

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 Tuesday, June 26, 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; **Robert Banov**, District 4; **Bruce Redus**, District 4; **Chuck Mechling**, District 5; **Greg Burke**, Member-at-Large and; **Stephen Melchiori**, Alternate.

Absent were: **John Blum**, District 5; **Christopher Murphy**, Member-at-Large (both excused), **Robin Raiff**, District 1; **Raymond Sheltra**, Member-at-Large (both unexcused). **Richard Brown**, District 3, tenured his resignation from the Committee via email on Friday, June 22, 2018.

Others Present were: **Jason Brown**, County Administrator; **Bill DeBaal**, Deputy County Attorney; **Stan Boling**, Director, Community Development; **Rich Szpyrka**, Director, Public Works; **Vincent Burke**, Director, Utilities; **Scott McAdam**, Building Official; **John McCoy**, Chief, Community Development; **Patrick Murphy**, Current Development Planner; **Ryan Sweeney**, Senior Planner; **Debby Phail**, Computer Services; **Lisa Hill**, Recording Secretary; and **Tom Scott**, Interested Party. Partial transcription was provided by **Misty L. Pursel**, Commissioner Assistant.

Call to Order and Welcome

Chairman 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 the Minutes of May 16, 2018

ON MOTION BY Mr. Mechling, SECONDED by Vice Chairman Paladin, the Committee voted unanimously (8-0) to approve the minutes of May 16, 2018, as presented.

Old Business

a) Update on Dry (Early) Model: proposed LDR Changes – Community Development Staff – Action Required

Mr. Stan Boling, Director, Community Development, summarized the Memorandum dated June 18, 2018, a copy is on file in the Commission Office, providing a background and the definition of a dry or early model home which was allowed in Planned Developments (PD). He reminded the Committee this issue had previously been discussed at the Committee meeting of March 21, 2018. He said this proposal for consideration would allow dry or early model homes in non-PD and PD projects and provide the parameters for review and approval including fire protection regulations, utility requirements and other elements.

Mr. Ryan Sweeney, Senior Planner, reviewed the proposed changes to the Land Development Regulations (LDRs) provided in his Memorandum dated May 7, 2018, a copy of which is on file in the Commission Office. He explained amendments were made to three chapters in the LDRs, which included a proposed limited number of “dry” or early model homes that may be permitted as a temporary use, prior to the issuance of a Certificate of Completion (COC) for a conventional subdivision (or subdivision phase), subject to certain required infrastructure improvements being installed, inspected and approved for temporary use by appropriate County staff.

Mr. Sweeney continued the three LDR chapters were Chapter 972 (Temporary Uses), Chapter 913 (Subdivisions and Plats) and Chapter 915 (Planned Development Process and Standards for Development). He advised there was a five percent (5%) of total subdivision lots limit to the number of dry or early models allowed and the models could not be sold until the COC and all required infrastructure was in place.

Vice Chairman Paladin clarified a model home could be contracted for purchase by a buyer, however, a sale could not be completed without the issuance of the COC. Staff confirmed that to be correct.

Chairperson Robinson reaffirmed the lot was not a legal parcel and could not be recorded until the plat was recorded.

Mr. Boling noted the use of the term “dry” model had been changed using the term “early” model in the regulations.

Chairperson Robinson questioned the implications of the amendment to LDR Section 972.08(1)(c), which stated “the permit holder may not use the model home as his or her principal place of business.” She advised many homebuilders and developers utilize at least a portion of a model for a sales office and as a place to do general business on site.

Mr. Boling clarified those uses would still be acceptable with the provision of accessibility, but a model home could not be used as a general real estate office.

Mr. Scott McAdam, Building Official, stated the sales office must meet Americans with Disabilities Act (ADA) accessibility standards and provide appropriate parking.

Chairperson Robinson also requested information regarding the restriction of two permanent employees at a sales office as stated in LDR Section 972.08(1)(d).

Mr. Boling stated the allowance of two permanent employees, in addition to the owner, restricted the impact to the residential neighborhood of having the sales office located within the subdivision.

A discussion ensued regarding the requirements for issuance of a temporary use permit for the dry/early model homes which included the road providing access to the model home be constructed to finish grade, however, not required to be final paved. It was established roads should be stabilized to withstand the weight of fire trucks, the use of models as a sales/real estate office, construction office, and/or as a show place for the model itself, and restrictions on the number of models allowed, within a subdivision or single-phase of a subdivision was at least two units, with a maximum of five percent (5%) of the total number of units for each phase or subdivision, were also outlined in the provisions.

