

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, May 2, 2018

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  
Chris Mitchell  
Robert Mulhere (Excused)  
Mario Valle  
Norman Gentry  
Marco Espinar  
Ron Waldrop (Excused)  
Laura Spurgeon DeJohn  
Jeremy Sterk  
Jeff Curl

ALSO PRESENT: Judy Puig, Operations Analyst, Staff Liaison  
Eric Fey, Sr. Project Manager, Public Utilities  
Jeremy Frantz, LDC Manager  
Mike Ossorio, Director, Code Enforcement Division  
Matt McLean, Director, Development Review  
Ken Kovensky, Director, Operations and Regulatory Management  
Danette Kinaszczuk, Pollution Control Manager  
Dan Summers, Director, Bureau of Emergency Services Division  
Richard Henderlong, Principal Planner  
Colleen Greene, Assistant County Attorney

*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.*

**I. Call to Order - Chairman**

**Chairman Varian** called the meeting to order at 3:06pm

**II. Approval of Agenda**

**Mr. Dunnivant** moved to approve the Agenda subject to deleting Item VI.C - Impact Fee Indexing 2018. Second by **Mr. Valle**. Carried unanimously 11 - 0.

**III. Approval of Minutes from April 4, 2018 Meeting**

**Mr. Curl** moved to approve the minutes of the April 4, 2018 meeting as presented. Second by **Mr. Valle**. Carried unanimously 11 - 0.

**IV. Public Speakers**

None

**V. Staff Announcements/Updates**

**A. Code Enforcement Division update – [Mike Ossorio]**

**Mr. Ossorio** provided the report “Code Enforcement Division Monthly Report March 22, – April 21, 2017 Highlights” for information purposes. He noted:

- A coffee meet and greet was held in Immokalee as well as other outreach events such as “Bay Day” and Cedar Hammock cleanup, etc.
- The Division will provide a dumpster to communities for cleanup upon request.
- He will provide information on the Division’s policies and procedures at the next meeting.

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

**Mr. Fey** submitted the monthly report on response time for “Letters of Availability, Utility Deviations and FDEP Permits” and “Tables of Revisions for the Collier County Utilities Standards Manual” for information purposes. He noted a Subcommittee meeting will be scheduled to review the Utilities Standards proposed changes and the information will be forwarded to the full Committee for information purposes. The item is anticipated to be heard by the Board of County Commissioners by July of 2018.

**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 turnaround times are as follows: Building Plan review – 5 days; Site Plan reviews – 2 days; Inspections – 3 days.

*Mr. Boughton arrived at 3:20pm.*

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

**Mr. Fey** reported turnaround times are as follows: Building Plan review – 7 days; Site Plan reviews – 4 days; Inspections – 1 to 2 days.

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

**Mr. Kovensky** submitted the “*Collier County April 2018 Monthly Statistics*” which outlined the building plan and land development review activities. The following was noted during his report:

- The Division received 6,300 permit applications in April with 30 percent being Hurricane Irma repair related. The activity provided for one of the largest volume months on record which is causing delays in processing.
- Electronic plan submittal is at approximately 43% of the applications.
- Staffing levels and operations continue to be addressed including changes to the front lobby area to improve service.
- Next week, the Board of County Commissioners will be hearing Staff’s request for the proposed increase in the number of personnel as recommended by the DSAC.
- Staff continues to develop the Fiscal Year 2019 budget which becomes effective on October 1, 2018.
- Those with applications in the system have the ability to determine their status by calling the Division.

**G. Development Review Division update [Matt McLean]**

**Mr. McLean** reported

- 503 lots were recorded in the month of April, the largest number in the last several years.
- He requested right of way permitting information be included during the Site Development Plan process to facilitate approvals for the work.

