

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 Wednesday, April 18, 2018**, 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/2018.htm>.

Present were: **Chairperson Debb Robinson**, District 1; **Vice-Chairman Joe Paladin**, District 2; **Carter Taylor**, District 2; **John Wesley Mills**, District 3; **Richard Brown**, District 3; **Bruce Redus**, District 4; **John Blum**, District 5; **Chuck Mechling**, District 5; **Stephen Melchiori**, Alternate; **Greg Burke**, Member-at-Large; and **Raymond Sheltra**, Member-at-Large.

Absent were: **Robin Raiff**, District 1; **Christopher Murphy**, Member-at-Large (both unexcused); and **Robert Banov**, District 4 (excused).

Others Present were: **Jason Brown**, County Administrator; **Bill DeBaal**, Deputy County Attorney; **John King**, Director, Emergency Services; **Tad Stone**, Assistant Fire Chief; **Stan Boling**, Director, Community Development; **Rich Szpyrka**, Director, Public Works; **Vincent Burke**, Director, Utilities; **Scott McAdam**, Building Official; **John McCoy**, Chief, Community Development; **Roland DeBlois**, Chief, Code Enforcement; **Patrick Murphy**, Current Development Planner; **Ryan Sweeney**, Senior Planner; **Steve Hitt**, Code Enforcement; **Dave Johnson**, Fire Marshall; **Debby Phail**, Computer Services, **Tom Scott** and **Jim Vitter**, Interested Parties; and **Misty L. Pursel**, Recording Secretary.

Call to Order and Welcome

Chairperson Robinson called the meeting to order at 9:04 a.m., at which time it was determined there was a quorum present.

Additions and Deletions to the Agenda

There were none.

Approval of Minutes of March 21, 2018 Meeting – Action Required

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Paladin, the Committee voted unanimously (11-0) to approve the minutes of March 21, 2018.

Old Business

a) Report on Building Code Slope Requirements – Informational

Mr. Stan Boling, Community Development Director, summarized his memorandum dated April 10, 2018, entitled "Report on Building Code Slope Requirements", with attachments. A copy of the memorandum and attachments are on file in the Commission Office.

Mr. Scott McAdam, Building Official, addressed the question regarding master permitting lot drainage plans and explained the Building Code was concerned solely with getting drainage away from the foundation. He then said the Engineering and other Departments evaluated what was to be done with the water after the short distance away from the building, such as directing run-off into swales and off the lot.

Mr. McAdam identified and explained Attachment 1 drawings as the Building Code site grade criteria as being five percent (5%) for grass slope ten (10) feet from the foundation; two percent (2%) for patio or landing elevation; five percent (5%) for drainage; and, two percent (2%) for floors and landings at exterior doors.

Mr. McAdam briefly discussed the Building Code sloping criteria for commercial property and presented two drawing samples and a copy of the ANSI/APSP/ICC-5, 2011 as it related to general requirements for decks, drainage, concrete decks, wooden decks and stone, brick, brick pavers, concrete pavers and tile decks. A copy of the presented material is on file in the Commission Office.

Chairperson Debb Robinson, District 1 Representative, inquired about pavers; saying they basically drain. Mr. McAdam replied pavers were treated a lot differently from concrete in pavers over ground or sand do not require a permit and were not held to the sloping standard.

Chairperson Robinson confirmed if a customer were to want the area to be flat, they would be required to meet the sloping criteria, per the Building Code, except for pavers over ground or sand.

Mr. John Blum, District 5 Representative asked about the drawing Mr. McAdam presented entitled "ADA". Mr. McAdam explained many variables are taken into consideration regarding final grade to bottom of siding, such as whether it was wood, vinyl siding, stucco, etc.; however, the typical was the 6-inch requirement. He further explained if it was a paved patio or sidewalk, there was a 2-inch requirement.

Mr. Blum questioned whether there was a minimum cover from the bottom of the foundation footer; wherein Mr. McAdams responded in the affirmative; and reminded the members it was required the foundation maintain a minimum of 12 inches of cover (12" below final grade).

Mr. Chuck Mechling, District 5 Representative mentioned a previous meeting agenda item discussion regarding the storm water pond/lake design and specific criteria to codify the flexibility used in practice. Mr. Mechling offered to arrange a meeting with a couple of engineer professionals outside the committee to discuss the specific criteria and bring about some clarity for the concepts.

By consensus, the Committee had no objection. Mr. Boling reminded the Committee, the aforementioned meeting being suggested was NOT a committee gathering; however, much like a member and a working group; not subject to the Sunshine Law.