Mr. Vincent Burke, Director of Utilities, noted the need to have a fully functioning waste water system in place prior to use of a model home for sales. It was discussed portable toilets could be allowed in the interim of providing the full sewer or septic system, to meet the requirements of the Department of Environmental Protection.

Mr. Bruce Redus, District 4 Representative, stated a condition for the proper handling of waste water could be required when issuing a temporary use permit for the model homes. The Committee determined the use of the term "dry" model may be more appropriate than changing the term to "early" model.

Mr. Rich Szyrka, Director, Public Works, referencing the road bed, said when constructing models, he suggested revising LDR Section 952.08(1)(i)(1)a to avoid the argument regarding if paving was not completed, it would not be constructed line and grade under LDR Section 952.17. He continued the revision should include the road bed and providing access to dry model lots must be constructed; have the base material installed and graded to provide access.

Mr. Boling reiterated LDR Section 952.17, referred to fire access and did not require paving; just access for the Fire Department. He suggested the opportunity to review same with the Fire Department before making any revisions.

Mr. McAdam noted the language change for "Dry" or "Early" model must be reflected consistently throughout the Ordinance and subsequent LDRs.

ON MOTION BY Vice Chairman Paladin, SECONDED by Mr. Mechling, the Committee voted unanimously (8-0) to approve submitting amendments to the Ordinance language to include the road bed base must be rocked to grade and stabilized, but did not need to be paved.

New Business

a) **Streamlined Conceptual Site Plan Process for Affordable Housing Grant (Funding Assistance) Applicants – Action Required**

Mr. Boling summarized a Memorandum dated June 19, 2018 entitled, "Streamlined Conceptual Site Plan Process for Affordable Housing Grant (Funding Assistance) Applicants" and explained the requirement from the Florida Housing Finance Corporation for affordable housing projects was meant to verify whether a proposed project had received site plan approval from the local government. He conveyed the requirement included a caveat that the project must obtain "preliminary" or "conceptual" site plan approval if either of those processes were required in a jurisdiction.

Mr. Boling shared Indian River County provided a conceptual site plan review and approval process as an option for developers and any applicant. He continued this process could be considered onerous to affordable housing grant applicants and may cause an impediment to getting projects grant funding. He said the proposed streamlined conceptual site plan process for affordable housing grant applicants would include an administrative approval process which could take two to three weeks instead of the typical review process which could take from six to twelve weeks.

Vice Chairman Paladin stated there must be enough information provided to determine whether the project was viable, such as the layout of the project and engineering drawings. Staff confirmed that level of information would be required.

Mr. Redus noted the issue of affordable housing was recently discussed at an Economic Development Council meeting as being the number one area of concern with growth in the County.

ON MOTION BY Vice Chairman Paladin, SECONDED by Mr. Redus, the Committee unanimously (8-0) approved proposed changes to the Ordinance and recommended adoption of the proposed LDR amendments to create a Streamlined Conceptual administrative approval process for affordable housing grant (funding assistance) applicants.

b) Concepts for Updating Development Review Fees – Direction Requested

Mr. Boling reviewed his Memorandum dated June 21, 2018, entitled "Concepts for Updating Development Review Fees", with Attachments 1 through 3, a copy is on file in the Commission Office. Highlights included:

- Revised "averaging" methodology with fees set for complete/responsive applications and additional fees charged for extraordinary repeat reviews; and,
- Establishing fees for construction in progress and completeness/certification activities performed by Public Works.

Mr. Boling referenced the methodology/historically used was each application type with staff time reviewing an "average" application and costs related to each application. He mentioned an approach to updating fees to include a default calculated fee for a completed application with responsive and successful resubmittals. He continued if an application required additional resubmittals; more time needed, additional re-review fees would be added.

Mr. Boling explained this approach would more closely reflect staff time on projects, as well as provide incentive (less expense and faster process) for a complete and responsive application.

Mr. Szpyrka presented and discussed two (2) PowerPoint slides entitled "Public Works Development Fee Analysis", a copy is on file in the Commission Office. He discussed a possible approach to collecting fees for staff review time involved in projects during the construction phase, or closing out construction (Certificate of Completion), covering Public Works' coordination and inspection time costs.

Chairperson Robinson commented she would like to see a list of the inspections Public Works was currently responsible for; what the inspections were for, and estimated time frames for the inspections. She stated she felt the need to recognize the builders/developers were not responsible for the developing community to subsidize the entire engineering process.

Mr. Szpyrka reminded the Committee he did not set policy; however, in his experience, development paid for itself, it was not subsidized by taxpayers.

