

DEVELOPMENT REVIEW AND PERMIT PROCESS ADVISORY COMMITTEE (DRPPAC)

The Indian River County (IRC) Development Review and Permit Process Advisory Committee (DRPPAC) met at **9:00 a.m. on Thursday, December 14, 2017**, in the County Administration Building, Building B, 1800 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the agenda and the minutes on the IRC website – <http://www.ircgov.com/Boards/DRPPAC/2017.htm>

Present were: **Chairperson Debb Robinson**, District 1; **Robin Raiff**, District 1; **Vice Chairman Joe Paladin**, District 2; **Carter Taylor**, District 2; **Richard Brown**, District 3; **Wes Mills**, District 3; **Bruce Redus**, District 4; **Robert Banov**, District 4 (arrived at 9:45 a.m.); **Chuck Mechling**, District 5; **John Blum**, District 5; **Greg Burke**, **Christopher Murphy** and **Raymond Sheltra**, Members-at-Large; and **Stephen Melchiori**, Alternate.

Others present were **Jason Brown**, County Administrator, **Dylan Reingold**, County Attorney; **Bill DeBraal**, Deputy County Attorney; **John King**, Emergency Services Director; **Stan Boling**, Director Community Development; **Rich Szpyrka**, Public Works Director; **Vincent Burke**, Director Utilities; **David Schryver**, County Surveyor; **Scott McAdam**, Building Official; **John McCoy**, Community Development Chief; **John Duran**, Fire Marshall; **Patrick Murphy**, Current Development Planner; **Ryan Sweeney**, Senior Planner; **Tad Stone**, Assistant Fire Chief; **Debbie Phail**, Applications Specialist, **Jim Vitter**, Kimley-Horn; **Chris Russell**, Oculina Bank; and **Rich Brown**, and **Tom Scott**, Interested Parties.

Call to Order & Welcome – *No Action Required*

Chairperson Robinson called the meeting to order at 10:06 a.m., at which time it was determined there was a quorum present.

Recording Secretary Note: Mr. Stephen Melchiori, as Alternate Representative, was designated to serve in the place of Robert Banov, District 4 Representative, and Mr. Melchiori voted only until Mr. Banov arrived.

Additions and Deletions to the Agenda

There was none.

Approval of Minutes of November 8, 2017 – *Action Required*

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Murphy, the Committee voted unanimously (13-0) to approve the minutes of November 8, 2017.

Old Business – Stan Boling, Community Development Director

a) **Consideration of Draft Ordinance Change to Chapters 910, 913, 914, 952 and 971 to Implement Changes Approved at the November 8th Meeting**
– *Action Required*

Mr. Stan Boling, Community Development Director, reminded everyone to sign the attendance sheet and to utilize their tent cards with the correct name indicated. He also introduced Patrick Murphy as a new Senior Planner in Current Development.

Mr. Boling summarized his memorandum dated December 4, 2017, titled “Consideration of Draft Ordinance Changes to Chapters 910, 913, 914, 952, and 971 to Implement Changes Approved at the November 8, 2017 Meeting”, and provided direction to initiate the formal amendment process for the proposed five (5) Ordinance amendments. A copy of the memorandum is on file in the Commission Office.

A short discussion ensued regarding when to present the Committee’s recommendations to the Board of County Commissioners (“BCC”). A consensus of the Committee determined to go forward in small increments with presenting recommendations to the BCC.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Mechling, to support staff’s recommendation that the BCC authorize staff to initiate the formal process for the proposed amendments.

UNDER DISCUSSION, the members decided to review each draft Ordinance separately, with the Motion and Second **WITHDRAWN**.

Ordinance #1: Chapter 910 – Amendments to Increase the amount of daily trips threshold before a Traffic Study.

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Paladin, the Committee voted unanimously (13-0) to approve staff’s recommendations for amendments to the Land Development Regulations Chapter 910.11(1)(B), determination of concurrency specifically; and by providing for repeal of conflicting provisions; codification; severability; and effective date.

Ordinance #2: Chapter 913 – Amendments to preliminary plat application review submission.

Mr. Blum referred to Page 2, Section 2, F(1a) and questioned the timing sequence for the review of application completeness. Mr. Boling responded the language would be refined to reflect three (3) working days to determine whether the application was complete and three (3) additional working days to forward one copy of the proposed preliminary plat to each of the county division or other interested agencies and receive their written comments or approval; for a time allowance of six (6) working days from receipt of the preliminary plat application.

Mr. John McCoy, Community Development Chief, explained the process at the present time, staff's actual practice was to review completeness within 48 hours from submission of the application and contact an applicant immediately if there were any completeness deficiencies.

