

August 21, 2018

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

Naples, Florida, August 21, 2018

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:

Chairman: Clay Brooker
Blair Foley
Robert Mulhere
Jeff Curl
Marco Espinar

ALSO PRESENT: Jeremy Frantz, LDC Manager
Ellen Summers, Senior Planner
Richard Henderlong, Principal Planner
Caroline Cilek, Manager of Inspections and Plans Review
Eric Johnson, Principal Planner
Cormac Giblin, Manager, Housing and Grant Development

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..

1. Call to order

Mr. Brooker called the meeting to order at 3:00 p.m.

2. Changes to Agenda

Mr. Curl moved to approve the Agenda. Second by Mr. Foley. Carried unanimously 5 – 0.

3. Old Business

None

4. Review of Amendments to LDC Sections (Affordable Housing)

Sections to be Amended: 1.08.02 Definitions;
2.06.00 – Affordable Housing Density Bonus

Mr. Johnson and Mr. Giblin presented the proposed amendment noting it is intended to revise the definition of Affordable Housing and increase the maximum number of allowable units per acre from 8 to 12.

They noted the version has been revised from the copy that was provided in the meeting packet. With permission from DSAC-LDR, staff presented the following changes on the visualizer:

1. Narrative – Deletion of the word “Area” and retaining “MI” for Collier County on page 1. On page 2, staff proposed two new sentences to the narrative.
2. Section 1.08.02 Definitions – Affordable Housing – Reviewed the language and made several suggestions to clarify the costs utilized in the calculation.
3. Section 2.06.01 D.2.d. – Showed the highlighted text on page 6.
4. Section 2.06.02 – Showed the highlighted text on page 8.
5. Section 2.06.03 A – Showed the new table with the amended maximum densities, increasing them from eight to 12. Retain the note, which was earmarked for deletion: *Total Allowable Density – Base Density + Affordable Workforce Gap Housing Density Bonus. In no event shall the maximum gross density allowed exceed 16 units per acre.*”
6. Section 2.06.03 A – The “**gross density allowed under the growth Management Plan**” language shall be incorporated into other areas of the proposed amendment as necessary.
7. Section 2.06.04 A. – Showed the highlighted text on page 11.
8. Section 2.06.05 B. – Staff showed the highlighted text on page 14 and 15.
9. Section 2.06.05 B. – the language be revised to allow for the most recent year’s filed tax return to be utilized in the verification and review, and reworded to eliminate any duplication of text in the Section.

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 the revisions outlined above. Second by Mr. Curl. Carried unanimously 5 – 0.

5. Review of Code of Laws and Ordinances (Flood Damage Prevention) and Administrative Code (Flood Damage Prevention)

Ms. Cilek presented the Draft Flood Damage Prevention Ordinance for consideration. The Subcommittee reviewed the proposal with Staff on a page by page basis with minor grammatical

type changes being made in real item. The following more substantial issues were raised by the Subcommittee as outlined below:

Section 62-71 - Variances and appeals; in general - *Staff to review the language and ensure the process is clear for those involved in appeals and variances including clarifying the appropriate governing body for the procedures.*

Section 62-93 – substitute the term “Coastal High Hazard Area” with “**VE zone.**” - *Staff to review the document to determine if this change applies to any other section.*

Section 62-102 – Hardship – revise language from or the “disapproval” of one's neighbors to “**objection** of one’s neighbors...”

Section 62-112 - Enclosures below the lowest floor. The following concerns were raised regarding the Section:

- The prohibition on finishing the area may be over restrictive and the definition of the term should be clarified. As it exists, it may limit simple improvements to the space such as hanging a cabinet, painting surfaces, etc. for those intending to use the space for personal tool storage, hobby activities, etc.
- The prohibition on temperature controlling the interior portion of such enclosed area should be reconsidered. It prevents an individual from using minimal air conditioning in the garage or other area to cool the space or remove humidity if it is simply used as a workshop area for hobbies, etc. or something is stored in the area that requires treatment of the air.
- Requiring flood damage resistant materials (pressure treated, backerboard, etc.) being used in the space is not necessary as an individual may want to use basic sheetrock or other inexpensive materials in the area. The space is prohibited to be used as habitable living area and the cost for replacing materials due to damage would be minimal.
- The requirement for the doors should be reviewed to ensure the requirements meet the intended use of the space.
- The Florida Building Code does not reference the requirements and the Section may be over reaching – *Staff noted the purpose is to address issues in the County with individuals illegally converting the space to habitable uses. The concern is if the County does not adequately regulate the activity, there is a chance of being deemed ineligible for the National Flood Insurance Program, a situation that has occurred in at least one other County in Florida.*

Mr. Curl left the meeting at 5:00pm.

Section 62-115 – revise the language from “When not part of substantial improvement or repair of substantial damage, replacement of permanently mounted air-conditioners, generators, and exterior mechanical equipment shall be elevated to or above the BFE or the lowest floor elevation of the building served.” to “When not part of substantial improvement or repair of substantial damage, replacement of permanently mounted air-conditioners, generators, and exterior mechanical equipment shall be elevated to or above the BFE or the lowest floor elevation, **which ever is lower.**”

Section 62-118 (2) d – revise the language “...for the entire discharge...,” to “...for the entire **basin...**”

Staff reported they would revise the Ordinance based on the Subcommittee’s input.

The Subcommittee noted there are still outstanding issues with Section 62-112. They expressed no recommendation has been formulated on this Section – *Staff reported they would review the concerns with the Building Division and revise the language as necessary and submit it to the Subcommittee for review and comment prior to the DSAC meeting.*

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Mr. Mulhere moved for the Development Services Advisory Committee (DSAC) to recommend the Board of County Commissioners adopt the proposed Flood Damage Prevention Ordinance subject to the changes discussed above other than those to Section 62-112 (Enclosures below lowest floor). Staff to provide the Subcommittee Members any proposed changes to this Section for their consideration and comment prior to, and/or at the regularly scheduled DSAC meeting. Second by Mr. Foley. Carried unanimously 4 – 0.

- 6. **Meeting Schedule** *(this Item was heard at 4:50pm, before Mr. Curl left the meeting and the Subcommittee completing review of Item 5).*

Mr. Frantz reported Staff will be scheduling meetings on a more regular basis given the amendments being proposed in the future. It is anticipated a meeting will be held every other month, if necessary.

- 7. **Public comments**

None

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 5:12 P.M.

DRAFT PENDING APPROVAL

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

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