New Business

a) Consideration of Developers Agreements – *Action Required*

Mr. Boling summarized his memorandum dated April 12, 2018, entitled “Developer’s Agreement for Off-Site Improvements”, with attached draft of the Developer’s Agreement between Indian River County and GHO Arabella Reserve Corp. A copy of the memorandum with attachment are on file in the Commission Office.

Mr. Boling reported the County has been utilizing Developer’s Agreements (DAs) for years, usually for some kind of off-site utilities’ or road issues and larger projects based upon a traffic analysis with bench marks tied to points in time when impacts occur. He referenced the Millstone Landing deadline breach as the impetus for reviewing the DA process.

Mr. Boling explained in the beginning of the Millstone Landing project, there was the County and the developer involved; however, as the project continued, there were other third parties: builders and end users. He shared the idea was to review how to deal with benchmarks, thresholds, etc., to keep the relationship between the County and the Developer, rather than affecting builders and end users.

Vice Chairman Joe Paladin, District 2 Representative gave the following scenario: If the County issued him a building permit, as a third-party builder, the DA was a contract between the developer and the County. He asked if the builder pulled the building permit, and the County issue the permit to the third-party builder, could the third-party builder do all 6-7 inspections and pass, then have the County refuse the Certificate of Occupancy (CO) because something the developer did not do?

Vice Chairman Paladin said consideration was needed when controlling the outcome with COs. He opined considering a better way to structure the DAs was to hold the developer literally responsible and not get the third-party in the mix.

Mr. Bill DeBaal, Deputy County Attorney explained most of the time in a DA situation, the Agreement was struck before the land development permit was issued, one

of the first things negotiated in the developing process. He said it was very difficult to predict or forecast future events such as, whether the market will crash, a bank will repossess property, or a change in the development at a later date. He explained the steps taken in the Millstone Landing project and the factors involved and said the County would not use the building permit or COs as a milestone any more.

Vice Chairman Paladin sited a problem with many DAs include construction off site and whenever work was being done offsite, not on the property, the bank does not include financing off-site improvements due to the bank not having title to the off-site area. He stated the developer has no entitlement or leeway on offsite work. He continued if the developer did not complete the offsite work, the builder suffers if CO's are stopped.

Mr. DeBraal stated the County was mindful that if there was a multi-phased project with a turn lane or signal not needed until Phase 3, why would that off-site improvement be put in before the issuance of a CO for Phase 1?

Chairperson Robinson suggested any improvements off site that were related to any specific phase, that phase would not be allowed to be platted until the offsite improvements were complete. She provided Florida Power & Light (FPL) as an example of a third-party issue with completing a phase and awaiting for action from FPL and hoped there was a way to structure an agreement to include a type of partnership between the developer and the County against FPL.

Mr. DeBraal stated the County could try to offer assistance with a project with a DA and dealing with a utility company not cooperating.

Mr. Stephen Melchiori, Alternate Representative suggested if the off-site improvements were tied to the recording of a final plat and approving a plat, it would appear the County could require those off-site improvement be completed before the developer could sell any parcels.

Mr. DeBraal confirmed Chairperson Robinson's inquiry regarding the requirement of bonding One Hundred Twenty Five percent (125%) of the total costs if working in the right-of-way.

Chairperson Robinson restated the process as: First, pull a land development permit, provide a DA with the County to do off-site improvements, and bond 125% of the off-site improvements, prior to beginning construction.

Mr. Boling said the Board of County Commissioners (BCC) would not, in the future, approve a DA with a CO threshold. He reiterated discussion herein that the threshold should be tied to when the impacts occur as staff recommended: a certain number of platted lots.

Mr. DeBraul stated the lesson learned from the Millstone Landing project was no COs, no building permits; however, the current conversations argued it was much better to tie to final plat approval stages or phases.

Mr. Bruce Redus, District 4 Representative asked if a developer were to go “belly up” and there was a bond for the off-site improvements, what happens to the bond? Mr. DeBraul responded the bond would be called and the County would be responsible to build the improvement or contract to have it built.

Mr. Redus continued questioning whether if nothing was torn up and the threshold was not met, the County called the bond and collect, then the second developer who contracts to finish the project, does the second developer post another bond or did the County utilize the initial bond money to finish the project? Mr. DeBraul responded the County would meet with the second developer to confirm what the off-site improvement(s) to be completed were, and as the second developer proceeded to complete the improvement(s), the County could pay the second developer from the funds from the bond.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Mechling, the Committee recommended tying completion of off-site improvements to final plat approval as a benchmark for future Developers Agreements.