Chairperson Robinsons noted the Ordinance amendment would articulate time frames.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Blum, the Committee voted unanimously (13-0) to approve staff's recommendations for amendments to the Land Development Regulations Chapter 913, Subdivisions and plats; by amending sections 913.07(4)(A) and 913.07(4)(F) specifically; and by providing for repeal of conflicting provisions, codifications; severability; and effective date.

Ordinance #3: Chapter 914 – Amendments to site plan thresholds.

Mr. Christopher Murphy, Member-at-Large, questioned what the next step would be if staff denied a "staff-level approval" application. Mr. Boling reminded the Committee any development application decision at staff level was appealable to the Planning and Zoning Commission and any decision by the Planning and Zoning Commission ("P&Z") was appealable to the BCC.

A discussion ensued regarding staff level approvals in the process, streamlining difference of opinions and compliance with the Land Development Regulations ("LDRs").

Mr. Carter Taylor, District 2 Representative, referred to Page 4, Section #3(i) and asked for a description of the document that was "a copy of the approved traffic methodology for the development project".

Mr. Rich Szyrka, Public Works Director, explained an approved traffic methodology was whatever the development project engineers submit, with staff's approval, stamped with his signature.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Redus, the Committee voted unanimously (13-0) to approve staff's recommendations for amendments to the Land Development Regulations Chapter 914, site plan review and approval procedures; by amending sections 914.06(1) and 914.06(5) general thresholds and procedures for site plan review and approval, specifically; and by amending Section 914.14(3) general submittal requirements specifically; and by providing for repeal of conflicting provisions; codifications; severability; and effective date.

Ordinance #4: Chapter 952 – Amendments to Traffic Impact Study.

Mr. Boling, as a follow up to the previous discussion regarding Traffic study methodology, directed the Committee to Pages 5-6, wherein the criteria for an approvable methodology were listed.

Mr. Chuck Mechling, District 5 Representative, referred to Page 5, 8(a), confirming a traffic impact statement and a traffic study methodology were the same thing.

Mr. Mechling requested clarity of the timing flow with the cross outs on Page 3: (d), (e), (1) and (2). Mr. Szyrka said basically more time was being eliminated from the traffic study review timeframe, making the process more expedited and efficient.

A discussion ensued clarifying the traffic study timing process and vesting timeframes.

Mr. Robert Banov, District 4 Representative, arrived at 9:45 a.m.

Recording Secretary Note: Mr. Stephen Melchiori, Alternate Representative, was unseated in favor of Mr. Robert Banov, District 4 Representative, for purposes of voting.

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Paladin, the Committee voted unanimously (13-0) to approve staff's recommendations for amendments to the Land Development Regulations Chapter 952, Traffic; by amending section 952.07 Traffic Impact Study; and by providing for repeal of conflicting provisions; codifications; severability; and effective date.

Ordinance #5: Chapter 971 – Amendments to Miniature Golf Courses.

Mr. Boling summarized this Chapter provided specific criteria for specific land uses and expands the number of uses that staff-level approval may be given if criteria were met.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Blum, the Committee voted unanimously (13-0) to approve staff's recommendations for amendments to the Land Development Regulations Chapter 97, Regulations for Specific Land Uses; by amending Section 971.11 same-unenclosed; by amending Section 971.12 Commercial Services, by amending Section 971.13 Commercial Uses, by amending Section 971.28 Institutional Uses by amending Section 971.41 Residential Uses by amending Section 971.42 Sales; General Merchandise, by amending Section 971.45 Vehicular Sales, Service and storage; and by providing for repeal of conflicting provisions; codifications; severability; and effective date.

Chairperson Robinson mentioned she would like to see the Fire Department be a part of the entire Technical Review Committee ("TRC") process as far as being present at meetings and be required to meet the same timeframes for staff's responses. Mr. Boling advised Fire Prevention comments were being provided at the TRC meetings and perhaps Fire Prevention staff could be "on call" during the TRC in cases where an applicant, engineer, or architect had a fire code question. Mr. Boling further advised such a change in practice would not require a Code change; however, that issue could be discussed by this Committee in more detail at a future meeting.

Mr. Scott McAdam, Building Official, said the Building Division staff would like to be part of the TRC process as well, and could provide input at the TRC meetings as needed.

Chairperson Robinson noted Attendance and Process for a subject matter for a future agenda.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Mechling, to accept all staff's recommendations for amendments to the Land Development Regulations.

UNDER DISCUSSION, comments were received regarding showing the BCC the accomplishments of this Committee and to provide recommendations in separate installments for each logical area of interest, going forward.

Mr. Taylor said the County needed to be prepared to impose discipline on the process in order for the process to work. Chairperson Robinson said upon discussion with Mr. Jason Brown, County Administrator and department heads, everyone was committed to streamline the process as well as holding staff and applicants accountable.