**VI. New Business**

**A. Presentation of the Sunshine Law & Ethics [Colleen Greene]**

**Ms. Greene** provided the handout “*Government in the Sunshine*” and “Public Records” prepared by the Office of the County Attorney for information purposes. She outlined the requirements of Florida’s Sunshine Law noting:

- The law governs meetings for public boards, commissioners or committees, etc.
- Two or more members should not discuss items that may become before a Board they sit on outside of a publicly noticed meeting or communicate on items with other Members via phone, text, email, etc.
- If communications are necessary, a Member should contact the Staff liaison who may distribute the information to all members. Members should only respond to the Staff liaison in these cases.
- Violations of the law are punishable by fines or imprisonment.
- The Committee is also subject to the Public Records Law which includes the public’s access to all documents, maps, letters, films, photographs, emails, etc.
- Any correspondence regarding a Committee should be made through the County liaison whereby the record will be stored on the County server or in the records office.

**B. LDC Amendments [Jeremy Frantz]**

**Mr. Frantz** presented a Memo dated April 25, 2018 – Re: “*DSAC Recommendations for LDC Amendments*” and noted:

- The amendments are proposed in order to address several deficiencies brought to light as a result of Hurricane Irma including evacuation shelter deficits, generator requirements for Clubhouses & Community Center buildings and coordination with Division of Emergency Management, fuel Shortages, generators at ALFs and Nursing Homes, exemptions for yard

encroachments, parking requirements and landscaping to allow for generator installation at existing sites, etc.

- The Land Development Review Subcommittee reviewed the proposals, and provided comments only, as no quorum could be obtained for the meeting.
- Staff addressed the Subcommittee's questions including confirming the proposed amendments do not preempt State Statutes and clarified noise abatement standards.

**5.05.17: Permanent emergency generators for clubhouses and recreation facilities in residential developments**

LDC SECTIONS: 5.05.17 Residential Developments with Community Clubhouses or Recreational Facilities (New Section).

SUMMARY: The amendment establishes new standards for community clubhouses or recreational facilities in residential developments, aiding the County's response and recovery after an emergency event.

**Mr. Summers and Mr. Frantz** presented the proposed amendment.

The following issues were raised by the Committee:

- Concern on opening the clubhouse to non-residents of the community and the expenses related to the Membership.
- The increased costs imposed on the community residents when approximately 10 percent of the Membership would utilize the facility given the evacuations and other arrangements residents undertake during these times.
- Some residents already have generators installed at their homes and would be paying twice for the amenity.
- The decision should be left up to the Membership of the community, not imposed by the County.
- Access issues given most communities have security features restricting public access.
- It may be more beneficial to require the installation of transfer switches as opposed to total generator facilities given the cost of the full installation could be \$75,000 - \$100,000.

*Mr. Valle left at 4:30pm.*

***Mr. Brooker moved for the Development Services Advisory Committee to recommend the Board of County Commissioners not adopt the proposed Land Development Code amendment in its current form and revise the language to require transfer switches be installed in the subject clubhouses. Second by Mr. Curl. Motion carried 9 "yes" – 2 "no." Ms. Spurgeon-DeJohn and Mr. Foley voted "no."***

*Mr. Dunnivant left at 4:40pm*

**5.05.04: Permanent emergency generators for group housing**

LDC SECTION: 5.05.04 Group Housing

SUMMARY: The Amendment creates new requirements for assisted living facilities and nursing homes, as defined by §§ 400 and 429 F.S. requiring Emergency Environmental Control Plans (EECP), and installation of permanent emergency generators.

**Mr. Summers and Mr. Frantz** presented the proposed amendment and noted it has been reviewed by the representatives of the industry who did not raise objections to the requirement which are being addressed outside the Florida Building Code for timing purposes.

***Mr. Brooker moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed Land Development Code amendment as proposed. Second by Mr. Foley. Carried unanimously 10 – 0.***

**5.05.05: Permanent emergency generators and transfer switches for gas stations**

LDC SECTIONS: 5.05.05 Facilities with Fuel Pumps

SUMMARY: The Amendment clarifies the requirements to install a generator transfer switch at gas station facilities and introduces the requirement to install a permanent emergency generator.

**Mr. Summers and Mr. Frantz** presented the proposed amendment.

The Committee noted:

- Clarification is needed on which roads are included within the parameters of the amendment given the language in Section 5.05.05 3.b – “*Located within one-half mile to an interstate highway or state or federally designated evacuation route.*”
- As written it appears a large portion of the urban area in the County falls under the jurisdiction of the proposed amendment which may pose a financial burden to smaller businesses proposing changes in the future given the added cost associated with retrofitting the facility.