UNDER DISCUSSION, Mr. Rich Szpyrka, Public Works Director recommended ensuring the off-site improvements were tied to the traffic study. He relayed the traffic study could then be tailored for each phase and the ability to phase the development to obtain maximum lots before triggering the off-site improvements.

ON AMENDED MOTION BY Mr. Paladin, SECONDED BY Mr. Mechling, the Committee recommended tying threshold final plats to the off-site traffic study requirements so any improvements must be completed prior to the final plat approval for that phase.

UNDER DISCUSSION, Mr. Mechling confirmed the current DAs obligated the same concept. Mr. Boling affirmed it would continue to be tied to the traffic study; wherein the traffic study should be structured to line up with completion of off-site improvements for phasing purposes and final plat approval.

Mr. Boling relayed the Code flexibility on choosing rational boundaries for phases; however, the requirement was the phase would have to stand alone, not depending upon something in the next infrastructure phase.

Mr. Jason Brown, County Administrator wanted to ensure a problem did not arise further down the road by announcing when the traffic study was requested, it would be requested early enough to structure the phasing to allow if the trip threshold was 200, the phasing could be set to allow the previous phase to go through 200 lots. He said he wanted to avoid returning to this issue in the future where there was a development with a 200 lot threshold; with Phase 2 ending at 170 lots, and a request to move forward with a Phase 3, wherein there was 30 lots to be built before the threshold was hit. He continued harmonizing the phases with the DA threshold would be the developer's responsibility and would avoid being half way through a threshold before realizing the off-site improvements were incomplete.

Mr. Boling advised this recommendation would not require a Code change; and Mr. DeBraal would report back to the BCC.

Chairperson Robinson asked before reported to the BCC, if the recommendation could be written out so everyone was on the same page.

THE CHAIRMAN CALLED FOR THE QUESTION and the vote was unanimous (11-0) in favor of the Motion.

b) Consideration of Technical Review Committee – Fire and Building Staff Participation for Certain Site Plan Project Reviews - *Action Required*

Mr. Boling summarized his memorandum dated April 11, 2018, entitled "Consideration of Technical Review Committee Fire and Building Staff Participation for Certain Site Plan Project Reviews", a copy of the memorandum is on file in the Commission Office.

Mr. Boling supported having an applicant who is interested to request Building and Fire Prevention staff "on call" to join Technical Review Committee (TRC) meetings for discussion of his/her particular project. He stated implementing this option would not require a Code change or require BCC action.

Chairperson Robinson opined Building and Fire Prevention staff should automatically be required to attend TRC meetings, if items apply to fire, life or safety.

Mr. Greg Burke, Member-at-Large Representative relayed when a fairly complex site plan, an architect would be present from the beginning; however, with the "Mom and Pop" developers who decided to develop a piece of land, they would be the ones who

would run into problems because they would not hire an architect yet, because they do not know whether the site would be approved.

Mr. McAdam stated not too often, about one out of 20 building plan reviews or a couple times a year, a project would be approved through site plans when additional prerequisites are defined by the Building Department and/or Fire Prevention and would require re-review.

Mr. John King, Director, Emergency Services voiced that requiring Fire Prevention attend every TRC meeting may not be necessary and limit staff's productivity. He reminded the Committee, any applicant with questions was welcomed to contact staff before the TRC and many issues may be resolved. He mentioned should an applicant want Fire Prevention inspector to attend the TRC meeting, advanced notice would provide staff to be included in discussions at the beginning of the meeting discussion; instead of being called into the meeting and having to "catch up" to the discussion.

Chairperson Robinson suggested the use of technology by emailing engineers, surveyors, builder, applicant, and/or owner at the same time, providing the same information to everyone, would assist with transparency. Staff indicated this practice was already in place.

Mr. Boling said the capability and practice was available for emailing; however, he reminded the Committee without notification to County staff of changes in contact information for the applicant/owner/design professional created delays in the process. He offered when sending email notifications of scheduled TRC meetings and agendas to include language indicating if an applicant's design professional was going to be present at the TRC meeting, the applicant can request County staff have the appropriate Building and Fire Prevention staff was present to respond to any questions or issues.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Mechling, the Committee voted unanimously (11-0) to recommend when County staff sends Technical Review Committee meeting notices to applicants, standard language on the meeting notice would include direction to the applicant that should the applicant wish to confirm appropriate County Building and Fire Prevention staff be made available at the meeting to accurately respond to questions and/or issues from the applicant's design professional, it would be required to provide notice to

**County staff well in advance of the scheduled
Technical Review Committee meeting.**

- c) Review of Improvements and Identification of Potential Issues with the Building Permit Process – **Discussion**

Mr. McAdams reviewed recent changes and innovations made to improve the building permit process outlined in Mr. Boling's memorandum dated April 11, 2018, entitled "Review of Improvements & Identification of Potential Issues with the Building Permit Process", with attached Building Activity Data and General Flowchart for Single Family Building Permit. A copy of the memorandum with attachment are on file in the Commission Office.