Mr. Bruce Redus, District 4 Representative, mentioned re-educating the outside world of the upcoming changes in the development review process. Chairperson Robinson reminded the Committee everyone had online accessibility to any and all changes and the Committee members needed to spread the word out in the development community about changes. Staff indicated changes would be highlighted on the County website.

THE CHAIRPERSON CALLED FOR THE QUESTION and the vote was unanimous (13-0) in favor of the motion.

b) Continued Discussion of Fire Prevention Plan Review Fee Payment Timing
-- Action Required

Mr. Boling summarized his memorandum dated December 4, 2017, titled "Continued Discussion of Fire Prevention Plan Review Fee Payment Timing", wherein he introduced a Memorandum from Emergency Services/Fire Prevention dated November 30, 2017, regarding Fire Prevention Code Review Fees. A copy of both memorandums are on file in the Commission Office.

Mr. Boling reminded the Committee at the November 8, 2017 meeting, the Committee supported for large projects such as Adult Living Facilities, if the Fire Prevention Review ("FPR") Fee was over \$5,000.00, the fee could be split - changing the current requirement to allow collecting half of the Fire Prevention Review Fee at the time of permit application and collecting the second half at the time of building permit issuance.

Chairperson Robinson lead a discussion regarding splitting the fee as related to the actual cost of the time involved in the FPR process.

Mr. John King, Emergency Services Director, explained the system was based upon project valuation and most of the time the FPRs required additional staff time. He shared in the past twelve (12) months, there were only about four (4) projects reaching the \$5,000.00 fire review fee threshold.

Mr. Bill DeBaal, Deputy County Attorney, summarized the question regarding splitting the fees with the current charge being .0025 percent valuation, and if the project was a 100,000 square foot project versus a 50,000 square foot project, did the plan review activity require twice the amount of work?

Mr. King advised the FPR included the field inspections and was included in the fee. Chairperson Robinson suggested the field inspections could be included in the second half fee payment, when the permit was issued. She continued the first application fee payment should cover the plan review cost, period, and when the permit was issued, was when the balance of the remaining fees would be paid.

Mr. Jason Brown, County Administrator, supported twenty-five percent (25%) of the fee as the initial fee upfront, with the remaining seventy-five percent (75%) due at the building permit issuance.

A discussion took place about the difference between the Building Department review fees and the FPR fees and what was included in the fee.

Mr. Taylor recommended staff to execute an activity-based cost analysis to better inform what rate schedule should be applicable and what level or rates were applicable. Mr. Murphy concurred.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Mechling, to support payment timing for large projects (plan review fees of \$5,000 or greater) whereby an applicant may pay twenty-five percent (25%) of the fees at the time application was being made and the remaining portion (75%) at building permit issuance.

UNDER DISCUSSION, Mr. Carter asked if the County would be losing money, or if some customers would be subsidizing for other customers. Chairperson Robinson responded should the Committee change the proportion and then change the fees, a loss was likely; however, at the present time, changing fees was not the topic.

Mr. Murphy agreed the 25% fee up front, with the remaining 75% fee due at the building permit issuance was a rational way to split the fee.

Mr. Mechling confirmed the fees being discussed was for payment timing for large project plan review fees of \$5,000.00 or greater and anything below the \$5,000.00 there was a schedule of fees, reflected in Mr. King's November 30, 2017 Memorandum as Attachment "A".

THE CHAIRPERSON CALLED FOR THE QUESTION and the vote was unanimous (13-0) in favor of the motion.

Chairperson Robinson shared her appreciation for the Committee's topic suggestions being submitted and announced those topics would be addressed as a part of a logical review sequence, not all together, at once; focusing on process review items first.

Mr. Murphy communicated with Mr. Vincent Burke, Utilities Director, regarding fees involving a non-functioning fire hydrant.

New Business

Vice Chairman Paladin said in getting big projects approved ahead of time, a big problem involved landscaping, Chapter 926. He shared it was almost impossible to obtain an opaque feature on planting without losing half of your planting because they were too close together. He continued he would like to see a grow-in period of twelve (12) months to achieve an opaque feature, stating it would be a great planting problem relief. He asked for staff to take into consideration and possibly bring back recommendation to this Committee at a future meeting.

Mr. Boling suggested this discussion be continued later when future topics were discussed.

a) Final Plat Review and Approval Process – Action Required

Mr. Boling summarized his memorandum dated December 5, 2017, titled “Consideration of the Final Plat Process”, a copy of the memorandum, with attachments, is on file in the Commission Office. He pointed out once recorded final plats established lots, rights-of-way, and tracts, and that lots could not be sold legally by reference to a plat until the plat was approved and recorded. He further said a plat was a legal and final document and to avoid survey and future title problems, the document needed to be error free; hence the many detailed final plat reviews and comments by the Attorney’s Office and County Surveyor.