***Mr. Brooker moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed Land Development Code amendment subject to the following changes:***

1. *Section 5.05.50 I.3.c be applicable to those facilities operating 2 pumps or 4 filling stations.*
2. *Section 5.05.05 I.3.b read – to read “Located within one-half mile to I-75 or US41, or”*

***Second by Mr. Curl.***

Discussion occurred if the filling station number should be increased.

***Mr. Brooker amended the motion for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed Land Development Code amendment subject to the following changes:***

1. *Section 5.505. I.3.c be applicable to those facilities operating 4 pumps or 8 filling stations.*
2. *Section 5.05.05 I.3.b read – to read “Located within one-half mile to I-75 or US41, or”*

***Second by Mr. Curl.***

***Motion failed 4 “yes” – 6 “no.” Mr. Foley, Mr. Mitchell, Mr. Boughton, Chairman Varian, Ms. Spurgeon DeJohn and Mr. Sterk voted “no.”***

***Mr. Foley moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed Land Development Code amendment subject to Section 5.05.05 I.3.c to be applicable to those facilities that operate 4 pumps or 8 filling stations. Second by Chairman Varian. Motion failed 5 “yes” – 5 “no.” Mr. Boughton, Mr. Curl, Ms. Spurgeon DeJohn, Mr. Gentry and Mr. Mitchell voted “no.”***

*The Committee noted they support the general concept of the proposal, however recommend the standards be relaxed for pre existing facilities proposing renovations.*

**4.02.01, 4.05.04, 4.06.05, & 10.02.03: Design standards exemptions for permanent emergency generators at facilities with fuel pumps, assisted living facilities, and nursing homes**

LDC SECTIONS: 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts  
4.05.04 Parking Space Requirements 4.06.05 General Landscaping Requirements  
10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments thereof.

SUMMARY: The Amendment creates new exemptions from certain design standards for existing facilities with fuel pumps, assisted living facilities (ALFs), and nursing homes that install permanent emergency generators and related fuel storage for an emergency event.

***Mr. Brooker moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed Land Development Code amendment as proposed. Second by Mr. Foley. Carried unanimously 10 – 0.***

**1.08.02, 2.03.03, 2.03.04, 2.03.06, 2.03.07, & 5.05.16: Medical marijuana dispensaries**

LDC SECTION(S): 1.08.02 Definitions 2.03.03 Commercial Zoning Districts 2.03.04 Industrial Zoning Districts 2.03.06 Planned Unit Development Districts 2.03.07 Overlay Zoning Districts 5.05.16 Medical Marijuana Dispensaries (New Section).

SUMMARY: This amendment allows medical marijuana dispensaries to become a new permitted land use in the same zoning districts as a pharmacy or a drug store.

**Mr. Henderlong and Mr. Frantz** presented the proposed amendment noting the Planning Commission recommended dispensaries be banned in the County.

***Mr. Brooker moved to recommend the Board of County Commissioners not ban Marijuana Dispensaries in Collier County. Second by Mr. Espinar. Motion carried 8 “yes” – 2 “no.”***

Discussion occurred noting the proposed amendment imposes additional requirements from those in the State Statute and Staff reported the changes were to address security and safety concerns raised by the Board of County Commissioners.

Discussion occurred on Section 5.05.16.D 1.c. of the proposed amendment and the concern an existing shopping center may not have adequate facilities to house a vehicle indoors.

***Mr. Brooker moved for the Development Services Advisory Committee recommend the Board of County Commissioners adopt the proposed Land Development Code amendment subject to the following change:***

***1. Remove Section 5.05.16.D 1.c. – the requirement to park a transport vehicle in a garage or fully enclosed structure.***

***Second by Mr. Espinar.***

Concern was expressed on Section 5.05.16 D.1.a, the requirement for compliance with Dark Sky lighting standards given the operator will most likely be a tenant in the facility with no control over the exterior lighting provided by the owner.