Vice Chairman Paladin mentioned the possibility of developers recouping costs of additional inspection fees by charging the hired engineer of record for the project.

Mr. Carter Taylor, District 2 Representative, inquired whether Public Works personnel submit timesheets to indicate how much time, activity or cost deployed on each project. Mr. Szpyrka responded Daily Logs were maintained on road projects and would confirm whether logs are maintained for subdivision projects.

Mr. Chuck Mechling, District 5 Representative, asked if a checklist was available for the as-built process. Mr. Szpyrka responded in the affirmative; however, the checklist was rarely utilized by applicants.

Mr. Greg Burke, Member-at-Large Representative asked if the County has completed inspections in the past and not charged for them; was the County being hurt financially by not charging re-inspection fees. Mr. Jason Brown, County Administrator replied in the affirmative, the fees the County collected are not covering the costs of operations of the current employees.

Mr. Burke stated he was in favor of establishing base fees for inspections; however, the individual charges may be subject to conflict.

Mr. Jason Brown suggested contemplating the initial inspections be included in the original fee and then any re-review, only if there was additional re-inspections required, additional fees.

Mr. Taylor recommended prior to restructuring fees, to develop better information by requiring timesheets to be analyzed to know better where the costs were coming from.

Mr. Burke suggested to review timesheets to ensure overlap between the departments; i.e., inspecting handicapped parking were conducted by two departments; to spell out the two separated items being inspected.

Mr. Mechling stated there was a need to have a vision of where the County was going and the cost factor attached to that direction. Chairperson Robinson agreed there was a need for a cost benefit overview of the choice being made in all areas of government.

Mr. Bill DeBaal, Deputy County Attorney asked if it was possible to have a pass/fail mechanism with public works inspections. Chairperson Robinson responded it was partially possible, but not with all inspections; explaining typically on storm water, it would be a final inspection at the end of the project.

Discussion ensued regarding reviewing engineer logs in conjunction with inspections and certifications. Chairperson Robinson said it was necessary to hold engineers accountable.

Vice Chairman Paladin shared his thought the County should penalize the failures without including the successful inspections.

Mr. Boling summarized discussions included a review of a base package of inspections fees (subdivisions separate from site plan) with basic or streamlined costs for complete/responsive applications and additional costs for incomplete/unresponsive applications spelled out. He opined there were more inspections currently than there had been in the past due to bigger scaled projects and with workforce not from the area, who are responsible for the construction.

Vice Chairman Paladin opined one of the problems being realized now was when a development project from 15 years past, experienced a new development being built next to the old development, changed the old development; i.e., drainage.

Chairperson Robinson asked for staff to bring back more data for clearer justification on costs for inspections.

(c) Date for September and October Meetings – Action Required

Mr. Boling confirmed this committee would not be meeting in the months of July and August. It was the consensus of the Committee members to continue regular schedule meetings beginning in September, and October; the third Wednesday morning at 9:00 a.m.

Mr. Boling stated October, 2018 was the 12 month sunset date for this committee's work, unless the Board of County Commissioners extended the date. He shared the Committee had two remaining matters to focus on in the remaining two meetings: development review fees and any final process items.

Other Matters

(a) Littoral Shelf and Lake Shape Regulations – Chuck Mechling

Mr. Mechling reported he met with John McCoy and Roland Deblois in Community Development to discuss the level of difficulty or practicality for an engineer, when planning a small 10-acre project with a storm retention concept, with the lake being required to be regular shaped, having several steps to incorporate, as well as the financial costs for those requirements.

Mr. John McCoy confirmed the LDRs required a 10-to-1 slope; wherein the comprehensive plan required a 6-to-1 slope; two variant slopes depending upon what was being reviewed. Mr. Mechling stated it appeared the County had flexibility in case-by-case projects, depending upon the size, shape and justification.

Mr. McCoy said from an LDR perspective, evaluating whether some objective language criteria could be included for lake shape, such as "including, but not limited to" would eliminate some of the back and forth reviews and provide guidance within the LDRs for design professionals.

Mr. Boling stated there was flexibility in the Code and in practice; however, it may make sense to place additional examples in the Code to communicate better. He said in reference to the slope differences, the comprehensive plan sets a minimum, with the LDRs being stricter. He continued the question was whether this committee wished to review the issue, which was not a development process issue.

Mr. Mechling stated he hoped this committee would wish to review the slope differences as it made a huge design difference, as well as a relevant cost difference.

Mr. Boling agreed to bring this issue back to the committee for discussion.

Announcement of Next Meeting

The next meeting of the Development Review and Permit Process Advisory Committee will be **Wednesday, September 19, 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 11:08 a.m.