Mr. Boling said the final plat review was also the check point in making sure the required horizontal infrastructure was completed, or whatever items remaining must be bonded out and secured and warranted because lots were being sold to individual owners.

Mr. Boling introduced the County Surveyor, David Schryver and explained when reviewing the final plat process, although the project went through the TRC and all the departments involved, the commenting taking the longest period of time due to the detailed review were the Surveyor’s and County Attorney’s comments.

Mr. Schryver reminded the Committee it was the County Surveyor who reviewed plats and the details to ensure complete information was provided. He commented when surveyors submit plats for review, he suspected the surveyors submitting plats were looking to the County to do the review for them, taking the County Surveyor more time for review. He continued it was his hope to create a two-column checklist for applicant/surveyors and the different departments to utilize in reducing review time for plats; one column would be for the surveyor preparing the plat to check off what was completed and one column dedicated to County staff indicating those items were, in fact, completed.

Chairperson Robinson stated the checklists would assist with accountability for both sides; County staff and the professional.

Mr. Szpyrka announced there were currently checklists available, if they were utilized, would cut down staff’s review time immensely. He mentioned punitive damages and/or incentives for correct and complete checklists.

Chairperson Robinson replied the consistent offenders’ licenses should be reported to enforce the correct completion of the checklists for plat reviews.

Mr. DeBaal relayed points of interest in his review of the plats to included labelling, quality assurances, taxes paid, easements, encumbrances and liens. He briefly discussed title certifications, whereby the attorney who reviewed the plat on behalf of the owner/developer certified the owners’ ownership, that all taxes were paid, and all of the mortgages and encumbrances against the property were listed/included on the plat. He mentioned a recent new state statute change regarding title certifications, wherein the title company performing title searches did not certify title, however, the title company would issue a Property

Information Report, with the title company's limitation of liability being the fee paid for doing the title work.

Mr. DeBaal confirmed IRC Code, Section 913, required a title certification. He suggested this topic come before the Committee at a future meeting to review liability with a title search.

A brief discussion ensued regarding attorneys signing title searches with exclusions and suggestions of future discussions with attorneys and title companies to address the best way to resolve the issue and ensure good title to individual lot owners and associations.

Chairperson Robinson hesitantly broached consideration of resubmittal fees for habitual offenders; i.e., professionals, engineers, architects, etc., when reviewing projects for completeness. A discussion followed regarding financial consequences and incentives.

Mr. DeBaal introduced and welcomed Mr. Chris Russell, Oculina Bank, to discuss the financial perspective regarding posting security for final plat (subdivision) projects.

Mr. Russell advised the Committee smaller lenders were pulling away from the vacant land markets partly due to the financial losses incurred during the recession. He addressed the lenders' process relative to letters of credit to handle bonding requirements, and strongly recommended having a title attorney speak to the Committee to provide answers concerning title searches.

A discussion ensued regarding letters of credit, including restrictions on developers, the process to clear Letters of Credit sooner and draw downs on posted construction security.

Mr. Mechling suggested this topic be revisited in a future subgroup meeting to discuss in more depth the process with the County Attorneys' and Administrator's Offices. Mr. Boling reminded the Committee in setting up any subgroup, only one (1) committee member may be attendance to avoid a Sunshine Law violation. Mr. Mechling volunteered to work with staff in coordinating the meeting and suggested an outside attorney attend for final plat and legal work, as well as a banker and an engineer for discussions regarding ongoing title insurance relative to plats.

Mr. Boling mentioned three (3) items to be brought back to the Committee for further discussion relating to final plat review (not requiring a Code change): (1) applicant's checklist; (2) resubmittal fees and appropriate incentives or disincentives; and (3) ability for staff to provide a "Stop-loss" comment if a partial review indicated a significantly deficient submittal.

Chairperson Robinson voiced her preference for articulated and logical language for understanding by one and all.

Topics for Next Meeting

Mr. Boling summarized future topics brought forward to be discussed at the next meeting, January, 17, 2018, to include a follow up discussion regarding final plats; and a report from Mr. Mechling regarding the subgroup's findings on the final plat process and clearing Letters of Credit.

Mr. Mechling requested a topic for future discussion include overall grading of the lots plans on developments; specifically lot drainage, when they were submitted.

Chairperson Robinson reminded the Committee to continue talking with professionals for input on topics discussed and future topics yet to be discussed.

Announcement of Next Meeting (Wednesday, January 17, 2018)

The next meeting of the Development Review and Permit Process Advisory Committee is scheduled for **Wednesday, January 17, 2018, at 9:00 a.m.**, in the Administrative Complex, Building B, First Floor, Conference Room B1-501, 1800 27th Street, Vero Beach, Florida.

Adjournment

There being no further business, Chairperson Robinson adjourned the meeting at 11:55 a.m.