts*

**Mr. Brooker** expressed the following concerns regarding the proposed amendments:

- The amendment limits property rights for one specific set of property owners without clear justification.
- The requirement that applicants provide a title report and demonstrate whether there are encumbrances on the property is over-reaching.
- The requirement for the applicant to provide financial statements is an invasion of privacy and provides a rationale for parties to oppose the conversion if the use remains economically viable. Staff noted the intent is for the landowner to demonstrate a rationale for the conversion whether or not the existing use is viable.
- The greenway width and other requirements lack flexibility.
- Allowing the public to use the greenway creates liability issues for the owner. Staff noted that this may become a criteria in the findings and not a requirement that it is allowed.
- It is in any applicant’s best interest to work with the community, but we shouldn’t mandate that this happen through the Stakeholder Outreach Meetings. Staff noted that Mike Bosi, Planning and Zoning Division Director, did notify the BCC that their concerns could be addressed through the existing rezoning requirements of the LDC, but the BCC did not want to rely on the rezone requirements to address the issues. Instead this process is intended to start discussions with the community before the applicant has completed their designs.

**Mrs. Cilek** provided examples of golf course buffers noting the main goal of the Greenway requirement is to maintain the view and open space for property owners who acquired property adjacent to a golf course.

The following was noted during Subcommittee discussions:

- It may be more practical to develop a range of allowable widths for the Greenway based on the various characteristics of the development.
- A Greenway should only be required in areas where it is adjacent to residential uses.
- Section 5.05.15 C.3.ii “Intent to Convert” – application. The language states “This section shall not require the County to purchase any lands.” Likewise, the owner should not be required to donate lands.

- Section 5.05.15 C.2 Conversion application procedures – The language states “Following completion of the Stakeholder Outreach Meetings, (SOMs) the applicant shall file a land use petition with the County.” Clarify the applicant may abandon the project and not be required to file a petition with the County.
- Section 5.05.15 H – Clarify which types of applications the compatibility design review applies to.

*Staff reported that they will continue to monitor whether the new makeup of the Board of County Commissioners is likely to alter how golf course conversions are addressed.*

**5. Public comments**

None

**6. Next meeting date**

a. **Tuesday, November 29 – 3:00 p.m.**

**There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 5:23PM.**

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

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