*Mr. Brooker amended the motion for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed Land Development Code amendment subject to the following changes:*

- 1. Remove Section 5.05.16 D.1.a – the requirement for a dark sky compliant lighting system.*
- 2. Remove Section 5.05.16.D 1.c. – the requirement to park a transport vehicle in a garage or fully enclosed structure.*

*Second by Mr. Espinar. Carried unanimously 10 – 0.*

**4.06.01, 4.06.02, 4.06.03, & 4.06.05: Replacement trees in shopping centers**

LDC SECTIONS: 4.06.01 Generally 4.06.02 Buffer Requirements 4.06.03 Landscaping Requirements for Vehicular Use Areas and Rights-of-Way 4.06.05 General Landscaping Requirements.

SUMMARY: The Amendment increases the size of required landscaping trees and modifies the standards at shopping centers that remove mature canopy trees within the vehicular use areas (VUAs) and “Type D” buffers through a landscaping plan change.

*Mr. Brooker moved for the Development Services Advisory Committee recommend the Board of County Commissioners not adopt the proposed Land Development Code amendment. Second by Mr. Espinar. Carried unanimously 10 – 0.*

**VII. Old Business**

**A. Review proposed Pollution Control ordinance [Danette Kinaszczuk]**

*Ms. Kinaszczuk presented the Executive Summary “Recommendation to advertise a public hearing to consider the adoption of a new Ordinance to be called the Pollution Control and Prevention Ordinance consolidating, repealing and replacing Ordinance No. 87-79 regarding the transportation and disposal of sludge and repealing Resolution 83-311 regarding fees for sludge transportation and disposal permits. This proposed Ordinance will be in addition to Ordinance 89-20, the existing Collier County Water Pollution Control Ordinance” for consideration. She noted:*

- The proposal was previously reviewed by DSAC at the March 7, 2018 meeting with several issues raised and remanded to a Subcommittee for review.*
- Changes were made based on the Subcommittee input with language modified to address concerns.*
- She provided the Memo “May 2, 2018 DSAC Discussion Points” which documented the changes based on the Subcommittee input.*

*Mr. Foley noted a concern remains on the proposed changes which may be required of “grandfathered” systems built in compliance with the regulations at the time of development. He proposed adding language to the 1<sup>st</sup> paragraph of Article VI, Section 2 – “Pre-existing residentially permitted properties shall not be required to implement BMP’s to their existing structural infrastructure.”*

*Ms. Kinaszczuk reported the Florida Department of Environmental Protection provided guidance on the issue and regulations are required to address non compliant areas and those contributing to their impairment.*

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To address the concerns, the Section does state "if permit requirements are not being met or Best Management Practices are not be adhered to" also, has a qualifier of "to the greatest extent possible" for reducing the pollutant load discharge.

*Mr. Foley moved to recommend the Board of County Commissioners adopt the proposed "Pollution Control and Prevention Ordinance" replacing Ordinance No. 87-79 and to repeal Resolution 83-311 although expressing concern the proposal may have unintended consequences on older facilities.*

*Without a second the motion was not considered.*

*Mr. Foley moved to recommend the Board of County Commissioners adopt the proposed "Pollution Control and Prevention Ordinance" replacing Ordinance No. 87-79 and to repeal Resolution 83-311 subject to adding the following language to the end of the first line of Article VI, Section 2, 1<sup>st</sup> paragraph "Pre-existing residentially permitted properties shall not be required to implement BMP's to their existing structural infrastructure." Second by Mr. Brooker. Carried unanimously 10 – 0.*

**VIII. Committee Member Comments**

*The Committee determined to cancel the July meeting.*

**IX. Adjourn**

**Next Meeting Dates**

**June 6, 2018 GMD conference Room 610 – 3:00 pm**

**August 1, 2018 GMD conference Room 610 – 3:00 pm**

**September 5, 2018 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 6:10PM.**

**COLLIER COUNTY DEVELOPMENT SERVICES  
ADVISORY COMMITTEE**



**Chairman, William Varian**

These Minutes were approved by the Board/Chairman on 6/6/18, as presented ✓, or as amended \_\_\_\_\_.