Discussion ensued regarding electronic submission of applications, building plans and drawings.

Chairperson Robinson questioned the timing of when plans were reviewed and the option for a builder to hire an independent inspector or plans reviewer. Mr. McAdams answered in the affirmative, it was absolutely within the law.

Discussion followed regarding technology strategy for possible system program updates (maximizing capabilities) and upgrades. Mr. Szpyrka reported estimated costs of approximately Two Million Dollars and a two-year time frame to implement an upgrade to the current system's program (CD Plus), such as the Accela system used in Brevard. Chairperson Robinson suggested the need for creativity about how the process would be more timely and functional. Mr. Burke complimented the Building Department, saying he had not waited for a permit longer than three (3) weeks and emphasized it was due to having communication with County staff when issues or questions arose.

ON MOTION BY Mr. Taylor, SECONDED BY Mr. Paladin, the Committee recommended County staff to research other jurisdictions and evaluate 3 or 4 different software options in terms of cost, functionality, and the ability to integrate with legacy systems and report back to the Committee.

UNDER DISCUSSION, Chairperson Robinson reiterated her focus was in the interim, to witness forward motion towards utilizing better, efficient and effective methods in the planning review process.

Mr. McAdams reported knowledge sharing symposiums/forums for builders such as local and State Builders Associations were attended by County staff regularly to discuss technology, process, products, etc.

Ms. Debby Phail, Computer Services Application Specialist reported a variety of products at a variety of price ranges involving all types of technology have been researched, with product research continuing.

Mr. Boling suggested focus on knowing what potential programs were available and what kind of functionality was important and needed for the planning review process, as well as encompassing other County departments. He stated the Committee should simply provide input on customer needs and expectations for a new system.

THE MOTION WAS RESTATED BY Mr. Taylor, SECONDED BY Mr. Paladin, the Committee recommended County staff to research other jurisdictions and evaluate any software options as it related to cost, functionality, and the ability to integrate with legacy systems, and report findings back to the Committee.

UNDER DISCUSSION, Mr. Brown reminded the Committee as a County government, there were procurement requirements that needed to be followed, with the recommendation placed before the BCC for the final decision. He suggested the survey to be broad to encompass all of the development review functions.

THE CHAIRPERSON CALL FOR THE QUESTION and the vote was unanimous (11-0) in favor of the motion.

Other Matters

Mr. Mechling offered to bring his findings to staff regarding the previously discussed topic about Builder Model Homes for a future update to the Committee.

Topics for Next Meeting

Mr. Boling asked for members to identify any bottlenecks in the current process or specific process issues needing to be address at the next DRPPAC meeting.

Mr. Boling offered to contact Mr. Robert Banov, District 4 Representative before the next Committee meeting for his input regarding issues related to the current development review and permit process and possible bottlenecks.

Mr. Burke announced he thought there were existing bottlenecks with existing buildings, including older buildings and suggested discussion on how to handle them. He provided a background for a specific issue which delayed a business operation for approximately six weeks and suggested a process be put into place to resolve commercial issues. There was discussion recognizing that owner/tenant responsibility disputes can be the actual cause of a bottleneck.

Mr. King opined when the Code speaks to life safety issues, there were no grandfathering building codes. He continued the Fire Inspector was not the person responsible for any of the construction work, the inspector was to ensure the construction work met whatever Code requirements.

Mr. Burke suggested a process was needed for when an issue was discovered, there would be a time limit to obtain a cure, or a fine assessed.

Chairperson Robinson suggested requesting County staff to implement the law efficiently and effectively, but there could be no delay or grandfathering in meeting life safety items. Mr. King stated Fire Inspectors generally work through cure plans with business owners/landowners.

Announcement of Next Meeting (Wednesday, May 16, 2018)

The next meeting of the Development Review and Permit Process Advisory Committee will be **Wednesday, May 16, 2018 at 9:00 a.m.** in Conference Room B1-501, Building B, 1800 27th Street, Vero Beach.

Adjournment

There being no further business, Chairperson Robinson adjourned the meeting at 11:45 a.m.